

Board of Selectmen Minutes
July 11, 2006

Chairman Charles Coldwell opened the meeting at 7:00PM with Members Jerry Selissen, John Ryan, Joseph Gill, and John Mackey in attendance as well as the Town Manager, David Cressman, and recording secretary, Charlene Dennehey. Town Counsel Charles Zaroulis was absent.

The Chairman opened the meeting with the first scheduled item and invited the parties involved to come forward at this time.

Hanover Group – Lodge at Ames Pond

Chairman Coldwell reminded everyone that this was a continued hearing from June 27, 2006 and recognized Mr. Ryan for one introduction of those appearing.

Mr. Ryan introduced Mr. Dick Cuoco of Cuoco Engineering who was congratulated for his participation in the 911 committee with the town.

Also present were Attorney Richard O'Neill and Mr. Brandt Bowden for the applicant, Attorney Mark B. Johnson of Johnson and Borenstein, LLC for the town, and Mr. Connery of Connery Associates of Melrose, MA on the Fiscal Impact Analysis report.

The following documents were distributed and discussed during tonight's meeting:

From Attorney Mark B. Johnson:

- July 11 letter to the Board of Selectmen referencing the following two letters regarding the existing dam on the Ames Pond property:
 - (a) July 10 letter from Roger "Sam" Altreuter, Principal of Farley White Interests of Boston, MA, owners of 2 existing office buildings on Ames Pond Drive.
 - (b) July 10 letter from Deane Navaroli, District Manager of RREEF of Woburn, MA whose tenants, Avid Technology, occupy 3 buildings as abutters to the proposed site. Both July 10 letters have concerns of flood water controls and lack of communication from the project's proponents.
- July 6 letter to the Board of Selectmen entitled "*Lodge at Ames Pond*" regarding the status of his review and his recommendation as to the action the board could take if in support of the project.
- A drafted letter for the Selectmen to send to Mass Housing if in support of such a "large project," the Vote authorizing the sending of the letter, and a Certificate of Vote form for the Selectman's records.
- June 27, 2006 Memorandum to the Board of Selectman entitled "*Lodge at Ames Pond, Revised Application (5-15-06)*" containing his comments on the Revised Application and the Response by Hanover Company.

From Attorney Richard O'Neill on behalf of The Hanover Company:

- July 11 letter from Shirley Banks Robinson of Houston, Texas to Chairman Charles Coldwell of the Board of Selectmen entitled “*Approximately 52.73 acres of land, being a part of Lot 332, adjacent to Ames Pond in Tewksbury, Massachusetts (the “Property”)*” regarding access and easement rights.
- June 26 letter from Brandt Bowden, Development Partner with The Hanover Company to David G. Cressman, Town Manager, no subject, “...In response to your letter from June 19, 2006, we would like to take an opportunity to address your concerns as set forth below...”
- June 24, 2006 document prepared by Connery Associates of Melrose, Massachusetts entitled “*A Fiscal Impact Analysis, The Lodge at Ames Pond, Tewksbury, Massachusetts*”

Chairman Coldwell stated that the June 30, 2006 Notice to Residents went out and was also on the public access channel reminding anyone interested in this project, that the Board would accept any comments in writing until noon on Friday, July 7, 2006. He noted that no residents had responded by letter and asked for any abutters to come forward after the board members had a discussion on the matter. He added that the board is concerned about the impact on the area on behalf of the neighbors and any mitigation that the applicant is proposing to help mitigate those impacts, may be something the Board will ask the applicant to directly respond to.

Mr. Coldwell asked the Board members for their questions and comments tonight.

Mr. Gill had a concern on the dam and at what point will questions of liability and responsibilities be answered and where.

Attorney Johnson responded that they can answer that question before this Board. If the impact is greater on the dam because of the number of units, the Board can ask for information on it. This project will have to go to the Conservation Commission and they may have similar concerns and issue an order of conditions. The Zoning Board can require a drainage analysis to determine what the impact is of construction on the site, on both on the pond and the dam.

Mr. Gill added that if we go forward with this, there are concerns regarding the responsibilities and liabilities of the dam and ask them to address that in their expertise.

Mr. Selissen asked if somebody could talk to the fiscal impact analysis. The original understanding was that 10% of units as 3-bedroom and now closer to 12%; did that change at some point.

Brandt Bowden: Initial numbers were rough numbers and intent is to have approximately 10% as 3-bedroom.

Mr. Selissen: Impact on the schools – estimating 49 school-aged children. Fiscal Impact Report estimates an average cost of \$8,800 per pupil. Next 2 pages on why that is not applicable and concern as page 5 shows number of students of 49 and projecting out total education cost of \$309,000. Talked with some folks about this and some special educators estimate that we can expect 15-20% special ed students as well as at least one

out of district for that %. Concerned about the number presented here for projecting revenue of \$600,000 and concerned about impact to the school system. Potential of adding on to the school system, building a new school; we added 2 new schools in past 5 years. This number does not include depreciation for these 2 schools so take this into context when continuing the negotiations with the town.

Mr. Bowden: The cost impacts are calculated by focusing on recurring expenses, i.e. a child added to school, no new classroom to be built, however expenses will be incurred and fiscal impact takes into account the state standards for typical growth of a given community and bases costs on those types of incremental costs to be incurred. Mr. Connery factors a 15% special ed in his fiscal impact reports and those costs are slightly above what standard ed costs are. It is our intent to work with the town identifying the fiscal impacts of this project and take them into account thru the process. The project shows unit mix in place, a net fiscal positive impact to the town, i.e. on ongoing operations basis, this development through its tax base and ancillary revenue, will be a positive monetary yield for the town moving forward.

Mr. Selissen: Page 5 shows 2 additional teachers which is fully loaded at \$60K each; administrative costs, sports costs, not yet considered per student and should be taken into consideration as we go forward on the project.

Mr. Coldwell: The dam; recalled when the dam wasn't good, i.e. street evacuation at heavy rainstorm as the dam would possibly not hold. It did hold, study done, it was rebuilt with new dam and his understanding was that MetLife assumed responsibility of that dam. It seems that any successor to MetLife would have the responsibility for that dam. MetLife was trying to pass it off to the town but the Town Manager disputed it. If this project was never put forth, they would still have responsibility for the dam. Financial impact to the town and other financial issues to be looked at as well. If the project is approved, look at other impacts and the numbers will be defined along the way.

Mr. Ryan read the Financial Impact Statement and thought it was pretty good. Some things to question but overall on target with number of children. Other figures, i.e. \$3Million in local retail expenditures and building permits and Tewksbury \$53 Million added to the assessments, all positive but the concern that Mr. Selissen raised is true. All of that is well and good but the school issue comes down to crunch time. Good Financial Impact Statement, complete -- we do not usually get them this depth. The school department raising and appropriating money to support the programs then only to get it back after the fact is the crunch of the problem, and add special ed, and other items. Asked the Town Manager for his opinion of the report.

Town Manager David Cressman: The report is a good start; asked his own staff to comment on it in the next month or two as part of process of Zoning Board of Appeals; covered many of the issues but still some places to quibble....number of students a bit high in one respect or a little low. Almost there and further discussions will continue based on the remarks tonight.

Mr. Coldwell pointed out this is a public hearing and invited members of the audience to come to the microphone and to please give their names and addresses for the record.

Residents:

Scott Garland, 41 Prospect Hill Drive: Abuts the development, concerned about notices sent out; many had not received the notice. Found out about tonight through the Town Crier article. [1] Schools-- son in Dewing School where classrooms are 30+; for young children, is unacceptable and the current financial constraints will be exacerbated; with 200 multiple bedroom units, 25% as low income, lots of single parents with children; 49 student estimate is low; he estimates 3 to 4 times more. Children's play area to add and new schools are a possibility. [2] Roads and infrastructure on the town. Main Street on weekends crowded now; 1,000 new residents puts excess burden on town roads even with Rte. 133 access road, people still come down Main Street for groceries, mail, etc. so traffic will be impacted. [3] Future of Tewksbury, renters or owners. Soon a town of renters, no vested ownership in the town or people who raise their families and come back to start their families here. There are other alternatives for that land to generate revenue = over age 55 communities with condo ownership will service 40B goal and less resources drained and no school impact.

Nancy Reed, member of the negotiating team, appointed by Selectmen thru Planning Board, here tonight as a member of that team. Also Chair of the Planning Board but not here representing the Planning Board. Statements: Negotiating team has not met since January so have not reviewed any of the new materials. Last year the proposal did not scope out the number of 3-bedroom units specifically and now with a solid number to work with in this application which is 42 three-bedrooms, the scope of the project may have changed. Asked for consideration if the Selectmen would consider adding a School Committee member or ask them if they would like to be on the negotiating team; answer not needed tonight. Might help balance out impact/mitigation package may end up with.

Michelle Lee, 615 North Street: Asked to specifically address traffic impact on North Street; has been specifically impacted by previous developments that have gone in; i.e. traffic on that street dumping traffic onto Rte. 133; they still need mail, groceries, cutting through North Street, Livingston, Kendall = all ways to get around things. North Street was not a main street when moved in the area; it is now a major street without sidewalks. Upkeep of it will be more, traffic, kids on street with no sidewalks; large impact to take into consideration.

Sharon Lang, 51 Prospect Hill Drive: Public feedback but it seems a trend that abutters did not receive notices and asked what streets specifically are considered abutters to this project. Mr. Coldwell did not have an abutter list here but had copy of the resident letter which went to 52 mailing labels for 52 letters sent out. Spoke with the office the other day to make sure that happened; if anyone was missed, will be corrected and appreciated the information. Ms. Lang: Were Cayuga Road or Prospect Hill Drive included as abutters as several folks here did not get a notice. Since the request was for written

feedback, maybe slow project's pace down to allow folks impacted the opportunity for thoughtful feedback and written response to some of these points.

Chairman Coldwell responded that to answer Ms. Lang's statement, it seems the same thing on these projects, i.e. impacts on schools, roads, traffic – we hear that even without written comments and are certainly major concerns. We have set up a negotiating team working on this, hearings with Conservation Commission for wetlands issues, Zoning Board of Appeals -- all matters will be discussed, and this is not the final thing, more the beginning. All things will be discussed, the schools, financial matters; positive financial impact to the town by the initial study...we have to prove all of these will be discussed. At all public hearings, you can be heard again. The project will not happen overnight. The Chairman's concern over passing on the responsibility of the dam should not be an issue; whether this project is built or not, that has to be taken care of.

Ms. Lang asked if there could be a list made for those interested to leave their names and addresses for future notices. The Chairman asked the Secretary to make a sheet for those interested to leave their names and addresses on it to get future notices on the project. The information will be given to the Assistant to the Town Manager. The Recording Secretary complied and a Sign Up Sheet was immediately drawn up for those interested.

Keith Rauseo, 10 Lloyd Road, also Chairman of the School Committee but here representing himself and not the school committee. (1) As the June 27 Board of Selectmen meeting was the same night as their last School Committee meeting, he was not able to attend and he read in the paper of the fairly exhaustive statistical study done concerning school aged children. He asked if a copy of that study could be sent to the School Committee so they could peruse it. (2) If the Selectmen are planning on taking a vote tonight or to continue it, if no vote, requested they be given the opportunity to make comments on that study and any potential mitigating costs or impact from that.

Mr. Coldwell responded that Mrs. Reed suggested a member of the school committee be added to the negotiating team should this move forward, but have to look at it, not sure. Mr. Rauseo: Not sure a school committee member has been on these so no precedent for it or not. Open to discussion and to provide any input or data that the team would like concerning costs and impacts. Typically, studies for multi-family developments see 2.5 children per unit which is this development and would lead to 91 and in this case but their study has shown there will be 49. Need to see where that difference is coming from. Asked if these would be taxed commercial because they are rentals and if we have apartments that are taxed commercial. The Town Manager responded these would be Residential and after discussion, he and the Board agreed to their knowledge, the apartments are taxed as residential.

Debbie Toland, 70 Prospect Hill Drive: Has 4 children in school system, i.e. high school, middle, Ryan and kindergarten; overlaps but the bus system is already strapped. Some kids leave in the dark; son waited for bus for high school in pitch black; some don't get home until almost 4:30PM; kindergartners riding with older kids; overlapping bus routes.

Residents on North Street with a kindergartner have to walk their kids down to the end of the street; some rides are 45 minutes to get home. Concerns with the entrance to the development location, bus route into the development; parents' workdays are altered due to routes extended for additional children. Less buses due to financial impact but adding rider ships with this project.

Donna Pelczar, Trull Road: Watching on TV and came down due to a water situation last night. Brown water and low water pressure; called and told it was a heavy usage period between 5-7PM. Very concerned with any development that will tax our water system; new tower coming but should be looked at seriously. Ames Pond area is a high elevation; requires more pressure to go up there; they will have new pipes which we do not have on Trull Road.

Chairman Coldwell: Whether or not to move on this project, he will find out what happened to the water last night through the Town Manager.

Comments from Board Members:

Mr. Selissen: Mrs. Reed's comments about adding a school committee member is a good idea and if a Second will make a Motion to add a school committee member to the negotiating team.

Mr. Coldwell asked the Town Manager if he can recall when the negotiating team was set up, was it defined or room for people within it.

Mr. Cressman: Room for people. Point of information, we did send Dr. McGrath, Superintendent of Schools, a copy of the fiscal analysis and he asked her to comment on it for the record.

Mr. Coldwell: So we have already reached out; we will take that Motion at the end.

Mr. Gill: Asked what Dr. McGrath's comments were? Mr. Cressman: Just sent it out last week and gave period of time to comment. Purpose of tonight is to identify what comments the town has concerning the project for the permit granting authority to address and not to hash out all of the issues tonight.

Mr. Coldwell: Permit granting authorities in this case would not be us but the other boards.

Attorney O'Neill: This is a project that has received publicity, not a project talked about in the dark, widely reported in the newspapers. A project that has deviated little in scope from the initial introductory meeting before the Board several months ago. By right, if this were a multi-family district, the developer would be entitled to put 7 units per acre on the site = 7 units x 55 acres or 380-400 units. Not utilizing the provisions of a comprehensive permit and turning these into fee-simple condominiums, only 15% of those units would be eligible for counting under the quote for 40B requirements. Also, 50% of these units will be one-bedroom. All the MFD projects are 2-bedrooms without any one-bedroom units at all. 40% of the units would be 2-bedrooms and 10% as 3-bedroom and we have maintained those ratios. We are at 42 units as a slight deviation from the original presentation made to the ZBA and the Selectmen. Advantage to utilizing apartments, is that all are countable toward the 10% ratio this town needs for greater control over this permitting process.

The issue tonight is not about getting permits but whether the Board can endorse the project and allow them to construct more than the 300 units we are obligated to limit to without approval from the Board of Appeals. Issues of traffic, density, neighborhood impact, buffering, and wetlands concerns are all dealt with during the formal permitting process and once thru the ZBA, then we deal with the MEPA process which is even more regulated with the state terms. ZBA requires the developer to pay for and retain consultants to deal with these issues, i.e. Attorney Johnson for the Selectman and Attorney Bobrowski as counsel for the ZBA, throughout this process.

Lastly, he had indicated that there would be a meeting with the abutters, i.e. "legal abutter" term is an abutter who abuts the property or an abutter to an abutter within 300 feet, have to touch the property line to become an abutter. Even though the property may touch, if someone moved in after January 1, they are not known to the Board of Assessors therefore would not be included on the abutters list notices. Sending out a notice this week to those we met with already and anyone else who wants to leave a name and address tonight. The meeting is scheduled for July 26 at 7PM at the Tewksbury Country Club for the purpose of reviewing the preliminary site plan as well as responses to the questions that have arisen tonight, i.e. documents on the fiscal impact, traffic issues, etc. Any folks interested in attending, please let us know.

Mr. Coldwell: Mr. O'Neill will have a copy of tonight's additional list of abutters for any notices sent out regarding the meeting on July 26 at 7PM at the Tewksbury Country Club.

Attorney Johnson summed up the options the Board has: (a) to continue the hearing and ask for additional information to provide additional time for comments, (b) to Vote not to recommend a project in excess of 300 units, or (c) to Vote to recommend a project in excess of 300 units with conditions.

Mr. Coldwell thanked Attorney Johnson for his support and work which was a big help.

Mr. Selissen and the Town Manager recommended putting an announcement of the July 26 meeting on Channel 10.

Mr. Gill stated that the Board has received enough information to bring it along to the permit process and the Board's job is to support or not support the concept of a development in excess of 300 units.

MOTION by Mr. Gill, seconded by Mr. Mackey, to authorize the Chairman to execute and send the attached letter to Mass Housing indicating the Board's conditional support for the Application for Comprehensive Permit Site Approval for the Lodge at Ames Pond, revised 5-15-06, and to include all of the comments that were made relative to all the conditions. Additionally, that the comments solicited at this meeting and comments of board members with their specific concerns over the impact on the roads and infrastructure, the dam and water situation, public space, the phasing aspect,

mitigation aspect, school impact, and the financial aspect, be given to the Zoning Board of Appeals and Conservation Commission during the permit process. Unanimous vote.

MOTION by Mr. Selissen, seconded by Mr. Ryan, to include a school committee member or a representative from the school committee, to the negotiating team. Unanimous vote.

Eagle Scout Citations

The Chairman requested Mr. Ryan to take over this portion of the meeting.

Mr. Ryan introduced two outstanding young people of the community, i.e. Justin Melloni and Kyle Webber, who were requested to come forward. Their families were also in the audience. Mr. Ryan noted that there are not many occasions for this treasured moment. They each obtained the honor of Eagle Scout and at a ceremony weeks ago, were elevated to that rank from Troop 49 at St. Williams. The perseverance and dedication of these two individuals and their families who also supported them with hours of hard work behind the scenes. Tewksbury is proud tonight and happy to know we are in good hands in the future with people like Justin and Kyle coming along to take our places to become Selectmen and beyond. Congratulations to you both and your families. We Selectmen have served as scouts and understand the honor of Eagle Scout.

The Citation was read aloud by Mr. Ryan as follows: “The Board of Selectmen, on behalf of the residents of the town of Tewksbury, wish to extend to you their congratulations in having achieved the honor of becoming an Eagle Scout. You are to be commended for having worked so diligently to obtain this goal. Tewksbury is proud to have young men of your character as residents. Please accept our sincere congratulations on this important day in your life and our very best wishes that you may continue to be the recipients of good fortune during all of your future years. Signed by: Charles Coldwell, Chairman, John Mackey, Vice Chairman, John Ryan, Clerk, Joseph P. Gill and Jerome E. Selissen.”

The Citations from the Selectmen were delivered to Justin and Kyle.

The Chairman asked if they wished to speak individually at this time.

Kyle responded that it is worth it and thanked them for their congratulations.

Justin added that he has been in Scouts since first grade and this means a lot to him.

J. Rags Bar & Grill (continued hearing)

Appearing before the Board were Attorney Richard O’Neill and Mr. Robert Pendergast.

The Chairman reminded all that this is a revisit from a previous hearing for an update on how things were going.

Attorney O’Neill stated that they were here last on May 16 and had a report from Mr. Donovan relative to the performance of the restaurant when his department had provided a detail and it was agreed between the parties that it would be continued to this hearing

and that there would be outside security undertaken by Mr. Pendergast to be reviewed tonight. He spoke with Chief Donovan who was not able to attend tonight's meeting but went through the record with him. There was an isolated incident on June 6, screeching of tires, which was not reported to them. A concern from Mr. O'Neill was that if there were instances that did occur, he should be made aware so they could check their logs. As only the one issue, he spoke with Mr. Pendergast and the log indicated there was one patron who was refused service which may have been the individual although nobody in the parking lot had heard screeching tires that evening. We have exhausted the process and we need to get the record better than previously. The restaurant itself has been in good standing, no instances from the sale of alcohol or activities in the club but parking lot activity and we have remediated that situation.

Mr. Coldwell informed the audience that he had asked the Town Manager and Chief of Police the probability of eliminating the use of the street for some hours late at night. During research on that matter, he became aware it could lead to some other problems he was not aware of, i.e. another community's Board had done so and was taken to court and the town lost. At this point, it may not be enforceable and he wanted the neighbors to know it was looked into.

The Chairman opened this portion of the meeting to the Board members.

Mr. Mackey asked what intentions they had of continuing their own security.

Mr. Pendergast stated it has been working well with somebody outside all the time and the biggest concern is with the motorcycles. The security presence has made a big difference and he will definitely keep it on as long as the bikes are around as it is worth the costs involved to retain them.

Mr. Mackey asked if the Town Manager had talked with Chief Donovan.

Mr. Cressman had spoken with the Chief who could not be here tonight but gave his recommendation that he would keep a directed patrol on 3 nights and recommended they continue having their private security on Thursday, Friday, and Saturday which seems to resolve the situation.

Mr. Gill asked if Mr. Pendergast was satisfied with the progress and saw a marked improvement. Mr. Pendergast responded that yes, definitely an improvement. He also posted notices in the windows and doors from the Chief's memo about his officers stopping anybody loud, etc. and also hands them out to anyone who comes in on a motorcycle. It backs up his own management policy and gets the message across.

Mr. Selissen asked if people are aware that there is a construction site at the end of the street so in addition to the fact that they will be speeding, could be speeding on a construction site which if on a motorcycle, will create more havoc and somebody could take a spill there. Mr. Pendergast needs to continue to educate the people who favor his establishment that this is an ongoing process.

Mr. Ryan agreed that they have come a long way but not there yet per the letter from the Police Chief and the accompanying letter from the neighbors. The recommendation of the Police Chief did not include a period of time and he concurs it should continue indefinitely. There is improvement, working in the right direction. Hopefully, when we meet again, the matter will be history.

Mr. Coldwell asked for any residents to come forward.

Unidentified resident: It has tremendously improved since the security detail as only one incident since then. Would like it to be a requirement as the initial observance by the Police stated that it was not the motorcycles making the noise but the people and the cars. If he discontinues his security detail after the motorcycles dissipate, problems with the cars and people during winter months will continue so would like it to be a requirement for him to keep the security. Also, wants it on record that if Mr. Pendergast changes ownership of the restaurant, it would also be required of the new owners of the restaurant.

Mr. Coldwell responded that the license would have to be amended to read that and it would have to be a different hearing but he will check with Town Counsel on that. It appears Mr. Pendergast is willing to continue the security as it is helping him, too.

Mr. Coldwell wants to close the hearing with a Motion to make a strong recommendation to Mr. Pendergast that he continue the surveillance that has been going on and if he needs to come back to the Board to make a change, he can always do so.

Mr. O'Neill was asked by the Chairman if he was in agreement with this arrangement and recommendation and Mr. O'Neill stated that he agreed.

MOTION by Mr. Ryan, seconded by Mr. Selissen, to support the recommendation of the Chief of Police and the Motion by the Board to keep the private security. Unanimous vote.

MOTION by Gill, seconded by Mr. Selissen, to close the public hearing. Unanimous vote.

Long Range School Space Planning Committee

Appearing before the Board was Ray Shaw, Chairman of the Long Range School Space Planning Committee [LRSP] who introduced the following: Jamie Cutless, LRSP Vice Chair, Jack Quin, Business Manager of School Administration, Joe Russell, School Committee Member, LRSP Member Dennis Francis and Mr. Gill, Mr. Coldwell, and Mr. Cressman who are also members of the committee. Two other members of the committee absent tonight are John Wynn and Laurie Soprano. Also present was Phil Poinelli of Symmes Maini & McKee Associates of Cambridge, MA [SMMA] who was hired by the committee as the consultant on this project 8-9 months ago.

Mr. Shaw stated that they were appearing more or less on a procedural matter and that in the Board packages is a Statement of Interest Form put out by the Massachusetts School Building Authority. They are asking for the endorsement of the Board of Selectmen -- not to expend money -- but to endorse the committee's sending the Notification of Interest that we wish to do something with the high school.

He gave a brief history as follows: the committee was formed as a result of the May 2005 annual town meeting, convened in August 2005, and put out a request for proposal. Out of that RFP came the hiring of the architectural firm of SMMA and Mr. Poinelli is one of the principals. They have been meeting for past 6-7 months working with SMMA presenting information and on a procedural basis, is a revamping of the formation of the Mass School Building Authority [MSBA], a whole new way of doing business if you wish the state to fund your projects. He turned the meeting over to Mr. Poinelli who would take them through the process.

Phil Poinelli provided a recap of highlights of the master planning process, statement of interest form, and a brief overview of the draft regulations of the MSBA [17 pages] as well as where things stand at the moment. They are working with the committee to establish goals for the master plan project which address the process on how the committee would work, educational goals to accommodate future enrollments, create flexibility for future educational programs, and parity between the schools of common grade levels. His firm conducted an existing conditions analysis of each of the buildings and sent a team of architects and engineers into each of the buildings to look for issues, i.e. life safety code, impact of student and faculty safety, physical conditions of the building components with respect to mechanical, electrical, plumbing, and fire protection systems; the capability of those systems to accommodate additions if proposed, and physical conditions of those systems. They found that generally, the buildings are well maintained but building systems have outlived their useful life and in most cases, a comprehensive renovation or replacement of systems is required. Moving forward in exploring options, those were things kept in mind as part of the criteria.

The enrollment projections process was done with assistance in hiring the firm Merrimack Education Center [MEC] to conduct the enrollment projection study. They looked at traditional survival methods, birth rates, historical trends, in-migration, out-migration, and housing permits on the books within the town, new developments under proposal, real estate market, private school and vocational schools in area, and took all into account developing their population projections. The consultant met with the committee, had a Q&A, explored issues and brought answers back which is all included in a report he did for us. The report will become part of the master plan report.

Historically, between 1995 to 2006, population increased by 884 students, i.e. 22%. Looking forward, anticipated increase of additional 629 students, i.e. 15% population increase expected. They developed conceptual design alternatives for the school system that would meet the program requirements and that included additions and renovations to each as well as new construction at each and combos thereof. When you build new, you

can ensure you solve all the educational goals; when you do additions or renovations, there are educational compromises which need to be made. In the process of developing a final report and working on it actively to be completed by end of the month. Setting up a meeting in first week of August to review it with the committee.

MSBA, Mass School Building Assistance, is the old program from the Dept. of Education and they no longer exist. In 2004, the state established an authority, the Mass School Building Authority who will from now on regulate the school building design and construction within the Commonwealth. Sept. 1 we anticipate the regulations will go into effect. The regulations are inches thick, i.e. space guidelines for sizes of classrooms, offices; have taken a more detailed look; indoor air quality guidelines as regulations for air quality within schools during construction if they are occupied renovations as well as air quality in schools once operational; good guidelines following good engineering practices; detailed governing process which starts with the Statement of Interest form.

For tonight, the first process they have set up is the Statement of Interest Form which is identification of the problems. They will prioritize the projects based on this form starting July of 2007 with 8 categories which communities can identify the types of issues they may be experiencing, i.e. (1) Replacement or renovation of structurally unsound or unhealthy buildings; (2) Elimination of severe overcrowding; (3) Prevention of loss of accreditation; (4) Prevention of severe overcrowding from increasing enrollments; (5) Replacement or renovation of heating systems to increase energy conservation and decrease energy-related costs; (6) Short term growth; (7) Replacement or addition to obsolete buildings to provide a full range of programs; (8) Court-ordered racial imbalanced schools. Do not need to address all 8 issues if not applicable.

Mr. Shaw added that the process is that the School Committee, the District Superintendent, and the Board of Selectman have to vote to submit this to the MSBA and sign it which is why the committee is here tonight. The School Committee met on June 27 and they voted to approve the contents of the Statement of Interest Form. He also noted that page 17 is the form of the Motion the committee would be looking for from the Board of Selectmen which would require the Town Clerk to certify the vote before sending it on to the MSBA. Mr. Carey is in the audience if it is the pleasure of the board.

Mr. Gill added that he along with Mr. Coldwell, Mr. Cressman, and the rest of the committee worked very diligently in coming up with a report but frankly, we are spinning our wheels. This process is full of contradictions, ambiguity, one being, "the authority will not accept any applications or design documents, plans, schematics, or drawings prior to July 2007" but they now decided to accept it. What they are asking us to do is to indicate that we have a Statement of Interest in these projects. We are not committing the town to anything, not saying we are going ahead to do it. We are telling this new group we have a Statement of Interest and see what goes on.

Mr. Selissen asked if we are late on this as he heard that 36 communities already beat us out of the gate or they would not accept them until July 2007 -- now confusing.

Mr. Shaw clarified that they are accepting them up until July 2007 but will not officially react to them until after July 2007, therefore do not expect any action until July of 2007.

Mr. Selissen added that this was a cooperative warrant article between the school committee and the finance committee and asked if the finance committee had been briefed on this. Mr. Shaw stated he has briefed them on 3 separate occasions and they were invited tonight but could not attend; they are up to speed. He and Mr. Wynn represented the finance committee and he has regularly reported to them.

Mr. Ryan suggested to Move the Motion on the Statement of Interest form and authorize this committee to proceed as it does not commit us to anything other than we get our papers in there with everybody else.

Mr. Shaw stated as point of information, the school committee has already authorized this committee to work in conjunction with the form that is submitted and it is their intent that our committee stay for the first process.

Mr. Mackey asked what legal authority does the New England Association of Secondary Schools and Colleges have over Massachusetts Schools?

Mr. Quin responded that we participate in their evaluation and they come in and either accredit our schools or do not and we do it at the high school level.

Mr. Ryan added that they are the recognized body that evaluates secondary schools in the Commonwealth and they also evaluate middle schools and elementary schools. They are the recognized body that is the accrediting agency for making sure that schools meet certain standards; not aware that they are a state law, simply the recognized agency.

Mr. Mackey asked if they are empowered with the ability to take away accreditations.

Response by a LSRP member is that it is believed that participation with NEASC is voluntary but once you engage them to accredit the school, you live by their rules. Colleges and universities look at schools and give preference to students who come from accredited high schools so it is an accepted norm throughout the Commonwealth that all high schools voluntarily participate and then live by those rules.

Mr. Mackey stated that he has some issues with the accreditation process to be saved for another day and to move this along. Looking at the Statement of Interest form and interpreting that the authority has the ability to replace and to model schools and determine funding, are they also the same group that would decide the prevention of the loss of accreditation? And if they have the ability to stop someone from losing their accreditation, are they the determining factor on the money as well?

Response by a LSRP member is that they are going to take whatever number of Statement of Interest Forms they receive by July of 2007, evaluate them on the 8 criteria to identify which schools they believe are the most needy based on their evaluation up to the point that they can fund. They have \$500 Million for the first year to fund schools and cannot commit to school projects costing more than an aggregate of \$500 Million.

Mr. Mackey asked that if different schools in different communities are threatened with loss of accreditation, they make the determination as to which ones are going to get the money, which ones will lose their accreditation, and which ones are not?

Mr. Shaw responded, yes indirectly, and that he does not believe the committee had any objection with the recommendations made as it relates to the structure put forth by NESC as they agreed with their findings based on the reports received from our consultants.

Mr. Coldwell stated that the sad part of this is that this committee worked so hard putting all these plans together only to find that the rules changed; disappointing. We are charged to authorize the submission of the Statement of Interest Form which I support.

MOTION by Mr. Gill, seconded by Mr. Mackey, that The Board of Selectmen – Resolved: Having convened in an open meeting on July 11, 2006, the Board of Selectmen, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated June 27, 2006 for the Tewksbury Memorial High School located at 320 Pleasant Street, Tewksbury, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future (Priority 2 – Elimination of Severe overcrowding – the high school is currently over student capacity by approximately 40%; Priority 3 – Prevention of loss of accreditation – The high school is currently on accreditation warning by the NEASC; Priority 4 – Prevention of severe overcrowding expected from increased enrollments – there is a projected increase of 113 students; Priority 5 – Replacement, renovation or modernization of the heating system in a schoolhouse to increase energy conservation and decrease energy related costs – The boilers and much of the other heating and ventilating equipment is 47 years old, windows are single glazed and energy inefficient; Priority 7 – replacement or addition to obsolete buildings in order to provide a full range of programs consistent with state and approved local requirements – The school lacks 18 academic classrooms, large group instruction spaces and other academic support spaces. Additionally, many of the existing classrooms are undersized) and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. Unanimous vote.

Donna Walsh, Finance Director – Finance Committee

Notes to be signed/Chapter 77 Transfers

Ms. Donna Walsh appeared before the Board to present the interim loan note for the Colonial Drive water tank project. She introduced Clark Rowell, our financial advisor and Vice President from Unibank, who replaced Pauline Mary who recently retired.

Mr. Rowell stated that this is an interim loan of up to \$6 Million for the water tank construction and is a direct placement with the Water Pollution Abatement Trust and the interest rate is 1.76%. The purpose is to have the loan approved by the Board and to execute the document accordingly. The approval is in the form of the Motion enclosed consisting of 2 pages which is prepared by Bond Counsel and to be voted as presented. Mr. Rowell covered its contents which is consistent with other communities who often vote as “so moved” or the entire contents can be written into the record at the Board’s preference.

Mr. Rowell outlined these additional comments by paragraph number on the 7 paragraphs in the document:

1. Acknowledges that at some point the board will be issuing bonds through the Water Pollution Abatement Trust in an amount not to exceed \$7,250,000. This is explicitly the October 5, 2004 authorization which will be stated further on.
2. The bonds will be dated as of the date of issue, likely sometime in mid-fall, and will have structure as prescribed in Schedule C which is attached to the loan agreement. The Trust will prescribe what the principal payments are, the interest payments, which will be documented at that time.
3. The Town has entered into a Project Regulatory Agreement with the Department of Environmental Protection and a loan agreement with the Massachusetts Water Pollution Abatement Trust and is acknowledging that and confirming and approving those documents that have been signed by the Town Treasurer as the authorized person to sign.
4. Acknowledges that prior to issuing these bonds, you may issue an interim loan. An interim loan not to exceed, or whatever amount it may be, and under terms and conditions, as actually evidenced in the note when it is signed.
5. The point of the vote, approving a loan of up to \$6 Million of the \$7.25 Million authorization of October 5, 2004 Special Town Meeting.
6. States that in all these actions, all the terms, all the issues raised to date, you are approving and ratifying.
7. Authorizing the Town Clerk and the Town Treasurer to do whatever is necessary to execute the documents and to deliver them to the Water Pollution Abatement Trust.

Mr. Gill asked for the interest rate and length of time.

Mr. Rowell responded that the interest rate on the note is 1.76 and will stay fixed on the note which runs out to December 30, 2006. The expectation is when the bonds are issued, it will take out this note, approximately 5 months. If the Trust typically issues in the mid-fall, may be as short as 3-4 months. This is the type of note that you draw the

proceeds as you need them so if you do not draw any, there would be no expense. You only pay interest on the portion of the \$6 Million you actually draw.

Mr. Selissen asked if this is a state-subsidized loan which is why the 1.76.

Mr. Rowell responded that yes, that is correct.

Mr. Selissen stated that we are getting a state subsidy long term when we go to fund this at 2% thanks to Representative Miceli and Senator Tucker.

With no further comments from the Board, the Chairman accepted a Motion.

MOTION by Mr. Mackey, seconded by Mr. Gill, to accept as outlined the documents presented, for all members to sign the 2 documents required, and to authorize the Town Clerk and the Town Treasurer to execute and deliver them to the Water Pollution Abatement Trust. Unanimous vote.

Rogers Common

Appearing before the Board was Robert Wyman, Counsel for Wamesit Village Ltd. Partnership, who wanted to clarify that although the record says Rogers Common, Wamesit Village Ltd. Partnership is the owner of Rogers Common. They are here to ask for a letter of recommendation which would allow them to amend the Comprehensive Permit previously issued by the Zoning Board of Appeals and they are looking to change the Comprehensive Permit from a rental agreement to a home ownership agreement.

He provided the following background: In 2001 Wamesit Village Ltd. Partnership came before this Board under a local initiative proposal [LIP] under 40b. The first step in the process for a LIP is to come before the Selectmen, get a letter of recommendation, and then go before the Zoning Board of Appeals for formal approval. The Selectmen in 2001 approved 20 rental agreements for Rogers Common with 5 designated as affordable units under the DHCD guidelines [Department of Housing and Community Development]. The other 15 rental units are market rate rental units and all the approvals were obtained, the project was built, and over the course of the next 3 to 4 years, the units were rented. Leading up to 2005, we learned that for 20 rental units, it is not an economically viable or feasible project. Rental projects need to be a much larger size. The smaller the project, the more difficult it is. In 2005 when they realized this and attempted to sell the building as a whole, they were offering it to buyers and did not come close to getting a viable buyer for the building as a whole to keep it as rental units. They turned back to the DHCD and had a proposal to change the Comprehensive Permit from a Rental Agreement to a Home Ownership Agreement and offered to deed back to the town, 5 of the 20 units for no consideration, no money. In turn they asked to transform the other 15 rental agreements into condominiums, i.e. home ownership that they could sell. They even put a cap on the number of units they would sell, i.e. during the first year to cover their financial obligations under their loan agreement, they would only sell 7 units. After the first year, they would stagger the sale of units so that the Selectmen, DHCD and the ZBA would not think they tried to overnight cash out on the project. DHCD's Director

and Assistant Director issued a letter and basically cast it back to the town's Selectmen and Board of Appeals to say that if you are in agreement, then they are in agreement.

The risk or loss here is that the town will lose 15 units counted toward that affordable list. But there is no loss as there are other projects the town has on the horizon that very quickly will fill in those 15 units. The town annually meets its 2% cap and since that 2% amendment was put into 40b, the town controls 40b projects pretty handily. The other risk is that you are opening up the dam to an amendment of comprehensive permits. The Providence complex is the only other rental LIP project in town with about 70+ units. The Providence is not in the business of converting and selling units; they are in the business of renting units, so the likelihood of the only other comprehensive permit LIP coming before you for an amendment or changeover, is extremely unlikely.

The benefit to the town is that the Tewksbury Housing Authority is getting 5 deeded units, i.e. 25% of a project that the developer, the partnership, is giving to the town. The Tewksbury Housing Authority can use those 5 units in their inventory to direct to any source of need they want, i.e. Veterans, single Mom's, etc. There is a waiting list of over 300 applicants for 2-bedroom units. We are not going to solve the problem overnight by giving 5 units to the town but when you weigh and balance of perceived risks with the benefit to the town, there is a real benefit.

Corinne Delaney addressed the Board and stated that the benefit by coming to the Housing Authority would be that we serve a different income population than the home ownership program does. Our applicants are eligible from the 80% down to 0. If the next one in line to get a unit is only making 30% of the medium income, they can go into one of these units and be subsidized by the housing authority and be paying a very low rent. Most of your population is eligible for home ownership and have to be in the 50% - 80% in order to purchase a unit for what we call affordable. We have a different type of applicant for our program. We will be maintaining the properties and have 322 people currently on our waiting list with only 17 units that serve the income population. Even 5 more units is not a lot but it could be quite helpful for some families of lower income. Mr. Ryan stated that when I think of Housing in Tewksbury, I think of Mrs. Delaney. As long as I've been involved in anything in town government, she has been involved in housing and I have a great deal of confidence in what she says. For that reason I support this tonight. There is enough out there that the gap will be filled and the need can be met through her operation and directorship and it is worthwhile to do it.

Mr. Selissen stated that Attorney Wyman made reference to Providence but no reference to the Hanover Group which we heard from earlier today. There is a case of 360+ rental units that theoretically could also come before us in 2 or 3 years. I think we are establishing a really bad precedent here by supporting this so I am voting against it.

Mr. Mackey stated that he cannot support this tonight and that we ought to go in the direction of implementing the policy that is before us. I am prepared tonight to make a Motion to adopt that policy and think we have all read it. It is what is in the best interest

of the community as a long-term position and when we are finished hearing from everyone else, I have every intention of making that Motion.

Mr. Gill stated his support of the transfer from rental to home ownership and applauded the efforts of the individuals willing to give the Housing Authority value equal to more than \$1 Million in housing. It is an innovative way to look at it and the fact that we were looking at a project tonight in excess of 300 units, the loss of the number that this project represents will be negligible and we will be closer to fulfilling our goal of 10%.

Mr. Coldwell stated he reviewed all the paperwork this afternoon and had several questions. One was the question of the developer to demonstrate that the project was marketed previously which has been answered. As far as its being a precedence setting, the other LIP project is 70 units and the company has indicated they are not in the business of selling rentals. Each project that comes before the Board should be judged on its own merit and we should not look at everything the same way, otherwise, everybody would probably be driving the same kind of car. Another concern was if it was operating without sufficient funds, what could happen in the future. Finally, it was brought out tonight that the giving of the 5 units serves a population that is vastly under served now. Over 300 people waiting to be housed in the community and it does not sound like much but 5 is better than what we had before today. Serving that population has great merit. After much looking through the facts, I am going to vote in favor of this tonight.

MOTION by Mr. Gill, seconded by Mr. Ryan, to grant the request and accept the gift of 5 units for no charge. Vote passed 3 – 2. Mr. Mackey and Mr. Selissen against.

National Auto and Finance, LLC (continued hearing)

Appearing before the Board was Robert Despres, Manager of National Auto & Finance LLC of 2195 Main Street, Tewksbury regarding the license transfer continued from the June 27, 2006 public hearing.

The Chairman reminded those present that at the last hearing, the name of the establishment was not registered with the Secretary of State and he referenced paperwork submitted to the members for tonight. The members did not have any questions as the document was from the office of the Secretary of the Commonwealth of Massachusetts.

Chairman Coldwell requested anyone from the audience to come forward at this public hearing, and seeing none, he accepted a Motion from the members.

MOTION by Mr. Mackey, seconded by Mr. Gill, to allow the transfer of license from JNV Corporation d/b/a Auto One Outlet, 2195 Main Street, Jorge L. Noya Van Der Velde, President, to National Auto & Finance LLC, on the same premises at 2195 Main Street, Tewksbury, MA, Robert R. Despres, President. Unanimous vote.

The Bury – Pledge of License

Attorney Richard O'Neill appeared before the members on the Petition for Request of the Pledge for the all alcoholic beverage license owned by Inheritance LLC to be allowed to be assigned to The Bury at 1721 Main Street, Tewksbury, MA.

Mr. O'Neill stated that we have provided documentation and the Pledge agreement that has been entered into between the parties. He introduced Mr. Richard Losano, the former owner of Bacci's having purchased the property from Gil Bacci a few years back who owned and operated the facility until the end of 2005/early 2006 when it was purchased by Inheritance LLC. As a consequence of that purchase, there were Pledge Agreements entered into and also UCC assignments that were agreed to as well. In addition there was secured financing and as a consequence of secured financing, it is customary to request that the single most item of value within that transfer, which is the alcoholic beverage license, be pledged such that it is not available for encumbering or pledging to another third party. If you look at the Pledge Agreement, the first page talks about "the desire of the obligations of the purchase be secured pursuant to the terms of the promissory note and that the alcoholic beverage license purchased by the purchaser, be pledged to the secured party subject to the terms and conditions of this particular pledge agreement." The transfer of the license has occurred at the end of 2005 and formally approved by the Beverage Control Commission early January of 2006. As far as we know, there are no issues with that license. This is very simply a petition to approve the Pledge.

The Chairman asked for the Board's comments or questions.

Mr. Gill asked who the holder of the license is right now and in whose name?

Attorney O'Neill replied that the license holder is Inheritance LLC under the name of the Taylors, Andrea Taylor and Robert Taylor who chose not to come tonight.

Mr. Gill inquired how do we know they want to do this.

Attorney O'Neill responded that we have indicated to them we were coming and they have not told us they are objectionable to this. There are provisions in this document for them to come to meetings with us, i.e. bottom of 2A, "that contemporaneously with the execution of this agreement, the purchaser will sign Massachusetts ABCC forms necessary to Pledge said license to secured party. In addition, Purchaser agrees to attend any and all hearings necessary and take such other action such as filing additional forms and cooperate fully with the secured party in obtaining authorization for said Pledge for the town of Tewksbury and the Mass ABCC."

Mr. O'Neill introduced counsel for Mr. Losano that was available at the time when these documents were executed.

Mr. Gill inquired as to who is asking for the transfer.

Mr. O'Neill replied that there is no transfer. We are asking for you to agree with the Pledge. The parties have themselves agreed to the Pledge Agreement.

Attorney Wayne R. Pastel, of 6 Courthouse Lane, Chelmsford, MA, represented Mr. Losano when he sold the license to the Taylors. As part of the transaction, the Taylors

did agree to Pledge the license and signed the Pledge form as part of the closing, a voluntary act and the purchase and sale agreement that indicated that it was part of the agreement that they Pledge the license. The value of the license when it was transferred was not segregated out in the P&S.

Mr. Gill stated that in the license that the town grants, there is a place on that license that indicates the value of the license. Secondly, he is concerned about the fact that the last time a license was pledged for the Town of Tewksbury, two or three days afterward we regretted the fact that we did that. I do not think it is a good way to do business. The license that we transferred is not a year old and my biggest concern is that I am not sure the Taylors want to do this as they are not present.

Attorney Pastel replied that they agreed as they signed the documents to do it voluntarily as part of the Agreement and signed the application to transfer the pledge.

Mr. Gill stated that we do not know that.

Chairman Coldwell stated that he can see the document and the names and signatures of the Taylors as well as Mr. Losano. That indicates that they want to go through with it but if we need further proof, you will have to bring them here to say that they did it.

Mr. O'Neill responded that they are the petitioners.

Chairman Coldwell restated that they did not bother to come and if that is the case, it tells me that they are okay with it but Mr. Gill does not agree.

Mr. Gill stated the he will be in opposition to this as he vowed when that last pledge situation occurred, to never again allow a license for the town to be pledged.

Mr. Selissen found it interesting that it is not dated. Concerned that they are not represented here and that somehow they have already agreed to this pledge and it is part of the original transaction, part of the purchase and sale agreement which was provided. A promissory note included with the documentation and the pledge agreement.

As Attorney Zaroulis is not here tonight and the Taylors are not here, Mr. Selissen recommended to table this until the next meeting and have the Taylors present and have Attorney Zaroulis take a look at it. If we the Board of Selectmen have already committed to doing this, want to be sure we are on solid ground before we go forward.

Mr. Ryan concurs with Mr. Selissen and Mr. Gill.

Mr. O'Neill: When Mr. Gill spoke on the notice, if there is a concern of the notice issues, we are willing to continue to the next hearing and will undertake to give notice to the Taylors that they are to be present and we will provide you with service of that notice should they choose not to attend, and we will exercise every best effort to give you the Taylors or receipt of notice that we have provided to them. Secondly, I am not familiar with the transaction Mr. Gill is referencing so do not know how to deal with it by either addressing concerns legitimately through modifications on the Pledge agreement or if there are provisions on the Pledge agreement that would address those concerns.

Mr. Coldwell stated that the majority of the board wishes to continue so he would accept a Motion.

MOTION by Mr. Selissen, seconded by Mr. Gill, to continue the public hearing on The Bury, Pledge of License, to August 15 at 7:30PM with the stipulation that the Taylors be requested to attend via a certified letter of notice and that the Selectmen receive a copy of the original application in their board books for this meeting. Unanimous vote.

Residents

There were no residents who came forward.

Town Manager

Labor Counsel Invoice

MOTION by Mr. Ryan, seconded by Mr. Gill to authorize payment to Labor Counsel in the amount of \$300.00. Unanimous vote.

Town Counsel Invoice

MOTION by Mr. Gill, seconded by Mr. Mackey, to authorize payment to Town Counsel in the amount of \$12,621.00. Unanimous vote.

Stop Signs

Mr. Cressman requested the Board's approval for placing Stop Signs at the locations recommended by Chief Donovan. Noting no discussion, the Chairman accepted a Motion.

MOTION by Mr. Selissen, seconded by Mr. Gill, to approve the placement of Stop Signs at the list of intersections as recommended by Chief Donovan in his June 26, 2006 memo. Unanimous vote.

Tewksbury Housing Authority Permits

Mr. Cressman had attained a report from the Building Commissioner at the Board's request regarding the Tewksbury Housing Authority's permits in order to suggest they adopt a policy on such fees.

MOTION by Mr. Gill, seconded by Mr. Ryan, to authorize the Town Manager and Building Department to waive building, electrical and plumbing permit fees for solely those requests which involve the maintenance of properties owned by the Tewksbury Housing Authority and are solely funded by the Tewksbury Housing Authority's annual budget. Unanimous vote.

Assessors Map 112, Lot 5

Mr. Cressman reminded the members that at the last Annual Town Meeting in May 2006, they authorized the sale of this property, Assessors Map 112, Lot 5 on Shawsheen Street

consisting of approximately 2 acres and recommended approval to sell the property in order to ascertain that no town departments, boards or commissions have an interest in it and can declare it as surplus property and proceed to the sale.

MOTION by Mr. Gill, seconded by Mr. Selissen, to authorize the sale of the property on Assessors Map 112, Lot 5. Unanimous vote.

Special Municipal Employees

Mr. Cressman noted that Chief Donovan needed additional Police reserves to provide Police Detail coverage at various construction sites and to allow certain Town employees, i.e. Fire Fighters, to serve as Police Reserve Officers rather than bringing in Police Officers from other towns. The Fire employees have expressed interest in this and to keep things proper in their positions must be designated as "Special Municipal Employees". There are some other employees that have served as reserve police officers so we would like to include them, i.e. Fire Fighter, Dispatcher, Reserve Dispatcher, and part-time Secretary as Police Reserves.

MOTION by Mr. Selissen, seconded by Mr. Ryan, to make the positions of Fire Fighter, Dispatcher, Reserve Dispatcher, and part-time Secretary as Police Reserves. Unanimous vote.

Street Paving Program

The current street paving plan was presented to the members by the Town Manager. As identified last year, there is a projected deficit over the next three years; however, this deficit can be managed by delaying certain FY07 projects to FY08 and possibly those from FY08 into FY09. We will manage this through the process but are proceeding ahead in doing a number of paving projects, i.e. Shawsheen got a binder on the remainder and next week, Shawsheen will get the final coat on it and within the next few days, we will sign the contract to get the Foster Road culvert done this year.

Mr. Gill commented that Shawsheen is wonderful even in its half-coated state. He asked if we are delaying the street paving plan due to shortfalls in the sewer money.

Mr. Cressman replied that there is a desire in the DPW to try and do more reclamation work rather than plain overlay on some streets which was unplanned but we do not have to go back and revisit these streets as quickly.

Mr. Selissen added that there are some streets, i.e. Shawsheen, Maple that the entire part of the road was not impacted by sewer so some of the road has to be paid for by sewer money and another part of the road touches Maple Street, i.e. from the end of Maple to East Street, if we have to pave the entire road, it has to be paid with Chapter 90 money. There are two pots the money comes out of, i.e. certain parts by sewer and some part were not sewer.

Mr. Cressman added that he saw that last year on Maple Street where we did the entire length but sewer was not put in the entire length.

The Chairman suggested that if any Board members had further paving questions, they could discuss it in depth with the Town Manager.

Mr. Cressman had one final public message since our next meeting is not until August 15. Wednesday, August 2, will become our new solid waste trash collection day. We are moving to Wednesday as trash day. It has been publicized, on recycling calendars, newspaper ads, etc. Also sent notices home with school children at the end of the year.

Executive Session

None

Approval of Minutes of May 16, 2006 (reg. and exec session), May 30, 2006 (reg. sess).

MOTION by Mr. Ryan, seconded by Mr. Gill, to approve the Minutes of May 16, 2006, regular and executive session and May 30, 2006, regular session. Unanimous vote.

Reports

a. Board Members:

Mr. Gill had no comments.

Mr. Mackey had no comments.

Mr. Ryan: (a) The Ella Flemming School is looking pretty bad; under jurisdiction of School Dept. and used for storage but the outside is not looking good which happens when nobody takes care of it. Please contact the school Dept. to take care of the exterior of it and also look at the facility. (b) Asked Mr. Selissen how the sewer tie in applications were coming in after all the bad weather. Mr. Selissen has had ongoing discussions with the town engineer and averaging 3 or 4 hookups per day. Lag over holiday but 5 hookups were recently validated. Applications are running 130-140 so far; from June and July picked up about a hundred; a critical time with all the bad weather. Continue to push that in some neighborhoods, i.e. Green Meadow Drive; we just got Fraser Lane hooked up; pumping station up and going; about 20-25 residents to hook up just like that. One area ready for hookup but awaiting approval of the pump station and then 30-40 additional hookups. Going reasonably well and hope to hit our number for this year; next year we will see. Mr. Ryan is hopeful also due to bad weather; if people are thinking of it, good opportunity to do it. Mr. Selissen will continue to run the monthly meeting periodically and to advertise it as well.

Mr. Selissen: Was down to recreation field Tuesday and they did a great job; games went off well; fireworks outstanding. Wanted to reassure all that they will press forward and wanted to use this opportunity to ask people if they are interested in participating in the patriotic activities committee, we will post it for a while and see if we can get new members. There was a lot of interest expressed. There is a lot of planning and a lot of work that goes into those special days. The Chairman stated that it is more than July 4th; can use help on Memorial Day parade and all the other things that go on.

MOTION by Mr. Selissen, seconded by Mr. Gill, to post positions for the Patriotic Activities Committee. Unanimous vote.

Mr. Coldwell: (a) Was at the July 4th festivities with 2 grandchildren, well organized, happy time. Applauded the committee and Roy and his group. Mr. Selissen added that last year, the parents asked for apple juice, etc. and the Knights came in and brought in soda and apple juice...the soda was all gone and the apple juice remained. (b) As sewer program progresses and pavings, etc. he has had calls that citizens were not told they would be hemmed in for periods of time. Asked if the communication process could open a bit more. Daughter brought kids out and arrived at the back door with a gentleman worker carrying a child as they had to park across the street. The crew in the Kendall Road area are great to do such a thing and not in their contract.

b. Town Counsel: Absent

c. Secretary: Post house numbers; Use, reuse and recycle; Wed. trash day.

d. Special Committees: None

New Business

24 Ellington Road—vacate foreclosure

Mr. Cressman, after talking with the finance director and staff, recommended the Board's action be: (1) do they wish to vote to vacate the foreclosure (2) if they desire to vacate the foreclosure, said vacate shall be accomplished by a set date which is suggested as July 31 (3) the sum here tonight was a sum that may have been produced by the finance department but would have been for a date that was not tonight's date. The number needs to be revised and updated and all 3 of these need to be done by working through Town Counsel. The Board's action tonight if they want to vacate the foreclosure, is what date for these 3 things and the finance department will give the correct numbers to Town Counsel so that whatever day it occurs, we will have the number to give to the parties.

MOTION by Mr. Gill, seconded by Mr. Ryan, to vacate the foreclosure with the date no later than July 31, 2006 with the updated figures recommended by the finance director. Unanimous vote.

Attorney Andrew Caffrey appeared representing Alan Santocki with his son Jason. They are happy to hear the Motion and to pay whatever the updated figure is.

Forest Road – Deed to be signed

The Chairman read aloud a letter from Town Counsel Charles Zaroulis, i.e. "I enclose for your signatures an original Deed which conveys the above property. Please return the deed for recordation. I will record after the Grantees have complied with all conditions of the Request for Proposals."

Board of Selectmen Minutes

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MOTION by Mr. Gill, seconded by Mr. Ryan that based on the advice of Town Counsel, to sign the deed on Forest Road. Unanimous vote.

With no further business to come before the board, the Chairman accepted a Motion to adjourn.

MOTION by Mr. Mackey, seconded by Mr. Ryan, to adjourn at 10:10PM.
Unanimous vote.

Mr. Coldwell reminded everyone of the next Board of Selectmen meeting date, Tuesday, August 15, 2006 at 7:30PM.

John Ryan, Clerk