



SELECT BOARD
TOWN OF TEWKSBURY
TOWN HALL
1009 MAIN STREET
TEWKSBURY, MASSACHUSETTS 01876

TODD R. JOHNSON, ESQUIRE, CHAIR
JAMES F. MACKEY, III, VICE CHAIR
PATRICK HOLLAND, CLERK
MARK KRATMAN, MEMBER
JAYNE E. WELLMAN, MEMBER

(978)-640-4300
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June 6, 2023 – Meeting Minutes
Tewksbury Town Hall
1009 Main Street
Tewksbury, MA

Mr. Todd R. Johnson, Esq., Chair, called a regular Select Board meeting to order at 7:00 p.m. Also participating in the meeting were Mr. James F. Mackey, III, Vice-Chair; Mr. Patrick Holland, Clerk; Ms. Jane E. Wellman, Board Member; and Mr. Mark Kratman, Board Member.

Also Present: Mr. Richard Montuori, Town Manager

Prior to beginning the meeting, Chair Johnson commented that the date represented the 79th anniversary of “D-Day.” He reminded people that we would not enjoy the life we currently do without the sacrifice of over 9,000 soldiers.

SCHEDULED ITEMS

1. National Grid/Verizon: Joint-Owned Pole Petition – 105 East Street (Public Hearing)

Chair Johnson opened the public hearing and read aloud the notice into the record.

Mr. Dave Boucher, Senior Designer, National Grid, was present on behalf of the application. He said the purpose of the request was to install a new pole #104-50 within the existing pole line approximately 50 feet westerly from an existing pole #105 East Street in Tewksbury, MA in order to install a new reclosure to improve reliability. He said the reclosure would work in conjunction with the neighboring pole where there was a load break switch. He added that it would enable them to switch circuits when the power went out.

Chair Johnson commented that they had received correspondence from Mr. Kevin Hardiman, Director of Public Works, dated May 26, 2023, where he stated that he had reviewed the proposal and was in support of the proposal with the following conditions:

1. National Grid shall secure a Physical Alteration Permit from the DPW for the installation of infrastructure within the Town’s Right-of-Way, but outside of the paved roadway.
2. National Grid shall ensure that the proposed installation does not come in conflict with the Town’s infrastructure in the project area including water lines, sewer lines, stormwater infrastructure, and sidewalks.

Chair Johnson asked if any Board Members had questions or comments.

Board Member Kratman asked if there would be room for the installation of new sidewalks. Mr. Boucher replied that the pole would be placed on the field side and not the roadside, noting it was usually 4 to 5 feet from the roadside if possible.

Chair Johnson asked if there were members of the public who had questions or comments. There were none.

MOTION: Board Member Wellman made a motion to close the public hearing. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Wellman made a motion to approve the pole petition subject to the conditions that the DPW indicated. Board Member Kratman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

2. National Grid/Verizon: Joint-Owned Pole Petition – P1 – 84 Lake Street (Public Hearing)

Chair Johnson opened the public hearing and read aloud the notice into the record.

Mr. Boucher said the proposal was to relocate Pole 1 Lake Street approximately 3 to 4 feet away from the road and install a new support pole 1-84 with an anchor in order to accommodate a request by the Town of Tewksbury.

Again, Chair Johnson commented that they had received correspondence from Mr. Kevin Hardiman, Director of Public Works, dated May 26, 2023, where he stated that he had reviewed the proposal and was in support of the proposal with the following conditions:

1. National Grid shall secure a Physical Alteration Permit from the DPW for the installation of infrastructure within the Town's Right-of-Way, but outside of the paved roadway.
2. National Grid shall ensure that the proposed installation does not come in conflict with the Town's infrastructure in the project area including water lines, sewer lines, stormwater infrastructure, and sidewalks.

Chair Johnson asked if any Board Members had questions or comments.

Board Member Wellman asked if the proposed anchor would be placed on private property. Mr. Boucher replied that he felt it would end up in the public way but if it did not they would have to get an easement.

Chair Johnson asked if there were members of the public who had questions or comments. There were none.

MOTION: Board Member Kratman made a motion to close the public hearing. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Kratman made a motion to approve the pole petition subject to the conditions that the DPW indicated. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

3. La Vita Dolce – Amended Liquor License Application (Public Hearing)

Mr. Todd Arsenault, Billerica, MA, and Mr. Ronald Periera, Tewksbury, MA, were present on behalf of the application.

Chair Johnson stated that the Select Board had approved an application for a liquor license for La Vita Dolce and it went to the Alcoholic Beverages Control Commission (ABCC) for a recommendation. He said a special investigator from the ABCC reviewed the documentation and referred it back with a recommendation of “no action to the local authority.” He added that the special investigator made recommendations relative to information that was required on questions numbers 6 and 8. He said the revised application included additional information regarding questions 6 and 8.

Chair Johnson asked if there were members of the Board who had questions or comments.

Board Member Wellman asked if the applicant had used an attorney to prepare the documents for the ABCC. Mr. Arsenault replied he did not. Board Member Wellman suggested that he do so in the future.

Board Member Wellman asked if the applicant had banking information for the ABCC. Mr. Arsenault replied that he did. Board Member Wellman said the Board required that same information and Mr. Arsenault said he would forward the information to the Board.

Board Member Wellman asked where the applicant planned on serving alcohol. Mr. Arsenault replied that the alcohol would be served in the café bar. He said his intent was to serve beer/wine, and martinis, but noted they would not promote or serve shots. Additionally, Mr. Arsenault said there would be a three-drink maximum.

Board Member Wellman asked how carding would work to ensure there was no underage drinking. Mr. Arsenault replied that the patrons would have to provide valid identification, or they would not be served.

Board Member Wellman said the documentation from the state indicated that there were discrepancies about how much money was invested versus how much money was included in the financial disclosure. She asked Mr. Arsenault to address that discrepancy. Mr. Arsenault stated that all of the stakeholders owned their own construction company, and the discrepancy was “the amount of how much it cost us to do.” “As I think everybody knows, if you own the company that does it, you save multitudes of dollars.” He said they had a much higher price on it because of the value and she (State Investigator) said she wanted to see more concrete evidence of what it was and that was why it changed and is lower.

MOTION: Board Member Kratman made a motion to approve the amended Liquor License Application. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

4. Nilkant 345 Inc. d/b/a City Wine Spirits & Smoke Shop – Amended Liquor License

There was no one present from Nilkant 345, Inc. to speak on behalf of the application.

Chair Johnson said there was an error in the address in the original filing with ABCC. He said that resulted in the lease having to be changed as well.

MOTION: Board Member Kratman made a motion to approve the amended liquor license application. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

5. Taste of the Himalayas, LLC., 1921 Main Street – Common Victualler License

Mr. Sukhvinder Singh was present to speak on behalf of the application. He said Taste of the Himalayas took the place of his previous restaurant that was forced to close during the Covid-19 pandemic. He added that there were no changes in the floor plan and the only change was that of the name of the business.

MOTION: Vice-Chair Mackey made a motion to approve the request for a Common Victualler License. Board Member Kratman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

RESIDENT COMMENTS

There were no comments.

NEW BUSINESS

1. Board and Committee Reappointments

Chair Johnson read aloud the following Board Committee Reappointments

Board of Registrars David J. Chou Seat 4 (3-year term)

MOTION: Board Member Wellman made a motion to reappoint David J. Chou to the Board of Registrars. Vice Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Comm. Preservation Cmte. Christopher L. Mullins Select Board Appointee (1-year term)

MOTION: Board Member Holland made a motion to reappoint Christopher L. Mullins to the Community Preservation Committee. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Conservation Commission Daniel S. Ronan Seat 2 (3-year term)

MOTION: Vice-Chair Mackey made a motion to reappoint Daniel S. Ronan to the Conservation Commission. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Council on Aging Donna M. Bell Select Board Appointee (3-year term)
Council on Aging Kathleen M. Walsh Select Board Appointee (3-year term)

MOTION: Board Member Kratman made a motion to reappoint Donna M. Bell, and Kathleen M. Walsh to the Council on Aging. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Economic Dev. Cmte. Arthur P. Costa Seat 1 (1-year term)
Economic Dev. Cmte. Danielle E. Corsino Associate Member (1-year term)

Economic Dev. Cmte.	Patricia A. Lelos	Seat 2 (1-year term)
Economic Dev. Cmte.	Timothy R. Swett	Seat 8 (1-year term)

MOTION: Vice-Chair Mackey made a motion to reappoint Arthur P. Costa, Danielle E. Corsino, Patricia A. Lelos, and Timothy R. Swett to the Economic Development Committee. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Green Committee	Thomas L. Cooke	Town Resident Seat (1-year term)
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MOTION: Board Member Kratman made a motion to reappoint Thomas L. Cooke to the Green Committee. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Local Historic Dist. Study Cmte.	Karen Joyce Favreau	Seat 1 (1-year term)
Local Historic Dist. Study Cmte.	Linda Voutour	Seat 2 (1-year term)
Local Historic Dist. Study Cmte.	Nancy L. Reed	Seat 3 (1-year term)
Local Historic Dist. Study Cmte.	Patricia Stratis	Seat 4 (1-year term)

MOTION: Board Member Wellman made a motion to reappoint Karen Joyce Favreau, Linda Voutour, Nancy L. Reed, and Patricia Stratis to the Local Historic District Study Committee. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Mass. Cultural Council	Michelle Haley	Seat 19 (3-year term)
Mass. Cultural Council	Terry L. Musgrave	Seat 12 (3-year term)

MOTION: Vice-Chair Mackey made a motion to reappoint Michelle Haley, and Terry L. Musgrave to the Massachusetts Cultural Council. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Open Space & Rec. Plan Cmte.	Bruce F. Shick	Seat 2 (1-year term)
Open Space & Rec. Plan Cmte.	Joann Brace	Seat 3 (1-year term)
Open Space & Rec. Plan Cmte.	John Buckley	Seat 1 (1-year term)
Open Space & Rec. Plan Cmte.	Karyn A. Silva	Seat 9 (1-year term)
Open Space & Rec. Plan Cmte.	Paige F. Impink	Seat 4 (1-year term)
Open Space & Rec. Plan Cmte.	Peter J. Chase	Seat 7 (1-year term)
Open Space & Rec. Plan Cmte.	Raymond Bowden	Seat 8 (1-year term)
Open Space & Rec. Plan Cmte.	Susan Young	Seat 6 (1-year term)
Open Space & Rec. Plan Cmte.	Tom Branchaud	Seat 5 (1-year term)

MOTION: Board Member Wellman made a motion to reappoint the above-listed residents to the Open Space & Recreation Plan Committee. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Tewksbury Beautification Cmte.	Daniel S. Ronan	Seat 5 (1-year term)
Tewksbury Beautification Cmte.	Jennifer Balch-Kenny	Seat 1 (1-year term)
Tewksbury Beautification Cmte.	Kathy M. Macinnis	Seat 2 (1-year term)
Tewksbury Beautification Cmte.	Paige F. Impink	Seat 3 (1-year term)

Tewksbury Beautification Cmte. Tracy Skahan Seat 4 (1-year term)

MOTION: Vice-Chair Mackey made a motion to reappoint the above-listed residents to the Beautification Committee. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Tewksbury Diversity, Equity, & Inclusion Adv. Cmte. (TDEIAC) Erin Kelley Member-At-Large (1-year term)

Tewksbury Diversity, Equity, & Inclusion Adv. Cmte. (TDEIAC) Kimsan Nguyen High School Student (1-year term)

Tewksbury Diversity, Equity, & Inclusion Adv. Cmte. (TDEIAC) Mason J. Dunn Member-At-Large (1-year term)

MOTION: Board Member Wellman made a motion to reappoint the above-listed residents to the Beautification Committee. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Zoning Board of Appeals Daniel J. Teixeira Seat 1 (3-year terms)
Zoning Board of Appeals Joseph David Cary Seat 4 Associate Member (3-year)
Zoning Board of Appeals Michael John Farnum Seat 5 Associate Member (3-year)

MOTION: Board Member Kratman made a motion to reappoint the above-listed residents to the Zoning Board of Appeals. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

2. Fire Department Detail Assignments

Chair Johnson read aloud the list of detail assignments as follows:

- Christina Merrill
- Justin Lamoureux
- Caitlin Callahan
- Patrick Brothers
- Braden Tanguay
- Henry Roberts
- Charles Lucia
- John O'Leary

MOTION: Vice-Chair Mackey made a motion to approve the above-listed fire department detail assignments. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

3. Property Abatement Request for 2347 Main Street and 60 Winterberry Lane

Chair Johnson explained that Assistant Town Manager Sadwick had sent a letter to the Select Board which read:

“After votes by the Select Board and Conservation Commission in March of 2023, the above-referenced property was conveyed to the Town on April 12, 2023, for open space. The Town’s Chief Assessor had informed me that the Select Board needs to request an abatement on the remaining taxes for this fiscal year as since we were not the owners in January 2023, (\$910.00) an abatement request would also be necessary for FY 24 (\$4,300 – Estimated)”

Mr. Montuori said he recommended that the Select Board vote to approve the abatement of the FY 23’ taxes as well as the FY 24’ taxes.

MOTION: Board Member Kratman made a motion to approve the abatement of taxes associated with 2347 Main Street for FY 23’ & FY 24’. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

- **60 Winterberry Lane**

Chair Johnson said the above-listed property had been deeded to the Town for open space. He asked for a vote to approve the abatement of taxes on the property. (FY 23’ \$29.00 & FY 24’ \$150.00)

MOTION: Board Member Holland made a motion to approve the abatement of taxes associated with 60 Winterberry Lane for FY 23’ & FY 24’. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

4. Garden Club Donation to Senior Center

Chair Johnson explained that the Tewksbury Garden Club donated \$250.00 to the Town of Tewksbury (to be used for the Senior Center) in appreciation for their use of the Senior Center facilities.

MOTION: Board Member Wellman made a motion to accept the donation of \$250.00 (to be used for the Senior Center) with the Select Board’s sincere appreciation. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

TOWN MANAGER

1. Liquor Establishments Compliance Checks

Mr. Montuori said over the past week to ten days the police department had been conducting liquor establishments’ compliance checks for underage drinking. He said prior to the compliance checks, the police department held a meeting with all of the liquor establishments regarding underage drinking, and 49 letters were sent out to the establishments informing them of the importance of carding individuals to avoid underage drinking. He said of the 49 letters that were sent out, 14 establishments attended the virtual meeting that the Police Chief held, and 4 others asked for a recording of the meeting.

2. Water Quality and Distribution Update

Mr. Montuori said they received a fair number of complaints regarding brown water. He explained that the water that left the plant was cleaner than most bottled water, but that the brown water was caused by residual iron in the system from metals and fittings. He said the brown water was not due to a lack of treatment at the filtration plant. Mr. Montuori said he was not recommending that anyone

drink it, but it was not harmful to drink. He said, however, that it could leave stains on lighter-colored clothing. He added the chance of seeing brown water was higher when the water usage was higher.

Mr. Montuori said TTHM (Trihalomethane) was a group of volatile and potentially toxic chemicals that were formed in the drinking water from a chemical reaction of a disinfectant of chlorine and organic compounds. He said they used chlorine to disinfect the drinking water and the water did contain organic matter. He said they could be harmful if consumed at levels that were above the maximum contamination level which was 20 nanograms per liter. He added that the Town was well below that but that in August of 2021, it did go over that, and a series of notifications were sent out to the residents, and they took samples more frequently. Mr. Montuori said the Town presently tested the water every quarter and there had not been any issues since August 2021.

Mr. Montuori reviewed ongoing projects as follows:

- Bay State Road Neighborhood – Phase II: Awaiting Final Closeout.
- Pike Street & Astle Street: Work Completed, Permanent Trench Paving Remains, Punchlist Items Remain.
- Hood Road, Cleghorn Road, Trull Brook Lane, Guile Road: Construction began on 5/17/23.
- School Street: Punchlist Items Completed, Final Closeout Pending
- Whipple Road Work: Installation is Near Complete & Service Connections will begin.
- Victor Drive: Construction Anticipated during School Summer Break.
- Fiske Street: Underway
- Beech Street Neighborhood: Design Underway

Board Member Wellman commented that she felt it was relevant to mention that not only was there organic matter in the Merrimack River, but a lot of the issues were driven by stormwater. She said one of the biggest complaints she heard was that people did not want to have to pay for the brown water or pay for running the faucets until there was clear water. She asked Mr. Montuori to explain how the Town adjusted for lost water. Mr. Montuori replied that he did not see that happening as it would be too difficult to track.

3. Proposed Town Hall Hours

Mr. Montuori explained that a committee had been formed to review office hours and hours worked. Participating in the committee was the Assistant Town Manager, the Chief Assessor, the Director of Human Resources, the Town Accountant, and the Town Clerk. He said that currently the Town Hall and the Town Hall Annex were open Monday through Friday from 7:30 a.m. – 4:30 p.m. (45 hours per week).

Mr. Montuori recommended that the Town Hall and Town Hall Annex's hours should be changed to the below:

Monday, Wednesday, & Thursday: 7:30 a.m. through 4:30 p.m.
Tuesday: 7:30 p.m. through 6:00 p.m.
Friday: 7:30 a.m. through 12:30 p.m.

Mr. Montuori said the proposed new hours would be on a trial basis and could be terminated at the sole discretion of the Town Manager. He added that the Senior Center planned on matching the new hours. He said he felt the new hours would attract the most talented and skilled people who would want to work for the Town of Tewksbury, and the work/life balance would be beneficial for staff already working for the Town.

Board Member Kratman asked if the proposed new hours included the Department of Public Works and the Wastewater Facility, the library, the police, and fire departments. Mr. Montuori replied that it would only include the Town Hall, the Town Hall Annex, and the Senior Center.

Board Member Kratman said his only concern was whether or not the senior citizen population would be upset that the Town Hall would close early on Fridays. He added that he would like to get feedback from that demographic. Mr. Montuori commented that Friday afternoons were generally very slow at Town Hall, and added staff would be available to change their hours around at the Senior Center if need be.

Board Member Holland said he agreed with the proposed change of hours.

Board Member Wellman also expressed her support for the proposed change. She added she felt the employees should have the entire day on Friday off but the hours on Monday through Thursday would have to be extended.

Vice-Chair Mackey too, expressed his support for the proposed change of hours. He said he felt it was important to update the business hours on the website as well as on Google.

Chair Johnson stated that he was in support of the proposed new hours.

Mr. Montuori said the new hours would begin the week of June 26th.

4. Town Counsel Invoices:

- **April 16 – April 30, 2023 (\$4,335.00)**

MOTION: Board Member Wellman made a motion to approve the Town Counsel invoice in the amount of \$4,335.00 for April 16 – April 30, 2023. Board Member Holland seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

- **May 1 – May 15, 2023 (\$5,737.50)**

MOTION: Board Member Kratman made a motion to approve the Town Counsel invoice in the amount of \$5,737.50 for May 1 – May 15, 2023. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Mr. Montuori commented that the Skateboard Park would be opening at the end of the week.

MINUTES

- **April 4, 2023**

MOTION: Board Member Holland made a motion to approve the minutes from the April 4, 2023, meeting as presented. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

OTHER

Chair Johnson commented that the Board had conducted a Performance Assessment for the Town Manager, and as part of that, the Select Board had instructed him to budget an annual compensation increase to his base pay of 2.25%. He said it was contingent upon the budget passing at Town

Meeting, which it had. He further said he had asked Town Counsel to draft an addendum to Mr. Montuori's current contract to reflect the 2.25%, effective July 1, 2023.

Chair Johnson said once the Board received the addendum from Town Counsel they would vote on it.

BOARD MEMBER REPORTS

Board Member Holland

- Congratulated the class of 2023 upon their graduation.
- Thank Lisa Downing for the great job she did at the Memorial Day service.

Board Member Wellman

- Congratulated the class of 2023 upon their graduation.
- Thanked the Select Board and all departments for their assistance in their support of the "Pride Lights" event. It was very well attended with over 200 people attending.
- There would be an LGBTQ Affinity Walk with the Open Space Committee the following Sunday, June 11th at 10:00 a.m.

Board Member Kratman

- Board Member Kratman stated that the LRTA (Lowell Regional Transit Authority) would meet soon where they would continue to discuss the van & services provided to the Senior Center.
- Thanked everyone who participated in the Memorial Day parade, particularly Maureen DePalma, and Dennis Sheehan.

Vice-Chair Mackey

- The IT Department had its' first Internship with a senior from Tewksbury High School.
- Thanked the Board for their support while he was attending the Cyber Yankee exercise.

Chair Johnson

- Echoed the comments made by his colleagues, and thanked those who participated in the Memorial Day services.
- Noted that the next regular Board meeting was scheduled for June 27th, but there would be meetings on June 12th, June 13th, and June 20th to conduct public hearings regarding license requests for retail Marijuana establishments.

ADJOURNMENT

MOTION: At 8:38 p.m. Vice-Chair Mackey made a motion to adjourn. Board Member Kratman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Approved by the Select Board on July 18, 2023

Documents Presented/Discussed

- National Grid/Verizon: Joint-owned Pole Petition – East Street
- National Grid/Verizon: Joint-owned Pole Petition – Lake Street
- La Vita Dolce – Amended Liquor License & Application
- Nilkant 345, Inc. d/b/a as City Wine Spirits & Smoke Shop – Amended Liquor License & Application
- Taste of the Himalayas, LLC – Common Victualler License
- Board and Committee Reappointments
- Fire Department Detail Assignments
- Property Abatement Request for 2347 Main Street and 60 Winterberry Lane
- Garden Club Donation to the Senior Center
- Liquor Establishments Compliance Checks
- Water Quality and Distribution Update
- Proposed Town Hall Hours
- Town Counsel Invoice: April 16 – April 30, 2023
- Town Counsel Invoice: May 1 – May 15, 2023
- Minutes: April 4, 2023

Next Select Board Meeting: June 27, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary