

Chairman Charles Coldwell opened the meeting at 7:40P.M. with Selectmen Douglas Sears, Joseph Gill, and Jerry Selissen in attendance as well as Town Manager David Cressman and Recording Secretary Charlene Dennehey. Town Counsel Charles Zaroulis arrived at 7:45P.M. Absent was Selectmen John Ryan due to illness.

Mr. Coldwell asked for a moment of silence in memory of Nancy Totzi who passed away this week at a young age and was a very active member of Civic Committees in the community.

Recycling Committee Members – Status Report: Kris Rogers, Chairman

Kris Rogers, Chairman of the Recycling Committee, addressed the Board with highlights of the past year's Recycling Committee's efforts and status as follows: (a) Two Environmental Days, May 17 and October 18, are Recycling Days at the DPW where they collect large materials such as metals, car batteries, oil, hazardous waste, air conditioners, CRT's, and propane tanks. Had over 350 cars on both days and received help from the high school and volunteers. (b) Monthly collections on the 3rd Saturday of every month and materials like oil, sheet rock, CRT's. Also, fluorescent light bulbs which is fairly new. (c) The 3rd and 4th annual "Tidy up Tewksbury Days" when the community is invited to clean up certain areas of town, i.e. Shawsheen & Main Street at the lower end of the town and near Shawsheen River where lots of trash collects; the weather cooperated, average of 50 volunteers each day. Earlier clean up was collection at the DPW at the corners of Pond and Whipple; next "Tidy Up Day" will be in May or early June and the town residents are invited to participate. (d) Annual Scholarship Awards were presented to two high school students at \$500 each for college assistance. (e) Recycling in schools; replaced 50 bins in the schools, other schools have lost bins also. (f) No longer a grant for recycling bins to replace them. (g) Budget used: for new incentive recycling program for participants to be eligible for a weekly and monthly drawing; donations from businesses of gift certificates; purchased movies for TV in the library regarding recycling and environmental issues; Space Day in summer with prizes and promotional pens; attendance at workshops to keep current on information available. (h) Flea Market Program successful. (i) Coordinate with major town events for collections, i.e. Space Day and Fourth of July. Collected over 300 bottles on Space Day and over 600 on the Fourth of July. The funds go into their budget for recycling awareness promotions. (j) Courtney Benedict, Recycling Coordinator who faithfully attended meetings and applied for grants and involved in the school program activity. Due to budgetary concerns, lost her, a big loss for the committee. (k) Will publish monthly newspaper articles on recycling and environmental awareness in town; introduced Marcie Rizzo regarding the New House test project where Marcie and volunteers visited some of the new areas of town whose owners were unaware of the recycling program; went door to door with new bins, information, stickers, and contact and website information; will follow up to ensure they are using the bins.

Ms. Rogers stated that even though the coordinator is gone, they received 5,000 recycling stickers. Purchasing the bins is too expensive so stickers are available through Sandy Barbeau at the Town Hall. Participated in the Festival of Trees and donated the live tree to the town; involved in the mercury exchange program -- see Sandy Barbeau for a non-mercury thermometer. Current projects: (a) Rewards Program. (b) Annual Flea Market is Saturday, April 24, 2004 with businesses interested this year. (c) Tidy Up Tewksbury Day, (d) Environmental Day on May 15, Saturday. (e) Will get the John Wynn Middle School involved.

Kris Rogers thanked all the committee members who volunteer their time to help the community and introduced the committee members at the table: Jay Gray is the longest active member, Marcie Rizzo, Jennifer Cryder, and Sandy Barbeau as well as many people who are not present.

Mr. Coldwell also thanked the committee for their efforts as they do have a large and active committee and only appear once a year to update the Board. The town is fortunate to have them. The idea of taking an old barrel and using the stickers is very helpful and easy to identify for pickup. The interest is certainly there as many calls come into Sandy's office.

Mr. Gill added they are doing a great and unheralded job. Asked about the new program on fluorescents. Sandy Barbeau responded that about 6 months ago, they had the opportunity to collect fluorescent light bulbs for the 3rd Saturday of the month -- 4 and 2 foot bulbs -- the school department didn't have a program so are now working with them; drop them at the DPW on the 3rd Saturday. When the barrels get filled, the providing company collects them. The bill is paid to the collection company and town gets reimbursed from Wheelabrator. The money goes back into the General Treasury. There is no charge to the residents.

Mr. Gill stated that he is not surprised the State backed out of replacing the recycling bins and asked if the money generated when people buy replacement bins goes into buying new bins. Ms. Barbeau replied that it goes back into the General Treasury which is not a revolving account. Kris Rogers added that if we don't find a way to purchase bins at a net-zero loss, we'll have to rely on the stickers. They are bright and bold -- can't miss them -- collection companies have no problem taking marked substitute containers, even a laundry basket. They will try to have the stickers out whenever an activity, i.e. Earth Day, Flea Market, Tidy Up Tewksbury Day.

Mr. Sears thanked them for a good job and will need some stickers.

Mr. Selissen commended the committee and thanked them and inquired on average, what is a household's saving. Ms. Rogers responded that we are locked into a contract but does not have numbers tonight. There is a set amount you can get rid of and over that, it's \$140. If another town is under their amount, we can purchase it at a lower rate. We do pay when we go over our set tonnage but by staying under, we do not pay more.

Mr. Selissen added that bumper stickers are a great idea and was not aware you can mix recyclables but newspapers are separate; liked idea of going door to door to identify those not participating and volunteered to help. Asked for more information about the Monthly Recycling Incentive Program. Ms. Rogers replied that we have gotten our weekly prizes but are in the midst of collecting donations for larger prizes and hope to start it by summertime. A push of information awareness for townspeople, and winners come to town hall for the prizes, in the newspaper, etc.

Mr. Coldwell has reminders of dates to remember: Environmental Day is May, 15, 2004; Flea Market on the Town Common on Saturday, April 24 -- purchasing a table or space is \$10 through Jay Gray or Sandy Barbeau and thanked the Committee for their efforts and good work.

Ms. Rogers added that the committee meets twice a month at the Library at 7:00PM on the first Wednesday and third Tuesday.

Maverick's Hearing (continued) – Alter Premises

Chairman Coldwell announced this is a continued hearing so the previous Notice will be in effect. Present were Attorney William Rambler of 1445 Main Street representing Rene Proctor and Maverick's and Mr. Proctor. Also in attendance were Tom Carbone of the Board of Health and Building Commissioner Joe Colantuoni. Mr. Rambler addressed the issue with respect to the time the Building Inspector and Board of Health had to review the proposed plan. The Board desired they provide evidence that the plan submitted was the same as the Board of Health and Building Inspector so they are all on the same page. He provided stamped copies of the Plan by the Board of Health and Building Inspector which were handed to the Chairman for the record. Mr. Gill asked if the plans in the books were the same plans as handed to the Chair and was confirmed they were. Mr. Rambler also handed them an 8 ½ x 11 inch plan showing the existing floor plan and suggested they put that plan along side the proposed plan for this discussion. Mr. Rambler directed them to the proposed plan and stated they are flip-flopping the area shown as "pool room" on the proposed plan which was at the rear of the building in the existing plan and the area showing "dining room" is now proposed to be the "pool room". On the proposed plan, the rear's non-smoking dining area corresponds with the dining area on the existing plan. The pool room will go up front and the dining area to the rear, so essentially, "flip flopped". In the front of the building on both plans, the area for "dining and bar area" is the existing dining/bar area. The change is the middle of the proposed plan, a waiting area and new restrooms, which is where the substantial change appears in the floor plan. This will facilitate the traffic flow for people waiting. The dining area has no appreciable increase in area but is slightly larger. The total addition is 800 square feet of floor space to improve the existing facility, not to add to the bar or dining areas. The General Laws require that when there is any alteration in the use of a premises for which there has been a liquor license granted, we must appear before the Board.

Mr. Colantuoni stated he and Tom Carbone met with Mr. Proctor yesterday and went over the premises and are in agreement on the layout as presented which was the purpose of their attendance tonight. Mr. Carbone concurred but one hang up was the re-do of the kitchen floor plan and layout which has been reviewed and approved for construction. We have the timeline and as long as he adheres to it, should not have any problems.

Mr. Sears stated he is satisfied as he has taken a tour there 2 weeks before and the intent is clear and as approved by the Board of Health and Building Commissioner, answers his questions.

Mr. Gill stated it is not as cut and dried as it seems and is concerned that they got so far in the construction phase before they came before this Board – a giant mistake all along and should not be allowed to occur in the future. Asked if they plan to change the seating capacity.

Mr. Proctor replied that the seating of 84 seats includes everything and remains the same as it was. Mr. Gill asked if the waiting area is the same, forever, and will not be turned into a functioning area. Mr. Proctor replied that it stays that way as the dimensions are approximately 10 ft. wide by 20 ft. long, like a hallway, and not much can be done with it.

Mr. Gill is concerned about the other entrance by the non-smoking dining area and if it will it be an active entrance. They already have problems with activities in the back of that parking lot. Why two entrances? Having an active entrance in the back will encourage that type of activity. Mr. Proctor replied that there has been a door out that back right along.

Mr. Gill asked if he received a notice from the Police Chief who didn't want that back door to be used as an entrance. Mr. Proctor stated that he wanted only one door to be used, the front door.

Mr. Gill: He didn't want the back door used as an entrance.

Mr. Coldwell: We had a discussion about that door.

Mr. Proctor: Oh, late at night he didn't want patrons going out that back door but the dining room closes at 11:00PM so that room would not be used any longer.

Mr. Coldwell: And we had an agreement that back door would only be used as an exit if necessary and we would possibly take precautions like an alarm or something of that nature.

Mr. Proctor: That was the door in the back of the building that only I would be using myself; the neighbors thought it was for patrons and it is not. The door on the side is a couple of feet from the back.

Mr. Coldwell: We were looking from the gentlemen's window, a door on the side. We talked about taking precautions not to let that door be used for people to go in and out into the parking lot.

Mr. Gill: If I am going to be anywhere positive on this, that's going to be one of the things we'd have to deal with. The dimensions of the new building, what's the footprint?

Mr. Proctor: Of what was added on? 42 x 28

Mr. Gill: So we're talking about 750 sq. feet? Includes the second floor?

Mr. Proctor: Under 800 sq. ft. I don't know the 2nd floor square footage.

Mr. Gill: Question for the building commissioner: when you talk square feet with 800 being the limit, if the footprint is 750 sq. ft., wouldn't we include the footprint of the 2nd floor?

Mr. Colantuoni: No, we haven't in the past. We've always used the footprint in these cases. The upstairs is not anything substantial, storage up there. Now a small office up there. When he talked about more storage up there, he had to put a fire sprinkler system in there and he said he would not be using upstairs for anything.

Mr. Gill/Mr. Coldwell: Confusing because the 2nd floor would be used for office.

Mr. Colantuoni: One office, he shows it on the plan about 10 x 16 for himself. Office towards the front, not at the back end of the building.

Mr. Gill: The original objective of this addition was storage. Where is the storage? If he can't use it for storage on the 2nd floor now, where is it now?

Mr. Proctor: On the right hand side, the walk-in cooler side. The addition was because I need a new kitchen and in order not to shut the building down, I had to have that extra room to move things around to do it in phases. The main reason why I put that on.

Mr. Gill: If I remember correctly, you originally pulled the permit for storage. I'm very confused at this time.

Mr. Selissen: Clarification purposes: Open space is 10 x 20? It looks bigger than that. You'll bring people in through the front door, walk in through the dining room and bar and into the open space to wait for a table. No intention at this time for you to apply for an entertainment license for any of your facility? Mr. Proctor: Definitely not.

Mr. Cressman: I have a concern on the notation "open space". If it's going to be used as a "waiting room", it should show that on any plan that is approved by the Board of Selectmen rather than the words, "open space". Personal concern: will that space be separate from the bar area?

Mr. Coldwell clarified that when you people are through, are they going to be separated from the bar area and the waiting area and by what fashion, a wall?

Mr. Proctor: Yes, they are. The hostess at the front door directs people on where to go.

Mr. Cressman: I think it defeats the purpose if you have a non-smoking area in the back and people sitting waiting to go there in an area that's open in the bar area where I presume there is smoking.

Mr. Selissen: That is the way it shows on the plan.

Mr. Carbone: That is correct -- if that is going to be the waiting area, that would basically make the bar area a non-smoking area. One other thing with the change proposed with eliminating that back entrance into the non-smoking dining area, it creates the only access by the public to that dining area now through the bar and under Board of Health regulations, would require that the bar area be non-smoking.

Mr. Coldwell: Come the summer and the DNC leaves, aren't we all supposed to go non-smoking?

Mr. Carbone: Could be moot come July 3 or 5; technically, the law has not been passed yet by the legislature. All indications are that at some point it will be and even if vetoed by the Governor, the votes are there to make it veto-proof. At this point I've got to go with the assumption that the law will not go into effect. Hope it will but can't hang my hat on that.

Mr. Coldwell: In any event, what was just said was -- that marked waiting area on the final plan -- the petitioner must realize that his bar becomes non-smoking.

Mr. Carbone: If that's the area where they stack waiting people and the only access to that back room is through the bar, then that is correct.

Mr. Proctor: It's a waiting area for people that smoke or maybe they don't smoke. If the side entrance is set up the way it is, you come in the door, there's going to be a waiting area there also to sit down, have to have that door on the side, non-smoking -- that's the way it was set up because they have to be segregated from the smoking area. But people that smoke, if they came in through the front door and want to sit in the waiting area, they'd be in a smoking area, not a non-smoking area but the back would be.

Mr. Coldwell: Don't have my notes with me but as I recall our conversation, we discussed not using that side door as an entrance. The neighbors are here. That side door was only to be used when necessary because people were wandering out later in the evening and creating problems.

Mr. Proctor: The day we had that meeting, they thought the back door where my office is going upstairs, that's the door they thought to be used for patrons -- they misunderstood.

Mr. Coldwell: As I recall, the side door leads right out to the parking lot and we even talked about alarming that in case people went out in the evening, talking loud and coming back in. This set up is that your bar will be a non-smoking area; that side entrance we agreed would be used only if necessary.

Mr. Proctor: Want me to eliminate the waiting area then?

Mr. Coldwell: I don't want you to eliminate anything.

Mr. Carbone: Currently, the dining area marked as the pool room now, is physically separate and therefore the bar which serves primarily alcohol, is allowed to be smoking and there's a separate ventilation system, etc.

Mr. Coldwell: If in fact this stood and we wanted to continue to allow smoking in the bar, could a petition in the ventilation laws be done?

Mr. Carbone: You're suggesting a variance? There were two instances where the Board of Health granted a variance where a physical barrier could not be constructed for safety reasons and the Board did approve alternative proposal. Don't know that would be a situation to happen

here. Have to walk through the entire bar area; any area that a non-smoking person would have to go through to get to the non-smoking area, dining area, would have to be smoke free.

Mr. Coldwell: We had a meeting with the neighbors and we're talking about Phase 2, diminish noise, etc. and the door on the side. Some of the individuals we met with said that other people come out at 11PM or 12 at night, go out the side door, leave it open, have a conversation and then go back in. Noise is disturbing to them at night. Talked about using that only for a purpose of getting out or even alarming it with a sign as well. Now we have the waiting area which will create a non-smoking situation with his bar.

Mr. Sears: Understood that the pool area was in the back, the hallway, exit and that door people complained about. That area is now where the non-smoking dining area will be with a door on the side into a dining area; don't see people playing pool coming out that door to do anything. Pool at the front of the building now; was talk about erecting an 8 foot fence around the whole back of the property at his expense, higher in some areas that are on an embankment. With the combination of the fence going up, the back door not being used for pool players and the pool hall being moved to the front of the building, should alleviate the problem.

Mr. Proctor: The dining room closes at 10PM during the week and 11PM on weekends. Nobody should be able to use that back door after the dining room closes except for fire access. The entrances are in the front of the building, not the back.

Mr. Sears: So the pool tables are at the front of the building and you'll erect an 8-foot fence at your expense across the back of the property?

Mr. Proctor: Around the back, yes.

Mr. Gill: All the complaints have not indicated even once that the pool players were the cause of this problem. They indicated that there were intoxicated individuals out there causing all kinds of noise and bedlam, didn't say pool players, said intoxicated people. By having that entrance in the rear such as that, whether a dining room or whatever, past experience says that entrance will be used and now it's very intrusive and deeper into their neighborhood now. As intrusive as it was last year, it will be doubly so this year.

Mr. Selissen: Is it possible, Mr. Proctor, that it would be feasible that when the non-smoking dining room is closed, that you could alarm that rear door? So once 11:00PM comes and the dining room is cleared out, you can alarm that door.

Mr. Proctor: Definitely. Not a problem. I don't want them going out that door or in the dining room because they have no reason to be back there.

Residents (1 of 2):

John Trani, 3 Madeline Road: (a) How many doorways does he have in this restaurant that are entrances and exits? He has one in the bar, one in the pool table room right now -- those are the two of great concern now and are the ones open at night when it's too cold for air conditioning or too hot -- they open the doors and go out and have a cigarette and leave the door open and go back and leave it open. Happens during the day and night. The new door coming out will add more noise on the other side with the other houses. (b) Expansion of the restaurant -- says only seats 84 -- is that all they're allowed to have in there, so if more than that, what happens, like 125 people in there? Mr. Proctor: Total of 7 entrances.

Mr. Coldwell: He's in violation of his permit but there may be people waiting for seats and that happens. You mean actively participating in drinking not eating?

Mr. Trani: Exactly, which leads to more parking. His parking lot is full now and the restaurant is getting bigger and we're afraid more cars will park up toward Madeline Road.

Mr. Colantuoni: In anticipation of the question, went out about a week ago and the parking lot has 90 spaces now and he said he'll be paving and re-striping it, which is plenty more than what he needs for the 84 seats in the place. Needs about 50 spots there right now and has 90 spaces – meets the bylaw requirements.

Mr. Trani: So if it gets to the point where they're parking up March Road...

Mr. Colantuoni: Call the police.

Mr. Trani: The second floor, is it an attic or a second floor – what's the difference?

Mr. Proctor: Can't be used for living space or the restaurant. Under the height that's required.

Mr. Colantuoni: It's a big space but we go by what's on the plans and what's on the application. A big wasted space in my opinion. Not used for the restaurant.

Mr. Coldwell: We talked about that and were told it would be his front office. If that were to happen, wouldn't they have to have access for handicapped to get up there?

Mr. Colantuoni: Definitely if it were for patrons, the public.

Mr. Trani: Second floor not used for anything, just his little office? If he changes his mind, does he get a permit for this?

Mr. Coldwell: That's what he said before and confirmed tonight. If it changes, he has to come before the authority.

Mr. Trani: Emergency alarms on all those doors to keep them shut? Will he do that?

Mr. Proctor: Don't have a problems doing that. Mr. Coldwell: He said, 'yes'.

Mr. Trani: Another problem is the dumpster, a concern of everybody's. Whether he gets a bigger one or gets dumped more than once a week?

Mr. Coldwell: (a) We talked about getting it dumped more than once a week because it's filling up too soon. (b) The fence -- we agreed he was going to meet with the neighbors and try to erect the fence on one of the neighbors' properties – have to write an agreement because would start it a little higher because went up the hill, start at the base of the fence and go upward and go higher than the present fence is to give some privacy to your particular home for one and the house beside you. (c) he also agreed to tint the windows upstairs in the office area in case he was up there working late at night and then in the dining room downstairs, too, so they wouldn't create more light in the evening. (d) Talked about the parking lot, the exits and the doors, and people being out there in the winter and summertime.

Mr. Trani: A time limit on this, when the fence has to go up?

Mr. Coldwell: We agreed we'd be meeting again on this when the good weather came, in a month or two, and I will ask Mr. Proctor and us to get together again.

Mr. Trani: The pool table license, it's been quiet the last 3 weeks which has been nice and wondering why all of a sudden it could be so quiet and then noisy other times. Is it because they have pool leagues that haven't started? If they're back and they start making noises, we tell you?

Mr. Coldwell: We reissued that pool table license two weeks back; don't know if the leagues area back. Told they are back. Yes, we need to know if that happens.

Mr. Trani: One of our meetings back in 2001, it was stated that if we had problems with the pool leagues, that he could pull the license.

Mr. Sears: That was the Chief of Police wasn't it?

Mr. Coldwell: Referring to the Minutes of the hearing that evening, we're on a new path and Mr. Proctor and this Board are very cognizant of what is happening and hope for the best and will keep our eye on the situation.

Mr. Trani: We'll know in the next couple of months when the warm weather comes as that's when most of the noise starts, when all the doors are open. Hope he does all he says he will.

Mr. Coldwell: We'll have another get together in a couple of months and address the things we discussed back when it was colder.

Town Counsel Zaroulis made a statement, so there is no misunderstanding that if there is a violation with the pool tables and too much noise, a complaint has to be received by the Board and the Board can't simply pull the license -- it has to give notice concerning a "Show Cause Hearing for Revocation".

Mr. Coldwell: I'm sure the neighbors know that there is due process. Thank you.

Residents (2 of 2):

Bob Cusolito, 12 March Road: What is the total number of people allowed in Maverick's? Not just the seating, the total number allowed inside.

Mr. Coldwell: If it says 84, it's 84 seated. Has to be a little bit of give and take if people are waiting like in any restaurant, not another 84 obviously.

Mr. Carbone: The number 84 comes from the septic system design. Title 5 dictates the flow coming from the restaurant and is based on seats. Dick [Colantuoni] and I have gone back and forth on the numbers that come into play for occupancy: (1) seating capacity (2) amount of parking, (3) the building code and what the code allows. The lowest number right now is 84 and based on seats. Title 5 doesn't address occupancy because it is not a building code. It is totally designed for the septic system and that's it. I can't allow any more than 84 seats in there in total.

Mr. Cusolito: A constant problem in the summertime with Maverick's with people coming out at 1AM, drinking in the parking lot -- go by any morning in the summer and see beer bottles in the lot -- they come from the bar, they're not cans, they're bottles. That means we're putting up with all that noise every day with people out there drinking, motorcycles revving up, 1:30 or 2:00AM. An uproar in that neighborhood and since the pool tables, everything went downhill. Problem wasn't as much before the pool tables came in. You don't want to keep your windows open in the summertime. We've complained to Mr. Proctor, complained about the side door being open; he told the bartender to close it, etc. but they don't watch it. The side door isn't just people going in and out; they leave it open so they don't have to keep the air conditioning on and it's open all night sometimes. We complain to Mr. Proctor and the next night he walked right through the door and saw it was open; we get promises and they're not done. When he goes for the license, he agreed to block off March Road, keep that door closed. It took a year and a half to get the road blocked off, something he agreed to. It'll be the same way now. If we make an agreement, how can it be enforced?

Mr. Coldwell: We'll try our best to see it is enforced. We talked about many issues, identified them, and we think we have solutions. If something goes amiss, we need to step up and do something about it.

Mr. Cusolito: My neighbor was told by Mr. Proctor that some of the motorcycle people would like to know which people are doing the complaining. I consider that almost a threat and I don't like that. It wasn't said to me but was said to a neighbor in front of his wife.

Mr. Coldwell: I haven't heard that but if there is anybody threatened, that's a police matter and it will be addressed. We have a fine police force and guarantee that they wouldn't allow that.

Mr. Colantuoni: Just for information for the Board, if we're talking about putting up an 8 foot fence, he's probably going to have to go to the Board of Appeals to get that. Wouldn't say there would be a problem, but go thru that process more than 6 feet high. The neighbors would be there....it will take some time to go through that process.

Mr. Coldwell: The circumstances of the case merits at least some consideration. I could probably speak to the issue as well as an interested party. Glad you said that too so we can alert the neighbors to come to that hearing as well.

Mr. Selissen asked which are Mr. Proctor's busiest nights?

Mr. Proctor: Usually Friday and Saturday and sometimes Thursday, not always.

Mr. Selissen: Wondered if Mr. Proctor would consider hiring some part-time security person to police the grounds on Friday and Saturday to accommodate some of the neighbors. Used to call them a "bouncer" but now called security people.

Mr. Proctor: Not at all, and walk the parking lot and make sure people who come out, get right in their cars.

Mr. Cusolito: Does the pool table license come up for renewal every year? Are residents allowed to come to the meeting and voice their opinion in opposition to it? When does that come up? Mr. Coldwell: You bet they are. Usually, just before the first of the year.

Mr. Cressman: Most licenses are usually renewed the first of the year but pool tables are an unusual one -- think it's a May license, state law.

Mr. Cusolito: We can find out from the Town Hall? Mr. Coldwell: You bet. Call the Selectmen's office and they'll give you that date.

Motion by Mr. Sears, seconded by Mr. Selissen, to approve the application for Maverick's to alter premises.

Mr. Gill: Before you take the vote, I want to explain my vote. I will vote in the negative. I have sat in this chair many times and received packets of irate letters from your neighbors. Sat here many times and you've made many promises. If the promises were fulfilled, we'd never receive another letter. We keep on getting the letters so you haven't proven to me that you deserve my vote for your license therefore I am going to vote in the negative.

After further detailed discussion of other concerns from neighbors and Board members and upon Town Counsel's advice to add these specific concerns as conditions to the Motion, Mr. Coldwell asked if the Board wished to offer an Amendment to the Motion.

Motion to Amend the Motion by Mr. Sears to read, to approve the application for the alteration with the additional conditions that there be a security person on Friday and Saturday nights in the parking lot area to keep the peace, that the outside door to the non-smoking dining room area be alarmed and no usage of the door after the dining room closes, that Mr. Proctor

make the appropriate application for erecting an 8-foot, sound-proof fence to run the length of the rear of the property to screen the restaurant from view of the neighbors, that the dumpster area be maintained and kept clean so as not to be a public health nuisance, and to screen the dumpster so that it is protected from view.

Mr. Coldwell stated that we have a Motion and we have an Amendment.

Voting on the Amendment as proposed by Mr. Sears, all those in favor indicate by saying I. Unanimous vote. Absent Mr. Ryan.

Motion as Amended whereby granting of the permit to make the alterations with all the conditions as so stated in the Amendment. All those in favor of Mr. Sears Motion as Amended, please indicate by saying I. Vote passes 3 to 1 – Mr. Gill opposed. Absent Mr. Ryan.

Mr. Coldwell commented that in working with the neighbors, Mr. Proctor has brought us further along than things have been in the past couple of years. It is my hope and the Board's hope that this does indeed work out and the consequences are pretty clear if it does not.

Mr. Coldwell closed the hearing and called a five minute recess.

At 9:15PM, Mr. Coldwell continued the regular hearing.

Jasmine Estates – Comprehensive Permit Project, 115 Brown Street

Attorney Edie Netter, land use lawyer representing Jasmine Development, LLC, appeared to present their project briefing and answer any questions from the members. The project is 12 units on Brown Street, 2 quadraplexes and two duplexes, on 3.32 acres, with some wetlands on site. This is a mixed income housing project and 9 units are market rate and 3 are affordable at \$160,000. Family income eligible earn below \$64,000 per year. Also in attendance were Steven Dresser, Manager of Jasmine Development LLC, and Wayne Freitag, Site Supervisor for the project. Wayne has lived in town his entire life and continues to live here.

Steven Dresser gave a brief overview of the project. It is located on Brown Street, across the street from Greenhalge Street; consists of 12 townhouses, condominiums for sale, approximately 1,080 sq. ft., 2 bedrooms, 1 garage, 1 parking space and 3 additional off site parking spaces. Site contains 3.32 acres; wetland provides a buffer to the side and rear of the property. Will be serviced by public sewer at the rear of the property and town water on Brown Street; 9 are market rate, 3 affordable.

Mr. Sears: A strange looking lot and wondered what the mosquitoes would be like; ambitious stretch, making use of dry land but lots of flooding in Brown Street area periodically and has it been taken into consideration.

Mr. Dresser: Aware of Wetlands Protection Act and have not been to Conservation Commission yet; was flagged. The green line will be set; not surprised with flooding in the area but would be surprised if flooding onto the property due to slope outside of the wetland.

Mr. Sears has concerns about that whole area's flooding history and endangers the project.

Mr. Dresser: Miles Road is to the left of it and does not flow towards this project; drainage divide at the end of Miles Road and flows into catch basins which go in the other direction. We're at the crest of a hill. Standards of Storm Water Management regulations are state mandated for increase in runoff rate; will be engineered to ensure there is no increase in runoff rate.

Mr. Sears: A real tight fit but ensure they are investments for people so after you're out, it doesn't become one of the blights because of water problems. There are water problems extensively in town and it is an ambitious project. The Housing Partnership likes to figure 8 better than 12; share the discussion, please.

Mr. Dresser: We weren't invited but got a letter from them. This is at the preliminary stage, open minded and listening to concerns, nothing is off the table. Currently at Mass Housing for site approval and part of that process is coming here.

Attorney Edie Netter gave background: It is a 40B project; first level of approval is to Mass Housing for a Site approval; Mass Housing issues site approval letters for New England Fund and another program called Housing Starts. Basics are 25% affordable, long-term affordability, home ownership. This is the first level and then ZBA. We have to comply with all state requirements and local requirements that the ZBA chooses not to waive. Massachusetts has one of the most stringent Storm Water Management programs in the country and we have to comply with that.

Mr. Sears: Concerns -- a 40B, not LIP, Housing Committee prefers 8 and you want 12 so this is your plan, then to the ZBA?

Attorney Netter: At this stage in the process, the Board of Selectmen have the opportunity to write a letter of comment to Mass Housing and Mass Housing takes very seriously what comments are made by the local board. We are providing you information tonight to be helpful in your informed comments to Mass Housing.

Mr. Sears: You have the green line [on the plans] conveniently running down the side of the driveway -- is that proposed driveway area raised a little bit?

Mr. Dresser: It is higher than the wetland and there is an existing home on the site and matches the grade of the existing driveway; on other side are existing homes on Miles Avenue. They are 10,000 sq. ft. lots so they're not right up to the back, 100 feet deep, 20-25 feet off the road. Have 50-foot back yards, 4 homes. Have not talked with the abutters but would be part of the discussions during the permitting part of this.

Mr. Sears: How much setback between the driveway and the lot line? Mr. Dresser: Nearest point is 7 feet.

Mr. Gill: A creative lot; scary knowing what it is like. Want to review comments made by the housing partnership as they were not excited about the height of the building; didn't mirror existing neighborhood.

Mr. Dresser: Willing to listen to any concerns and work with the boards and committees on this project. Need to sell these and make a reasonable profit; if things we can do make sense and allow a reasonable profit, we will do those.

Mr. Gill: Reducing the height of the structure is reasonable?

Mr. Dresser: We would not have the same type of building but we're willing to talk about everything, in early stages, and will not dismiss any comments from the Housing Partnership.

Mr. Gill: Director of Community Development commented that proposal requires a notice of intent application because of a proposed activity within 100 feet of the wetlands source.

Attorney Netter: We have to do that.

Mr. Gill: Town's buffer?

Ms. Netter: We'll seek a waiver of that requirement but up to the ZBA whether they grant it.

Mr. Dresser: There is a requirement to go before the Conservation Commission for notice of intent as under the state statute, wetlands protection act. The 40B statute allows you to bypass local regulations such as the wetlands bylaw if it limits your ability to make a reasonable profit.

Ms. Netter: Rephrasing, we will only seek those waivers that are ultimately necessary for the project and to the best of our ability we will try to comply with all those local requirements that we can but all of that is part of the negotiation process with the ZBA.

Mr. Gill: You will have to square away exactly what the size of this lot is. Mr. Sadwick's note says that the Assessor's map shows the property to be 2.9 acres but the application shows 3.3 acres, tonight you show 3.2? Mr. Dresser: It is 3.32 acres.

Mr. Gill: What is the actual buildable portion? Mr. Dresser: Buildable portion is 1.41 acres.

Mr. Gill: The density? Mr. Dresser: Between 8 and 9 per acre, based solely on buildable acreage. Ms. Netter: The guidelines the state uses, which can be completely different than how you look at it or how the Zoning Board looks at it, is 8 per entire acre not just buildable acre.

Mr. Gill: I'm very concerned not only about the density but the encroachment and the wetlands act down there – it is a very, very wet area and we've had problems there in the past. With those buildings they're going to displace, may cause other people problems down there; a very bad area.

Mr. Dresser: That is typical of any development, a concern of any development. I'm an engineer by trade and it is our charge under state regulations to make sure that we do not increase any of the issues that exist there and we are obligated to do that and will do that.

Mr. Selissen: 12 units on 1.4 acres = 5,000 sq. ft. per unit, roughly. What is estimated for the number of children in this build out, any numbers?

Mr. Dresser: With the 2 bedrooms, pretty low. May not be any. There is a study out and we can provide those numbers to you. Recently built a 44-unit townhouse of this nature in Billerica and there are 7 children, and of those 7, only 1 came from outside the school system. The 2 bedrooms tend to keep the amount of children down. Sold to a lot of starter families; housing need for that here. People buy before they start a family and have one child and by the time they have a second, they need to move on to a 3-bedroom. This allows them to build some equity so they can step up into the 3-bedroom.

Mr. Selissen: Are you looking to make this 55 and over or a consideration?

Mr. Dresser: We have not. With these types of units, it would be hard, i.e. upstairs living, architecture not designed. Don't want to dismiss anything; would entertain that but may be more restrictive than other issues.

Mr. Selissen: Wetlands – is MEPA required to get involved in here at any point?

Ms. Netter: No, it is way under the MEPA threshold.

Mr. Selissen: Is it possibly a requirement by some agency to have a condo association to have to spray the wetlands on a regular basis?

Ms. Netter: Absolutely and we will work with the Conservation Commission and the town on issues like that.

Mr. Selissen: In my opinion, you need to engage the neighbors early on so the earlier you engage them, the better.

Mr. Coldwell: In every project that has come before us, be it a 40B or a LIP, I always take the position of talking with the neighbors, probably the most important thing to do. It's a partnership to get these people to buy in because we have issues on wetlands, etc. so bringing them into the picture wouldn't hurt at all. Did you receive the other comments made by the Town Engineer, Public Health and others?

Ms. Netter: We have not received anything and it would be really good to know about them so I will contact them.

Mr. Coldwell: Think about talking with the people as they want to know like, are we going to be affected by the displacement? You know the questions you'll be asked. Also, the density concerns me as well. You indicated to us that you are open to all suggestions at this time. This is a discussion and our comments will go forward to the Mass Housing and you've heard them tonight. Will be interested as time passes, to see reaction of some of the people who live in that neighborhood. There will be some explaining requested, what to expect and what not to expect.

Mr. Dresser: I'll gladly do that.

Mr. Coldwell asked if there were any other comments from the Board or neighbors in the audience. Seeing none, he thanked Mr. Dresser, Mr. Freitag, and Attorney Netter for coming in and the Board will send their comments along and will talk about this again at a later date.

Town Manager

Budget Message from Town Manager

Due to technical difficulties with the presentation equipment, Mr. Cressman provided his Budget Message in verbal form. Fiscal year General Fund budget totaling \$70,726,956 reflects an increase of \$1,581,537 from the fiscal year 04 adopted budget or a 2.3% increase for all town departments, boards, or commissions and committees. Additionally, this budget provides for 217 full time positions. Budget Process: When the economy declined several years ago, was invited to be part of a panel to explain how munis can weather the economic downturn of the 1980's and early 1990's. He discovered that the last economic downturn covered 4 fiscal years and thus projected the current fiscal downturn would last 4 fiscal years and to date, feels he is correct as fiscal year 05 represents the 4th fiscal year of the economic downturn and fiscal year 06 looks somewhat brighter. To date, Tewksbury has followed same strategies used in the last economic downturn such as reducing capital expenditures, i.e. road paving, and reducing capital equipment purchases, i.e. public works vehicles; reducing staffing in most departments except the fire department; increasing fees and other charges and offering an early retirement program.

What we have not done this time is to avoid certain actions we took 10 years ago. Proposition 2 ½ debt exemption, use of existing debt to fund operating expenses; a large number of layoffs in the school department or significant employee concessions from town and school employees, combined with the trash fee; deferred expenses and were paying them back over time, i.e. teacher salary deferral; severely curtailed services by closing a fire station; significantly deferred capital expenditures and the police and fire departments. Since fiscal year 05 will be the 4th year of the economic downturn, the preparation of this budget becomes difficult: there does not appear to be any support for taking some of the actions used in the last economic downturn.

Massachusetts Budget Process: Little certainty that the Governor's budget recommendation will be adopted by the state legislature which will not consider the Governor's recommendations until late April, after this budget is presented. This combined with how information is gathered in the Commonwealth, i.e. new property tax growth, and utilities and timeframes for establishing and certifying new property tax growth; uncertainty over town expenditures in fiscal year 04 from snow and ice and health insurance costs; lack of adequate reserves in the stabilization fund combined with declining free cash amounts to buffer revenue issues.

Based on these reasons, I'm not presenting a balanced budget but one based on known factors to date to suggest a roadmap to achieving a balanced budget over the next several months rather than alarming everyone with expenditure reductions that may not be necessary. In terms of revenues, the \$69,922,935 in revenues for fiscal year 05 is an increase of \$777,516 from fiscal year 04. The property tax revenues forecast full use of the 2 ½% levy limit and a decrease of \$64,311 in existing debt exemptions. New growth is expected to increase by \$700,000. While this is a decrease from fiscal year 04 new growth of \$1,033,360, this number would be significantly lower if it were not for the fact that certain developments which were tied up in litigation -- such as Stonebury Crossing, Emerald Court, and a revitalized Oakdale Mall -- are finally being developed. Looking ahead, residents do have a right to pull certain developments such as these projects but without developments such as these, the town would not survive on developments such as relocating gas stations, an automotive warehouse parking lot, and car washes which do not seem to engender as much debate.

For the future, the town must have projects such as the DeMoulas Warehouse expansion and the Mills project as some focus on economic development which is realistic and viable and not something that will not occur very soon such as commercial, office research, and manufacturing facilities for which there is a surplus in the market. If there is a market for these types of developments, the Cormier Project on Highwood Technology Drive and Ames Pond Commercial Property which are already permitted, would already be under construction or there would be development proposals for the former Wang facility on North Street or the former Raytheon facility on Woburn street. State aid is level funded. While the Governor's budget proposes an increase of \$447,228 in local aid, there is no certainty that the legislature will adopt this. One of the major reasons for our fiscal problems is that the Governor and State Legislature have sent part of their budget problems back to us.

In terms of local aid in fiscal 02, we had only \$16.3 Million, decreased to \$16.1 Million fiscal year 03, and in 04, it decreased to \$15,188,073 which represents a reduction of \$1,105,921 or 6.78% over this time period. What is disturbing about this has been a reduction in lottery funds which were supposed to go to cities and towns when lottery funds have not decreased but have been used to balance the Commonwealth's budget and the Commonwealth is walking away from school transportation reimbursements for Tewksbury schools and we cannot walk away from this issue plus demanding we improve schools' performance while cutting Chapter 70. Hopefully, the legislature will follow the Governor's recommendations. Local receipts are level funded due to the current year's performance which to date shows decreases in hotel tax bed reimbursement and investment earning receipts. Also, this is level funded to start to rebuild free cash funds as required by the bond rating agency to protect our bond rating. Free cash shows a decline of \$266,000 plus not using overlay surplus of \$600,000. Over the past few years, the decline of

free cash has contributed to our fiscal problems. Fiscal year 02, was \$2.7 Million, fiscal year 03, was \$2.2 Million, fiscal year 04 was \$1.6 Million, fiscal year 05 is \$1.35 Million.

One of the major reasons for the decline of the amount available for fiscal year 05 was the Governors' fiscal year 03 lottery fund reduction of \$280,000. A decrease in the transfer of exemption property dollars to the sewer fund and a decrease in the teacher salary deferral of \$33,000 are planned.

In terms of expenditures, over the past several months, Selectman Selissen and Finance Director Walsh have developed a financial model which provides perspective of what has occurred from fiscal year 2000 to 2004 and highlights the town's expenditure problem looking ahead to fiscal year 05. The average percent increase from fiscal year 2004 in terms of town salary is 2.4%, school salaries, 3.3%, school operating 4.4%, town semi-variable expenses 3.5%, town variable expenses -5.2%, town fixed expenses and increase of 4.2%. This includes retirement which grew at a rate of 10.3%, health insurance which grew at a rate of 8.6% and Shaw Tech which increased at a rate of 1.8%. Total appropriations for the town over this time increased by less than 3.7%. It is clear that the major expenditure increases have been in retirement assessments and health insurance and fiscal year 05 will be no different. Based on the town's forecasted revenues, I reduced the town departments' requests by \$1.1 Million and the school departments' requests by \$976,409 so that they are level funded for fiscal year 04 to 05.

Highlights of town departments' recommendations: budgeting the library to maintain certification for both grants and inner library loan privileges; maintaining capital improvement purchases and police, fire, and public works; increasing staffing in the assessor's office back towards its former level and increasing staffing in the community development department which will be offset by reductions in the sewer enterprise fund expenses. Unfortunately, this budget does not address some of the town's needs: funding a street paving program with general fund dollars, restoring public works positions, restoring police department positions, funding an ambulance at the South fire station, funds for town's collective bargaining sessions. In terms of the school department, the impact of these recommendations is unclear until there is better information from the school department as to the impacts of this budget recommendation. As shown in the financial model, excluding certain unclassified expenses, the school department has done better than the town departments over the past 4 fiscal years and will likely have to consider a greater amount of any future fiscal year 05 budget reductions if there are not other methods for balancing the fiscal year 05 budget.

The Shawsheen Tech assessment increased by \$303,431 based on the formula for assessments, increasing enrollments from Tewksbury, and increased insurance and pension costs. The town's unclassified expenses increased by \$1.7 Million which is almost equal to the town's proposed increase in property tax revenue. Two major expenditure increases in this category are health insurance, up almost \$1.1 Million, and retirement assessments up almost \$500,000. In fiscal year 04, the health insurance budget did not have a major increase which partially explains this problem which we are going to face the next fiscal year. It is only the tip of the iceberg which is a much larger problem and needs to be addressed at the federal and state government levels. Fixed expenses declined by \$349,000 because this is not an evaluation year and the sewer cost recovery increases due to the unclassified expense increases.

In terms of the continuing budget processes as noted earlier, this budget is unbalanced and the projected deficit is \$804,020. This figure could be worse if not for the decision to save over \$100,000 in solid waste costs by anticipating the continuation of the one-day collection program using NEWSC revenues of \$50,000 to offset the Sutton Brook superfund clean up costs in anticipating legal costs for Sutton Brook in FY05 would significantly decline or be offset by NESWC reserves.

As of today, the best roadmap for reducing the deficit is as follows:

- (1) The Legislature adopting the Governor's budget for Tewksbury will reduce this problem by \$447,228, over half. Currently the snow and ice expenditures are budgeted at \$700,000 and over \$450,000 has been expended as of now. Hopefully the town will not need to spend the full \$700,000 plus we anticipate a reimbursement of \$108,000 for the December 5 snowstorm. Depending on the weather, there could be a savings of \$100,000 to \$200,000.
- (2) Group Health Insurance: Current year projected deficit of \$600,000 due to some large claims earlier in the year. If the level of expenditure stabilizes or declines over the next several months, combined with negotiations over this issue, this number could be reduced.
- (3) New Property Tax Growth will not be certified for several months; hope this improves.
- (4) May be some other alternatives that may be explored over next several months before it is necessary to make reductions in town and school department appropriations.

In closing, Mr. Cressman wished to thank all department heads for their cooperation in putting together this budget, particularly Mrs. Walsh and her staff assistant in compiling the budget figures and the town manager's staff assisting and proofing, and compiling this document.

Chairman Coldwell asked for comments from the Board.

Mr. Selissen: Spent time with Mrs. Walsh and Mr. Dunfey on this information in detail. Some big concerns are health costs, retirement contributions, and experience over past 4 or 5 years has been that our costs have not gone up at Shawsheen Tech. We are about to experience a substantive increase going into fiscal year 05. Additionally in the presentation, our free cash has gone from \$2.7 Million 4 years ago to \$1.3 Million in FY04; concerned it will impact our borrowing rate to go out and bond for. We were able to draw from the salaries and did find that overall, held the line on salaries for past 2 or 3 years because of offering early retirements, etc. Only gone up less than 3% per annum on that. Concerned but Mr. Kelley will give his presentation on the 23rd. Shift in valuations from commercial to residential and concerned if that trend continues without any additional commercial development in coming years, residents will see that trend continue with that increase in the next 2 or 3 years.

Mr. Sears asked how much is the total pension liability in the town – money that we owe people who do not work for us any more?

Mr. Cressman responded that we are putting away about \$3 Million now in the next fiscal year for unfunded liability and under state law, by 2028, we have to be 100% with that unfunded liability. Took \$3 million for the next 20 years, not going to decrease, only grow. So in 25 years, minimum of \$75 Million.

Mr. Sears wondered if we can fund that and pay salaries we have and do everything else.

Mr. Cressman replied that is a significant issue and one that Town Managers have brought up and are pushing legislation to change the organization structure of the Middlesex Retirement Board. Used the NESWC organization as an example as it is no longer an issue talked about today versus 10 years ago. Support the people on that board who are clearly representing the taxpayers' interest first.

Mr. Gill: Good report from Town Manager and the fiscal conservatism over the last few years is evident the way the expenses have been held in line. One query: Some departments that are inactive or committees that don't work – can we combine the Conservation Commission and Board of Appeals into the Community Development office so we know it is there? With Town Manager's recommendation and through the Chairman, eliminate committees that are inactive and do not have a budget.

Mr. Coldwell: Budget shows at the moment we have an \$800,000 problem; further, that the breakdown from fiscal 2004, town salaries average % increase was 2.4% which says a lot for the employees who have been patient in a time when they see private industry go up higher. Health insurance costs increased by almost 9% on average, a national problem as well as a state problem. Unless a high level does something about this, we're going to be held to bear this for some time = 9% average each year. And on HMO plans, new restrictions are placed on the individual and their premiums are raised. Town in the same boat. Some essential things have to be put on the back burner because we have no choice. Street paving program came to a screeching halt because no money to do it. Will eventually be restored but when, nobody knows. Restoring public works and police department positions – have all we can do to maintain the positions but will support that. Ambulance at the South Street Fire Station has been a dream for some time and we will work to find a way to make that happen. Appears we are coming out of a decline but it is not happening. No answer tonight but the shifting to the residential taxpayer is increasing and we have to find ways to not have that happen in the future.

The Chairman thanked the Town Manager and his staff, the finance office, and Mr. Selissen for putting a financial model in place to be used now and in the future.

Hearing no other members who wished to speak on this, the residents were invited to the microphone.

Residents

None

Town Manager [continued]

Town Counsel Invoice

Motion by Mr. Gill, seconded by Mr. Sears, to approve payment of Town Counsel invoice in the amount of \$6,612.00. Unanimous vote. Absent Mr. Ryan.

Labor Counsel Invoice

Motion by Mr. Gill, seconded by Mr. Sears, to approve payment of Labor Counsel invoice in the amount of \$3,225.00. Unanimous vote. Absent Mr. Ryan.

Summer Camp Rates

Motion by Mr. Selissen, seconded by Mr. Sears, to approve the new summer camp rates of \$24.50 to \$26.00, higher than last year's rates at Livingston Street Park and Heathbrook. Unanimous vote. Absent Mr. Ryan.

Mr. Gill commented that for the type of program they get, the rates are reasonable and he applauded Mr. Patterson for his great efforts there. Mr. Selissen added that it is an excellent program for reasonable rates and there are approximately 400 kids affected. Mr. Coldwell added the cost increase is not a cost to the town but of the programs, equipment, and where they are going.

Dispatcher Appointment

Mr. Cressman announced the appointment of Neil McLaughlin as a Permanent Dispatcher effective March 21, 2004. Mr. McLaughlin has served as a Reserve Dispatcher and his appointment is recommended by Chief Donovan.

Executive Session

- Perkins Development Trust
- Car Wash/ZBA Decision
- IAFF Negotiations
- AFSCME Negotiations
- IBPO Negotiations
- Superior Officers Negotiations

Approval of the Minutes of January 20, 2004 (regular session)

Motion by Mr. Selissen, seconded by Mr. Sears, to approve the Minutes of January 20, 2004, regular session. Unanimous vote. Absent Mr. Ryan.

Board Reports:

- a. Mr. Selissen – None.

Mr. Sears: The October 21 meeting was not in violation of the Open Meeting Law and Ms. Dixler will mail her decision to the people involved. Relieved that we no longer need stocks in town center.

Mr. Gill: Wished everyone a Happy St. Patrick's Day.

Mr. Coldwell: Spoke with Mr. Ryan and he's coming along nicely, couldn't make tonight's meeting, and he wishes everyone his best. We wish him the best and hope to see him back soon.

- b. Town Counsel: Nothing.

- c. Secretary: Happy St. Paddy's Day. Reminder to reuse, recycle, come to office for stickers. Election Day April 3 for town elections. Post house numbers.

New Business

Annual Town Election Warrant – To be Signed

Motion by Mr. Selissen, seconded by Mr. Gill, to sign the Annual Town Election Warrants. Unanimous vote. Absent Mr. Ryan.

Road Race – To be Approved

Motion by Mr. Gill, seconded by Mr. Selissen, with the approval of Chief Donovan and Chief Ryan, the Selectmen also approve the “Run a Pleasant Mile Road Race” scheduled for Sunday, May 16, 2004. Unanimous vote. Absent Mr. Ryan.

Mr. Coldwell added the race will be held the day after the Environmental Day at the DPW with the Recycling Committee.

Annual Town Meeting Warrant – To be Approved and Signed

Motion by Mr. Sears, seconded by Mr. Gill, to approve and sign the Annual Town Meeting Warrant. Unanimous vote. Absent Mr. Ryan.

Mr. Coldwell concluded the open session business for this evening with a reminder that the next meeting will be held on March 23, 2004 at 7:30PM at the Town Hall auditorium.

Motion to adjourn at 10:10PM by Mr. Selissen, seconded by Mr. Gill, to go into Executive Session. There will be no further business discussed following Executive Session. On a Roll call vote Mr. Sears, Mr. Gill, Mr. Selissen, Chairman Coldwell in favor. Absent Mr. Ryan.

The Board came out of Executive Session at 10:40 P.M. on a **Motion** to adjourn by Mr. Gill, seconded by Mr. Selissen. On a roll call vote, Mr. Selissen, Mr. Gill, Mr. Sears, and Mr. Coldwell in favor. Absent Mr. Ryan.

Jerome E. Selissen, Clerk