



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

TEL (978)-640-4300
FAX (978) 640-4302

March 21, 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. James F. Mackey, III, Vice Chair; Mr. Mark Kratman, Board Member, and Ms. Jayne E. Wellman, Board Member.

Also present: Mr. Richard Montuori, Town Manager

Not Present: Mr. Jay Kelly, Board Member

Chair Johnson commented that Mr. Kelly would not be able to attend the meeting due to a work conflict but said it was quite unfortunate because it would have been his last meeting as a member of the Board. He thanked him for his service on the Select Board.

SCHEDULED ITEMS

1. MHF Tewk Operating Tenant VII LLC: Transfer of License, Alteration of Premises, and, Management/Operating Agreement

Chair Johnson read aloud the public hearing notice into the record as summarized as follows:

Notice is hereby given that the Select Board will conduct a public hearing in accordance with Massachusetts General Laws, Chapter 138, on Tuesday, March 21, 2023, at 7:00 p.m. on the application of MHF Tewk Operating Tenant VII LLC, d/b/a Hilton Garden Inn by James M. Tourtillotte, Manager, to transfer an All Alcoholic Beverages License from Boston West Hospitality LLC, d/b/a Holiday Inn Tewksbury, along with an alteration of premises and Management/Operating Agreement to operate this license on said premises located at 4 Highwood Drive, Tewksbury, MA described as approximately 148,959 square feet of a 5-story hotel. The hearing will be held in the Select Board's meeting room, Town Hall, 1009 Main Street, Tewksbury, MA.

Input is welcome from the public.

Attorney Tyler Henseler, Upton Connell & Devlin, LLP, was present on behalf of the applicant. He said the request was to transfer the license at the same location and apply for a management agreement for a related management company that was also owned by the MAGNA Hospitality company. He added that they were also rebranding it as the Hilton Garden Inn and were seeking to update the premises to align with the rebranding.

Mr. James Tourtillotte, the Proposed Manager of Record, was also present.

Chair Johnson asked when the proposed renovations would be complete. Mr. Tourtillotte replied they were hoping to start selling guest rooms to the public in the second week of May and would hopefully fully be a Hilton Garden Inn in September.

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

Board Member Wellman asked if function space would be available for rental. Mr. Tourtillotte replied that the facility would have a 2,800-square-foot grand ballroom that would accommodate 200 – 220 sit-down people.

Board Member Kratman asked if the applicant planned to do any renovation to the exterior of the property, the driveways, or the parking lot.? Mr. Tourtillotte replied that the entire parking lot would be redone, the poles would be repainted, and there would be all new signage.

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. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

MOTION: Board Member Kratman made a motion to approve the Transfer of License, Alteration of Premises, and Management/Operating Agreement for MHF Tewk Operating Tenant VII LLC. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

RESIDENT COMMENTS

There were no comments made.

NEW BUSINESS

1. Acceptance of 2347 Main Street

Mr. Montuori said that the Assistant Town Manager, Mr. Steve Sadwick, had sent a memo to the Select Board indicating that the owner of 2347 Main Street wanted to donate the property to the Town for conservation purposes. He said the land had been accepted by the Conservation Commission, and Open Space and Recreation Committee had also recommended acceptance.

Mr. Montuori recommended acceptance of the land that consisted of 6.92 acres, noting that 86% of the land was located in the wetlands.

Board Member Wellman asked if there were any maintenance issues with the site or any expenses that would be associated with accepting the land. Mr. Montuori replied he did not know of any.

MOTION: Vice-Chair Mackey made a motion to approve the accept the donation of 2347 Main Street. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

2. Review of Entertainment License Application and Procedures

Mr. Montuori said there had been some conversation regarding revamping the Entertainment License Application. He said it was not greatly different from the old application, but noted the biggest change was surrounding the use of the amplification system and how it was defined.

Chair Johnson said he was happy to see that verbiage was added regarding indoor versus outdoor use. Further, he suggested adding a line that asked the applicant to describe the proposed type of amplification system.

Vice-Chair Mackey asked if the new application would be digitized and placed on the new platform. Mr. Montuori said the Select Board licenses had not been rolled out on the new platform yet, but that was the goal.

Board Member Kratman requested that a list of Entertainment Licenses is sent to the Select Board in October for each establishment and what each license included.

Board Member Wellman requested that the words "indoor or outdoor" be added to the first paragraph under the first bullet, as well as a check box under indoor and outdoor under "use of amplification, and the inclusion of the State Law under which the Town of Tewksbury would use enforcement.

Mr. Montuori said he would make the proposed revisions and bring them back to the Select Board for approval.

3. Discussion – Town Appeal – Denial of the Public Shade Tree Hearing - Update

Chair Johnson said there was an item that did not appear on the agenda, but it should have been. He said at the last meeting there was a tree removal hearing that involved a number of trees, and the Select Board tabled the discussion on one tree. He said the resident and the DPW Director conferred to try to come up with an acceptable solution prior to the Board rendering a final decision.

Chair Johnson said he spoke with Town Counsel, and they advised that the Select Board could add the item to the agenda because they previously spoke to it in a previous session. He said if anyone had concerns they would keep the record open until Friday at noon.

MOTION: Board Member Kratman made a motion to allow the item to be discussed. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Mr. Kevin Hardiman, DPW Director, addressed the Board and said he had the opportunity to meet with residents, Mr. & Mrs. Young, regarding the White Oak in front of 1408 Whipple Road. He said it was decided to plant trees elsewhere on town property as there was not enough room to plant another tree on the Young's property. Further, Mr. Hardiman stated that the existing White Oak located in front of 1408 Whipple Road would be removed.

MOTION: Board Member Kratman made a motion to approve the removal of the White Oak tree located in front of 1408 Whipple Road on or after March 27, 2023. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

TOWN MANAGER

1. Town Counsel Invoice – February 16, 2023, through February 28, 2023 (\$3,570.00)

MOTION: Board Member Wellman made a motion to approve the Town Counsel invoice in the amount of \$3,570.00 for the period of February 16, 2023, through February 28, 2023. Vice-Chair Mackey seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

2. MINUTES

There were no minutes to approve.

BOARD MEMBER REPORTS

Board Member Kratman

- The next LRTA (Lowell Regional Transit Authority) meeting would be held the following Thursday.
- Select Board working with the Delegation regarding:
 - Seeking \$300,000 for the police department.
 - Seeking \$300,000 for the fire department.
 - Earmark for the police wellness in the amount of \$50,000
 - Earmark \$50,000 for the fire department heart and cancer.
 - \$100,000 for radios for the fire department.
 - \$500,000 in sidewalk funds.
 - \$1 million in water distribution.
 - \$500,000 in drainage improvements.
 - \$300,000 for the recreation facility parking lot.
 - Rte. 38 – finalizing the project – seeking \$400,000 for design to complete the next section.
 - Rte. 38 - \$10 million to finalize the construction of the project.
- Thanked Mr. Kelly for all of his hard work and said he would have a lifelong friendship. He said he had nothing but the community's best interest at heart.

Vice-Chair Mackey

- Attended the grand opening of Eco-Auto and wished them the best.

Board Member Wellman

- The Tewksbury Diversity, Equity, and Inclusion Advisory Committee held two LBGTQ listening sessions the previous week where they developed smart goals for the Winchester Hospital grant that the Frontline Initiative had secured.
- NMCOG (Northern Middlesex Council of Governments) held a Housing Production Plan listening session the prior Thursday and they did a wonderful job.
- Thanked Mr. Jay Kelly for his service. "I thank him for his consistency and his solid and equitable leadership during the pandemic, which was one of the hardest times in the nation and he did a great job leading the Board through that.

I feel privileged to have gotten to know him through our work here and I thank him for his kindness, particularly when my mother was ill and staying with me. His words of understanding and encouragement meant so much. His voice for responsibility, for our residents, for our seniors, and was well heard and respected across the community. I thank him again.

Chair Johnson

- The Select Board had met in an Executive Session and the purpose of it was a contractual matter pertaining to the annual Town Manager's employment contract with the Town of Tewksbury. He said the Board voted unanimously to instruct the Town Manager to include in the budget that would go forward to Town Meeting in May to add an annual increase of 2.25% to his base salary and the Board agreed to add one year to the contract term. He said if the budget passed they would request Town Counsel to draft the amendment to the contract.

Chair Johnson thanked Mr. Montuori for all of the work that he did every day of the week for not only the community but for the Select Board.

ADJOURNMENT

At approximately 7:48 p.m. Vice-Chair Mackey made a motion to adjourn. Board Member Wellman seconded the motion.

MOTION CARRIED: 4 – 0 – 0.

Approved by the Select Board on April 24, 2023

Documents Presented and/or Discussed:

- MHF Tewk Operating Tenant VII LLC: Transfer of License, Alteration of Premises, and Management /Operation Agreement
- Acceptance of 2347 Main Street
- Review of Entertainment License Application and Procedures
- Town Counsel Invoice: February 16, 2023, through February 28, 2023

Next Selectmen Meeting Date: April 4, 2023

Respectfully submitted,

Trish Gedziun
Recording Secretary