

Board of Selectmen Minutes  
January 2, 2007

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

Chairman Coldwell welcomed everyone in the auditorium and introduced the first item on the agenda, a transfer of liquor license request for The Bury.

**The Bury – Transfer Liquor License**

Mr. Coldwell read the public notice aloud while the representatives came forward and took chairs at the table.

“Notice is hereby given that the Board of Selectmen will conduct a public hearing on Tuesday, January 2, 2007, at 7:30 p.m. on the request of Inheritance LLC, d/b/a The Bury, by Robert Taylor, Manager, to transfer all alcoholic beverage restaurant license to Tusk, Inc., d/b/a Martino’s Pasta Grill by Alex Klimarchuk, Manager, on premises described as one floor, 4500 sq. ft. premises with three entrances/exits in the front and two entrances/exits in the rear located at 1721 Main Street. The hearing will be held in the Selectmen’s meeting room, Town Hall, 1009 Main Street, Tewksbury, MA.

Input is welcome from the public. The Board of Selectmen recommends that comments be submitted in writing, to the Board of Selectmen, Town Hall, 1009 Main Street, Tewksbury, MA 01876 on or before noon time Friday, December 29, 2006.

Charles E. Coldwell, Chairman  
Board of Selectmen”

Attorney Wayne Pastel appeared representing Tusk, Inc., the proposed transferee and he introduced Richard Losanno, the owner of Tusk, Inc. Attorney Pastel noted Richard is here tonight to ask the Board for a continuance on the transfer application to their next Board meeting.

The Chairman checked with Town Counsel Zaroulis for his opinion on the continuance.

Attorney Zaroulis responded it would be fine to grant the continuance.

Chairman Coldwell allowed the continuance to the date of January 16, 2007 at 8:35PM which is the next meeting and asked if the Board agreed, he would accept a Motion.

**MOTION** by Mr. Mackey, seconded by Mr. Selissen, to approve the continuance request to the next meeting on January 16, 2007 for time specific at 8:35PM. Unanimous vote.

**Residents** – (Limit 5 minutes per topic)

Mr. Coldwell asked if any residents wished to speak, to please come forward.

Keith Rauseo, 10 Lloyd Road, appeared before the Board noting he was speaking tonight as himself as Chairman of the School Committee to respond to comments made by Mr. Cressman in his letter to Dr. McGrath concerning the committee’s recent settlement of a grievance, and other comments made by Mr. Gill after the release of that letter to this

Board. He stated he felt it was more appropriate to make these comments personally rather than through the media.

Mr. Rauseo offered a quick history:

“I did not attend the event in question and no other school committee member nor Dr. McGrath were present at the time. They received the complaint, took it seriously, and had the administration review the matter. After that and after consulting with both our counsel and the insurance company counsel, the committee decided to pursue a settlement. We consider this more fiscally responsible than incurring considerable legal costs involved with defending the claim through the legal process.

As this Board likely knows from its own experience, the lack of “a loser pays” position in our current litigation system and the unpredictability of jurors, arbitrators, and commissions often makes the business decision to pursue a settlement the most cost effective way of handling grievances and claims even when you think you have a decent case. This was a no-win situation for the committee. We could pursue a settlement or spend significantly more money on legal fees and risk losing the case and incurring damages. We chose the former and agreed on a settlement that provided a set cost and importantly, no finding of wrong doing. I considered that the best option for the town then and I still do. If we had a different system, I may have felt differently.

Dr. Farris, in his recent letter announcing his retirement, lamented the town’s and school’s current budget situation as we all do regularly and with good reason. We do not affix blame for that situation on anyone. For the Town Manager and Mr. Gill to connect this settlement to our budget situation is ridiculous. Dr. Farris is responsible for one of the largest organizational units in Tewksbury. He works in the district with one of the worst per pupil spending figures and student/teacher ratios in the state in a facility which almost everyone agrees, needs to be replaced. This is an historical problem that took years to create and will take years to fix. While the recently-asked, visiting team put the facility on a warning status, it did so for reasons dealing only with the facility and resources available to students -- reasons all attributable to funding and headcount.

The administration staff, students, and curriculum were lauded. Now you have labeled Dr. Farris as a sexual harasser, an embarrassment to the town, and the local media has followed suit even though the harassment and discrimination claim was withdrawn without a finding. It is time for people to review what “innocent until proven guilty” means.

I cannot comment on the events of the retirement party because I was not there. From what I’ve heard about other retirement parties, I think the roasting of the guest of honor is common and get pretty ribald. I don’t know what was said that night or how it was said -- I only know that the result was unfortunate. Maybe town employees and officials shouldn’t speak at retirement parties any more or if they do, they should leave out any attempts at humor or roasting. In this case, the school committee dealt with the result in the best way possible from a legal, financial, and administrative perspective. But for whatever reason, the Town Manager and Mr. Gill decided that the school committee and school administration messed up and to make that point, they dragged those on both sides of this complaint, through the media mud.

These shots across our bow come too often from members of this Board and I’m tired of it. Since I have been on the School Committee, I have often disagreed with decisions of this Board, the Town Manager, and town department heads. I usually keep those

opinions to myself because I might not be as well informed about a particular issue as you are and I think town leaders should support each other. When I share my opinions, I am respectful and offer suggestions rather than being angry and offering demands. I believe that is true for my entire committee; however, we are never going to move forward as a cooperative group of leaders and as a town when people jump at any opportunity to attack the school department.

My hope is that we will continue to work together to solve the problems before us. If you prefer to continue along this path of contentiousness, school committee members will start firing back. We will all waste time responding to each other's attacks, and things will only get worse. That's not what we're here for. Thank you and happy new year."

Mr. Coldwell recognized Mr. Gill.

Mr. Gill stated he "took umbrage at Chairman Rauseo's comments. My comments were in reference to comments that Dr. Farris made about the reason why he was retiring because this town doesn't support education. Those were his comments he made to the press and re-announced it. When the town had to defend itself with a lawsuit caused by his actions, that indicated to me that there was less money going to the school department because of his actions. That's what the comments were all about."

Mr. Cressman wanted to comment that "Mr. Farris' remarks as he read them in the paper were directly at town officials. I include town officials as everyone sitting here at this table as well as possibly members of the school committee. Furthermore, I think I said I was ironic in my memorandum that this occurred, that I got an invoice for this shortly after those comments were made. It was not a remark against the school committee or the school department; that was not what I was saying; it was more a comment of the "irony" about it and nothing more than that. Other people who wrote articles decided to make it into something other than that and unfortunately, I do not write the articles. I do not release the information to the press unless the press requests it as a public document which did occur in this case, and I had to release the information as a public document. That was solely the basis for my comments."

Mr. Ryan noted he was hoping this thing would probably go away as to what was said and "I'm kind of disappointed that comments were made tonight and this will once again be back in the papers, as early as tomorrow morning about 8AM. I think if it was going to go away, and I think it would have, but the comments made tonight will simply embellish this thing for another week. There are no winners like this.

I share a couple of other concerns that the School Committee Chairman said about working together and coming together; however, I think we have to be very careful when we get up there and throw the threats out that 'the school committee will fire back'. I will say this to anybody listening, if they want to start firing, let them go ahead but I can tell you if anybody wants to lay that budget out in front of me, give me an hour with it and I will tell you a couple of things about that budget -- so I hope that doesn't happen.

When it comes to spending money, I also want people to take a look at that auditor's page, page 18 I believe. It is something like over \$50 Million of the \$70 Million spent by the town, is spent on education -- 61% spent on education -- if you want to start talking about that. We should stop this tonight and get on with the work at hand. We have to

work together, we will work together, but I think we should put this aside, absolutely 100% tonight and I say this to everybody. If they don't want to put it aside, then bring it on. And if you do, there will be a lot of losers and it would be terrible for this town. Let's not do it; bury it tonight."

Mr. Mackey noted that, "It is ironic that I was going to bring up the same thing Mr. Ryan did, that 61% of the budget is going to the schools which I don't think is too bad. I also agree with Mr. Ryan regarding the fact that we have to work together if we are going to get beyond the difficulties that will confront us during the next budget process. When I hear someone like Mr. Farris make comments that this town doesn't support education when 61% of the money is going to the school department, I think that flies in the face of reality. Maybe they think they should have 67% or 70%. I don't think the residents of the community have turned their backs on education and I think the numbers clearly indicate that they haven't. Maybe when you look at the budget in comparison to other communities, maybe we don't have as much money in the pot as they have but the percentage of the money that we do attribute to education, speaks for itself. I can't stress enough the fact that we have to work together if we are going to get beyond it; if we're going to fight and have infighting and battling, then we're going to get nowhere and all the departments in the entire community will suffer in the end."

Mr. Selissen noted he doesn't have much to add other than, "In speaking in terms of my grandson, we need to take a time out. We need to step back and ask ourselves ultimately what's good for the community. Things have been said, feelings have been hurt, and things have been misinterpreted one way or another, so we need to focus on Tewksbury as a community."

Mr. Coldwell stated he thinks, "We should put this unfortunate incident behind us. Keith hit on it as the rest of the Board, that we have to start working together and I respectfully ask members of this Board to keep that in mind, that we just work together and see if we can't push forward. Mr. Gill made his explanation and the Town Manager and Keith gave their opinions which we respect and we should just put it there, let it go, and move on, and I think that's what we will do. He thanked Keith for his comments, thanked the Board for their comments, and stated to tie the knot and not go in different directions."

There were no other residents to speak.

### **Town Manager**

#### **Existing Wastewater Pumping Station Evaluation**

Mr. Cressman gave a report concerning the existing Wastewater Pumping Stations and evaluation performed on a number of them by CDM. Summarizing, he noted they were asked to look at 8 of our existing sewer pump stations and see what needed to be done to bring them up to good running condition for the future. Based on that study, they estimate that we need to make about a \$2.4 Million project on these pump stations. We projected this cost in our most recent sewer fund analysis and he will be preparing a Town Meeting Article on this for the upcoming 2007 Annual Town Meeting. He also

noted that he is hopeful we will have some other strategy so maybe we can reduce some of the funding as we move forward over the next few months.

Mr. Coldwell noted that it is hard to believe that the sewer system has been in place for over 20 years.

Mr. Gill stated he is in a state of shock over where this came from and how this developed without any warning that this was taking place. He is concerned about a lot of things as when reviewing the report, a lot of the items seemed to indicate they should have been covered by yearly maintenance, i.e. painting, replacing louvers -- that wasn't rocket science. He is disillusioned that we went to CDM to come up and feather their own nest; they did the report and they certainly expect to get the work. Any time you have somebody who intends to do the work and also do the recommendation of what the work should be and how much it should cost, just raises flags. An awful lot of the items here are plain preventive maintenance that should have been done yearly -- the majority of items. He also asked why Michael Street was included when that's subject to litigation right now. We have to have a longer discussion on this rather than having it slip by the Board and say we are for it, i.e. replacing certain items when they can be rebuilt, etc. How much did this report cost us? Mr. Cressman responded, "\$20,000".

Mr. Gill added, "\$20,000 to tell us that the majority of items in there are preventive maintenance items, just paint".

Mr. Cressman tends to disagree with Selectmen Gill's comments: there is no guarantee that CDM will get the work here associated with that; we can always put it out for bid. This is more than paint and patch up and annual maintenance. We're talking about things at Florence Avenue, \$272,000 out of \$284,000 which is pump replacement, fall protection device, cathartic protection, ventilation upgrade, combustible gas detection, electrical service and distribution replacement, manual transfer switch, automatic transfer switch, standby generator, and egress lighting. Those things are not annual maintenance.

Door replacement, damaged gutter service, coating on piping -- maybe that's annual maintenance but that's only \$7,000 out of an estimated \$284,000 and I can run down the list here. The items primarily in the Priority One level make up the large majority of this, i.e. replacement of electrical system, standby generator, pump replacements, new station, new vaults, spill containment, check valves, ventilation upgrade ... close to 80% of this is not annual maintenance.

Mr. Gill noted that Mr. Cressman can read the figures the way he wants to read them but he can do the same thing. An example is East Street. One item totaled \$507,000 and is \$45,000 worth of repairing, recoating, upgrade general station lighting -- items we could have been doing all along at a maintenance cost now are going to cost the rate payers a ton of money. Regarding the Priority system, CDM established the priority system so what will they say, we don't have to do it, it's a priority 3. They put the priorities together and assigned what the final answer would be. I don't like the way this is done -- the engineering firm that we know was doing all the work in the town, or the vast majority of the work, does the inspection and they expect to get the job bid. I don't think it is right.

Mr. Ryan “read the report differently” than Mr. Gill. About 60% of the work being done is in two areas, Andover Street and East Street. He understands the frustration with CDM but will block that out because if we engage in an almost \$100 Million sewer program town wide, these are the areas that can’t fail in this type of thing. This is old technology by and large as most of it is about 20 years old and ready for an upgrade. It’s difficult but he will give a pat on the back to the DPW staff who take care of this from another angle. We have stretched these people out so far because of this sewer program that they can only do so much. We simply do not have the number of personnel to do both, such a large sewer project and also must maintain these particular areas with aging technology. There might be some areas we can get in and disagree with in this report like some things we probably could take care of but I see this as replacing the major items, the pumps, the distribution areas and the corroding pipes, etc. that are now 20 years old.

It does seem that when CDM writes the report, then they cash in on it, and you can be sure when you commission them to a \$20,000 report, the outcome will be several millions of dollars. It might also be something we don’t want to hear as something that has to be done. I look at this report as a good report to get us going and we should revisit it and see if there are some areas we might be able to have some agreement on to call this back somewhat because the costs are so staggering that it’s alarming. I’m not going to be one to take the report and say we’re not going to do this. This is work that has to be done and we will have to bring these pumping stations up to state-of-the-art and how we get there is something that we’re in charge of and will have to work with the manager and staff to keep this as cost effective as possible to get this work done. As we continue with our sewer project and come a distance that’s grinding to a successful completion in a few years, we can’t fall back and say these things haven’t been addressed. They have to be addressed as they will be the system that’s going to maintain our new network of laterals that we’re putting in throughout the town.

Mr. Gill totally agreed with Mr. Ryan and the main flag looking at this is CDM’s involvement in it and as the commissioned studier of this item. I look at the way we handle the purchase of cruisers every year, i.e. we purchase so many a year, and thereby it doesn’t impact the budget dramatically. We have something now that is going to impact us dramatically because we didn’t look at a plan, didn’t have something down that said, okay, this year we’ll put this in and fix this pump, or rebuild this pump, or do something else. But we wait until we think dramatic things are going to happen and then we sock the taxpayers the \$2.3 Million. That’s my criticism of this whole thing. I don’t want this plan to fail; it can’t fail, it serves the citizens. If we had a plan in place where we did these things in a more logical way, similar to the way we purchase the police cruisers, would be better.

Mr. Coldwell noted that it could be that maybe the Board could look into these things a little closer amongst ourselves and set up a plan that we think would work – what do you think about that? Mr. Gill stated it’s good as long as we’re looking at it and looking over the shoulder of CDM.

Mr. Coldwell responded, “Good, then we can ask you to head up that subcommittee and give us a report in about 60 days and see how that works. Mr. Gill thanked him and asked if it was okay with Mr. Cressman. Mr. Cressman asked if anyone want to join that subcommittee. Mr. Mackey would.

Mr. Coldwell asked them to get together and come back in 60 days with sort of a plan, particularly John with the cruisers information.

Mr. Mackey agreed with a lot of what Mr. Ryan and Mr. Gill said but when you look at last year's budget and look back in time, you'll see that as far as preventative maintenance and maintenance of different aspects of the town both in the schools and the municipal side, were cut and reduced. You can travel to different communities and see buildings that were built a relatively short period of time ago and the condition of those buildings; it's happening in many communities and happening here that when we start running low on money, one of the first places that gets cut are preventative maintenance issues and not just a lack of personnel. There is a lack of funds to do these things and when we cut those funds and time passes by, the wear and tear catches up and we end up paying more money in the long run. It happens time and time again and unless we take a hard look at it and try to make sure we find a way to be able to maintain different things in the schools as far as the buildings, this is an issue that will continually confront us.

Mr. Selissen agrees with John. The reality is that maintenance gets short changed all the time so when push comes to shove, the first budget that gets stolen is the maintenance budget. We are dealing with unique circumstances here with the sewer project in that we have a 20-year old system and then we have the newer system coming on board so we are trying to maintain a 15-10 year old existing system plus we're going forward with an \$80+ Million project. He verified with Mr. Cressman that when we developed the rates initially for 2007, we factored in these dollars so that is built into the rate so we've built that \$200,000 basically to set up as an accrual going forward so we can pay for that and it is built into the current rate so it's not going to impact the rates going forward as we projected them; other things might but that won't. That is important to note and the other thing is that Mr. Ryan referenced staffing. These DPW guys are straight out, working and putting in an inordinate amount of hours at the DPW; we have contractors out working on the street and can't expect to maintain a 20-year system and also every time you turn around, the water guys are going out because there's a contractor hitting water when they're not supposed to. At some point, the staffing is going to need to be addressed but reality is that when all is said and done, when we get through with the sewer project, we'll have a \$100+ Million infrastructure. The bottom line is right, wrong, or indifferent, we have to maintain it and keep it up to par. There is no impact to the rates because of this proposal.

Mr. Coldwell noted that everyone pointed out the equipment and materials that are 20 years of age and they do wear with time. In terms of the people at the Water Department, to say they've been straight out is an understatement. They have been trying to do 2 jobs and the problem is that the town can't find the funds to add to that situation. We talked about it early on when the sewer project was first proposed, but we should have probably brought some people on besides just engineers to do all this extra work. We have to find a way to make this happen because those guys are out every day and if they get a water main break in the middle of the night, they're still back working, doing something else.

Town Manager Goals

Mr. Cressman noted that this item is an update on his goals for 2007 as well as a report on his goals for 2006. If anyone wants to discuss anything with him or would like revisions, please let him know over the next 2 weeks.

Mr. Coldwell noted that they will be in touch with the Town Manager and adjust if necessary.

#### Professional Librarian

Mr. Cressman informed the members that Ms. Goodchild is resigning her position as of December 29, 2006 and therefore he is requesting authorization to post this position. Mr. Coldwell called for a Motion on the matter.

**MOTION** by Mr. Gill, seconded by Mr. Ryan, to authorize the posting of Professional Librarian. Unanimous vote.

#### Ambulance Rates

Mr. Cressman referenced a memorandum from Chief Mackey recommending increasing the Ambulance rates as of January 14, 2007. Mr. Cressman recommended the Board adopt these rates.

Mr. Coldwell asked if the Board had any comments on the matter.

Mr. Gill questioned the out of town rates on Medicare +23, +35, +40, +30 as he would like to see the out of town rate be more in tune with Andover's rate and suggested +38%. That ambulance has an extraordinary amount of wear and tear leaving the community and since they're not Tewksbury residents. Billerica has adopted a Medicare rate +40%, Andover Medicare rate +35%, Wilmington Medicare rate +23%, and Tewksbury Medicare +30%, is the new rate. We would be more in line to recover on the cost if we would do the +38%. Is there a reason why we can't?

Mr. Cressman noted that is not an out of town rate. We have been using a Medicare Rate plus a certain % on top of that for the last several years so we are in the middle of the pack. We charge the Medicare rate +30%. If you're in Andover and you use their ambulance, they charge you the Medicare rate +35%; if you're in Billerica and use their ambulance in Billerica, it's Medicare + 40%, so it is not a factor whether it is out of town service; it's a factor of how much you want to add on to the Medicare rate.

Mr. Gill asked why we would want to add on to the Medicare rate. Mr. Cressman noted it is what the residents have been paying for a number of years. We've been at the Medicare +30% for at least 3 years or more. We used to be at Medicare +20% or 25% and it was adjusted a couple of years ago.

Mr. Gill stated he remembered when we went from a free ambulance to a charging ambulance and that residents would not have to pay anything except for the insurance.

Mr. Cressman responded that is what this is set for -- the insurance. Medicare historically pays less than what an insurance company will pay in terms of their rates.

Mr. Gill noted that the elderly would tend to be on Medicare so are we billing them an extra 30%? Mr. Cressman responded that is what we've always been doing and the Chief has the option of then writing that part off of what's not paid.

Mr. Gill noted that he didn't read it this way all these years -- all we saw were the rates. Of all the people who can't afford it, are the people on Medicare. I want to be sure the seniors realize that they have the chance, if they're in any sort of jeopardy, to appeal this process. I'm sure Chief Mackey makes it easy if they appeal -- he doesn't give anybody a hard time. He continued stating that for people on fixed incomes, that 30% is a significant figure when we look at the rates now.

Mr. Coldwell asked if anyone had any other comments on this issue, and seeing none, moved forward with the agenda.

### **Executive Session**

Superior Officers

NEBPA

### **Approval of the Minutes of September 26, 2006 (reg. & exec. Session)**

Mr. Coldwell asked if there were any comments or edits to the September 26, 2006 Minutes, regular and executive session. Seeing none, he called for a Motion.

**MOTION** by Mr. Ryan, seconded by Mr. Selissen, to approve the Minutes of September 26, 2006, regular and executive session. Unanimous vote.

### **Reports:**

#### a. Board Members

Mr. Selissen: Asked Mr. Cressman if on East Street, it is the Gas Company setting up for the pumping station and if so, it would be nice to get that on Channel 10 or whatever it is this week so we can let people know. Mr. Cressman agreed and noted it is a leak that occurred on Saturday. Mr. Selissen wanted to wish everyone a belated happy new year.

Mr. Ryan: No report.

Mr. Mackey noted that January 10 is the last date for filing legislation with the State. Prior to January 10, we will be submitting legislation to deal with clients at Tewksbury Hospital who had histories of serious violence.

Mr. Gill noted it must be a full moon and (a) That patch job on East Street is a patch job and I hope it survives the winter. (b) Wants to make sure that whoever monitors the trench digging in this community that what the Gas Company did when they filled it, that's not going to last long. They should finish the job and return the street to some sort of

normalcy. (c) Stated to Mr. Cressmen that he read his letter about the water meters...the letter to DEP which upset me again. I don't get what is going on. The Board has really not decided what we're going to do and here you are asking the DEP for relief from this and relief from that when the question I asked a long time ago is that I wanted relief from the whole project, period. Nobody seems to be pursuing that. I guess I'm talking to an empty hall here because I don't think we want to do it. Mr. Cressman replied that you may not want to do it but there are certain requirements set down by the DEP.

Mr. Gill responded that he said that to CDM when they were sitting here, so how did you let that slip by and why did you let it go so long. Would you please petition DEP to get us out of it and that's the last I said of it. Since then, I keep on seeing letters about the water meters. We have no idea what we're doing, this Board. There may be other Boards that know what they're doing but I don't know what we're doing with this project.

Mr. Cressman responded that (1) I can't perceive how you're going to get out of the whole requirement. And maybe going back and looking at the first letter, there may have been that attempt. (2) There is a basic need to replace the water meters. We're starting to see some of our water meters failing and over a period of time, there are problems with the water meters that need to be addressed. We talked about a program a few agenda items ago about trying to get into some type of program of periodically replacing things on an on-going, annual-type basis. That was one of the attempts when some people started thinking about this water meter program -- to try and set that up. Has it worked as well as it should? No it hasn't. Are there some efforts we can make to improve it and lessen the burden on this requirement? Yes and that's what we're trying to pursue.

Mr. Gill: Along the same line, the residents receive an attachment on their bill for a water meter replacement and that's not working out too good. Mr. Cressman: No and that's what we've got to address.

Mr. Gill: I want to address the whole thing. When Mr. Ryan and I met with you on the antennas for the Fire Department, the communications system, we indicated then that if the Selectmen don't go along with this project, the monies that are being contributed by the Water Enterprise Fund, this project would have to go away. But we haven't had any discussion. I just keep on seeing these letters. Mr. Cressman: To get to a point where we can present something to you that we know where DEP is on this, based on what you asked about before, that's what we're trying to do.

Mr. Gill: I'm at my wits' end on this whole thing. That project, the water meter replacement thing, is running at a disaster level. We ought to address this and come to a conclusion pretty quick because the money that people are paying is disappearing. Mr. Cressman: That's what we're trying to do with the letters -- to get some reasonable agreement between DEP and the town; it's a two party system, it's not...

Mr. Gill: Send a letter to DEP saying our taxpayers are overburdened. We cannot afford to put this on our taxpayers. Maybe they have a heart.

Mr. Mackey: When Mr. Gill asked them the last time they were here to check that out, did they do anything? Mr. Cressman: Yes, that precipitated the first letter that you were concerned about back in October. Mr. Gill: The one where they weren't sure they could buy American Meters? Mr. Cressman: No, that was later.

Mr. Gill: This is going around and around. I think we should have a formal agenda item where we discuss and come to some sort of conclusion.

Mr. Coldwell accepted a Motion on this.

Mr. Selissen noted that the Water/Sewer Rate Committee is working on this matter and are willing to make a report at an upcoming Board meeting, the second meeting in February. The letter is on the extension from the 2010 date, not to say yes or no.

Mr. Gill: I was hoping for a report from the Town Manager so we can have a discussion amongst ourselves about what is going on. When we listen to these long presentations, it gets out of our hands; we are not 'discussing'.

**MOTION** by Mr. Gill, seconded by Mr. Mackey, to have a report from the Town Manager, the Chief Financial Officer, who will make a presentation at a Board of Selectmen's meeting in the near future on this matter. Unanimous vote.

Mr. Coldwell: (a) Read aloud a memo regarding care packages for soldiers serving our country overseas:

"The Tewksbury Veterans Council as well as the Department of Veterans Services is looking for donations as well as names of service men and women serving our country overseas in Iraq and Afghanistan. Donations are being accepted at the Veterans Services Department in the Town Hall. Care packages will be mailed out by the Tewksbury Veterans Council. A list of items that are needed for these care packages is available by calling 978-640-4485, or 978-640-4488 or by stopping by the Veterans Department at the Town Hall. I'll repeat those telephone numbers again. If you have questions about donations for the care packages: 978-640-4485 & 4488. If you can give us a hand, we'd appreciate it. (b) There is a gentleman here who has been waiting patiently and who has been invited in by us as a candidate regarding the Associate Appeals Board opening. Mr. Lee Denis, 241 Cardigan Road, Tewksbury, appeared before the Board.

Mr. Coldwell asked if the members had questions.

Mr. Gill asked if he went into this without any preconceived notions or axes to grind in particular and what is the reason you want to serve on the Board of Appeals.

Mr. Denis: I've been a citizen of the town for 10 years. My son is now starting first grade and I have developed an interest in being more active in the town. I became aware of this opportunity and would like to pursue it.

Mr. Gill: Have you had any experience with any other committee or board in this community or any other community? Mr. Denis: No.

Mr. Mackey: None

Mr. Ryan suggested it would be nice if he can give us something in terms of his background, where you work, experience, any experience in government in any manner, form, and shape during your life – tell us something about yourself.

Mr. Denis: I'm an information technology professional; worked in the industry for 25 years; currently work for JP Morgan Chase located at the old Wang Towers. I'm a business analyst for them. I am professional, objective, and thoughtful.

Mr. Ryan: Thank you; nice background.

Mr. Selissen: Do you have any ties to any builders or contractors in town so you would come to this fully on your own accord and with an open mind? And you realize the ZBA only meets once a month and in learning about some issues, you will also have some homework to do? Mr. Denis: No ties and understands the time commitment.

Mr. Coldwell thanked Mr. Denis for his application and his interest in the work and the community and asked the Members their position on this item.

**MOTION** by Mr. Gill, seconded by Mr. Mackey, to appoint Mr. Lee Denis to the Board of Appeals as an Associate Member. Unanimous vote.

Mr. Coldwell noted that the appointment materials will be ready for him to sign and instructed him to go to the Town Clerk and get sworn in. See Sandy at the office and she will help you.

The members thanked Mr. Denis for coming forward.

- b. Town Counsel – None.
- c. Secretary: Use, reuse, recycle. Post your house numbers. Happy belated new year.
- d. Special Committees: None

Chairman Coldwell noted this concludes the business portion of the meeting and the Board will go into Executive Session to discuss two items, both regarding Negotiations. When they come from Executive Session, there will be no further business discussed. He called for a Motion to go into Executive Session.

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**MOTION** by Mr. Gill, seconded by Mr. Mackey, to adjourn the regular meeting at 8:25PM to go into Executive Session. On a Roll Call vote, Mr. Mackey, Mr. Gill, Mr. Ryan, Mr. Selissen, and the Chair vote affirmative. Unanimous vote.

Chairman Coldwell noted the next meeting is in two weeks and on behalf of the Board, wished everyone a happy new year.

The Board came out of Executive Session at 8:50 P.M. on a **MOTION** to adjourn by Mr. Selissen, seconded by Mr. Gill. Unanimous vote. On a roll call vote, Mr. Gill, Mr. Mackey, Mr. Selissen, Mr. Ryan, and Chairman Coldwell in favor.

BY: \_\_\_\_\_  
For Clerk