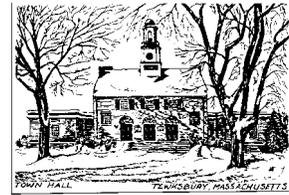


# Town of Tewksbury

TOWN HALL  
1009 MAIN ST  
TEWKSBURY, MASSACHUSETTS 01876



## OFFICE OF TOWN CLERK

DENISE GRAFFEO, CMC/CMMC  
TOWN CLERK

Phone: 978-640-4355

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[dgraffeo@tewbury-ma.gov](mailto:dgraffeo@tewbury-ma.gov)

Tewksbury Memorial High School  
320 Pleasant Street  
Special Town Meeting  
October 3, 2017

Moderator Jayne Wellman Miller called to order the October 3, 2017 Special Town Meeting at 7:00 PM given that a quorum of voters was present and a properly served and returned warrant was in possession.

On Tuesday, October 3, 2017, there were 125 voters and 18 visitors in attendance.

Kristen Polimeno, Chair of the School Committee, led the Assembly in the Pledge of Allegiance

Moderator Miller called for a Moment of Silence for victims of the Las Vegas massacre, including Tewksbury resident, Rhonda LeRocque.

The Moderator made the following announcements:

- The Fall Harvest Festival returns this year on Sunday, October 15<sup>th</sup>, from 12:00-5:00 PM at the Livingston Street recreation fields.
- The Friends of the Tewksbury Public Library will be hosting a Wine and Craft Beer Tasting at Oakdale Liquors on Saturday, October 21<sup>st</sup> from 3:30-6:00 PM. Tickets are available at the library or at the door on the day of the event. Proceeds to benefit new library equipment.
- Half-Way to Earth Day will also be on Saturday, October 21<sup>st</sup> from 9:00 AM-1:00 PM. Join the Open Space group, the Beautification Committee, Community Garden and others as they work on projects all over Town. Build trails, work on a kayak launch, weed rain gardens and more. Sign up on the Town of Tewksbury website or come to Town Common that morning. Even an hour of your time is helpful!

Moderator Miller made the following introductory comments:

*Once again, welcome to Special Town Meeting. As registered voters, here at Open Town Meeting you are also members of one of the largest legislative bodies in the world. This is where we work together to debate the merits of the articles before you in the warrant.*

*Before we get started with the warrant we have a few housekeeping items to take care of. First, Please take a moment to silence your cell phones.*

*Second, in case of emergency, please make a note of the exit nearest to you. There are exits into the cafeteria, and into the right hallway and left to the courtyard. There are also exits behind this curtain. Third, visitors must sit in the reserved-for-visitors section.*

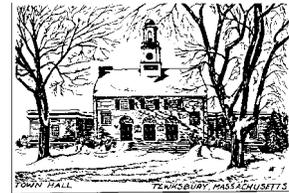
*This meeting is being recorded. As we move through the articles, presenters on the articles will be allowed to speak first on the article before I open the floor to debate. A voter desiring to speak should approach the microphone podium, await recognition by me, and identify oneself by name and street address for the record. I ask members of Boards and staff members that speak do the same.*

*Speakers are allowed up to five minutes to speak on an article. Please speak clearly into the microphone so the body can hear you. I will let you know when you have 30 seconds left by tapping the podium. When you hear that tapping, that is your signal to wrap up your remarks.*



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*I will accept a motion to move the question, however, I reserve the right to ensure we have had some dialogue on the motion. All questions on the floor are to be directed to the Moderator. If you are amending an article, we will vote on the amendment first. Amendments must be presented to the Town Clerk, in writing. If the amendment passes it will then become part of the main motion and we will discuss it further. If the amendment does not pass, then we return to the Main Motion as written in the Warrant.*

*Each household in Tewksbury was mailed the warrant, but there are extra copies near the check-in stations, along with a handout on the Finance Committee recommendations, as well as a supplemental handout from the Town Manager with detailed explanations of the articles and funds.*

*Please be sure your ribbon is showing so that counters can clearly see it when we are doing standing vote counts. Counters - please move to your sections. When counting, voters, please make eye contact with your counter.*

*Officer, please close the doors. As a reminder, no one may enter or exit during a vote.*

*Let me introduce Scott Wilson, the Chairman of the Finance Committee. The job of the Finance Committee is to advise Town Meeting. Mr. Wilson will present motions on most articles. Mr. Scott Wilson, Chairman of the Finance Committee, will make the first motion on every article unless the Finance Committee is deferring to another board.*

Finance Committee Chairman, Scott Wilson, motioned to Waive the Reading of the Warrant Articles, and this motion was Adopted 7:06 PM 10/3/17

Finance Committee Chairman, Scott Wilson motioned to admit Steve Sadwick, Mike Hazel, Chris Malone, Sherri Matthews, Brian Gilbert, and other non-resident employees to speak to answer residential questions, and this motion was Adopted. 7:06 PM 10/3/17

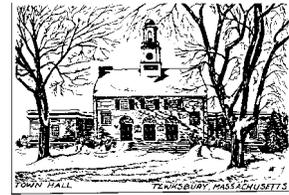
Moderator Miller announced that she will step aside for discussion on Article 11, due to a conflict of interest. Board of Selectmen Chair, Mark Kratman presided over Article 11 pursuant to MGL Chapter 39, Sec. 14.

Finance Committee Chairman, Scott Wilson, motioned to Adjourn the October 3, 2017 Special Town Meeting Sine Die, and this motion was Adopted. 7:31 PM 10/3/17



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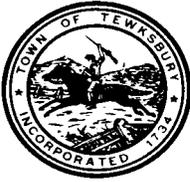
Chief Assessor, Finance Director, Treasurer, Collector, Town Manager, Board of Selectmen, and Finance Committee: Pursuant to Section 15A, Chapter 41, Massachusetts General Laws, I hereby certify to the funds appropriated at the Annual Town Meeting, convened by proper Warrant, on October 3, 2017.

### APPROPRIATION CERTIFICATE – SPECIAL TOWN MEETING –OCTOBER 3, 2017

ARTICLE		RAISE & APPROPRIATE	TRANSFER FROM FREE CASH	CPA UNDESIGNATED RESERVE	CABLE ENTER RETAINED	WATER ENTER FUND	SEWER ENTER FUND
1	FY18 Budget	2,024,585.00					
2	Outstanding FY17 Bills	18,946.21					
3	One Time Capital Expenditures		1,550,000.00				
4	Sutton Brook Operations & Maintenance		361,005.00				
5	School Capital Expenditures		1,225,000.00				
6	Water Enterprise OPEB/ Occupational Health					183,947.00	
7	Sewer Enterprise OPEB/ Occupational Health						48,785.00
8	Fiber Optic Cable Installation				100,000.00		
9	Stabilization Fund		1,669,722.00				
10	Frasca Field Fencing			50,000.00			
11	Bike Path Design			50,000.00			
<b>TOTALS</b>		<b>2,043,531.21</b>	<b>4,805,727.00</b>	<b>100,000.00</b>	<b>100,000.00</b>	<b>183,947.00</b>	<b>48,785.00</b>
<b>Raise &amp; Appropriate</b>		<b>\$2,043,531.21</b>					
<b>Transfer From Free Cash</b>			<b>\$4,805,727.00</b>				
<b>CPA Undesignated Fund</b>				<b>\$100,000.00</b>			
<b>Cable Enterprise Retained</b>					<b>\$100,000.00</b>		
<b>Water Enterprise Fund</b>						<b>\$183,947.00</b>	
<b>Sewer Enterprise Fund</b>							<b>\$48,785.00</b>

ATTEST: \_\_\_\_\_

DENISE GRAFFEO, TOWN CLERK



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### ARTICLE 1

To see if the Town will vote to raise and appropriate the sum of \$2,024,585 to fund the following Fiscal Year (FY2018) Budgets; or take any action relative thereto.

School Salaries:	\$	386,306
School Operating:	\$	60,000
School Capital Outlay:	\$	64,500
School Health Insurance:	\$	75,290
School Medicare:	\$	11,311
Total School:	\$	597,407
Town Clerk Salaries:	\$	4,174
Town Clerk Capital Outlay:	\$	37,881
Facilities and Grounds Utilities:	\$	20,000
Facilities and Grounds Leases and Contracts:	\$	28,400
Facilities and Grounds Repairs and Maintenance:	\$	6,500
Facilities and Grounds Capital Outlay:	\$	52,851
Police Capital Outlay:	\$	75,965
Fire Capital Outlay:	\$	32,000
Computer Salaries:	\$	1,500
Library Capital Outlay:	\$	74,000
DPW Fleet Capital Outlay:	\$	30,000
DPW Engineering Capital Outlay:	\$	35,000
Total Town:	\$	398,271
Town Unclassified Other Post-Employment Benefits:	\$	650,000
Town Unclassified Exempt Interest Debt Service:	\$	378,907
<b>Total:</b>	<b>\$</b>	<b>2,024,585</b>

Town Manager

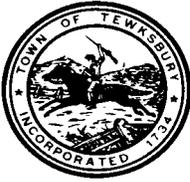
Motion: The Finance Committee motioned to Adopt; raise and appropriate \$2,024,585 for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 1 was Adopted

7:07 PM

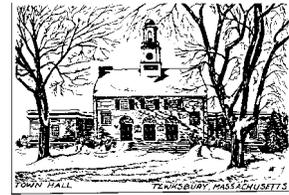
10/3/17

**Executive Summary:** This article raises and appropriates funds to FY2018 Budgets. The additional funds are available since State and Local revenue will be higher than projected.



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### ARTICLE 2

To see if the Town will vote to raise and appropriate the sum of \$18,946.21 in order to pay for the following outstanding bills from the previous year; or take any action relative thereto.

Verizon:	\$	6,899.46
TRC Lockbox:	\$	1,503.00
Long and DiPietro, LLP:	\$	10,543.75
<b>Total:</b>	\$	18,946.21

Town Manager

Motion: The Finance Committee motioned to Adopt; raise and appropriate \$18,946.21 for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 2 was Adopted Unanimously (9/10 required) 7:08 PM 10/3/17

**Executive Summary:** According to Massachusetts General Laws Chapter 44 § 64, bills that are late must be approved by Town Meeting before payment. This article authorizes the charges to be paid.

### ARTICLE 3

To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$1,550,000 to be expended by the Town Manager to fund the following; or take any action relative thereto.

Fire Engine:	\$	650,000
Roadway Maintenance:	\$	650,000
Sidewalk Improvements:	\$	250,000
<b>Total:</b>	\$	1,550,000

Town Manager

Motion: The Finance Committee motioned to Adopt, raise and appropriate \$1,550,000 from Certified General Fund Free Cash for the purpose of the article  
The Board of Selectmen recommended Adoption

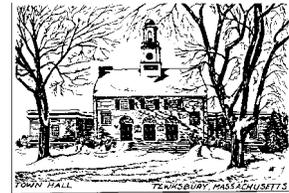
Vote: Article 3 was Adopted 7:13 PM 10/3/17

**Executive Summary:** This article transfers certified free cash for specific one time capital expenditures.



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### ARTICLE 4

To see if the Town will vote to transfer from the certified General Fund Free Cash a sum of \$361,005 to be expended by the Town Manager to fund Sutton Brook Landfill Operations and Maintenance; or take any action relative thereto.

Town Manager

Motion: The Finance Committee motioned to Adopt; transfer \$361,005 from certified General Fund Free Cash for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 4 was Adopted 7:14 PM 10/3/17

**Executive Summary:** This article transfers certified free cash to offset the cost of Sutton Brook Landfill Operations and Maintenance. Funds totaling \$361,005 from Sutton Brook Bond Proceeds were closed to Free Cash at the end of Fiscal Year 2017 and this article seeks to utilize these funds specific to Sutton Brook.

### ARTICLE 5

To see if the Town will vote to transfer from the certified General Fund Free Cash the sum of \$1,225,000 for School Department Capital Expenditures; or take any action relative thereto.

School Building Maintenance and Improvements:	\$	1,225,000
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Town Manager

Motion: The Finance Committee motioned to Adopt; transfer \$1,225,000 for School Department Capital Expenditures  
The Board of Selectmen recommended Adoption

Vote: Article 5 was Adopted Unanimously 7:16 PM 10/3/17

**Executive Summary:** This article transfers certified free cash for specific one time capital expenditures.

### ARTICLE 6

To see if the Town will vote to raise and appropriate \$183,947 from Water Rates to be expended by the Town Manager for the following purposes; or take any action relative thereto.

Water Enterprise Fund Other Post-Employment Benefits:	\$	163,947
Water Enterprise Fund Occupational Health:	\$	20,000
<b>Total:</b>	\$	183,947

Town Manager

Motion: The Finance Committee motioned to Adopt; raise and appropriate \$183,947 for the purpose of the article  
The Board of Selectmen recommended Adoption

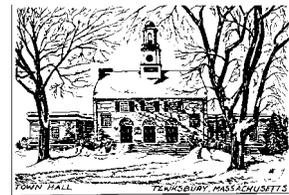
Vote: Article 6 was Adopted 7:16 PM 10/3/17

**Executive Summary:** This article raises funds within the Water Enterprise Budget to fund these accounts.



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### ARTICLE 7

To see if the Town will vote to raise and appropriate \$48,785 from Sewer Rates to be expended by the Town Manager for the following purposes; or take any action relative thereto.

Sewer Enterprise Fund Other Post-Employment Benefits:	\$	38,785
Sewer Enterprise Fund Occupational Health:	\$	10,000
<b>Total:</b>	\$	48,785

Town Manager

Motion: The Finance Committee motioned to Adopt; raise and appropriate \$48,785 for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 7 was Adopted 7:17 PM 10/3/17

**Executive Summary:** This article raises funds within the Sewer Enterprise Budget to fund these accounts.

### ARTICLE 8

To see if the Town will vote to transfer the sum of \$100,000 from Cable Enterprise Fund Retained Earnings to be expended by the Town Manager for the purpose of installing fiber optic cable to town and school buildings; or take any action relative thereto.

Town Manager

Motion: The Finance Committee motioned to Adopt; transfer \$100,000 from Cable Enterprise Fund Retained Earnings  
The Board of Selectmen recommended Adoption

Vote: Article 8 was Adopted Unanimously 7:18 PM 10/3/17

**Executive Summary:** This article allows the Town to utilize funds from Cable Enterprise Fund Retained Earnings that were available as of July 1, 2017 for the installation of fiber optic cable to various town and school buildings.

### ARTICLE 9

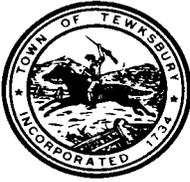
To see if the Town will vote to transfer the sum of \$1,669,722 from certified General Fund Free Cash to the Town Stabilization Fund; or take any action relative thereto.

Town Manager

Motion: The Finance Committee motioned to Adopt; transfer \$1,669,722 from certified General Fund Free Cash to the Stabilization Fund  
The Board of Selectmen recommended Adoption

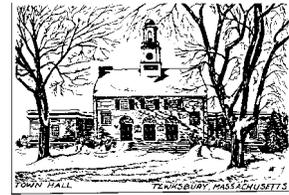
Vote: Article 9 was Adopted Unanimously (68 Yes/0 No 2/3 required) 7:19 PM 10/3/17

**Executive Summary:** This article seeks approval to set aside these funds in the Stabilization Fund to be used for future emergencies or one time purchases or projects.



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### ARTICLE 10

To see if the Town will vote to appropriate the sum of \$50,000 from the Community Preservation Fund Undesignated Reserve for the purpose of replacing the fencing at Frasca Field as recommended by the Town Manager.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any action relative thereto.

Community Preservation Committee

Motion: The Finance Committee motioned to Adopt; appropriate \$50,000 from Community Preservation Fund Undesignated Reserve for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 10 was Adopted Unanimously 7:21 PM 10/3/17

**Executive Summary:** The fence at the recreational facility, Frasca Field, poses a safety hazard and is in need of replacement.

### ARTICLE 11

To see if the Town will vote to appropriate the sum of \$50,000 from the Community Preservation Fund Undesignated Reserve for the purpose of designing a bike path as recommended by the Town Manager.

Pursuant to Massachusetts General Laws, Chapter 44B or any other enabling authority, said funds to be expended under the direction of the Community Preservation Committee; or take any action relative thereto.

Community Preservation Committee

Motion: The Finance Committee motioned to Adopt; appropriate \$50,000 from Community Preservation Fund Undesignated Reserve for the purpose of the article  
The Board of Selectmen recommended Adoption

Vote: Article 11 was Adopted 7:24 PM 10/3/17

**Executive Summary:** Funds will be used in the next phase of developing a bike path in the community.

### ARTICLE 12

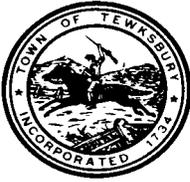
To see if the Town will vote to transfer the care, custody, management and control of the Ella Fleming School located at 1503 Andover Street from the School Committee and School Department to the Board of Selectmen; or take any action relative thereto.

Town Manager

Motion: The Finance Committee motioned to Adopt  
The Board of Selectmen recommended Adoption

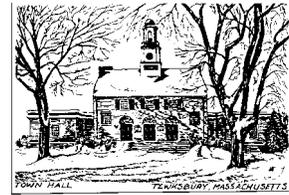
Vote: Article 12 was Adopted Unanimously (72 Yes/0 No 2/3 required) 7:28 PM 10/3/17

**Executive Summary:** This article would transfer control of the Ella Fleming School from the School Department to the Town.



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### ARTICLE 13

To see if the voters of the Town of Tewksbury will vote to amend the Tewksbury By-Laws Chapter 8.12 Noise By-Law Section 8.12.060 with deletions shown as ~~strike throughs~~ and additions shown in **bold**; or take any other action relative thereto.

8.12.060 Special provisions.

Limitation of Construction Activity: Noise associated with Construction is permitted between 7:00 AM and 7:00 PM on weekdays and ~~7:00~~ **9:00** AM and ~~7:00~~ **5:00** PM Saturdays. Noise associated with the following activities shall be exempted from the provisions of this By-Law:

- (a) Emergency Work or Emergency Vehicles.
- (b) Activities, other than construction, conducted in public parks and playgrounds, and on public or private school grounds so long as authorized by the appropriate jurisdiction including but not limited to school athletic and school entertainment events, and on church grounds, including but not limited to, bells or chimes and activities at the Tewksbury State Hospital, including but not limited to, the sounding of the horn, also known as the "fire horn;"
- (c) Occasional outdoor gatherings, public dances, shows, and sporting entertainment events provided said events are conducted pursuant to a permit or license issued by the appropriate jurisdiction relative to the staging of said events;
- (d) The maintenance of real property (not Construction), such as temporary use of power tools and equipment such as lawn mowers, snow blowers, chain saws and similar equipment, provided said activities take place between the hours of 5:00 AM and 10:00 PM on any day. (Art. 12, STM 2003)

Town Manager

Motion: Town Manager, Richard Montuori motioned to Withdraw Article 13

Vote: Article 13 was Withdrawn Unanimously 7:28 PM 10/3/17

**Executive Summary:** Currently the By-Law allows for Saturday work to begin at 7:00 AM and end at 7:00 PM, the proposed changes would adjust the time to 9:00 AM-5:00 PM.

### ARTICLE 14

To see if the Town will vote to amend the Tewksbury By-Laws, Chapter 3.12, Tax Title Procedures, Section 3.12.010, as shown below, with deletions shown as ~~strike throughs~~ and additions shown in **bold**; or take any other action relative thereto.

#### Chapter 3.12

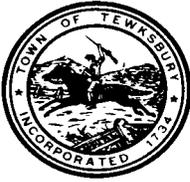
#### TAX TITLE PROCEDURES

##### Sections:

**3.12.010 Property taken under tax title procedures Compliance with certain conditions.**

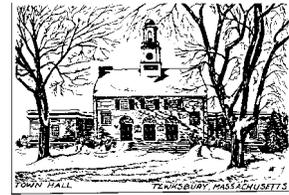
##### **3.12.010 Property taken under tax title procedures Compliance with certain conditions.**

Where property of **less than 45,000 square feet** ~~or less~~ without a building ~~or 5,000 square feet or less with a building~~ has been taken by the Town under tax title procedures, the sale of such property by the Town shall comply with the following provisions:



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1. The property shall first be offered for sale to abutters at an offering to be held exclusively for abutters. "Abutters" shall be defined as an individual(s), partnership, corporation or other legal entity owning a piece of property which adjoins via a common lot line the property to be offered for sale. If any abutter's common property line is part of street or way whether open to the public or not, such abutter shall not qualify to participate in the first offering of sale to abutters as noted above.
2. The Board of Selectmen shall establish the minimum bid for the sale of each property to be offered plus administrative costs including advertising costs, legal costs and any pro-forma taxes. The minimum bid shall be the greater of either the amount of property tax owed to the Town at the time such property is offered for sale or 75% of the fair market value for the property as calculated by the Board of Assessors. ~~Fair market value as calculated by the Board of Assessors and its supporting formulas and rates used, such formulas and rates based upon standard real estate and/or assessment valuation procedures, shall be filed with the Town Clerk a minimum of fourteen (14) days prior to the date of bidding or sale, whichever occurs first. The Board of Selectmen may set a higher minimum bid if it desires.~~
3. The Board of Selectmen shall notify abutters as defined in paragraph one (1) of this article by certified mail that the Town intends to sell such property and provide the date, place and time of the sale along with the minimum acceptable bid.
4. The sale of such property **shall be with the condition** ~~is to be accompanied by a recorded plan and/or covenant that requires such property to be combined with the Buyer's abutting property into a single lot.~~
5. If no abutter's bid on a property offered for sale exceeds the minimum bid as established in subsection 2 of this section, the Board of Selectmen may then open the sale to other bidders with a minimum bid as established in said subsection.
6. The Town shall first give notice of the time and place of sale by posting such notice of sale in some convenient and public place in the Town and advertising for **two (2)** ~~three~~ successive weeks at least **fourteen (14)** ~~14~~ days before the sale. Each sale, whether exclusively to abutters or opened to other bidders, must give notice as defined herein, except that for the exclusive abutters' sale advertising shall be required for one week at least **fourteen (14)** ~~14~~ days before that sale.  
Upon the petition to the Town Manager by two (2) abutters to a **town** lot, the Town Manager and Board of Selectmen can agree to sell a Town lot to one of the two abutters who can agree to subdivide the Town lot so that a portion of the Town lot becomes a part of each abutter's existing lot. (Art. 15, ATM 1991; By-Laws Art. IX§ 9; Art. 10, STM 2003).

Town Manager

Motion: The Finance Committee motioned to Adopt  
The Board of Selectmen recommended Adoption

Vote: Article 14 was Adopted Unanimously 7:30 PM 10/3/17

**Executive Summary:** The amendments to the by-law would allow for the sale of land of less than 5,000 square feet to be restricted to abutters and anything larger would be subject to open competitive procurement as outlined in M.G.L. Chapter 30B. Pursuant to M.G.L. c. 40A, § 6, grandfathered single and two-family use lots of 5,000 or more square feet of area with 50 feet of frontage, the Town should have the right to sell such lots at market value as do private owners.

Finance Committee Chairman, Scott Wilson motioned to Adjourn the October 3, 2017 Special Town Meeting Sine Die, and this motion was Adopted. 7:31 PM 10/3/17

RESPECTFULLY SUBMITTED:  
DENISE GRAFFEO, TOWN CLERK