



**BOARD OF SELECTMEN
TOWN OF TEWKSBURY
TOWN HALL, 1009 MAIN STREET
TEWKSBURY, MASSACHUSETTS 01876**

JAY KELLY, CHAIRMAN
JAYNE E. WELLMAN, VICE CHAIRMAN
JAMES F. MACKEY, III, CLERK
TODD R. JOHNSON, ESQ.
ANNE MARIE STRONACH

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February 15, 2022 – Meeting Minutes

The regular meeting was called to order by Mr. Jay Kelly, Chair at approximately 7:00 p.m. Also participating in the meeting were Ms. Jayne E. Wellman, Vice-Chair; Ms. Anne Marie Stronach, Board Member, Mr. James F. Mackey, III, and Mr. Todd Johnson, Esq.

Also present was Mr. Richard Montuori, Town Manager

SCHEDULED ITEMS

1. National Grid Pole Petition #30503221 – Pleasant Street (Public Hearing)

MOTION: Board Member Stronach made a motion to waive reading the public notice into the record. Board Member Wellman seconded the motion.

MOTION CARRIED 5 – 0 – 0.

Mr. Paulo Sathler, Sr. Design Engineer, National Grid, was present to speak on behalf of the petition. He said National Grid needed to install some equipment to improve the reliability in the area. He said they would like to install pole #54 in the middle of an existing island on Pleasant Street.

Chair Kelly asked if there were comments from members of the Board.

Board Member Wellman asked if the pole would impact sightlines. Mr. Sathler replied that it would not.

Board Member Wellman explained she had received telephone calls from abutters near pole #52 who had been blocked by National Grids vehicles and noted they said they were treated poorly by employees of National Grid. She said National Grid had sent a representative to the homeowner.

Board Member Mackey stated the ask for permission to lay and maintain underground laterals, cables, and wires were not annotated on the plan. Mr. Sathler replied it was “boilerplate” language and they were not proposing to install any underground systems at the location.

Board Member Mackey asked how long the permission would be extended. Mr. Sathler replied that it would be in perpetuity. Board Member Mackey requested that the language regarding underground systems be removed.

Board Member Stronach asked if there was an alternate plan. Mr. Sathler replied there was not.

Chair Kelly commented that he did view the site and did not have any issues with the location of the pole.

Chair Kelly asked if members of the public had questions or comments. There were none.

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

MOTION CARRIED 5 – 0 – 0.

MOTION: Board Member Johnson made a motion to approve pole petition #30503221 from National Grid. Board Member Wellman seconded the motion.

MOTION CARRIED 3 – 2 – 0. (Nay – Board Member Stronach & Board Member Mackey)

2. Liquor License Application – 2030 Ocean Street, LLC, 345 Main Street (Public Hearing)

MOTION: Board Member Mackey made a motion to waive reading the public notice into the record. Board Member Wellman seconded the motion.

MOTION CARRIED 5 – 0 – 0.

Attorney Andrew Upham, Upton Connell & Devlin, LLP was present representing the applicants, Daniel Newcomb & Glen Waller. Attorney Upham stated that the applicants successfully met all of the criteria to receive a liquor license.

Mr. Newcomb addressed the Board and stated he had many years of experience working in the restaurant industry as well as working in small communities. Mr. Newcomb said he had never had any citations or issues in the past.

The Board collectively thanked Mr. Newcomb for submitting a very thorough application.

Chair Kelly asked if members of the public had questions or comments. There were none.

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

MOTION CARRIED 5 – 0 – 0.

MOTION: Board Member Johnson made a motion to approve the liquor license application for 2030 Ocean Street, LLC, located at 345 Main Street. from National Grid. Board Member Wellman seconded the motion.

MOTION CARRIED 5 – 0 – 0.

3. Class License Transfer Application – TY of Tewksbury, LLC, 468 Main Street (Public Hearing)

MOTION: Board Member Wellman made a motion to waive reading the public notice into the record. Board Member Mackey seconded the motion.

MOTION CARRIED 5 – 0 – 0.

Mr. Jason Lacroix, Partner, & Mr. James Davis, Partner were present to speak on behalf of the application. He said they were present for approval to transfer the Class I dealer license from Danvers TII, Inc. d/b/a as Ira Toyota II to TY of Tewksbury LLC, d/b/a AutoFair Toyota of Tewksbury.

Chair Kelly asked if there were questions or comments from the Board members.

Board Member Wellman asked if they planned to make any major changes in the operation of the company. Mr. Lacroix replied they were not.

Board Member Stronach asked if the applicant had heard from any abutters. Mr. Lacroix replied they did not.

Chair Kelly asked if members of the public had questions or comments. There were none.

MOTION: Board Member Mackey made a motion to close the public hearing. Board Member Johnson seconded the motion.

MOTION CARRIED 5 – 0 – 0.

MOTION: Board Member Johnson made a motion to approve the transfer of the Class I Dealer License Application as presented. Board Member Stronach seconded the motion.

MOTION CARRIED 5 – 0 – 0.

RESIDENT COMMENTS

There were no comments made.

NEW BUSINESS

1. Signature Page: Annual and Special Town Warrant

MOTION: Board Member Stronach made a motion to approve the signature page for the Annual and Special Town Warrant as presented. Board Member Mackey seconded the motion.

MOTION CARRIED 5 – 0 – 0.

2. Signature Page: Annual Town Election Warrant

MOTION: Board Member Stronach made a motion to approve the signature page for the Annual Town Election Warrant as presented. Board Member Stronach seconded the motion.

MOTION CARRIED 5 – 0 – 0.

3. Enterprise Funds and Capital Improvement Plan Presentation

Recorder's Note: The presentation can be found on the Town of Tewksbury's website in its entirety at:

<https://www.tewksbury-ma.gov/DocumentCenter/View/2320/FY23-Water-Sewer-and-CIP-Presentation-2-15-22-PDF?bidId=>

Telemedia Enterprise Fund

Mr. Montuori said there was a cost-of-living increase as it pertained to salaries which were 2.25% and any step increases for the two full-time employees that worked for the Telemedia Department. He said the operating budget decreased by \$5,800 in the areas of repairs & maintenance, and communications.

Mr. Montuori said indirect expenses included an increase in allocations of \$1,790, and there was a 5% increase in health insurance premiums and Medicare Tax was based upon the total payroll. He also said there was a capital expense of \$229,500 for the upgrade and replacement of the Town Hall meeting cameras, switcher, enterprise room system, and audio equipment to be raised by cable franchise fees.

Water Enterprise Fund

- Water Distribution Budget

Mr. Montuori explained the salary line for FY 23 was going to decrease by \$20,083 due to retirement, but there was a cost-of-living increase of 2.25%. He added the expense line would increase by \$15,744 for maintenance and repairs.

- Water Filtration Budget

Mr. Montuori stated there would be a salary increase of \$11,863 due to the cost-of-living increase of 2.25%. He said the operating expenses were increasing by \$67,627 due to an increase in the cost of chemicals and the cost of residual disposal cost. Additionally, Mr. Montuori said there was a decrease in repairs and maintenance of \$17,330.

- Water Rates

Mr. Montuori said the water rates would not increase in FY 23 for the fourth year in a row. He said the annual water usage was projected to be 659,972,000 gallons, which was an increase from the previous fiscal year projection of 9,344,000 gallons.

Sewer Enterprise Fund

Mr. Montuori said the budget included maintaining the collection system and the 47 pump stations. He said the salaries decreased due to an employee retiring and FY 22, but salaries also increased due to the 2.25% cost-of-living.

Mr. Montuori said the revenue projection for sewer in FY 23 was approximately \$6.8 million with \$5.7 million coming from user fees, generating a \$19,096 surplus. He added sewer rates would not increase in FY 23.

Stormwater Enterprise Fund

Mr. Montuori explained the fund was solely for the use of expenses for stormwater compliance and had \$593,910 in it. He said \$500,000 would be raised within the stormwater fees for capital improvements. He said the user fees were projected to generate \$1,139,307 and would generate a surplus of approximately \$20,000.

Mr. Montuori said future capital improvements included \$3,110,000 from FY 23 – FY 27 for drains and project developments to be paid by stormwater fees.

Capital Improvement Plan FY 23 through FY 27

Mr. Montuori reviewed the proposed Capital Improvement projects as well as the financial impacts to the town.

Mr. Montuori reviewed the Capital Plan FY 23 Proposed Expenditures.

4. Zoning Bylaw Committee: General Updates/Retail Marijuana

Board Member Johnson said the Zoning Bylaw Committee had completed a very solid bylaw revision and intended on putting the Article before the Town Meeting in May.

Board Member Johnson said one area that was discussed at length was surrounding retail Marijuana. He said there were other areas regarding Marijuana cultivation and medical Marijuana that were currently within the structure of the town. He said the topic he would be discussing was specific to retail Marijuana sales.

Board Member Johnson said the committee unanimously felt that the town should move forward with adding retail Marijuana to the zoning bylaw, however, during the last public input session a resident asked questions about regulatory control and approval of licenses. He further said that the subject area was not in the purview of the Zoning Bylaw Committee. Board Member Johnson said the committee felt there was a great deal of confusion and a lack of clarity surrounding that subject. Further, Board Member Johnson said the Zoning Bylaw Committee supported the concept of retail Marijuana, and both the Planning Board representatives and he and Board Member Mackey were asked to go back to their respective Boards and address the topic of the regulatory components that were necessary for retail Marijuana.

Board Member Stronach said she was in favor of retail Marijuana being an income source for the town.

Board Member Wellman asked where the retail Marijuana would be zoned. Board Member Johnson replied that it would be zoned in the General Business District.

Mr. Montuori stated the town had a good understanding of what needed to be done in terms of the regulatory control and felt he would be able to bring something to the Board by the end of June.

TOWN MANAGER

1. Town Counsel Invoice:

- January 1, 2022 – January 15, 2022: \$2,805.00

MOTION: Board Member Wellman made a motion to approve Town Counsel's Invoice for the period of January 1, 2022 – January 15, 2022, in the amount of \$2,805.00. Board Member Mackey seconded the motion.

MOTION CARRIED 5 – 0 – 0.

Regarding potholes, Mr. Montuori stated that the DPW had crews working on potholes and they had some delays in filling them due to the amount of water on the streets.

MINUTES

- September 28, 2021 (Regular Session)
- October 19, 2021 (Regular Session)
- October 27, 2021 (Regular Session)
- November 9, 2021 (Regular Session)
- December 21, 2021 (Regular Session)
- January 11, 2022 (Regular Session)

MOTION: Board Member Mackey made a motion to approve the above-listed sets of meeting minutes. Board Member Wellman seconded the motion.

MOTION CARRIED 5 – 0 – 0.

Board Member Reports

Board Member Wellman

- NMCOC (Northern Middlesex Council of Governments) meeting would be held the following evening and they would perform a second round of hiring for an Executive Director.
- Requested that the project team at DOT do a public information session regarding the paving on Route 38.
- The TDEIC (Tewksbury Diversity, Equity, and Inclusion Committee) survey was ready to go but they were waiting for “Survey Monkey” to work.
- Attended a ceremony for the 50th anniversary of the gas explosion.

Board Member Stronach

- The Public Events Committee would meet on February 24th at 7:00 p.m. at the Town Hall.
- The Elementary Building Committee had met and a site visit for the Select Board was scheduled for March 2nd at 3:30 p.m. She noted the School Committee was also invited. She also said the project was 65% complete, 71% of the funds had been spent and they remained on budget.

Board Member Johnson

There were no reports to share.

Board Member Mackey

- The website went live, and a press release was done. He noted there were a number of documents that still needed to be moved over to the new website.
- He would be working with the IT Department Committee to set up the cyber security program.
- The next Economic Development Committee meeting would be on March 2nd.

Chair Kelly

- The Reuse Committee would be sending out a survey to the community using "Survey Monkey."
- Mitigation strategies were being looked at for Shawsheen and Arlington Streets.
- The Zoning Board of Appeals in Andover denied the application regarding the property 1023 South Street. He said the 21-day period to request a reconsideration was almost up and asked Mr. Montuori to follow up on that.

EXECUTIVE SESSION

MOTION: At approximately 9:18 p.m. Board Member Johnson made a motion to go into an Executive Session for purposes of contract negotiations regarding the Town Managers Contract. Board Member Stronach seconded the motion.

(Note: The Board would adjourn in the non-public session and not return to the public session.)

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

Yea: Board Member Mackey, Board Member Johnson, 0
Board Member Stronach, Board Member Wellman,
and Chair Kelly

Nay: 0

MOTION CARRIED 5 – 0 – 0.

Approved by the Board of Selectmen on March 8, 2022

Documents Presented and/or Discussed:

- National Grid Pole Petition #30503221 – Pleasant Street
- Liquor License Application – 2030 Ocean Street, LLC, 345 Main Street
- Class License Transfer Application – TY of Tewksbury, LLC, 468 Main Street
- Signature Page: Annual & Special Town Warrant
- Signature Page: Annual Town Election Warrant
- Enterprise Funds & Capital Improvement Plan Presentation
- Zoning Bylaw Committee: General Updates/Retail Marijuana
- Town Counsel Invoice: January 1, 2022 – January 15, 2022
- Approval of Meeting Minutes: (Regular Sessions)
 - September 28, 2021
 - October 19, 2021
 - October 27, 2021
 - November 9, 2021
 - December 21, 2021
 - January 11, 2022

Next Selectmen Meeting Date: March 8, 2022

Trish Gedziun
Recording Secretary