

Chairman Coldwell called the meeting to order 7:30 PM at the Town Hall Auditorium with members Joseph Gill, John Mackey, Jerome Selissen and John Ryan present. Town Manager Dave Cressman, Town Counsel Charles Zaroulis and Recording Secretary Heather Tecce were also present.

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### **Sandra Akers, Director of Tewksbury Hospital**

The board members individually welcomed Ms. Akers as the new Hospital Director and wished her the best of luck. They wished to continue the good working relationship with the hospital and the town. Mr. Mackey did say he is dissatisfied with the response time for a meeting with DMH but that is not for discussion tonight.

### **Teen Summer Program**

Mr. Patterson sent a letter that by adding (2) gates he would be able to open some of the park. This will allow teens to use the tennis & basketball courts, baseball fields, vending machines and bathrooms at Funway. Mr. Ryan & Mr. Mackey agrees this is a win/win situation for all.

### **Route 93 Interchange - Discussion**

Appearing before this Board was David Wahr Mills Corp, James D'Angelo representing the Interchange, Representative Miceli, Representative Finegold, Nancy Reed of the Planning Board and Steve Sadwick Community Developer Director. Mr. Wahr explained that the Interchange is down to three alternatives and Alternative #9 would be best to suit the needs and agreements made with Tewksbury. Mr. DeAngelo said this Interchange must meet three design criteria's of three towns. Steve Sadwick addressed the problem of the Diamond Alternative. Mr. Mackey thanked Mr. Sadwick, Mr. Cressman, Reps. Finegold and Miceli, Nancy Reed and the Andover Planning although he was disappointed with the Andover Selectmen. He continued that this interchange needs to be acceptable to all parties. The following motions were made:

1. **Motion** by Mr. Selissen, second Mr. Gill to reaffirm the position of the Tewksbury Board of Selectmen in November of 2002 by rejecting alternative three of the I-93 Interchange options. VOTED: 5-0
2. **Motion** by Mr. Ryan, second Mr. Gill to reaffirm the position of the Tewksbury Board of Selectmen in November of 2002 by rejecting alternative four of the I-93 Interchange options. VOTED: 5-0
3. **Motion** by Mr. Gill, second Mr. Ryan to support alternative nine which is consistent with the Board of Selectmen's past position relative to the Loop configuration. VOTED: 5-0

4. **Motion** by Mr. Selissen, second Mr. Gill that in the event that alternative nine is rejected and if another acceptable option or modification of existing alternatives doesn't occur then it is with regret that we respectfully urge termination of any interchange at this location. This is based upon the significant negative repercussions that will be brought to bear on the Town of Tewksbury and its residents. Under no circumstances will this Board support any interchange alternative that connects to South Street or further imposes upon the quality of life for the residents of Jennie's Woods. VOTED: 5-0
5. **Motion** by Mr. Mackey, second Mr. Gill that the Northern Middlesex Council of Governments, the Metropolitan Area Planning Council, the Merrimack Valley Planning Commission, Merrimack Valley Economic Development Planning Council, Mass Highway, Federal Highway Commission, Senator Kennedy, Senator Kerry, Congressman Meehan, State Senator Tucker, State Representative Finegold, State Representative Miceli, Governor Romney, Lt. Governor Healey, Speaker of the House DiMasi, Secretary of Transportation, President of the Senate Travaglini, Andover Town Manager Reginald Stapczynski, Andover Town Planner Paul Matterazzo, Wilmington Town Manager Michael Caira, Wilmington Director of Planning Carol Hamilton and all other appropriate parties be forwarded the results of this Board's actions immediately and no later than Thursday, June 8, 2006. VOTED: 5-0
6. **Motion** by Mr. Mackey, second Mr. Gill that the following documents be forwarded by June 12, 2006, for review: Town Manager David Cressman's letter to Gaylord Burke, Executive Director, Merrimack Valley Planning Council, on April 28, 2006. Town Manager David Cressman's letter to Anthony Komornick on June 1, 2006. Community Development Director Steven Sadwick's May 10, 2006, letter to Andover Town Planner Paul Matterazzo. Tewksbury Planning Board's letter to Mr. Anthony Komornick, Merrimack Valley Planning Commission on June 5, 2006. VOTED: 5-0
7. **Motion** by Mr. Ryan, second Mr. Selissen that an article that appeared in the Town Crier on Wednesday, May 31<sup>st</sup>, 2006 by Jayne W. Miller pertaining to comments made by an Andover Selectman which states in part "if that ramp was in Andover we wouldn't like it too much" also be forwarded by June 12, 2006. VOTED: 5-0

8. **Motion** by Mr. Gill, second Mr. Ryan that Town Manager David Cressman and Planning Director Steven Sadwick be authorized to act in our behalf by including any other information they determine to be germane to this issue consisting of but not limited to the inappropriate access of motor vehicles on to South Street, the negative impacts of Jennie's Woods, limits to the potentials of the Perkins Property that may render it to an undevelopable status, noise pollution, unsightly raised ramps, loss of potential tax revenue and jobs as well as infringement of wetlands and conservation land, improper spacing of intersections, vertical height impact of the interchange on Jennie's Woods, vertical height impact and potential relocation of transmission lines that could add to the cost. VOTED: 5-0
9. **Motion** by Mr. Gill, second Mr. Mackey that Town Manager David Cressman, Planning Director Steven Sadwick and the Selectmen's and Planning Board's representatives reach out to all appropriate entities for a joint meeting to discuss differences that may result in the failure to provide this interchange and possible resolutions to the problem.  
VOTED: 5-0
10. **Motion** by Mr. Mackey, second Mr. Gill to authorize the Chairman of the Board of Selectmen Charles Coldwell to forward a letter on our behalf if he determines it is warranted. VOTED: 5-0

### **Rogers Common**

**Motion** by Mr. Gill second by Mr. Mackey to move to July 11, 2006 and the Board voted unanimously.

### **JC Spirits**

Appearing before this Board was Atty. Arthur Sullivan representing Shawsheen Corp. and Kevin Op, Manager of JC Spirits requesting change of location from Unit 3A to Unit 4 at 1699 Shawsheen Street.

**Motion** by Mr. Ryan second by Mr. Selissen to allow change and the Board voted unanimously.

### **Sprint Cell Tower – Muster Park**

Elsie Howell appeared before this Board requesting the Board of Selectmen vote to direct the Town Manager to explore the possibility of renegotiating the current cell tower location in Muster Park,

**Motion** by Mr. Selissen second by Mr. Gill to have the Town Manager explore above and the Board voted unanimously.

### **CDM – Sewer Financial Plan Update**

Appearing before this Board was Mike Walsh, Joe Ridge, Mike Judiciary. Mr. Judiciary gave a PowerPoint presentation. This Board was questioning the reason for the 30-year change. Mr. Gill asked why the bond went to 30 year and not 20 year as other projects. Mr. Ryan liked the presentation, but feels the fund could be headed for trouble, FY06 looks good, but what happens if we fall behind in FY07, FY08 etc. The Water/Sewer Committee is trying to get more people to connect. The floods may be a push to get people to connect. **Motion** by Mr. Selissen, second by Mr. Gill to pay CDM the money presently due and the Board voted unanimously.

### **Library Director**

Mr. Cressman reviewed with the Board the recruitment plan to replace Ms. Demarais the current Library Director.

**Motion** by Mr. Gill, second by Mr. Selissen to authorize the plan as outlined and the Board voted unanimously.

### **Water Rules & Regulations**

Mr. Gill feels some of the fees that we would be adopting are very high and would like to refer the fees back to the town manager for more information.

**Motion** by Mr. Gill second by Mr. Ryan to approve Water Rules and Regulations without the fees and the Board voted unanimously.

### **Town Counsel Invoice**

Motion by Mr. Ryan second by Mr. Mackey to approve the March 2006 invoice and the Board voted unanimously.

**Fire Lt. Appointment**

Mr. Cressman informed this Board the he is appointing James Bruce as Fire Lieutenant effective July 6, 2006.

**Flood Damage Cost**

**Motion** by Mr. Gill second by Mr. Ryan to declare a flood emergency for the period May 13, 2006 to May 19, 2006 in accordance with the Massachusetts General Law Chapter 44 Section 31 and the Board voted unanimously.

**Merrimack Valley Regional Housing Consortium**

**Motion** by Mr. Ryan second by Mr. Mackey to authorize the Chairman to sign the Letter of Intent and seek two representatives to serve in the governing board from the four constituencies and the Board voted unanimously.

**Trull Brook Realty Trust**

**Motion** by Mr. Ryan second by Mr. Selissen to have the Town Manager sign the Sewer Extension Permit and the Board voted unanimously.

**Minutes**

**Motion** by Mr. Ryan second by Mr. Gill to approve the Minutes of April 4, 2006 (reg.) April 11, 2006 (reg.) April 25, 2006 (reg. & exec.) May 1, 2006 (reg. Sess.) and May 16, 2006 (reg. & exec.) and the Board voted unanimously.

**Reports**

**Mr. Mackey:**

**Motion** by Mr. Mackey second by Mr. Gill to have the Town Manager and the Community Development Director draft policies and procedures to be followed in converting units from 40B rental to 40B ownership. The policy should consider requirements for certified end of the project audits and annual statements. The cost to be by owner for the Towns hiring of an accountant as well as other issues they deem to be appropriate and the Board voted 4 in favor. Mr. Selissen voted against

**Mr Gill:**

Would like to know when Demoulas intends on fixing East Street. He also stated the traffic on Main Street is a disaster.

**Mr. Selissen:**

Reported that Shawsheen Street needs to be fixed and plated. Sewer meeting will be 7 PM Wednesday. He continued that the tax bills for residents has gone up 12-16% and commercial have gone down and would like the assessor to review some options.

**Mr. Coldwell:** Stated the Mr. Selissen and Mr. Williams along with the Patriot Committee did a nice job. Also, that Marc Ginsburg gave a wonderful WWII veterans dinner at the Country Club.

**This Board** would like to show Joe Dermondy their appreciation by recognizing him tonight for all his efforts.

**Community Preservation Act Committee**

**Motion** by Mr. Gill second by Mr. Mackey to appoint John Ryan to the committee and the board voted unanimously.

**Motion** by Mr. Selissen second by Mr. Gill to post citizen position and the Board voted unanimously.

**Dept. of Housing and Community Development**

**Motion** Mr. Gill second by Mr. Mackey to adopt Mr. Sadwicks recommendations with the corrections and the Board voted unanimously.

The next Board of Selectmen meeting will be June 20, 2006 at 7:30 PM Town Hall Auditorium

**Motion** by Mr. Gill second by Mr. Selissen at 10:25 PM and unanimously voted to adjourn.

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John Ryan, Clerk