

Chairman Joseph Gill opened the meeting at 7:30PM with Members Charles Coldwell, Jerry Selissen and John Mackey in attendance as well as the Town Manager, David Cressman, Town Counsel, Charles Zaroulis and meeting recorder, Charlene Dennehey. Selectman John Ryan was absent.

Chairman Gill opened the meeting with the scheduled agenda items as follows:

Mike Walsh, CDM – Re: Water Tank (Colonial Drive/Foster Road)

Mike Walsh of Camp Dresser & McKee, Inc. appeared before the Board with consultant Jeff Diercks regarding the recent bid on the water storage tank. The bid is higher than expected and they have a presentation as to why that happened and how to address those reasons going forward with the re-bids process. Chairman Gill requested Selectman Jerry Selissen to preside over this portion of the meeting as he is a member of the Water Study Committee and the Town Sewer Project.

Mr. Selissen stated there have been ongoing discussions with CDM and their consultant who did a review of their cost estimates. They met with residents of the Colonial Drive and Foster Road areas to present to them what has transpired to now and what the plan is for going forward. A revised Request for Proposal is to go out and their presentation is the result of that review as well as some findings discovered during the bid process. Mr. Selissen invited Messrs. Walsh and Diercks to make a formal slide show presentation regarding the present high bids for the water tank.

Mr. Walsh handed out copies of the 6-page presentation dated for tonight titled, “New Water Tank Project, Presentation to the Town of Tewksbury” to each of the Selectmen and gave a 10-minute slide show which covered the Project Background, Contracts 1 and 2 Bid Results, and activities since the bid opening, including the contributing factors to the tank cost increase. Reasons for only flat roof alternatives were discussed as well as a timeline to request the DEP for permission to award the contract. Additionally, Mr. Walsh advised the members and the public that the outcome of the project is to provide adequate water storage to meet all peak demand and fire flow needs for at least 20 years while maintaining site aesthetics and project quality as well as providing additional emergency storage when existing tanks reach the end of their useful life.

At 7:45PM, the Chairman opened the discussion to the Board Members who thanked the representatives from CDM for appearing and look forward to results of the 2nd bid.

The Chairman opened the hearing to any residents. Seeing none, the public portion was closed.

Mr. Walsh is invited to return in the fall with the results of the 2nd bid.

Local Housing Partnership – Goals and Accomplishments

At 7:55PM, the Chairman recognized the Chairman of the Local Housing Partnership, Mr. Stephen Deackoff who introduced the other LHP members seated with him as Jay Axeson, Greg Peters, Ray White, and Steve Sadwick, the Director of Community Development.

Mr. Deackoff introduced LHP member Greg Peters who informed the members of the LHP activities of the past year and its plans for the upcoming year. Some items which were discussed

for the future need the full membership on the LHP which is currently absent of 2 voting members and a non-voting member from the Board of Selectmen which needs attention this evening.

Mr. Deackoff and Mr. Peters informed the members of some potential funding avenues discussed during their past meetings which are presently under discussion and consideration, i.e.

- How to use funds that come under the CPA [Community Preservation Act], i.e. preserving existing units and buy downs of units coming up for sale
- Matching funds from the Department of Housing and Community Development which has an Affordable Housing Stabilization Fund of approximately \$10Million to assist communities in doing the buy downs and preserving affordable units that are expiring.
- They are also engaged in discussions with developers in partnering with them on affordable housing on town-owned land.
- The town-owned land potential was put on hold as Mr. Sadwick reminded them that last year, the LHP brought forward 2 parcels they were interested in developing and they were asked not to come back with another proposal for housing purposes until there was a review of all town-owned land. He just tonight received a map of coded town parcels so they are starting to move in that direction now Town Meeting approval is needed to get town-owned land transferred to a private developer who would develop it, and perhaps form a quasi-town department or corporation to actually do the building on town-owned land.

Mr. Selissen added that last year, the Board was told there was a list of some 200 town-owned parcels which the LHP was still working on when those 2 parcels were shot down.

Some other items on financing and funding were discussed, i.e. the Economic Development Industrial Commission [EDIC] which has the authority to get their own financing through bonds when taking on the task of building housing. CPA funds could be used to channel some of that money into it to buy the town-owned land from the town; there are a lot of opportunities from matching funds from the state including transferring funds from the Affordable Housing Stabilization Fund to the AHTF [Affordable Housing Trust Fund].

Selectman Selissen is concerned that once committed, it is for 5 years. i.e. minimum of 10% per year allocated to housing use, 10% for historic preservation, and 10% for open space. The use of CPA funds to buy out existing housing stock works so instead of building these homes, there is an opportunity to actually create affordable units with existing housing stock today. He also questioned if it is the Town's goal to create affordable housing, to reach the 10%, and/or to reach the 1.5% -- all 3 goals are worthy and deserve attention.

Mr. Cressman has a concern of the EDIC venture as he is not aware of other communities in this area that have utilized that avenue.

Chairman Gill, on behalf of the Board, thanked Mr. Deackoff and his membership for a job well done and looks forward to further updates from the LHP in the future. He also requested if any Board Member was interested in becoming their liaison with the Housing Partnership. Mr. John Mackey volunteered to represent the Board of Selectmen as a Non-Voting Member of the Local Housing Partnership effective at the next scheduled LHP meeting. The Chairman congratulated Mr. Mackey with the Board's appreciation for his voluntary status.

MOTION by Mr. Selissen, seconded by Mr. Mackey, to reappoint Steve Deackoff and Jay Axeson as Voting Members and Citizens At Large to the Local Housing Partnership. Unanimous vote.

MOTION by Mr. Selissen, seconded by Mr. Mackey, to appoint David Fisher as a new member to the vacant position on the Housing Partnership as a Voting Member and Citizen At Large. Unanimous vote.

The Town Manager's office is requested to re-advertise the open position for a representative from the Conservation Commission to serve on the Local Housing Partnership.

Mr. Sadwick stated that after the full membership of the Housing Partnership has further conversations regarding some issues brought up this evening, they will come back to the Selectmen and discuss their direction and other issues from the past, i.e. planned production strategy, use of town owned land which was put on hold. He hopes it will be in a few months.

Fahey Place

Selectman Charles Coldwell requested of the Chairman that it be on the record that the next speaker, Mr. John Nolan, is brother to his 6th daughter's Mother-In-Law and is not a relative of his.

Appearing before the Board was Mr. John Nolan of 27 Johnson Road, Andover, MA, the Attorney representing Fahey Place, who informed the members he is here to introduce the property and listen to the concerns of the Board and the citizens.

Attorney Nolan stated that Fahey Place is a proposed 29-unit apartment development consisting of one and two bedroom apartments at 1360 Main Street which is directly across from St. William's Church; a mixed unit development which will consist of two new buildings containing 12 apartment units each and the rehabilitation of an existing two-family house and the rehabilitation of the top floor of the existing commercial building which will include 3 rental units. As opposed to the Housing Starts program and the For Sale housing, all of the apartment units will count towards the 10% requirement of Chapter 40B. He also stated it is consistent with and follows the guidelines of Tewksbury's Master Plan with its Main Street location near Tewksbury Center and on the bus line. The site is served by all utilities and abuts both commercial and multi-family housing. Cuoco & Cormier will provide the engineering services and Charles Goldstein of Architectural Energies will provide the architectural services. He met with the developer and certain abutters at Carter Green who expressed concerns about a landscape buffer and we [the developer] will provide for that landscape buffer and will put in for a permit.

Mr. Gill asked Mr. Nolan if he had seen the comments from the Local Housing Partnership in a letter dated July 25, 2005. Mr. Nolan replied that he was not aware of it and has not met with the LHP on this nor had notice or call to meet with them. Chairman Gill requested Mr. Sadwick and Mr. Deackoff to respond to the July 25 letter. Mr. Nolan was just now provided with a copy of the letter by Mr. Sadwick with his apology.

Mr. Sadwick explained that the memo was from himself to the Town Manager and as there was no full quorum of the LHP at the last meeting, there was a review but the comments are unofficial comments and not a vote of the Board itself. At tomorrow night's LHP meeting he assumes this

memo will be ratified. Although it is short notice for Mr. Nolan, Mr. Sadwick saw nothing in there as a surprise, i.e. a memo bouncing the project off the town's comprehensive permit policy that the Selectmen endorsed a while back.

Mr. Gill stated that for the public's clarification, the Selectmen are not here tonight to approve a project but to solicit public input which can go into a comment letter back to the financing agency. When the project is ready for permitting, there will be a letter transmitted from the financing agency to the applicant which will allow them to proceed to the Zoning Board of Appeals [ZBA] where they will be applying for a comprehensive permit. All abutters at that time will be legally notified. The proceedings this evening are more of a courtesy and an opportunity for the public and the Board of Selectmen to provide comments to the financing agency.

Chairman Gill thanked Mr. Sadwick for clarifying the matter and added that tomorrow evening's LHP meeting will be discussing the public's recommendations from tonight. He also stated that it has been the prior policy of the Board that since the Housing Partnership is the arm of the Board of Selectmen and the LHP members do all the background work relative to the projects in town, the Board will endorse their findings and send them on to the proper agency after public comment.

Attorney Nolan had nothing to add at this time. Mr. Sadwick had one comment from the answering machine at the office which Chairman Gill requested to be part of the record of the Housing Partnership meeting tomorrow night.

Mr. Gill opened the discussion to public comments regarding the proposal on Fahey Place.

Residents:

Pano Jefferson, 208 Patrick Road: Carter Green resident and abutter to proposed property. Concerned about traffic on Rte. 38 and density of housing, i.e. approximately 20 acres of land at Carter Green with 210 units which is approximately 10 units per acre; this proposal is expressing 15 units per acre; we also share a wetlands problem on this proposed site.

The Chairman asked Mr. Sadwick if he was taking note of this issue; he was.

Valerie Malta, 60 Patrick Road: Carter Green resident who met with Mr. Sullivan and Mr. Nolan; primary concern is the green space between the properties; her unit is right next to this site and does not want all the trees removed leaving view of parking lots and buildings; they upgraded the existing property there which she had pictures of. When the roadway between both sides of her unit's building was repaved, they were told the road could not be extended nor drainage into the woods because it was wetlands; if we could not put drainage there, how can they build something.

Alice Caron, 9 Patrick Road: Carter Green resident with same concerns as first two speakers; biggest concern is wetlands. When Michael Street was put in, we were not notified; her unit abuts it and after the construction, the area got wetter and very afraid it will happen again. Applauds Mr. Sullivan for wanting low income housing, but 1.8 acres is not enough area for 24 units; also more traffic on Rte. 38 -- the main highway in the town -- construction will cause more problems.

The Chairman asked Mr. Sadwick if he was taking note of this issue; he was.

Christine Bornstein, Carter Green Resident: Concern is traffic and density. Tewksbury is a town, not a city, and putting 29 units on 1.8 acres in a town -- our two-lane road cannot handle it. Traffic problems now and if this is approved, it will set a precedent and hurt the town.

Greg Peters, 332A Old Main Street: Rising as a resident and not a member of the Housing Partnership as they have not had a chance to ratify this as stated from Mr. Sadwick due to no quorum; supports this project as the Master Plan states that we need to allow heavier density developments along Rte. 38; Carter Green condo area there, not single family home neighborhood; thinks this fits into the area better than fitting in a single family neighborhood; will be rehabbing the building in the front as well as the house to the back and adding the other units; all the units would count towards the 10%, not just the affordable units because they are rental units.

Carolyn Jefferson, 208 Patrick Road: Carter Green resident; concerned about traffic issues and children that might be moving into these units; Tewksbury does not provide sidewalks; cars moving in and out, school buses; for affordable housing, you will have children and families coming in and out of these areas regularly and for the schools as it is now -- creating hazards with traffic; we keep building but not thinking about protecting people from increased accident potential.

William Bornstein, 120 Patrick Road: Carter Green resident; short term resident but lived in the area for number of years; density major concern. Acton started 20-30 years ago putting in many condo complexes; Westford was resistant and pointed to Acton as what not to model after. Acton with all its condos including its large project currently proposed would never think of putting 30 units into a 1.8 acre space. There is a 3 acre area and the most considered is 14 to 18 units. Tewksbury's population from the census has not had a major increase over the last years -- allowing a "tenement-style" project with this density begins a tweak in the balance point.

Seeing no further residents, the Chairman closed the public comments portion of the meeting.

Mr. Nolan stated that regarding the wetlands issues, the Comprehensive Permit Law, Chapter 40B does not override the Wetlands Protection Act so the Conservation Commission approval is needed for this development as well as approval by the Board of Appeals.

Mr. Gill stated the Mass Housing Financing Agency has indicated to the Board of Selectmen that these comments must be given to them by August 26 and he recommended to the Board that they pass a resolution indicating their support of the issues brought up this evening by the residents and the abutters and to pass those comments on to the Housing Partnership. Furthermore, that the Board will support the conclusions of the Housing Partnership as made tomorrow evening since the comments must be received by the Agency by August 26.

Mr. Selissen inquired if Mr. Nolan had spoken to anyone at St. Williams and if he was aware that Friday night is Bingo with 200-350 people; Saturday Mass, Sunday Mass -- a substantial amount of traffic over that 2.5 day period. Mr. Nolan had not spoken with anyone at St. Williams but was aware of some of the information.

Mr. Selissen asked that since the LHP said 25-40% should be affordable, what is this plan. Mr. Nolan responded that 20% of the units will be affordable but some people include all apartments as affordable units.

Mr. Selissen thought a minimum was 25%? Mr. Sadwick responded that the LHP discussed a new program Mass Housing has initiated, the 80-20 program which allows them to go

deeper into the income bracket and forgives them on the required number of units. He will investigate it more with the Department of Housing & Community Development to see if all of those units would count on our inventory because it is different than we faced in the past.

Mr. Selissen has a big concern on the density of the project given that it is averaging 14-15 units per acre and asked if a cost model had been done and when is there a positive cash flow?

Mr. Nolan did not have an actual cost model available but stated that the Town hires a consultant at the developer's expense to review the density and run through the numbers; the rental market versus the For Sale market is not robust. Affordable Rentals would be a one bedroom at \$595 and \$700 for a two-bedroom; not a big winner and hopes for the developer, that rents can go up; expects the first year will stabilize operations.

Mr. Mackey asked what the plan was for the Green Space buffer zone. Mr. Nolan responded they will plant evergreens between the two properties and fast growing low shrubs.

There was a discussion regarding the distance between the two properties as Mr. Nolan stated it appeared approximately 100+ feet. Mr. Sadwick noted that the Map on the back page indicates the existing building to the lot line is 45-50 feet; with proposed buildings on side lot line, about 45 feet. Mr. Gill agreed as the entire outline says 99 feet. Mr. Coldwell counted 45 feet this afternoon.

Mr. Coldwell requested to speak to clarify for the residents the issue on the wetlands. The Conservation Commission deals with wetlands issues and will look at this matter very closely during deliberations.

Chairman Gill thanked the residents for coming this evening and stated that the 40B projects are difficult projects for the town to comprehend, handle, and understand. We attempt to work with the developer and the other agencies to get the town a project that is workable and not intrusive on the neighbors. The problem for the Board has always been density issues which are deferred to the Housing Partnership and they relay those to Boston. Under 40B, the town has a limited role and what role we have, we use to benefit all. At the present time, we will pass all the comments on to the Housing Partnership for tomorrow's meeting which will be voted on and sent to Mass Housing in Boston.

MOTION by Mr. Mackey, seconded by Mr. Selissen, to pass the comments given this evening to the Housing Partnership tomorrow evening and further, that the Board of Selectmen endorse the final review and comments that the Housing Partnership will come to tomorrow evening. Unanimous vote.

An unidentified resident accused Selectmen Coldwell of being related to Mr. Nolan. Mr. Coldwell responded that he is not related to Mr. Nolan and just voted to pass the citizens' comments on to the Housing Partnership and is well within his rights to do so.

The Chairman thanked the citizens who attended the meeting and declared a two-minute recess while the auditorium cleared.

Chairman Gill reopened the meeting at 9:10PM and stated that Mr. Ryan is not present this evening with an excused absence and is in recovery mode and we all wish him well. He will be back for the September meeting.

Attorney Peter Nicosia – Main Street Liquors – Transfer Hearing

The public notice was read aloud by Chairman Gill on the request of JRMC Inc., d/b/a Main Street Liquors, to transfer all alcoholic retail package goods license to AHPP LLC, d/b/a Main Street Liquors, Alpesh Patel, Manager, on premises described as one floor, 40x25 retail space, register in front, main entrance in front, walk in coolers in back, two bathrooms in back, 40x25 storage space in back, on premises located at 391 Main Street, Tewksbury, MA.

Appearing before the Board was Attorney Peter Nicosia from Tyngsboro, MA who introduced Alpesh Patel who will be the named manager on the license, Pathik Patel, Hiram Patel, and Paresh Patel. All of these individuals, conveniently with their first initials, make up the AHPP LLC which is the entity that is physically purchasing the business assets of Main Street Liquors. He stated they submitted a volume of documentation, purchase agreements, proposed lease, source of funds, documents, etc. The only missing information for the Board is the fact that all of the individuals have participated in the TIPS Alcohol Training program which familiarizes them with ID checking procedures, how to deal with intoxicated patrons, etc.

Attorney Nicosia submitted copies of the cards to the Board for the record. Town Counsel Zaroulis was requested by Chairman Gill to review the TIPS documents on behalf of the Board. Attorney Zaroulis stated that there is only limited information actually provided and he requested Attorney Nicosia to provide more information and if they could complete the form for the proposed manager, Alpesh Patel, as the form has some blank spots on it that need to be completed, i.e. #14 and #15 on the personal information sheet.

Attorney Nicosia noted for the record that on part of the application, Form A on the Personal Information for Pathik Patel, both boxes should be checked as “No.” Pathik is not being a manager of the license; we provided Form A’s for all of the owners as a matter of convenience. Lines 14 and 15 ask about the individual having any prior experience in the liquor industry and any prior interest in a license which is a “No” to both questions.

Town Counsel Zaroulis also noted that the applicant, on the last document which is a Town of Tewksbury document, “Transfer” was put in and “new License” was put in and someone should authorize and initial a change of the document before you leave. Attorney Nicosia agreed to do so before he leaves this evening. He also stated that the [TIPS] alcohol course is run by Danielle Trent and Rochelle Campbell and the name of the company is call Campbell Trent which is listed on the card and their physical address is 5 Olive Avenue in Shrewsbury, MA 01545, Phone 508-757-8542. It is an established alcohol training program he has been using for the last 5 years in all the license transfers he has handled.

The Chairman opened the hearing to the public for comments regarding the license application. No residents came forward to speak at this time and the public hearing was closed.

Board Members:

There was a discussion regarding the pledge of the license and the transfer of license.

MOTION by Mr. Selissen, seconded by Mr. Coldwell, to grant the transfer of license to the AHPP, LLC. Unanimous vote.

MOTION by Mr. Mackey, seconded by Mr. Coldwell, to deny the pledge of license. Unanimous vote.

Roy Patterson – Postponed to September 6 Meeting

Chairman Gill stated that this agenda item for a meeting with Mr. Patterson has been put on hold for the next meeting at the request of a Board Member.

Residents [Limit 5 Minutes Per Topic]

Mr. William Lipp of 54 Valley Road, Tewksbury, appeared before the Board stating he had a letter from the Assistant District Attorney of Middlesex County and it is requesting that the presiding officer of this Board read the letter aloud at the commencement of the Board's next open meeting. He stated he has been here since the beginning of the meeting and has not heard the letter read and wondered what the reason was and will it be read.

Town Counsel Zaroulis responded on behalf of the Chairman that the reason is that it hasn't come up yet as the letter was sent by the District Attorney's office to him, not to the Board of Selectmen, and he was on vacation and received the letter today when he returned from vacation. (1) He brought copies tonight for the board but he has not delivered it yet to the board officially. (2) There was an opinion rendered by Labor Counsel concerning going into Executive Session and he phoned Labor Counsel, Michael Long, who is on vacation for 2 weeks. He will recommend to the Board, when his time comes up later, that they not read the letter and that further information should be requested concerning what the position of Labor Counsel is in regards to the opinion by the Assistant District Attorney. He would also note that the letter, which it appears Mr. Lipp has a copy of and has read it, does not direct the Board to read the letter but only makes a request.

Town Counsel recommends to the Board this evening that they not read the letter at this time and may also recommend later, dependent on what the position of Labor Counsel is and when he reviews his own file on this matter, he may or may not recommend at that time that they read the letter. The letter will be a public document for anyone to read it and make a copy of it.

Mr. Lipp stated he was unable to get a copy of the letter from the Selectmen and asked if that would change, i.e. is the public going to be allowed to get a copy of this? Mr. Zaroulis responded that the public would absolutely have a right to a copy and he is delivering a copy to the Board tonight. The copies will be available to the public tomorrow.

Seeing no other residents, the Chairman continued with the regular agenda items.

Town Manager

Head Filter Operator

MOTION by Mr. Selissen, seconded by Mr. Coldwell, to ratify the town manager's request to post the position. Unanimous vote.

Temporary Account Clerk

MOTION by Mr. Coldwell, seconded by Mr. Mackey, to ratify the Town Manager's request to post the position and create the necessary related Town Meeting article. Unanimous vote.

Sewer and Water Rate Review Committee

Mr. Cressman referenced an earlier discussion regarding the establishment of a Sewer and Water Rate Review Committee consisting of 5 residents with 3 additional non-voting representatives consisting of a Selectman, Town Manager and Finance Director. The new committee would have 6 responsibilities, i.e. [1] To meet 3-4 times a year; [2] Review water and sewer rates, hook-up fees, and other associated fees for both inside and out of town; [3] Develop and maintain a price list for these fees; [4] Review financial statements for both Water and [5] Sewer Enterprise Funds; [6] Based on an install plan for new water meters, the sub-committee will make a recommendation for going to quarterly billings.

MOTION by Mr. Selissen, seconded by Mr. Mackey, to institute the Board of Selectmen's Committee as outlined by Mr. Cressman and that Mr. Selissen serve as the Selectmen's representative on that committee. Unanimous vote.

Professional Librarian – Part Time

Mr. Cressman stated that due to the implementation of Sunday hours at the library in September, it will be necessary to create one or more part-time Professional Librarians. Under discussion, Mr. Gill's concern of the title was clarified by the Town Manager that it is a broader title than reference librarian, technical services librarian, children's librarian, etc. which are the more operational titles.

MOTION by Mr. Mackey, seconded by Mr. Coldwell, to create a part-time hourly Professional Librarian position subject to approval of the Special Town Meeting in October. Unanimous vote.

Labor Counsel Invoice

MOTION by Mr. Coldwell, seconded by Mr. Selissen, to pay the Labor Counsel Long & Long invoice in the amount of \$2,925.00. Unanimous vote.

Revaluation

Mr. Cressman stated that this item is based on the Board's earlier inquiry and referenced a report prepared by the Chief Assessor's office which was in the Selectmen's books. The report contained tax rate history for prior years of 2004, 2005, and the 2006 assumptions and property classifications. Included with the material was information regarding special legislation from Representative Miceli and Senator Tucker. There was a discussion with the Board members regarding this material as it relates to the residential and commercial tax structure as well as future options.

MOTION by Mr. Selissen, seconded by Mr. Mackey, to approve the revaluation as the semi-fast track and ask the Town Manager to request the state delegation to submit a bill allowing the town to increase it for FY07. Unanimous vote.

Chairman Gill stated that he respects any member's right to submit the request to the delegation but if it does pass and comes back to the town, he does not support penalizing the industrial base much more than now.

Assistant Library Director
Professional Librarian [withdrawn]

Mr. Cressman announced the appointment of the Assistant Library Director, Emily Classon who will start on October 3, 2005. He is also withdrawing the appointment of a Professional Librarian at this time due to unresolved issues.

Goals and Objectives

Mr. Cressman submitted the FY2006 Department Heads' Goals and Objectives and their report on FY2005 Goals and Objectives to the Board.

Chairman Gill recommended that if the members did not object, the reports be filed and the Town Manager would follow up. There were no objections from the Board and the Town Manager agreed to follow up on them.

Executive Session

AFSCME Negotiations – Head Filter Operator
IBPO/Superior Officers Grievance

Chairman Gill requested Dave Hicks, the videographer of the meeting tonight, to keep the tape rolling until after the final vote to go into Executive Session. Mr. Hicks agreed.

Approval of Minutes of April 5, 2005 (reg. Session), May 17, 2005 (reg. & exec. Session), June 7, 2005 (reg. Session).

Mr. Selissen wishes the record be corrected on the May 17, 2005 Minutes, Page 3, Number 18, that Mr. Selissen abstained from voting and left the table.

MOTION by Mr. Mackey, seconded by Mr. Selissen, to approve the Minutes as corrected for April 5, 2005, regular session, May 17, 2005 regular and Executive Session, and June 7, 2005 regular session. Unanimous vote.

Reports

a. Board Members:

Mr. Selissen: (a) Met with Mr. Dermody and Mrs. Barbeau and a representative of UMass Lowell to discuss staffing for the government access channel, channel 10; trying to develop a relationship and expects some significant improvements in the channel 10 presentations. Mrs. Barbeau and Mr. Dermody will present a plan in the next 2 or 3 months on this. Chairman Gill added that regarding the cable issues, the residents are hereby updated that he and Mr. Cressman are working diligently with Attorney Solomon who has indicated that he is well on the way to a final agreement with Comcast and it is significantly different than what was originally outlined; when it is final and he sends us a bill, he will work then with Verizon. (b) Continuing, Mr. Selissen noted that August 23 is the next Sewer Advisory Committee; (c) requested to add 2 items to the agenda for October 18, (1) CDM update on the Sewer Project, and (2) Mrs. Walsh will present an update on the latest financials on Sewer Enterprise Fund.

Chairman Gill requested the Executive Secretary be informed and these issues be added to the agenda and to notify the parties of the events.

Mr. Mackey: (a) Attended a meeting by the Town Manager this week regarding the congestion on Rte. 38 as a result of the construction work; Mass Highway, Mass Electric, and others attended and were very cooperative in trying to deal with congestion issues and part of the problem has been that they cannot keep two lanes open; it has had an impact on the business community as well. Mr. Mackey requested a future agenda item for discussion when there is a full Board, *“An amendment to the town bylaws, under Roadwork Guidelines, which would give the Chief of Police the authority to require a company on the roadway to maintain two lanes of traffic when he feels necessary, i.e. only an hour on a certain day or maybe more.”*

Chairman Gill scheduled the agenda for September 6 at 8:00PM a request to invite the Police Chief to appear regarding this issue for his input and guidance; Mr. Mackey agreed.

Mr. Coldwell: (a) Regarding residents of South Tewksbury who have been having an inordinate amount of power outages for some unknown reason; has been working with them and the Town Manager and Representative Miceli’s office for a meeting scheduled on Thursday morning regarding the issue to discover why and perhaps get a solution. Mass Electric, a resident representative, the Town Manager, and a representative from Representative Miceli’s office will attend. Mr. Coldwell will keep the board informed on the issue.

Mr. Gill: (a) Regarding the heavy traffic on Main Street and other streets in the community, the town is going through a huge expansion of its cable services, sewer and water services, and widening of some streets in areas – all are particularly hard on some businesses to exist with these projects going on; applauds Mr. Mackey’s suggestion to help them survive as their expenses are the same no matter what is going on in traffic and asked the citizens not to avoid Main Street and to help by continuing to support the businesses you have supported in the past.

b. Town Counsel: When I returned from vacation this afternoon, I had received a package from the District Attorney’s Office concerning the opinion which apparently has already been disseminated in the press. I brought copies of the opinion together with the booklets that were attached to it and have not had time to review the Opinion thoroughly. As the board recalls, there was an Opinion given by Labor Counsel, Michael Long, because this was essentially a Labor Issue, whose opinion stated that he believed the Board had the right to go into Executive Session and discuss that matter. I suggest that you have either Mr. Cressman or me send Mr. Long a copy of this opinion and ask for his comments concerning the opinion. In the last paragraph of the DA’s opinion, she requests that this several page [4 or 5 pages, single spaced] document be read by the Board. At this time I am not prepared to recommend that you read this. This will be a public document and anybody who wants a copy can receive it. After I review this and have received information from Attorney Long, I may have a different view but I do not see a need to follow that request at the present time.

Mr. Gill suggested it should be a dual effort in contacting Labor Counsel as it is important that Mr. Zaroulis discuss with Labor Counsel the pertinent issues and Mr. Cressman make the arrangements for that to happen. Mr. Zaroulis will send Michael Long a copy of this letter and inform him that he and the board and Town Manger would like to have his review and comments as to whether or not he agrees with the opinion, keeping in mind that the DA disagreed with Michael Long’s opinion which was pretty thoroughly prepared by him. Mr. Zaroulis will distribute those packages to the Board this evening.

Mr. Gill asked Mr. Cressman to be sure Mr. Ryan received a copy.

- c. Secretary: Use, Reuse, and Recycle and Post your house numbers for safety.
- d. Special Committees -- None

New Business

Auctioneer's License – To be Approved

MOTION by Mr. Mackey, seconded by Mr. Selissen, to approve the Application for Auction by Ronald Wackowski for an auction to be held August 22, 2005 from 5:00PM – 10:00PM at the Tewksbury Knights of Columbus. Unanimous vote.

Special Town Meeting Warrant – To be Approved

MOTION by Mr. Selissen, seconded Mr. Coldwell, to approve the Special Town Meeting Warrant on Tuesday, October 4, 2005 at 7:00PM at Tewksbury Memorial High School, 320 Pleasant Street, Tewksbury, MA. Unanimous vote.

Election Staff – To be Appointed

The Chairman read aloud comments from Mrs. Carey which states, "...they keep the spirit of election alive, they...are the unsung heroes of the election process..." The list indicating the election staff for the coming year was attached and the Chairman agreed with her accolades.

MOTION by Mr. Coldwell, seconded by Mr. Mackey, to approve the Election Staff as submitted by Town Clerk, Elizabeth Carey for August 2005 to August 2006. Unanimous vote.

The Chairman stated that this concludes the regular business for this evening and entertained a MOTION to go into Executive Session for the purposes of the AFSCME Negotiations – Head Filter Operator, and the Superior/IBPO Grievances.

A **MOTION** to go into Executive Session at 10:10PM by Mr. Selissen, seconded by Mr. Coldwell, for the two stated purposes. Mr. Mackey, Mr. Coldwell, Mr. Selissen, and Chair in favor. Unanimous vote.

The Chairman stated the Board is now in Executive Session and when it concludes, there will be no further business conducted and they will adjourn at that time. He thanked everyone for tuning in and wished everyone a happy Labor Day and looks forward to the next meeting on September 6.

The Board came out of Executive Session at 10:20 P.M. on a **MOTION** to adjourn by Mr. Selissen, seconded by Mr. Mackey. On a roll call vote, Mr. Mackey, Mr. Coldwell, Mr. Selissen and Chair in favor. Absent Mr. Ryan.