

**ANNUAL TOWN MEETING WARRANT
JUNE 16, 2009**

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in the election and town affairs, to meet at the following locations:

- PRECINCT 1. EARLY CHILDHOOD CENTER, 135 COBURN ROAD
- PRECINCT 2. MULTI SERVICE CENTER, 180 LAKEVIEW AVENUE
- PRECINCT 3. TOWN OFFICES/LIBRARY, 25 BRYANTS LANE
- PRECINCT 4. TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

in Tyngsborough on Tuesday, the twelfth day of May in the year two thousand nine next from 7 o'clock in the forenoon to 8 o'clock in the evening, then and there to act on the following article:

Article 1. To bring in their votes by ballot for 2 Selectmen for the term of three years, 1 Assessor for the term of three years, 2 Board of Health Members for the term of three years, 1 Cemetery Commissioner for the term of three years, 1 Cemetery Commissioner for the term of two years, 2 Finance Committee Member for the term of three years, 1 Tyngsborough Housing Authority Member for the term of five years, 2 Library Trustees for the term of three years, 1 Planning Board Member for the term of five years, 1 Greater Lowell Vocational School Committee Member for the term of three years, 3 School Committee Members for the term of three years, 1 School Committee Member for the term of one year, 1 Sewer Commissioner Member for the term of three years, 2 Constables for the term of three years, and 1 Town Clerk for the term of three years.

And you are further directed to notify the said inhabitants of the Town of Tyngsborough to meet for the Annual Town Meeting at the Tyngsborough Elementary School Cafetorium in said Tyngsborough on Tuesday the sixteenth day of June in the year two thousand nine at 7 o'clock in the evening then and there to act on the following articles.

Article 2. To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto.

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Article 4. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2010 (July 1, 2009 - June 30, 2010), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations.

	SALARIES	REQUEST
	7/01/08	7/01/09
	6/30/09	6/30/10
<u>Elective Town Officers</u>		
Moderator	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0
Tax Collector	\$56,020	\$56,020
Town Clerk	\$52,094	\$52,094
Assessors (3)		
Chairman	\$ 1	\$ 1
Member (1)	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0
Board of Health		
Chairman	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0
Tree Warden	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0
Sewer Commissioners (3)		
Chairman	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0
Planning Board (5)		
Chairman	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0
Finance Committee (5)	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0
Greater Lowell Technical High School (1)	\$ 0	\$ 0

Article 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for the Fiscal Year 2010 (July 1, 2009 - June 30, 2010), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 6. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise for fiscal year 2010 as follows:

That the following sums be appropriated:

Salaries	\$ 169,896
Expenses	\$ 609,979
Capital outlay	\$ 211,500
Debt	\$ 56,000
Budgeted Surplus	\$ <u>337</u>
Total	\$1,047,712

And that \$1,047,712 be raised as follows:

Department receipts	\$ 989,667
Capital Reserve Account	\$ <u>58,045</u>
Total	\$1,047,712

Or take any other action relative thereto.

Submitted by: Sewer Commissioners

Article 7. To see if the Town will vote to appropriate \$177,654 from the Capital Asset Stabilization Fund and \$5,346 from the Highway Machinery Fund Reserve for the following purposes, or take any other action relative thereto.

<u>Department</u>	<u>Item</u>	<u>Amount</u>	<u>To be Expended by</u>
1. Fire	Update of design/cost of a new station	\$ 15,000	Board of Fire Engineers
2. Fire	Replacement of pick-up truck	\$ 30,000	Board of Fire Engineers
3. Highway	Replacement of truck	\$ 50,000	Board of Selectmen
4. School	Upgrades to technology system	\$ 43,000	School Committee
5. School	Paving projects	\$ <u>45,000</u>	School Committee
Total		\$183,000	

Submitted by: Board of Selectmen and Capital Asset Management Committee

Article 8. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2010 of \$269,274 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 9. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY 2009 and FY 2010 shall remain in the revolving accounts for each of the following town entities.

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00

School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Sealer of Weights and Measures or designee	\$ 3,000.00

Or take any other action relative thereto.

Submitted by: Town Entities as shown

Article 10. To see if the Town will vote to charge for each written demand issued by the Collector a fee of \$15 to be added to and collected as part of the tax, as authorized by Massachusetts General Laws Chapter 60, Section 15, effective as of July 1, 2009, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 11. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues for the Community Preservation Fund for fiscal year 2010, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses.

Appropriations

Administrative Expenses	\$ 32,000
Debt Service (Long Pond)	\$ 58,944
Lake Mascuppic Weed Control Program	\$ 6,500
	\$ 97,444

Reserves

To Reserve for Historic Preservation	\$ 65,000
To Reserve for Affordable Housing	\$ 65,000
To Reserve for Open Space	\$ 65,000
FY10 Budgeted Reserve	\$ 357,556
	\$ 552,556

Total \$ 650,000

Or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 12. To see if the Town will vote to appropriate by transfer from available funds a sum of money to be expended by the Board of Selectmen to be used to stabilize the tax rate for fiscal year 2010, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 13. To see if the Town will vote to appropriate by transfer from the Capital Asset Stabilization Fund a sum of money to be expended by the Board of Selectmen to be used to stabilize the tax rate for fiscal year 2010, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 14. To see if the Town will vote to adopt Chapter 137 of the Acts of 2003, as amended. An employee eligible under this section shall be paid his/her regular base salary as a public employee for each pay period of military leave of absence after September 11, 2001, reduced by any amount received from the United States as base pay for military service performed during the same period. For purposes of this section, base pay shall not include any allowances, overtime pay, shift differential, hazardous duty pay, or any other additional compensation received for military service; or take any other action relative thereto.

Submitted by: Veterans' Office

Article 15. To see if the Town will vote to amend the Tyngsborough Town By-law Article XVII, Regulation of Dogs – Section Nuisance Abatement to add the following paragraph:

It shall be deemed a public nuisance if any dog should trespass upon public or private property and deposit feces thereon, unless the feces is immediately removed by the owner or keeper of said dog, or take any other action relative thereto.

Submitted by: Citizens' Petition

Article 16. To see if the Town would vote to authorize the Board of Selectmen to petition the General Court of Massachusetts to enact the following home rule petition:

An Act authorizing the Town of Tyngsborough to issue a license for the sale of All Alcohol Beverages to be Drunk on the Premises to Tyngsboro Sports Center, Inc. currently located at 18 Progress Avenue, Tyngsborough, Massachusetts 01879. Notwithstanding the provisions of Section seventeen of Chapter one hundred and thirty-eight of the General Laws, the Licensing Authority of the Town of Tyngsborough is hereby authorized to issue to Tyngsboro Sports Center, Inc., a license for the sale of all Alcoholic Beverages to be Drunk on the Premises under the provisions of Section fifteen of said Chapter one hundred and thirty-eight. Said license shall be subject to all the provisions of said Chapter one hundred and thirty-eight except said Section seventeen; provided, however, that said licensing authority shall not approve the transfer of said license within one year after the date of first issuance of such license by said licensing authority; provided, further, that said licensing authority shall not approve the transfer, pledging or issuance of shares of stock of such corporation within one year after the date of first issuance, or take any other action relative thereto.

Submitted by: Citizens' Petition

Article 17. To see if the Town will vote to mandate the Selectmen to rescind the fee approved by the Selectmen to be levied upon the taxpayers as a "Solid Waste Fee", or take any other action relative thereto.

Submitted by: Citizens' Petition

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No. 1, Flint's Convenience Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No. 2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 1st day of June, in the year two thousand nine.

Board of Selectmen

Karyn M. Puleo

Richard B. Lemoine

Ashley L. O'Neill

Robert G. Jackson

Elizabeth A. Coughlin

SPECIAL TOWN MEETING WARRANT
JUNE 16, 2009
7:30 P.M.

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in elections and Town affairs, to meet at the Tyngsborough Elementary School Cafetorium, 205 Westford Road in said Tyngsborough on the sixteenth day of June, in the year two thousand nine next at 7:30 o'clock in the evening then and there to act on the following articles:

Article 1. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to supplement various municipal government accounts for fiscal year 2009, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 2. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to supplement the Reserve Fund for FY09, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 3. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to be used as an other financing source in the general fund for fiscal year 2009, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 4. To see if the Town will vote to rescind the following borrowing authorizations:

1. \$25,000 of the \$400,000 authorized under Article 12 of the Annual Town Meeting of May 20, 2008 for a fire truck.
2. \$11,000 of the \$117,000 authorized under Article 7 of the Annual Town Meeting of May 16, 2006 for a highway dump truck.

Or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 5. To see if the Town will vote to appropriate by transfer a sum of money from the Sewer Enterprise Fund Retained Earnings Reserve Account to the Sewer Enterprise Fund Expense Account for fiscal year 2009, to be expended by the Sewer Commissioners, or take any other action relative thereto.

Submitted by: Sewer Commissioners

Article 6. To see if the Town will vote to amend Article 12 of the Special Town Meeting of February 10, 2009 regarding the Shur Fine Market building in the Town Center by expanding the purpose of the article from the demolition of a portion of the building to the demolition of the entire building, and further that an additional sum of money be appropriated for said demolition from existing Community Preservation Budgeted Reserve, Open Space Reserve, Historic Preservation Reserve, Affordable Housing Reserve, Unreserved Fund Balance, and/or borrow a sum of money, including the payment of any and all costs incidental and related thereto, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Community Preservation Committee

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No. 1, Flint's Convenience Store, Lakeview Avenue Community Center, and Lakeview Avenue Fire Station No. 2, in said Town, fourteen (14) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 1st day of June, in the year two thousand nine.

Board of Selectmen

Karyn M. Puleo

Richard B. Lemoine

Ashley L. O'Neill

Robert G. Jackson

Elizabeth A. Coughlin