



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

TODD JOHNSON, ESQ., CHAIR
JAMES F. MACKEY, III, VICE-CHAIR
MARK KRATMAN, CLERK
JAY KELLY, MEMBER
JAYNE E. WELLMAN, MEMBER

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January 25, 2023 – Meeting Minutes

A regular meeting of the Select Board was called to order by Mr. Todd R. Johnson, Esq., Chair at approximately 7:00 p.m. Also participating in the meeting were Mr. Jay Kelly, Board Member, and Ms. Jayne E. Wellman, Board Member.

Not Present:

Mr. James F. Mackey, III, Vice-Chair

Also present was Mr. Richard Montuori, Town Manager

Participating via Telephone (For a Portion of the Meeting)

Mr. Mark Kratman, Clerk

Chair Johnson explained that all votes would be taken by roll call per the Massachusetts Open Meeting Law because a member of the Select Board was participating via telephone.

Recorder's Note: Board Member Kratman was physically present for all of the public hearings regarding the Treehouse Brewing Company.

SCHEDULED ITEMS

1. Treehouse Brewing Company – Alteration of Premises (2) – Public Hearing

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

“Notice is hereby given that the Board of Selectmen will conduct a public hearing in accordance with Mass. General Laws, Chapter 138, on Wednesday, January 25, 2023, at 7:00 p. m. at Town Hall, 1009 Main Street, Tewksbury, MA 01876 on the application by Tree House Brewing Company, Inc. for the alteration of premises licensed under M.G.L.C 138, Section 19C(n) to pour malt beverages and distilled spirits throughout its on-premises consumption areas pursuant to M.G.L.c. 138, Section 19H.

Input is welcome from the public. The Board of Selectmen recommends that comments be submitted in writing, to the Board of Selectmen, Town Hall, 1009 Main Street, Tewksbury, MA, 01876 on or before noon time Friday, January 20, 2023.”

“Notice is hereby given that the Board of Selectmen will conduct a public hearing in accordance with Mass. General Laws, Chapter 138, on Wednesday, January 25, 2023, at 7:00 p. m. at Town Hall, 1009 Main Street, Tewksbury, MA 01876 on the application by Tree House Brewing Company, Inc. for the

alteration of premises to extend the Section 19C(n) pouring permit premises to include the entire Club House building (except the brewery production area and Section 19E farmer-distillery premises), the adjacent patio areas, golf course and two-story pro-shop and grill building.”

Input is welcome from the public. The Board of Selectmen recommends that comments be submitted in writing, to the Board of Selectmen, Town Hall, 1009 Main Street, Tewksbury, MA, 01876 on or before noon time Friday, January 20, 2023.

Attorney Mark A. Borenstein, Bowditch & Dewey, LLP, Ms. Sarah Maggi Morin, Chief of Staff, Treehouse Brewing Company, and Ms. Allison Masley, Regulatory Specialist, Treehouse Brewing Company were present on behalf of the application.

Attorney Borenstein said the applicant was seeking to extend the alteration of premises to the golf course, the adjacent patio areas, and the Tew Mack Tavern. He said the distillery premises were not changing, but the 19CN, the Farmer’s Series Pouring Permit for the brewery would expand to include the entire property. He also said it was approved by the TTB (Alcohol Tobacco Tax and Trade Bureau) and the application was pending before the ABCC (Alcoholic Beverages Control Commission).

Board Member Kratman asked if any of the golf course holes would be located near residential homes. Ms. Maggi Morin replied in the negative. She added that the Treehouse Brewing Company took the cleanliness of its grounds very seriously.

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

Mr. Tony Ippolito, 73 Eagle Drive, addressed the Board and said the Eagle Landing residents were never updated on the scope of the project and never spoke with the residents. Ms. Maggi Morin said she would be happy to have a conversation with the abutters.

Ms. Gail Masotta, 23 Wayside Road, addressed the Board and she was not a fan of people drinking on the golf course. Ms. Maggi Morin said people were allowed to have three beers on the golf course and two beers in the clubhouse after the round of golf.

Mr. Ralph Ford, 15 Fairway Drive, addressed the Board and said he felt offering anyone five beers was too much. He also said he did not like the fact that people walked their dogs on the golf course in the winter months. Ms. Maggi Morin said Treehouse Brewing never allowed people to walk their dogs on the golf course.

Mr. Les Nelson, 135 Caddy Court, addressed the Board and said his experience with the golf course had been very positive. He hoped the relationship would remain positive with the Treehouse Brewing Company. Mr. Nelson asked if a silo was going to be constructed in the back of the property. Ms. Maggi Morin replied in the negative.

Ms. Linda Gunther, 42 Eagle Drive, addressed the Board and asked if golf leagues would be available. Ms. Maggi Morin replied that could absolutely be an option in the future.

Ms. Marie McNamee, 76 Eagle Drive, addressed the Board and asked if the “Rangers” on the golf course had any experience with unruly guests. Ms. Maggi Morin replied all servers were TIP (Alcohol Training Certification) certified.

Ms. Vera Ford, 415 Fairway Drive, addressed the Board and asked if the color of the clubhouse was going to change. Ms. Maggi Morin replied that the color would remain the same black color that the outpost was.

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

MOTION: Board Member Kelly made a motion to close the public hearings. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Kelly made a motion to approve the Alteration of Premises to Expand the On-Premises Consumption Areas. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Kelly made a motion to approve the Alteration of Premises (2) Pouring of Distilled Spirits and Malt Beverages throughout the premise. Board Member Kratman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

2. Treehouse Brewing Company – Common Victualler – Public Hearing

Attorney Borenstein stated that the Treehouse Brewing Company would be preparing food in the clubhouse and potentially in the tavern at a later date. He said the applicant would work with the Health Department to ensure they were in compliance with applicable codes.

Chair Johnson said the Building Department had approved the application, but the Health Department had not.

Board Member Kratman said he felt there should have been a traffic review conducted. He also said he was surprised that the applicant did not hold more public hearings.

MOTION: Board Member Kratman made a motion to approve the Common Victualler License with the stipulation that the Health Department provided positive approval. Board Member Wellman seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

3. Treehouse Brewing Company – Entertainment License – Public Hearing

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

“Notice is hereby given that the Select Board will conduct a public hearing in accordance with Mass. General Laws, Chapter 138, on Wednesday, January 25, 2023, at 7:00 p.m. in the Select Board's Main Hall at the Town Hall, 1009 Main Street on the application of Tree House Brewing Company, Inc. located at 1880 Main Street for an Entertainment License consisting of live acoustic and recorded music and televised sports programming from Sunday through Saturday between the hours of 10:00 a.m. to 11:00 p.m.

Input is welcome from the public. The Select Board recommends that comments be submitted in writing to the Select Board, Town Hall, 1009 Main Street, Tewksbury, MA, 01876 on or before noon time Friday, January 20, 2023.”

Attorney Borenstein stated the primary entertainment proposed was recorded music, live music, acoustic music, and potentially some televised sports events. He said any outdoor entertainment would consist of live acoustic music and not rock concerts. He said the applicant would be happy to not have amplification outside due to noise concerns.

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

Ms. Gail Masotta, 23 Wayside Road, addressed the Board and she was concerned about the amplification and decibel of the noise level for outdoor events.

Mr. Tony Ippolito, 73 Eagle Drive, addressed the Board and said he felt the applicant needed to do a little more homework regarding the request and there should be additional public hearings prior to making a final decision.

Mr. Ralph Ford, 15 Fairway Drive, asked the Town Manager if there would be a police detail on duty while alcohol was being served. Mr. Montuori replied there were no plans for a police officer on site but that could change if situations deemed it necessary.

Ms. Linda Gunther, 42 Eagle Drive, addressed the Board and suggested that the Treehouse Brewing Company take advantage of sharing information via the Eagle's Landing newsletter or the Eagle's Landing Facebook page.

Mr. Phillip Masotta, 23 Wayside Road, addressed the Board and stated he felt it would be helpful to have a schedule of what the intended entertainment would be. He said he was concerned with the possible noise level.

Chair Johnson asked if there were any other 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 Kelly seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

MOTION: Board Member Wellman made a motion to approve the Entertainment License for live acoustic music, recorded music, and recorded sports programming for the Treehouse Brewing Company, from Sunday through Saturday, 10:00 a.m. through 11:00 p.m. with an exclusion on exterior amplification for live music to include: dancing by patrons, live music, use of an amplification system, theater exhibition or play, a light show of any description, radio, any dynamic audio or video show whether live or recorded, recorded music, dancing by entertainers or performers, floor show of

any description, moving picture shows, jukebox, television, and any open flame devices or performances. Board Member Kelly seconded the motion.

MOTION CARRIED: 5 – 0 – 0.

Recorder’s Note: At approximately 8:54 p.m. Board Member Kratman was excused from the meeting.

At approximately 8:55 p.m. Chair Johnson declared a recess; calling the meeting back to order at approximately 9:04 p.m.

4. National Grid-Verizon Petition: Pole 18 – Pine Street/Kenzie Marie Way - Public Hearing

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

“Notice is hereby given that the Board of Selectmen will conduct a public hearing on Tuesday, January 25, 2023, at 7:00 p. m. in the Town Hall, 1009 Main Street, Tewksbury, MA 01876 on the petition of National Grid on a proposed installation of approximately 5 feet 2-3” conduits with #2 1-IC al primary cable from new Pole 18 location to edge of the property on Kenzie Marie Way in order to provide electric service to new homes on Kenzie Marie Way. National Grid and Verizon also propose to relocate exiting Pole 18 Pine Street approximately 19’ easterly in order to provide electric service to new homes on Kenzie Marie Way, Tewksbury.”

Chair Johnson noted that the Select Board received correspondence dated January 20, 2023, from Mr. Kevin Hardiman, Director of Public Works, and he recommended some conditions be imposed due to an existing 32” Oak Tree which was adjacent to the roadway.

Mr. Montuori stated that a representative from National Grid would not be present due to the weather. He suggested that the Board approve the request with Mr. Hardiman’s stipulation.

Chair Johnson stated that there were three abutters and they had all been notified. He noted that there were no abutters present. He also said that Mr. Hardiman stated there had to be a Certified Arborist on-site during the work and that Arborist would have the authority to stop the work if there was potential damage to the root system of the tree, and that National Grid would replace the Oak Tree if it died within three years of the excavation work being done.

MOTION: Board Member Kelly made a motion to approve the National Grid-Verizon Petition: Pole 18 – Pine Street/Kenzie Marie Way with the stipulation that they adhere to Mr. Hardiman’s stipulations regarding the Oak Tree. Board Member Wellman seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Board Member Kelly, Board Member Wellman, 4
Board Member Kratman, and Chair Johnson

Nay: 0

MOTION CARRIED: 4 – 0 – 0.

5. Double Jelly Donuts d/b/a Dunkin Donuts Common Victualler Licenses (9 Pre-Existing Locations)

Chair Johnson said the ownership of every Dunkin Donuts in Tewksbury had changed hands and the request for the Common Victualler Licenses were for the following addresses:

- 5 East Street (17000 (Shawsheen Street)
- 1699 Shawsheen Street
- 1973 Main Street
- 381 Main Street
- 940 Andover Street
- 1220 Main Street
- 1992 Main Street
- 1785 Andover Street

MOTION: Board Member Wellman made a motion to approve the request for nine Common Victualler Licenses. Board Member Kelly seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Board Member Kelly, Board Member Wellman, Board Member Kratman, and Chair Johnson 4

Nay: 0

MOTION CARRIED: 4 – 0 – 0.

RESIDENT COMMENTS

There were no comments made.

NEW BUSINESS

1. FY24 Budget Presentation

The proposed FY24 budget can be viewed by going to: <https://www.tewksbury-ma.gov/DocumentCenter/View/3509/Tewksbury-FY2024-Budget-Presentation-1-25-23>

Mr. Montuori stated that he had instructed the departments to have level service budgets. He said the departments submitted their budgets within his suggested guidelines with adjustments made for salaries for contractual obligations. Additionally, Mr. Montuori asked each department to provide three priorities that they would like to see funded but was not within their level service budgets.

Mr. Montuori said the proposed FY24 budget was \$133,584,765, noting it was an increase of \$4,339,607 over the FY23 budget.

Mr. Montuori said the total amount of other local expenditures was \$425,000; the Total State and County Charges were \$2,021,605 which was \$183,782 over FY23. He said the total amount, in addition to the budget, brought the total amount to \$136,095,801.

Revenue Assumptions - Property Taxes:

Property Tax Levy is the revenue a community can raise through real and personal property taxes. We will refer to the property tax levy simply as the levy. In Massachusetts, municipal revenues to support local spending for schools, public safety, and other public services are raised through the property tax levy, state aid, local receipts, and other sources. The property tax levy is the largest source of revenue for most cities and towns.

Proposition 2 1/2 places constraints on the amount of the levy raised by a city or town and on how much the levy can be increased from year to year. A levy limit is a restriction on the amount of property taxes a community can levy. The maximum the levy can be in a given year is 2.5% on the previous year's limit plus certain allowable increases such as new growth, overrides, and debt and capital exclusions.

The Levy is projected to increase by 2.5% above the previous Fiscal Year's Property Tax Levy Limit as allowed under Proposition 2 1/2 and, in addition, New Growth is added to the levy limit and the Town excluded debt which causes the levy limit to increase more than 2.5% each year as well as property taxes.

New Growth is additional tax revenue generated by new construction, renovations, and other increases in the property tax base during a calendar year. It does not include value increases caused by normal market forces or by revaluations. New growth is calculated by multiplying the assessed value associated with new construction, renovations, and other increases by the prior year's tax rate. The additional tax revenue is then incorporated into the calculation of the next year's levy limit. For example, new growth for FY23 was based on new construction, etc. that occurred between January and December 2021. In the Fall of 2023, when new growth is being determined to set the FY22 levy limit, the FY21 tax rate is used in the calculation and will be added to the Property Tax Levy. The FY24 New Growth projection is \$1,100,000 and is based upon a recommendation and review by the Town's Chief Assessor and Town Manager.

Mr. Montuori said the possible total property tax – Levy Limit was \$11,450,00. He said the projected residential tax rate would increase, on average, by \$239.00.

Projected FY24 Budget Impact with no Tax Increase:

To achieve no property tax, an increase to the levy limit must remain the same and not be increased by \$3,243,846.

If the Tax Levy is not increased by \$3,243,846 then the FY24 recommended Town and School Budgets must be reduced.

The total FY24 recommended budget is \$133,584,765.

Town and School Salaries make up \$59,095,550 of the recommended budget, cutting \$3,243,846 from salaries would mean reduced services and layoffs.

Town and School Operating, Shawsheen Regional Vocational School, Essex North Shore Agricultural and Tech. School District, Capital Outlay, and Unclassified Budgets make up \$74,489,215 of the recommended budget. Of that amount, \$67,777,052 should not be cut; leaving \$6,712,163 throughout all Town and School Department budget line items to potentially reduce \$3,243,846 to avoid a tax

increase. This reduction would impact Education, Public Safety, Public Works, and the overall delivery of services to the residents.

Revenue Assumptions State Aid:

State Aid is Revenue allocated by the Commonwealth to cities, towns, and regional school districts. Estimates of local aid are transmitted to cities, towns, and districts annually by the "Cherry Sheets." Most Cherry Sheet aid programs are considered general fund revenues and may be spent for any purpose, subject to appropriation. The Projection for FY24 is level funded to the amount received for FY23 which was \$17,924,517.

Again, Mr. Montuori stated the projected FY24 budget was a balanced budget at \$133,584,765.

Mr. Montuori stated that the projected FY24 school district budget was \$2,104,494 or 51% of the net revenue; minus the fixed costs and the remainder of \$1,627,629 was what they had for the general operating budget of salaries, operating, and capital outlay. He further stated the town which was approximately 49% of the net revenue (minus the fixed costs) was \$598,997.

Mr. Montuori said the school district and the town's healthcare premiums would increase by 5%, Medex would also increase by 5%, but there would not be an increase in dental insurance.

Mr. Montuori also said the Middlesex Retirement assessment for the school district would increase by 8.2%, and the town would increase by 12.44%, he noted that was the biggest impact on the budget.

Mr. Montuori said the town budget increase, without exempt debt, and net allocations was \$2,038,506.

Summary General Government Major Changes/Increases:

- Salary Increase: \$ 243,264
 - Includes Step Increases, Other Contractual Obligations, and adjustments for new hires filling vacancies or retirees, does not include any new positions.

There were reductions in other areas of departments' salaries that offset these costs as well as adjustments to water and sewer allocations.

Chair Johnson, on behalf of the entire Board, commended Mr. Montuori for the budget presentation, noting his transparency. He said he thought the budget was a "respectful" one and it also considered the economy.

Board Member Kelly commented that he knew Mr. Montuori was going to keep a pulse on the budget and there was a lot of uncertainty in the economy.

Board Member Wellman commented that she appreciated Mr. Montuori's conservative projections. She said her chief concern was regarding staff retention and development.

Board Member Kratman thanked Mr. Montuori and his staff for putting together the budget.

Mr. Montuori said he shared concerns regarding the economy but felt they had enough safety nets in place if anything were to change.

TOWN MANAGER

1. Town Counsel Invoice: December 16, 2022 – December 31, 2022 (\$2,423.50)

MOTION: Board Member Wellman made a motion to approve the Town Counsel invoice in the amount of \$2,423.50 for the period of December 16, 2022 – December 31, 2022. Board Member Kelly seconded the motion.

A roll call vote was taken; which resulted as follows:

Yea: Board Member Kelly, Board Member Wellman, Board Member Kratman, and Chair Johnson 4

Nay: 0

MOTION CARRIED: 4 – 0 – 0.

MINUTES

There were no minutes to review.

BOARD MEMBER REPORTS

Board Member Wellman

- Black History Month film series in partnership with the library and the school department:
 - Harriot – February 7th at 6:30 p.m. – Library
 - Black Panther: Wakanda Forever – February 23rd at 6:30 p.m. – High School Auditorium
 - Just Mercy – February 26th at 6:30 p.m. - Library

ADJOURNMENT

At approximately 10:15 p.m. Board Member Wellman made a motion to adjourn. Board Member Kelly seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

APPROVED BY THE SELECT BOARD ON APRIL 4, 2023

Documents Presented and/or Discussed:

- Treehouse Brewing Company – Alteration of Premises (2)
- Treehouse Brewing Company – Common Victualler and Entertainment License
- National Grid – Verizon Petition: Pole 18 – Pine Street/Kenzie Marie Way
- Dunkin Donuts Common Victualler Licenses (8 pre-existing locations)
- FY24 Budget Presentation
- Town Counsel Invoice: December 16, 2022 – December 31, 2022

Next Selectmen Meeting Date: February 15, 2023

Respectfully Submitted,

Trish Gedziun
Recording Secretary