



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices | 25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

01

## Board of Selectmen Meeting Notice

**Monday, April 25, 2016 at 6:00 P.M.**

Community Room, Town Offices, 25 Bryants Lane

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law.

**1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

**2. Meeting Minutes**

- A. Regular Session Meeting Minutes for Review/Approval
  - i. Monday, April 11, 2016

**3. New Business**

- A. Request – Tyngsborough Water District seeking extension for well testing
- B. Appointments:
  - i. Education Fund
  - ii. Recreation Committee
- C. Request – Special Permit extension for Blue Wave Solar, 50 Westford Road
- D. Potential Article – Billboard for 120 Westford Road/Rec Dept. site

**4. Old Business**

- A. Freedom Alley Shooting Sports – Special Permit decision
- B. Contracting and Bids:
  - i. 5 Industrial Way – accept bid
  - ii. Energy Aggregation – authorization
- C. Lakeview Avenue – surplus land

**5. Joint Meeting with Finance Committee**

- A. Budget – review
- B. Warrant – review

**6. Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

**7. Correspondence**

**8. Review of Weekly Warrants**

*Town of*  
*Tyngsborough*  
Massachusetts



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### 9. Town Administrator's Report

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

### 10. Selectmen's Reports

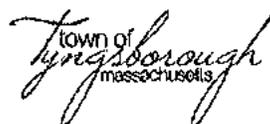
### 11. Executive Session

### 12. Adjournment

#### Future Meetings

Monday, May 2, 2016 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, May 16, 2016 at Tyngsborough Town Offices, 25 Bryants Lane





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Board of Selectmen Meeting Minutes

**DRAFT**

Monday, April 11, 2016 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman William Gramer, Selectman Robert Jackson, Selectman Corliss Lambert. Selectman Steven Nocco.

Staff Present: Town Administrator Curt Bellavance, Assistant Town Administrator Matt Hanson and Admin Assistant Therese Gay

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website – [www.tyngsboroughma.gov](http://www.tyngsboroughma.gov). Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

## **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

The Chair opened the meeting at 6:10 pm, followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Jackson.

## **2. Meeting Minutes**

### A. Regular Session Meeting Minutes for Review/Approval

#### i. Monday, March 28, 2016

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday, March 14, 2016. (Selectmen Lambert and Jackson abstain from voting, Selectman Jackson was absent from the meeting).

### B. Executive Session Meeting Minutes for Review/Approval/Not Released

#### i. Monday, March 28, 2016

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve but not release the executive session minutes of Monday March 14, 2016. (Selectmen Lambert and Jackson abstain from voting, Selectman Jackson was absent from the meeting).

## **3. PUBLIC HEARINGS:**

### A. 6:05 PM Farmers Market

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the hearing; the legal notice was read, voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to waive the reading of the abutters list.

Ms. Erica McClellan came forward to present the petition for the permit to operate the Farmers' Market at the Littlefield Library Building at 252 Middlesex Road. The petitioner are also requesting permission to offer pony rides in the field area. The area will be clean when the market closes. The market will open on June 18, 2016 and run through October 15, 2016 from 9:00 AM to 1:00 PM on Saturdays, the organization has changed the venue from Sundays. The Farmers' Market Organization did not coordinate with the Historical Commission, they will contact the Historical Commission and will coordinate with The Administrator if electricity is needed. The owner of the ponies offering the rides does have insurance coverage.





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The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to close the evidentiary portion of the hearing.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the request for a Special Permit to operate a Farmers' Market starting June 18, 2016 through October 15, 2016 from 9:00 AM to 1:00 PM with a venue change to Saturdays, if agreeable with the Historical Commission. The Board found that the Special Permit is in harmony with the purpose and intent of this By-law, and will not be detrimental or injurious to the neighborhood, in which it is to take place, and is appropriate for the site in question and complies with all applicable requirements of this by-law.

B. 6:15 PM Continued: 40 & 44 Cummings Road – Applicant is Freedom Alley Shooting Sports and represented by Attorney Peter Nicosia

Attorney Nicosia representing Freedom Alley Shooting Sports and owner Mr. Whitman attended the continued hearing to discuss the conditions written into the special permit decision. Town Counsel joined the Selectmen for the decision portion of the hearing. The draft decision has been going back and forth between Attorney Nicosia and Town Counsel for revisions. There are a couple of sections that need some clarification. The Special Permit conditions are: 1) All employees are certified CPR; 2) The facility must have a minimum of two defibrillators on hand at all times; 3) Must maintain medical supplies on hand that are checked annually. (please clarify type of supplies and how they will be maintained) answer # 3 the medical supplies will be set up in five locations and will consist of gauze, splints, antibiotics and kept in a medical bag there will be two defibrillators on site. 4) HVAC must comply with OSHA monitoring standards and the reports must be submitted yearly stating that the system complies. #4 question, who will be doing the compliance check and report, an independent OSHA Agent or an independent specialist, answer, the inspection reports will be done by independent consultant. 5) The license to operate Hitman Firearms will be transferred to Freedom Alley Shooting Sports location upon Freedom Alley Shooting sports opening for business. #5 the license will cease at the Hitman Firearms facility once the Freedom Alley shooting sports is completed. There will not be two licensed business. 6) Property must meet public sewer requirements/standards before occupancy permit is issued. 7) All entrances/exits of the ranges must contain "tack" mats to prevent any contaminants from leaving the interior of the building. 8) Will employ or contract with an expert in the field of OSHA compliance to randomly test for compliance. #8 will join together with number 4. 9) Lead tests must be provided to all employees every six months. 10) Freedom Alley will limit Maximum caliber of ammunition that can be used in the facility not to exceed .50 BMG. Any change will require a public hearing before the BOS. 11) the town will inspect the facility to ensure that the owner/operator is in compliance with the above conditions. An annual fee of \$250.00 will be required so that the Town can complete this task. The owner/operator will have 30-days to comply with any deficiencies. If the facility is in non-compliance after 60 days, the owner will close until those deficiencies are fixed or other arrangements are made with the town. #11 deals with the inspection of the establishment for compliance, the applicant questions the fee and the inspection siting another location in town that does not have inspections, Chairman Reault explained that the establishment is a private member club with an alcohol license, and they must pay for their annual inspections of the premises; 12) Freedom Alley will maintain a strict age compliance with the use of weapons: a – 18 years old and older-permitted, supervised use without an FID or LTC; b) 15-17 years – must be accompanied with one parent or legal guardian. This age group will not require their guardians to be in the same range or lane as them, but they will need to be on the property; c) 11-15 years – must be





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accompanied with a parent or legal guardian, accompanied by and shoot with their parent's direct supervision in the same lane of the same range, and there will only be one firearm at that lane at a time; d) 10 years old and under – limited to special event days, which will be geared for children and only the use of 22LR rifles will be used, as they are the easiest to learn on and control, of which only 12 per year allowed. A parent or legal guardian must accompany children. Children will be required to attend a Firearms Safety Course; #12 deals with the age restriction, the 18 year olds are not required to have an FID or LTC because in NH they do not need FID or LTC licenses and the business would like to be available to everyone.

The decision #13 - the Town must be notified prior to any changes in ownership of the business and #14 a change in ownership and transfer of the special permit will require approval from the BOS; the applicant will merge # 13 and #14 as they reference identical language, and the applicant will refine #11 and #15.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to close the evidentiary portion of the hearing.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the special permit request by Freedom Alley Shooting Sports that is before us this evening with the special permit decisions referencing the draft condition with all edits as described and agreed to and Town Counsel, will review this agreement and decision and will return to the Board for the final decision. The Board found that the applicant has fully complied with the requirements; 2) the grant of the special permit is in harmony with the purpose and intent of the Zoning Bylaws; 3) the grant of the special permit is not detrimental or injurious to the neighborhood and use is compliant with the Zoning Bylaws; 4) the grant of the special permit complies with all applicable requirements of the Zoning bylaw; 5) the Special Permit was complete and compliant and 6) the grant of the special permit based on mandatory findings which were found to exist with the requirements.

#### 4. New Business

##### A. Request – Simon motor vehicles Class II license (increase 25 to 50)

The owners of Mikes Motor Group, LLC are interested in changing their Class II license to increase the number of second-hand vehicles in which they can sell from 25 to 50. Mr. Raad presented his petition to increase the number of vehicles for sale on his lot. He has also included a plan showing the layout of the proposed parking area for the vehicles. No one spoke out against the increase, the Building Commissioner has no issues and the plan satisfies the requirement for the Fire Department.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to modify the Class II license issued to Mikes Motor Group, LLC to allow the sale of up to 50 second-hand vehicles.

##### B. Request – to start Collector hiring process

The position of Tax Collector may become vacant on May 10, 2016, the voters will ultimately determine whether the position becomes appointed or remains elected, the office will start to prepare for the possibility of the position becoming appointed, it is tax time and the town does not want the process to take too long.

##### C. Appointment – Assistant Town Administrator as NMCOG alternate

Tyngsborough currently has a vacancy for an alternate position on the Northern Middlesex Council of Governments, the town's regional planning agency. The Assistant Town Administrator asks that





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he be considered for appointment to this position, for six years he has been the represented the town of Chelmsford as a full member and is well versed in the issues and topics before the Council. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint, Matt Hanson, Assistant Town Administrator, as an alternate member to the Northern Middlesex Council of Governments.

### D. Comment request from Planning Board:

The forms that land use boards submit to the Board of Selectmen seek comments from the Board on particular matters brought to their boards and commissions.

- i. Subdivision – 14 Worden Road (2 lots)  
A two-lot subdivision plan in order to build two single-family homes.
- ii. Site Plan Review & SP – 324 Middlesex Road (self-storage)  
To construct self-storage facility.

It is the Administrator's recommendation that the Board does not offer an opinion on matters that the land use boards take up as they act as an independent board. The Administrator will continue to provide information so that the Board remains informed.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to vote to take no action on the two applications.

### E. Special Act – amended version (Vote & Signature)

The Special Act of House No. 3631 language was amended to include the language "in accordance with said section 56 of said chapter 41".

The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to concur with the amended language of House, No. 3631 as voted this evening Monday, April 11, 2016 as follows: Notwithstanding any provision of section 56 of chapter 41 of the General laws, or any other general or special law to the contrary, the town administrator of the town of Tyngsborough and, in the absence of the town administrator, the assistant town administrator shall be authorized to approve all warrants for payment of town funds, including payroll warrants, prepared and approved by the town accountant in accordance with said section 56 of said chapter 41. The approval of all such warrants by the town administrator or, in the absence of the town administrator, the assistant town administrator shall be sufficient to authorize payment by the town treasurer. If both the town administrator and the assistant town administrator are absent, or the office of town administrator is vacant, the board of selectmen shall approve all such warrants in accordance with said section 56 of said chapter 61.

## 5. 7:00 PM: Joint Meeting with Finance Committee

### A. Greater Lowell Technical High School – Budget Presentation

The Superintendent and the Business Manager of the GLTHS presented the GLTHS' proposed budget for FY 2017. With the use of a power point presentation Supt. Bourgeois explained the proposed budget for the GLTHS. The Board thanked Superintendent Bourgeois for coming in and presenting the GLTHS budget.

## 6. Old Business / Finance Committee

### A. Budget/ B. Town Meeting Warrant – vote to open and C. Town Meeting Warrant – discuss articles

The Administrator did an oral presentation of a draft budget, the budget of two weeks ago is being put into form, there are still some unknowns, the final revenue numbers won't be ready until June





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30<sup>th</sup>, the school's budget will be presented on the 23<sup>rd</sup>. We should have a final budget by April 25. The Administrator went over the Town Meeting Warrant Articles; Article 1 is the election warrant, articles 2, 3, 4, and 5 are the standard articles; articles 6, 7, 8, 9, and 10 are transfer of funds; articles 11 and 12 will be removed, they are not needed; article 13 is a transfer of funds; article 14 is the for Capital Improvements; Article 15 is the appropriation – sewer enterprise fund; article 16 is the appropriation for the ambulance enterprise fund; Article 17 is for authorization of the Board regarding contracts; article 18 is for authorization to accept Chapter 90 funds; article 19 is to continue and approve revolving funds; article 20 is to establish a Traffic Police Detail; article 21 a transfer from Stabilization for Debt & debt assessment; Article 22 is the appropriation from CPC fund; article 23 the closing of certain CPC accounts; article 24 a transfer of overlay funds; article 25 a transfer of funds for town collector's retirement; article 26 authorization to sell surplus property; article 27 amend the personnel bylaw, this article may be removed; article 28 amend wetland bylaw; article 29 transfer of funds; and article 30 is a citizen's petition to amend the zoning bylaw. The Special Town Meeting review of articles: article 1 transfer of funds to supplement various municipal groups; article 2 approve payment of prior year unpaid bills; articles 3, 4, 5 will be removed, they are not necessary; article 6 transfer for snow and ice if needed and article 7 transfer from municipal government accounts an amount to be expended by the Sewer Commissioners.

### **7. Citizen/Business Time** No one came forward at this time.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

### **8. Correspondence**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to accept the correspondence as read. The Board received correspondence from a resident interested in serving on the Recreation Committee. The Administrator will reach out to the resident.

### **9. Review of Weekly Warrants**

The Town Administrator read the following warrants: Warrant #40P for \$848,644.83 on 4/4/2016; Warrant #40B for \$751,478.94 on 4/4/2016; Warrant 40S for \$129,605.80 on 4/4/2016; Warrant #40S(332) for \$81,075.23 on 4/4/2016; Warrant #41B for \$116,798.67 on 4/11/2016; Warrant #41VET for \$11,2014.53 on 4/11/2016; and Warrant #41S for \$242,499.72 on 4/11/2016.

### **10. Town Administrator's Report**

#### ▪ Other

The net metering bill is approved and is signed by the Governor.

Received the Chapter 90 apportionment, the Town received a total of \$413,000.

The Town received a certificate for their participation of Middlesex 3 coalition's Regional Community Compact.

The new carpet installation at the town hall went well and was completed sooner than expected. Our IT person Jason Bulger worked on Sunday to connect all the pc's so that they would be ready for use on Monday AM.

### **11. Selectmen's Reports** – No reports this evening.





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**12. Executive Session** – None this evening.

**13. Adjournment**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to adjourn the meeting. The meeting adjourned at 9:30 PM.

Respectfully submitted  
Therese Gay, Admin Assist.

Approved on

# TYNGSBOROUGH WATER DISTRICT

03A

P.O. Box 305  
Tyngsborough, MA 01879

978-649-4577

March 31, 2016

Mr. Curt T. Bellavance  
Town Administrator  
Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

Mr. Bellavance,

In 2014, the Tyngsborough Water District did complete the initial site investigation on the parcel known as the Hunter property. The test proved to be a positive location for future Town wells. We had agreed on a one year term for the first phase of testing knowing that if we did get adequate flow, the Tyngsborough Water District would need to extend the agreement to conduct further site investigation. This letter is that request to extend the license agreement pertaining to the land shown on Assessors Map 19, Lot 35 and Map 19, Lots 50 and 51 for the period of two years (730 days), with possible extensions. The reason for the two year period is time needed for permits as we proceed.

Very Sincerely Yours,



Warren Allgrove, Jr.  
Chairman, Board of Water Commissioners  
Tyngsborough Water District

CC: Conservation Commission – Town Hall





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OSB i

TO: Board of Selectmen

FROM: Curt Bellavance, Town Administrator 

DATE: April 22, 2016

RE: Appointment – Education Fund Committee

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The Tyngsborough Education Fund Committee has three vacancies. The Fund is a collection of donations through the real estate tax bill. The Fund is looking to review the possibility of distributing some funds through the program.

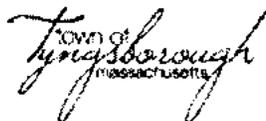
The Treasurer and Superintendent are permanent members of the five-person committee. The following three names have been recommended by both the Treasurer and Superintendent:

Nancy Christie  
Diane Seltz  
Michael Flanagan

It would be my recommendation to make the following motion:

**To appoint the above listed individuals to the Tyngsborough Education Fund Committee.**





Curt Bellavance <cbellavance@tyngsboroughma.gov>

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## Education Fund Committee

2 messages

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**Nancy** <nmchristie@comcast.net>

Mon, Apr 11, 2016 at 9:55 PM

To: cbellavance@tyngsboroughma.gov, kcolburn@tyngsboroughma.gov

Cc: donald.ciampa@tyngsboroughps.org

Hello,

If spots are still available, I would like to be considered for appointment to the Education Fund Committee. Please advise on next steps.

Thank you,  
Nancy Christie  
25 Appaloosa Circle  
Tyngsboro, MA  
cell: 508-517-1507

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**Diane Seltz** <diane.seltz@yahoo.com>

Tue, Apr 12, 2016 at 8:13 AM

Reply-To: Diane Seltz <diane.seltz@yahoo.com>

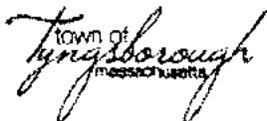
To: "cbellavance@tyngsboroughma.gov" <cbellavance@tyngsboroughma.gov>,  
"kcolburn@tyngsboroughma.gov" <kcolburn@tyngsboroughma.gov>

Cc: "donald.ciampa@tyngsboroughps.org" <donald.ciampa@tyngsboroughps.org>

Mr. Bellavance and Ms. Dion,

It has come to my attention that the Tyngsborough Education Fund Committee is looking for new members. As a 25 year resident of the community and a member of the Education Foundation for Tyngsborough, I would like to be considered for appointment to the committee. Please let me know the appropriate actions to be taken.

Thank you for your time,  
Diane Seltz



Curt Bellavance <cbellavance@tyngsboroughma.gov>

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**Fwd: Education Fund Opening**

1 message

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**Michael Flanagan** <michael.flanagan@tyngsboroughps.org>

Tue, Apr 12, 2016 at 2:28 PM

To: cbellavance@tyngsboroughma.gov

Begin forwarded message:

**From:** Michael Flanagan <michael.flanagan@tyngsboroughps.org>

**Subject:** Education Fund Opening

**Date:** April 12, 2016 at 2:27:43 PM EDT

**To:** cbellavance@tyngsboroughma.gov

**Cc:** kcolburn@tyngsboroughma.gov

Good Afternoon,

I would like to be considered for one of the at large appointments to the Education Fund Committee. As an administrator in the district and a resident of the community, I believe that I could offer a valuable perspective. If anything further is needed, please let me know.

Thank you,

Michael Flanagan, Ed.D.  
Assistant Superintendent  
Tyngsborough Public Schools

Michael Flanagan, Ed.D.  
Assistant Superintendent  
Tyngsborough Public Schools



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*OBW*

TO: Board of Selectmen  
FROM: Curt Bellavance, Town Administrator *CB*  
DATE: April 22, 2015  
RE: Appointments

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The Recreation & Park Committee has a vacancy for one of the alternate positions.

Ms. Mary Mt. Pleasant submitted a letter of interest asking to be considered for appointment to the committee and serve as an alternate member.

If the Board chooses to appoint Ms. Mt. Pleasant to the Recreation & Park Committee, the motion would be as follows:

**Motion to appoint Mary Mt. Pleasant to the Recreation & Park Committee for a three-year term expiring June 30, 2019.**

*Town of  
Tyngsborough  
massachusetts*

03C  
Therese Gay <tgay@tyngsboroughma.gov>

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## Permit Extension Request for Solar Facility

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Giovanna Olson &lt;golson@bluewave-capital.com&gt;

Wed, Apr 20, 2016 at 5:50 PM

To: "tgay@tyngsboroughma.gov" &lt;tgay@tyngsboroughma.gov&gt;

Cc: Drew Pierson &lt;dpierson@bluewave-capital.com&gt;, Mike Marsch &lt;mmarsch@bluewave-capital.com&gt;

Hi Therese,

I hope this email finds you well. BlueWave recently spoke with Matt Hanson about getting on the agenda for the Tyngsborough Board of Selectmen meeting on the 25th of April and he directed us to email you. We are requesting an extension to both our Special Permit and Order of Conditions for a proposed solar facility at 50 Westford Road. Attached please find supporting letter and documentation for the project.

Please let us know if there is anything we can do to support the package here.

Regards,

Giovanna Olson | Analyst

e: [golson@bluewave-capital.com](mailto:golson@bluewave-capital.com)

t: 914.227.3686

**BLUE WAVE**

137 Newbury Street

Boston, MA 02116

[www.bluewaverenewables.com](http://www.bluewaverenewables.com)

BW Customer Care: 844.SUN.4100



Request for Extension of Special Permit and Order of Conditions for Solar Facility.pdf

5654K

# BLUE WAVE

April 20, 2016

Tyngsborough Town Hall  
25 Bryants Lane  
Tyngsborough, MA 01879

**RE: Request for Extension of Special Permit and Order of Conditions for Solar Facility**

To Whom It May Concern,

BWC Merrimack River, LLC (BWC), a wholly-owned subsidiary of BlueWave Capital, LLC ("BlueWave"), entered into a Memorandum of Understanding (the "MOU") with Princeton Tyngsboro Commons ("Princeton"), LLC of a certain parcel of land having a street address of 50 Westford Road, Tyngsborough, Massachusetts on August 18<sup>th</sup> of 2015. In the MOU, Princeton designated BWC as the developer of a solar energy farm on a portion of a mixed use development. A Special Permit was issued by the Town of Tyngsborough Board of Selectmen on June 7<sup>th</sup>, 2010 to Westford Road Development, LLC. An Order of Conditions was issued by the Town of Tyngsborough Conservation Commission on October 12<sup>th</sup>, 2010 to Westford Road Development, LLC. It was concluded by the Opinion as to Status of Special Permit and Order of Conditions for Solar Facility that the Special Permit is valid through June 7<sup>th</sup> of 2016 and the Order of Conditions is valid through October 21<sup>st</sup> of 2017.

This is a formal request for extension of both the Special Permit and Order of Conditions each for two (2) years. BlueWave requires this additional time for the following:

- Securing SREC and Net Metering allocation, which both depend on future legislative action whose timeline is uncertain
- Secure financing for the project, which directly depends on certainty regarding SREC and Net Metering allocation
- Procure an engineering, procurement, and construction contractor, which cannot occur without financing

BlueWave welcomes any questions or concerns regarding the above request.

Attached please find all pertinent documentation including:

- Memorandum of Understanding
- Opinion as to Status of Special Permit and Order of Conditions for Solar Facility
- Permitted drawings of the solar site
- Notice of Decision – Special Permit
- Order of Conditions

Sincerely,

Drew Pierson  
Director of Project Development  
BlueWave Capital, LLC

137 NEWBURY STREET • BOSTON, MASSACHUSETTS 02116  
WWW.BLUEWAVERENEWABLES.COM T: 617.209.3122 F: 617.395.2730

## MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is entered into between Princeton Tyngsboro Commons LLC, located at 1115 Westford Street, Lowell, Massachusetts ("Princeton"), and BWC Merrimack River, LLC, located at 137 Newbury St, 4<sup>th</sup> Floor, Boston, Massachusetts ("BWC") regarding the proposed solar energy farm located on a portion of the site at 50 Westford Road in Tyngsborough, Massachusetts, further described as a portion of the master-plan development in that certain Notice of Decision – Special Permit issued by the Town of Tyngsborough ("Town") Board of Selectmen and dated as of July 14, 2010 (the "Solar Project"). Princeton and BWC may be referred to collectively herein as the "Parties".

WHEREAS, BWC is interested in completing the development of the Solar Project on the Project Site (as described below) and the Parties recognize a potentially mutually beneficial opportunity;

WHEREAS, Princeton is under contract to purchase an approximately 100 acre parcel of land located at 50 Westford Road in Tyngsborough, Massachusetts (the "Land") for purposes of constructing a master-plan development a portion of which is the Solar Project and expects to consummate the purchase by September 30, 2015;

WHEREAS, the master plan development proposed for the site includes a solar energy farm on an approximately 25 acre portion of the Land (the "Project Site"), more precisely described as Lot C on an ANR Plan attached hereto as Exhibit B to be submitted by Princeton for approval by the Town;

WHEREAS, BWC's offer of services and agreements as described below is subject to the continued validity of all existing permits for the Solar Project for at least an 8 month period from the effective date of this MOU.

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained Princeton and BWC agree as follows:

1. This MOU shall be effective upon signing by all Parties, and shall be in effect until July 1, 2016 unless terminated or extended in accordance with the provisions below.
2. Princeton hereby designates BWC as the exclusive developer of the Solar Project and grants BWC an exclusive option to enter into a ground lease agreement with Princeton for the Project Site as further described herein. Subject to execution of a binding agreement substantially in the form attached hereto as Exhibit A providing for assignment by Princeton of its development rights under all permits relating to the development of the Solar Project in existence as of the effective date hereof (the "Assignment"), BWC will, at its sole expense, within 21 days of the execution of this agreement, apply for interconnection of a solar project of the maximum size reasonably estimated by BWC to be feasible on the Project Site, currently anticipated to be two megawatts alternating current ("MW AC") to the public electric grid. BWC shall diligently pursue at BWC's expense all additional permits and approvals required for construction and operation of the

Solar Project. The Parties recognize that one MW AC of installed capacity will require approximately five to seven acres of useable land on the Project Site. The Parties recognize they have a common interest in maximizing the amount of solar installed on the property and will work cooperatively over the period of this MOU and the subsequent Lease to make an informed estimate of the potential commercially viable installed capacity of the Solar Project. The final size of the Solar Project shall be subject to certain criteria, including the available capacity on the local feeder, local and regional land-use regulations, engineering considerations related to the site and project design, state regulations pertaining to the sizing and registration of renewable energy projects, the availability Net Metering capacity in National Grid territory as well as qualified purchasers of Net Metering Credits generated by the Solar Project, and the availability of financing at acceptable terms, and in all instances BWC will make every effort to maximize the amount of installed capacity on the Project Site. The Parties agree that, in the event the maximum viable system size is two MW AC or less, to be determined in conjunction with the Impact Study Results, BWC shall submit proposed site plans to Princeton prior to filing for a building permit for the Solar Project, and the location of the Solar Project on the Project Site shall be subject to Princeton's approval, such approval not to be unreasonably withheld, conditioned or delayed.

3. Upon written confirmation from Princeton that Princeton has fully closed on its purchase of the Land, and provided that all existing permits for the Solar Project continue to be valid, BWC will promptly advance impact study fees to the utility upon receipt of a utility impact study invoice. As of the effective date of the MOU, BWC shall have sole responsibility for management of the interconnection process of the Solar Project.
4. Prior to issuance by BWC of final notice to proceed ("FNTP") to the EPC contractor engaged for the Solar Project, BWC shall provide Princeton with evidence of its financial ability of BWC, its affiliates, investors and/or assigns to fund the construction of the Solar Project.
5. Princeton agrees that it will not pursue Net Metering Credit Purchase Agreements singly or with any other solar energy project developer or contractor while under this agreement unless BWC is in breach of this MOU. If Princeton successfully initiates the Net Metering Credit Purchase Agreement negotiation between BWC or its affiliates and a Massachusetts housing authority with which BWC has had no prior contact, and BWC or its affiliates successfully execute a Net Metering Credit Purchase Agreement with such housing authority, BWC shall pay Princeton within 30 days of construction start of any project governed under the Net Metering Credit Purchase Agreement \$0.05 per watt (DC) of net metering credits purchased under said Net Metering Credit Purchase Agreement for the project that has commenced construction. For purposes of this MOU, commencement of construction shall be that date upon which BWC issues FNTP to the EPC contractor for the project.

6. Upon written confirmation to BWC that Princeton has consummated its purchase of the Land, and provided BWC is not in breach of this MOU, the Parties shall promptly execute a ground lease substantially in the form attached hereto as Exhibit A (the "Lease"). Princeton hereby grants BWC an irrevocable and exclusive option to require Princeton to enter into the Lease, the terms and conditions of which shall include, but shall not be limited to, the matters set forth in this section 6. Notwithstanding any condition to the contrary that may be contained in this MOU, no clause shall be interpreted or deemed to be interpreted so as to render BWC's option conditional. For the avoidance of doubt, this option shall be deemed for all intents and purposes to be unconditional and irrevocable to Princeton and BWC and the parties shall proceed in good faith to enter into a mutually agreeable Lease prior to the expiration of this MOU, failing which, except for matters that specifically survive, all rights and privileges granted and obligations required under this MOU shall be deemed completely surrendered and each party releases the other from any and all further obligations hereunder. The Lease shall contain but shall not be limited to the following terms:

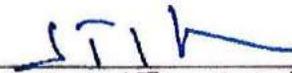
- a. Initial Term Rent. Beginning upon the earlier of the commencement of construction of the Solar Project by BWC or six months from the effective date of the Lease and terminating upon the earlier of the date BWC is issued permission to operate the Solar Facility by the interconnecting utility (the "COD"), or one year from commencement of construction of the Solar Project, BWC shall pay Initial Term Rent in the amount of \$5,000 per MW AC per year, or part thereof, of power planned and permitted to be installed, such rent to be payable in monthly installments in advance.
- b. Primary Term Rent. Commencing on the date that is the earlier of COD or one year from the date of commencement of construction of the Solar Project, the rent is payable to Princeton in advance, in four (4) equal installments at the beginning of each calendar quarter. The rent is payable at the annualized rate of \$25,000 per megawatt (AC) of the Facility ("Installed Power"), which rent escalates annually throughout the Initial Term, and any extension term, on the anniversary date of earlier of the date of COD or one year from date of commencement of construction of the Solar Project by 1.5% over the amount of the rent due in the immediately preceding year.
- c. Term. Primary term to be twenty (20) years from commencement as described above, with two five-year extensions at BWC's option.
- d. Property Tax. Upon the commencement of construction of the Solar Project, BWC shall have the responsibility to pay any real and personal property tax, assessments, or charges owed on the Project Site as defined in the final leased premises under the Lease.
- e. Site Access. Princeton shall grant to BWC all easements, permissions, rights of way, licenses and permissions necessary for BWC's vehicular, utility and solar access to the Project Site. Such access and easements shall be subject to an easement reserved to Princeton to relocate a public sewer line on the site in a location mutually agreeable to the Parties.

- f. **Project Finance.** BWC and/or its affiliates and assigns shall be responsible for all project finances, construction, commissioning, fees, including but not limited to Building Permit fees, operations activities and taxes for the production and sale of solar power and to have ability to assign any portion of this scope to third parties, partners or related affiliates as necessary.
7. Princeton commits to provide requisite diligence materials and project site information to BWC on a timely basis. In the event that BWC elects not to proceed with construction of the Solar Project, it will immediately return all disturbed areas of the Land and Project Site to their former condition. This provision shall survive expiration or termination of this MOU.
8. The Parties shall not assign nor transfer their respective interests in this MOU, in part or in whole, without the prior written consent of the other.
9. Notwithstanding any language to the contrary within this MOU, either Party may terminate this MOU if the other party fails to meet its obligations or perform according to the provisions of this MOU.
10. BWC shall require all contractors to maintain commercial general liability insurance and statutory workers' compensation insurance naming Princeton as an additional insured. All construction, alterations and other work performed by BWC, its agents and subcontractors at the Project Site and Land are to be performed in a workmanlike manner and done so that no liens for the benefit of contractors, materials providers or trades providing labor or materials to the project are filed against the Project Site or Land.
11. This MOU shall be governed by, construed, and enforced in accordance with the laws of the Commonwealth of Massachusetts. Both Parties agree to submit to the jurisdiction of the state and federal courts in the Commonwealth of Massachusetts to resolve any disputes or disagreements that may arise under any provision of this MOU.
12. This MOU, and the Exhibits attached hereto and incorporated herein, constitute a total binding agreement of the Parties and supersede all prior agreements and understandings between the Parties, and may not be changed unless agreed upon in writing by both Parties.
13. In the event any provision of this MOU is found by a court of appropriate jurisdiction to be unlawful or invalid, the remainder of the MOU shall remain and continue in full force and effect.
14. All notices required or permitted to be given under this MOU shall be given in writing to the addresses above, by certified mail, return receipt requested or by overnight mail via a qualified commercial courier. Notice is effective on the date posted.

15. **Materials and Ownership:** In the event of termination of this MOU under paragraph 9, all drawings, reports and materials prepared by BWC specifically in performance of this MOU for Princeton shall remain the property of BWC, and all permits and materials shall remain the property of Princeton.
16. The terms of this MOU will be held in strict confidence by Princeton and not shared with any third parties including other developers, investors or brokers unless Princeton receives specific authorization from BWC which shall not be unreasonably refused.
17. Notwithstanding anything appearing to the contrary in this MOU, no direct or indirect partner, member or shareholder of either party (or any manager, director, officer, principal, trustee, employee or agent of any such direct or indirect partner, member or shareholder), disclosed or undisclosed, shall be personally liable for any debts, liabilities or obligations of the party, or for any claims against the party, arising out of or resulting from this Agreement. Any such debts, obligations, liabilities or claims shall be satisfied solely out of the assets of the obligated party. In no event shall any personal judgment be sought or obtained against any partner, member, manager, shareholder, director, officer, principal, employee, agent, or owner of either party, direct or indirect, disclosed or undisclosed.
18. **Effective Date:** The effective date of this MOU shall be the date last written below.

IN WITNESS WHEREOF, the Parties have executed this MOU as of the date last written below.

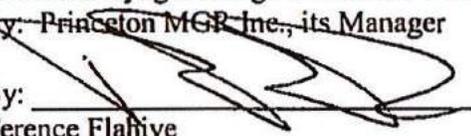
BWC Merrimack River, LLC

By:   
~~Trevor Hardy~~ John DeVillars  
 Principal

Date 8.18.15

Princeton Tyngsborough Commons LLC

By: ~~Princeton MGR Inc., its Manager~~

By:   
 Terence Flahive  
 Vice President and not individually

Date 8/10/15

# Article 14C: Authorization for the Board of Selectmen to lease property for a Billboard

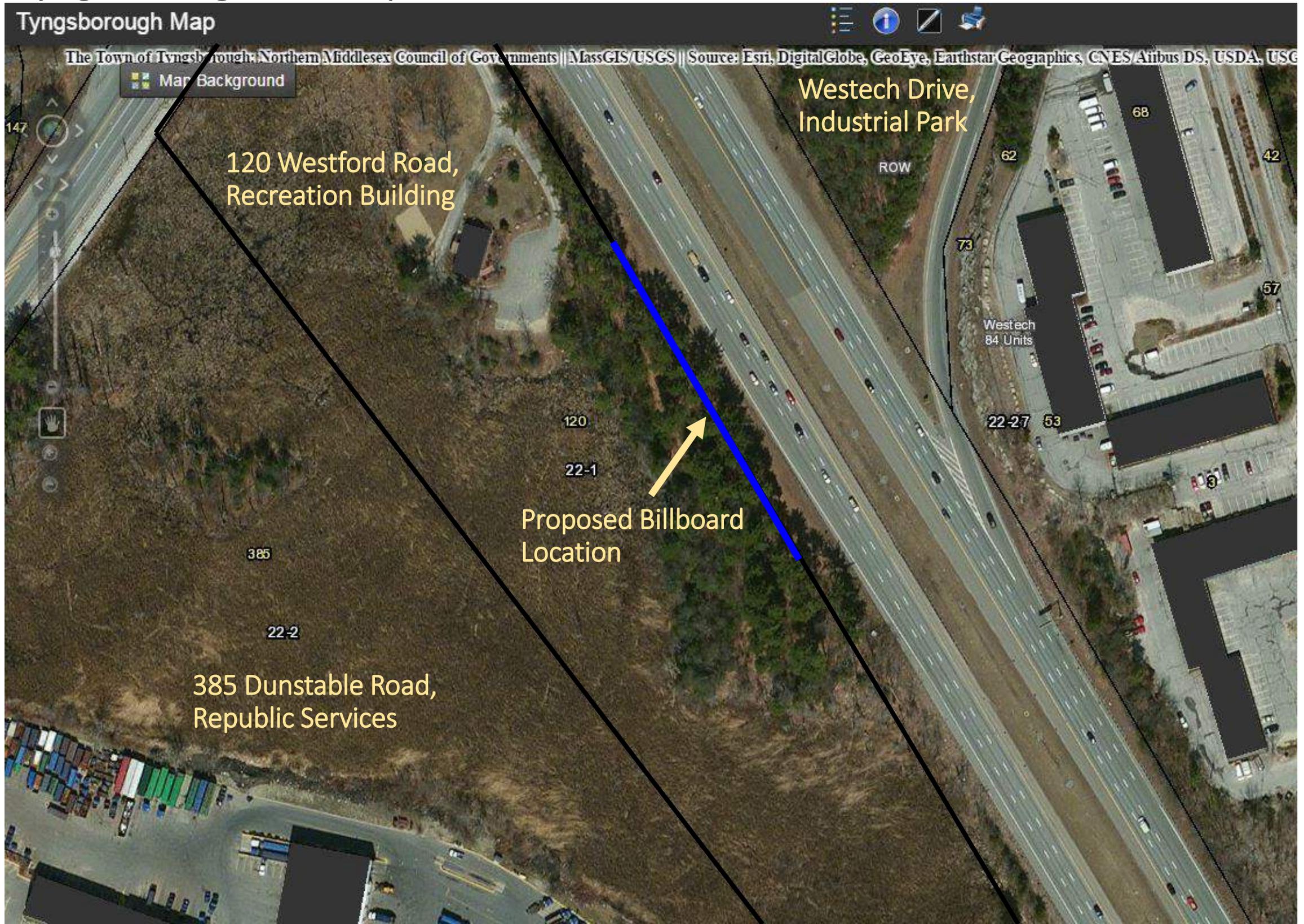
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That the Town authorize the Board of Selectmen to enter into any and all necessary agreements to let and/or lease the property for the construction, installation, operation and maintenance of a billboard, on such terms and conditions as the Board of Selectmen deem appropriate, the following property:

The property known and numbered as 120 Westford Road, shown as Assessor's Parcel 22-1-0, containing approximately 14.61 acres of land, zoned Industrial 1 Light (I-1), recorded in Middlesex North Registry of Deeds in Book 2652, Page 722.

# Article xx: Lease of 120 Westford Road

Tyngsborough GIS Maps



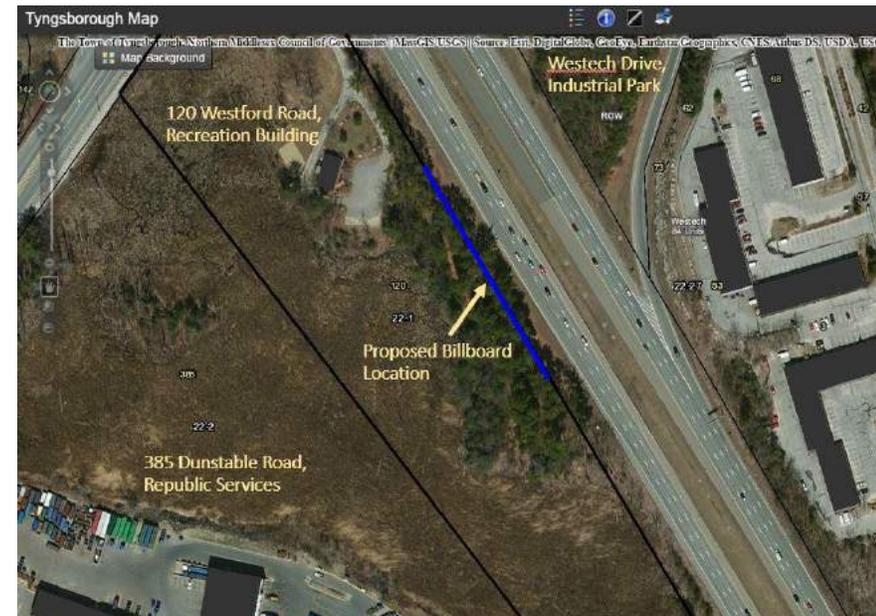
# Article xx: Lease of 120 Westford Road

## Lease Approval

- A Town Meeting vote is required to allow the Board of Selectmen to enter into a lease of more than three years

## Placement and Specifications

- Exact placement to be determined and approved by Zoning Board of Appeals (ZBA), Conservation Commission (ConsCom), and Massachusetts Office of Outdoor Advertising
- Exact height to be determined and approved by the ZBA and Board of Selectmen
- Lease terms, including lease payments, length of lease, bonding and insurance requirements, allowable content etc., to be approved by the Board of Selectmen



# Article xx: Lease of 120 Westford Road

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## Next Steps

1. Board of Selectmen release Request for Proposals (RFP) for advertising companies to lease a portion of the property.
2. Board of Selectmen select most advantageous proposal, taking into consideration lease revenue, lease term, proposed height and location, company experience and reputation with similar projects.
3. Chosen applicant applies to Zoning Board of Appeals (ZBA) and Conservation Commission (ConsCom).
4. ZBA and ConsCom conduct public hearings, including certified abutter notifications, public input/information gathering, peer review, etc.
5. If local approval is granted, applicant applies to Massachusetts Office of Outdoor Advertising for final approval.
6. Applicant must meet strict guidelines outlined in MassDOT regulations Section 700 CMR 3: Control and Restrictions of Billboards, Signs and other Advertising Devices

# Article xx: Lease of 120 Westford Road

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## Timeline

1. **1-2 Months (June):** Board of Selectmen release RFP and review proposals
2. **2 months (August):** ZBA and ConsCom public hearings process
3. **3 months (November):** MA Office of Outdoor Advertising application process
4. **1-2 months (December):** Applicant applies for permits and begins installation

Without major delays, potential installation in late fall of 2016. Approval process or weather related delays could result in installation in spring of 2017.

# Article xx: Lease of 120 Westford Road

## Estimated Lease Revenue

Estimated Revenue: \$80,000/year + 2% escalation

Estimated Lease Term: 20-25 years

**Total Lease Revenue: \$2,562,424**

Potential first year one-time payment:

**Additional \$200,000 - \$400,000**

Year	Revenue
1	\$80,000
2	\$81,600
3	\$83,232
4	\$84,897
5	\$86,595
6	\$88,326
7	\$90,093
8	\$91,895
9	\$93,733
10	\$95,607
11	\$97,520
12	\$99,470
13	\$101,459
14	\$103,489
15	\$105,558
16	\$107,669
17	\$109,823
18	\$112,019
19	\$114,260
20	\$116,545
21	\$118,876
22	\$121,253
23	\$123,678
24	\$126,152
25	\$128,675
<b>Total</b>	<b>\$2,562,424</b>

# Article xx: Lease of 120 Westford Road

## History of Billboards in Tyngsborough

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- Currently one billboard in Tyngsborough, located on Route 3 between exits 33 and 34, owned by Makepeace Road LLC, approved by ZBA and ConsCom in 2008.
- Makepeace Road Billboard is privately owned. As part of the order of conditions, Tyngsborough receives \$20,000 per year during first 10 years and 2% of revenue per year for remaining life of the billboard.
- Tyngsborough began exploring possible billboard locations on municipal land in 2012. The Recreation Department in particular was seeking alternative revenue streams to support field maintenance. After careful review of multiple town-owned parcels along heavily traveled roadways, 120 Westford Road was identified as the only town-owned parcel that meets the strict standards outlined in MassDOT regulations Section 700 CMR 3.
- The Town Administrator and town's legal council met with representatives from the State Office of Outdoor Advertising in 2013 to discuss potential permitting of 120 Westford Road.
- Discussions have continued and progressed over the past few years and we are now at a point where we feel confident about the potential for State approval of this location.
- No additional town-owned parcels are being considered as potential future billboard locations.

# Article xx: Lease of 120 Westford Road

- **Makepeace Road LLC  
Billboard- Assessor Map  
22 Lot 24**
- **Approximately 2,000 ft.  
away from 120  
Westford Road**
- **Far exceeds the State  
requirement for  
minimum 500 ft. from  
other billboards**
- **120 Westford Road has  
similar commercial  
abutters and no  
residential abutters**



**04A Freedom Alley Shooting Sports**

**Special Permit Decision**

**Waiting for final review from Town Counsel**

**Will be available Monday night**



## TOWN OF TYNGSBOROUGH

Office of the Town Administrator  
Town Offices  
25 Bryants Lane  
Tyngsborough, MA 01879  
Tel: (978) 649-2314 | Fax: (978) 649-2320

04B2

TO: Board of Selectmen  
FROM: Matt Hanson, Assistant Town Administrator  
DATE: April 25, 2016  
RE: Bid Award- 5 Industrial Way

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Bids for the sale of 5 Industrial Way were opened on April 19<sup>th</sup>. Two bids were received. The low bid was \$50,000. The high bid was \$355,000 from Guy V. Faretra and Craig D. Faretra. The Faretras currently own Chelmsford Crane Service, Inc. located at 6 Kidder Road in Chelmsford. They plan to relocate their business by constructing a ~10,000 sq. ft. building on the property to house their cranes. This location is ideal for their business because of its close proximity to exit 34 on Route 3. If you accept this proposal, the applicant will have 180 days to pursue a variance and/or special permit, if needed for their proposed construction plans, and complete the transfer of the property. The Town reserves the right to waive or extend this deadline.

Minuteman Appraisals, Inc. appraised the property at \$250,000.

**Requested Motion:** I move that the Board accepts the proposal from Guy V. Faretra and Craig D. Faretra, dated April 18, 2016, in the amount of \$355,000 for the disposition of surplus property located at 5 Industrial Way, identified on the Tyngsborough Assessor's Map 21, Block 2D.

CC: Curt Bellavance

*Town of*  
*Tyngsborough*  
massachusetts



## TOWN OF TYNGSBOROUGH

Office of the Town Administrator

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2314 | Fax: (978) 649-2320

TO: Board of Selectmen

FROM: Matt Hanson, Assistant Town Administrator

DATE: April 25, 2016

RE: Contract Award- Energy Aggregation Consultant

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Article 29 at the Annual Town Meeting of June 2, 2015 authorized the Board of Selectmen to enter into a contract to aggregate the electricity load of the residents and businesses in the Town. This is a lengthy process which requires approval from the Department of Public Utilities and the Department of Energy Resources prior to soliciting bids from energy suppliers.

While energy consulting services are exempt from State procurement statutes, our office conducted a Request for Proposal (RFP) process to ensure that a fair process was followed and the most qualified consultant was chosen.

The Town Administrator, Assistant Town Administrator, and Finance Director reviewed proposals from three consulting companies. Colonial Power Group scored “Highly Advantageous” in all review categories and possesses the following experience:

- Only licensed consultant/broker licensed by Commonwealth of Massachusetts with a successful 10-year track record.
- The largest provider of municipal aggregation services in Massachusetts
- 28 State approved aggregations and contracted with 14 more communities, total of 42.
- Only company servicing 100% municipal Aggregations, no other energy services.
- First consultant to have community take revenue stream to support Energy Management initiatives.
- Awarded in this area: Tewksbury, Methuen, Lowell, Marlborough, Burlington, Methuen, Haverhill, and Merrimack Valley Planning Commission.
- Is member of the Mass utility EBT Working Group and has the ability to handle data transfers (enrollment, etc) with the Local Distributor using EDI protocol
- All key employees; both partners, financial controller, program manager, municipal process and community outreach advisor are located in Marlborough, MA, Attorney located in Boston.

**Requested Motion:** I move that the Board approved the proposal from Colonial Power Group to provide Electric Aggregation consulting services for the development of the town’s Electricity Aggregation Plan and related services as presented.

CC: Curt Bellavance



# TOWN OF TYNGSBOROUGH

## RESULTS FROM BID OPENING

**Project** Aggregation Consultant

**Location** Town Hall, Town Administrators Office

25 Bryant Lane

**Applicant** Town of Tyngsborough

11am

**Date** Thursday, March 31, 2016

Page 1 of 1

COMPANY NAME & ADDRESS	Bid Forms Complete	Price Proposal (To be opened after Technical proposals are reviewed)
1 Colonial Power Group 277 Main St. Marlborough MA 01752	Yes	\$.001/kwH
2 Good Energy 155 Mathews Rd. Conway, MA 01341	Yes	\$.001/kwH
3 Peregrine Energy Group 2 Oliver St. Boston, MA 02109	Yes	\$.001/kwH
4		
5		

This is a complete and accurate list of the bids opened. This document is signed under the penalties of perjury.

1) Name [Signature]  
Title Town Administrator

2) Name [Signature]  
Title Assistant Town Administrator

**04C Lakeview Avenue – Surplus Land**  
**Waiting for final review from Town Counsel**



**TOWN OF TYNGSBOROUGH**

**ANNUAL TOWN MEETING WARRANT**

TYNGSBOROUGH ELEMENTARY SCHOOL  
205 WESTFORD ROAD, TYNGSNBOROUGH, MA 01879

**May 17, 2016**

**7:00 PM**

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 & 2. TYNGSBOROUGH MIDDLE SCHOOL, 50 NORRIS ROAD
- PRECINCT 3 & 4. TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

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

**GENERAL ARTICLES:**

**Article 1.** To bring in their votes by ballot for 1 Selectmen for the term of three years, 1 Assessor for the term of three years, 1 Board of Health Member for the term of three years, 1 Board of Health for the term of two years, 1 Cemetery Commissioner for the term of three years, 1 Cemetery Commission for the term of two years, 1 Cemetery Commissioner for the term of one year, 2 Finance Committee Member for the term of three years, 2 Library Trustees for the term of three years, 2 School Committee Members for the term of three years, 1 Sewer Commissioner Member for the term of three years, 1 Tax Collector for the term of three years, 1 Planning Board Member for the term of five years, 1 Tyngsborough Housing Authority Member for the term of five years.

**Article 2: Reports of the Town Officers and Committees.** 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.

Submitted by: Board of Selectmen

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

Submitted by: Board of Selectmen

**FINANCIAL ARTICLES:**

**Article 4: Compensation of Elected Officials.** 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 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations to be submitted within Article 5.

	<b>REQUEST</b>		
	<b>SALARIES</b>	<b>SALARIES</b>	<b>RECOMMENDED</b>
	7/01/15	7/01/16	7/01/16
	6/30/16	6/30/17	6/30/17
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Chairman	\$ 0	\$ 0	\$ 0
Tax Collector	\$ 64,627	\$ 0	\$ 0
Town Clerk	\$ 59,242	\$ 60,427	\$ 0
Assessors (3)			
Chairman	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Board of Health			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Tree Warden	\$ 0	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 1,500	\$ 1,500	\$ 0
Member (1)	\$ 1,500	\$ 1,500	\$ 0
Member (1)	\$ 1,500	\$ 1,500	\$ 0
Planning Board (5)			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Technical HS (1)	\$ 0	\$ 0	\$ 0

Submitted by: Board of Selectmen and Finance Committee

**Article 5: Appropriation - General Fund for Fiscal Year 2017.** 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 Fiscal Year 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

**BUDGET**

Submitted by: Board of Selectmen and Finance Committee

**Article 6: Transfer of Funds.** To see if the Town will vote to appropriate by transfer from the Billboard Stabilization Fund the sum of \$20,000.00 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2017 by funding recreational, public safety, or other public purposes, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 7: Transfer of Funds.** To see if the Town will vote to appropriate by transfer the sum of \$5,000.00 from the Wetland Protection Fund to stabilize the tax rate for FY 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

**Article 8: Transfer of Funds.** To see if the Town will vote to appropriate by transfer the sum of \$242,140.00 from the PEG Fund to stabilize the tax rate for FY 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

**Article 9: Transfer to Stabilization.** To see if the Town will vote to appropriate by transfer the sum of \$576,656.06 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	\$576,656.06
Transfer to:	Stabilization Fund	\$326,771.77
	Capital Asset Stabilization Fund	\$249,884.29

Submitted by: Board of Selectmen and Finance Committee

**Article 10: Transfer of Funds.** To see if the Town will vote to appropriate by transfer the sum of \$100,914.81 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	\$100,914.81
Transfer to:	Other Post-Employment Benefits Liability Trust Fund	\$52,860.14
	Compensated Absence Fund	\$48,054.67

Submitted by: Board of Selectmen and Finance Committee

**Article 11: Appropriation – Capital Improvements for Fiscal Year 2017.** To see if the Town will vote to transfer from available funds the sum of \$283,523.00, and that the Town be authorized to accept any available grant dollars, for the following purposes:

<u>Department</u>	<u>Project</u>	<u>Amount Not to Exceed</u>	<u>Expended by</u>
Fire Department	Portable Radios	\$24,000	Selectmen
Police Department	Portable Radios	\$30,676	Selectmen
Highway	¾-Ton Truck with Plow	\$50,000	Selectmen
Selectmen	Town Offices Improvements	\$62,847	Selectmen
Information Tech.	Town Hall Phone system	\$21,000	Selectmen
School	Technology Replacement	\$50,000	School Committee
School	Maintenance vehicle	\$45,000	School Committee
		<b>\$283,523</b>	

for a total of \$283,523.00, or take any other action relative thereto.

Submitted by: Board of Selectmen and Capital Asset Management Committee

**Article 12: Appropriation – Sewer Enterprise Fund for Fiscal Year 2017.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2017 as follows:

That the following sums be appropriated:

**SHOWN IS FY16**

Salaries & Stipends	\$ 195,554.00
Expenses	\$ 727,404.00
Capital Outlay	\$ 863,750.00
Debt	\$ 75,318.00
Subtotal	\$ 1,862,026.00
Indirect Costs to General Fund	\$ 114,819.00
<b>Total</b>	<b>\$ 1,976,845.00</b>

That \$1,862,026 be appropriated from the Sewer Enterprise fund

Department receipts	\$ 1,209,715.00
Retained Earnings	\$ 767,130.00
<b>Total</b>	<b>\$ 1,976,845.00</b>

That \$114,819.00 be included in appropriations from the General Fund for indirect costs and be allocated to the Sewer Enterprise for funding, or take any other action relative thereto.

Submitted by: Sewer Commissioners

**Article 13: Appropriation – Ambulance Enterprise Fund for Fiscal Year 2017.** To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Selectmen to operate the Ambulance Enterprise for Fiscal Year 2017 as follows:

**Article 14: Authorization of the Board of Selectmen Regarding Contracts in Excess of Three Years.** To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 14b: Authorization of the School Committee Regarding a Transportation Contracts in Excess of Three Years.** To see if the Town will vote to authorize the School Committee to enter into an Agreement up to five years to provide transportation services for the school department. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: School Committee

**Article 14c: Authorization for the Board of Selectmen to lease property for a Billboard.** To see if the Town will vote to authorize the Board of Selectmen to enter into any and all necessary agreements to let and/or lease the property for the construction, installation, operation and maintenance of a billboard, on such terms and conditions as the Board of Selectmen deem appropriate, property identified as 120 Westford Road, shown as Assessors' Parcel 22-1-0, containing approximately 14.61 acres of land, zoned Industrial 1 Light (I-1), recorded in Middlesex North Registry of Deeds in Book 2652, Page 722, or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 15: Authorization to Accept Chapter 90 Funds.** To see if the Town will vote to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants; or take any other action relative thereto.

Submitted by: Board of Selectmen

**Article 16: Continue and Approve Revolving Funds.** 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 FY2016 and FY2017 shall remain in the revolving accounts for each of the following town entities:

Fund	Programs and Purposes	Departmental Receipts	Authorization	Max. Annual Expenditure
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers	\$10,000.00
Ambulance	Ambulance programs and materials	Fees	Board of Fire Engineers	\$50,000.00

Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen	\$120,000.00
Old Town Hall	Old Town Hall operation and maintenance	Fees	Board of Selectmen	\$25,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee	\$50,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health	\$7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health	\$35,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health	\$6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission	\$5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	\$3,000.00

or take any other action relative thereto.

Submitted by: Town Entities as shown

**Article 17: Establish a Police Detail Revolving Fund.** To see if the Town will vote to establish a Traffic Police Detail Revolving Fund as authorized by Chapter 44, §53E½ of the Massachusetts General Laws. This fund shall be funded by citations and other traffic violations charged. These funds may be expended without further appropriation for wages and expenses related to traffic and roadway safety. The Board of Selectmen may expend from this account an amount not to exceed \$30,000 for the fiscal year beginning July 1, 2016, or take any action in relation thereto.

Submitted by: Board of Selectmen

**Article 18: Transfer Funds.** To see if the Town will vote to transfer an amount in FY16 from Stabilization Fund for Debt & Debt Assessment and said funds be used by the Treasurer to be used towards the payment of debt principal and interest for the Early Childhood Center (ECC) Roof, 135 Coburn Road, and the Greater Lowell Technical High School for Debt Assessment; or to take any other action relative thereto.

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$59,645.00
Transfer to:	Long Term Debt Principal	\$50,000.00
	Long Term Debt Interest	\$ 9,645.00

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$69,378.00
Transfer to:	Vocational School Assessment	\$69,378.00

Submitted by: Board of Selectmen

**Article 19: Appropriation from Community Preservation Committee Fund.** To see if the Town will vote a sum of money to be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2017, 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,

Description	Amount	Fund Category
Administrative Expenses	\$25,000.00	Administrative
Lake Mascuppic Weed Control Program	\$7,000.00	Open Space/Rec
Flint Pond Restoration	\$35,000.00	Open Space/Rec
First Parish Fence	\$9,913.75	Open Space/Rec
Winslow School	\$30,000.00	Historic
Artifact Display Cabinet	\$4,000.00	Historic
Tyngsborough Housing Authority Study	\$30,000.00	Housing
Pay off Red Pine Housing debt	\$299,909.90	Housing
	<u>\$100,090.10</u>	<u>Undesignated</u>
	\$400,000.00	TOTAL
Pay off First Parish Meeting House debt	\$348,867.40	Historic
	<u>\$121,132.60</u>	<u>Undesignated</u>
	\$470,000.00	TOTAL
Long Term Debt Services	\$ _____	
Interest on Long Term Debt	\$ _____	
Interest on Short Term Debt	\$ _____	
Total CPC Appropriations	\$ _____	
Reserve for Historic Preservation	\$ _____	
Reserve for Affordable Housing	\$ _____	
Reserve for Open Space	\$ _____	
FY 2017 Budgeted Reserve	\$ _____	

or take any other action relative thereto.

Submitted by: Community Preservation Committee

**Article 20: Vote to close-out Balances.** To see if the Town will vote to close the following account of the Community Preservation Fund by transferring the remaining balance of the account to the Community Preservation Account from which the funds were originally transferred as listed below or take any other action relative thereto. ???????

FROM: Acct. #230-183-6202-000	CPC project	\$1,000.00
TO: Acct. #230	CPC Reserve for Open Space	\$1,000.00

Submitted by: Community Preservation Committee

**Article 21: Transfer of Funds for Town Collector Retirement.** To see if the Town will vote to raise and appropriate or transfer from available funds \$\_\_\_\_\_ for the Town Collector’s planned retirement in May 2016, or to take any other action thereto.

**Article 22: Transfer of Funds.** To see if the Town will vote to appropriate by transfer from available funds \$30,000.00 from the funds received through the Charles George landfill back tax settlement to be used for the cleanup of weeds and the restoration of Flint Pond and Lower Flint Pond, or to take any other action relative thereto.

Submitted by: Board of Selectmen

**MISCELLANEOUS ARTICLES**

**Article 23: Authorization to Sell Surplus Property.** To see if the Town will vote to authorize the sale of surplus property, identified as Lakeview Avenue \_\_\_\_\_.

**Article 24: Amend the Wetland Bylaw.** To see if the Town will vote to amend the Wetlands Bylaw, Article XXXIII, Section 5.1 by amending the following language by deleting the underlined words and replacing them with the **BOLDED** words;

5.1 Any person filing a permit application or a RDA with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) **Certificate of Mail** or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors,”

or to take any other action relative thereto

Submitted by: Conservation Commission

**CITIZEN PETITIONS:**

**Article 25: Citizen Petition to Amend the Zoning Bylaw.** To see if the town will vote to amend the zoning map from Business (B3) to Industrial One (I1) with respect to a certain portion of land situated in Tyngsborough, Middlesex County, Massachusetts, known as 324 Middlesex Road and being shown on a Zoning Extension Plan dated April 5, 2016 prepared by LandPlex Civil Engineering & Surveying containing the following metes and bounds:

Beginning at a point on the southerly side of a twenty-five foot wide Right of Way known as Chisholm Road, at the northwest corner of the premises;

Thence running N 78°51’57”E along the southerly side of said Right of Way a distance of 164.54’ ;

Thence running S 26°36’40”E a distance of 1,046.05’ ;

Thence running S 63°23’20”W a distance of 328.66’ ;

Thence running N 38°08’52”W a distance of 70.89’ ;

Thence running along a curve to the right of radius 600.00' a length of 120.72' ;

Thence running N 26°37'11"W a distance of 227.19' ;

Thence running N 44°01'59"E a distance of 118.46' ;

Thence running N 19°00'27"W a distance of 639.76' to the point of beginning.

The remaining portion of the property shall remain zoned as currently designated.

The property is more particularly described in a deed to Tyngsboro D.J.D., LLC recorded at Book 29698, Page 69 on December 29, 2015 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

Citizen 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, Council on Aging 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 2<sup>nd</sup> day of May, in the year two thousand sixteen.

Board of Selectmen

\_\_\_\_\_  
Richard D. Reault, Chair

\_\_\_\_\_  
William F. Gramer, Vice Chair

\_\_\_\_\_  
Robert G. Jackson, Clerk

\_\_\_\_\_  
Corliss F. Lambert

\_\_\_\_\_  
Steven A. Nocco

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Council on Aging Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time

TOWN OF TYNGSBOROUGH

**SPECIAL TOWN MEETING WARRANT**

**May 17, 2016**

**7:30 PM**

- Article 1.** Department Transfer
- Article 2.** Prior Year Bill
- Article 3.** Transfer of Funds for School Medicaid
- Article 4.** Transfer Free Cash to Snow and Ice (if needed)
- Article 5.** Sewer Enterprise Fund transfer (if needed)

**Article 1: Transfer from Available Funds.** 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 groups for fiscal year 2015, or take any other action relative thereto.

Petition of the Board of Selectmen

**Article 2: Approve Payment of Prior Year Unpaid Bills.** To see if the Town will vote to appropriate by transfer from Fiscal Year 2016 departmental appropriations the following amounts to pay prior years' bills, or to take any other action relative thereto.

<u>Prior Year</u>	<u>Invoices/Vendor</u>	<u>Amount</u>	<u>Department</u>
FY15	The Lowell Publishing Co.	266.64	Planning Board
FY15	The Lowell Publishing Co.	266.64	Planning Board

Submitted by: Board of Selectmen

**Article 3: Transfer of Funds.** To see if the Town will vote to appropriate by transfer from Free Cash (available funds) the sum of \$139,965.56 to supplement the Tyngsborough School Budget for fiscal year 2016 to be expended by the School Committee. Said amount represents reimbursements made through June 30, 2015 from the Municipal Medicaid Program for school services provided to eligible residents, or take any other action relative thereto.

Submitted by: Board of Selectmen and School Committee

**Article 4: Transfer of Funds Free Cash.** Transfer from Free Cash to Snow and Ice (if needed)

Petition of the Board of Selectmen

**Article 5: Transfer from Sewer Enterprise.** 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 an amount to be expended by the Sewer Commissioners, or to take any other action relative thereto.

Petition of the Sewer Commissioners

## **6 Citizen/Business Time**





## TOWN OF TYNGSBOROUGH

Office of the Town Administrator  
Town Offices | 25 Bryants Lane  
Tyngsborough, MA 01879  
Tel: (978) 649-2314 | Fax: (978) 649-2320

April 4, 2016

CS Business Enterprises, LLC  
DBA Angela's Coal Fired Pizza at Tyngsborough  
Christina Sederi, Mgr.  
361 Middlesex Road  
Tyngsborough, MA 01879

APR 15 '16 10:24:25  
TYNGSBOROUGH BOS

Dear Licensee:

I am writing to you for two reasons, the first is to thank you for operating your business in Tyngsborough. The town appreciates and supports local business and wishes you continued success. If there is any way my office can ever assist you please reach out.

The second reason is that the Tyngsborough Board of Selectmen serve as the Local Licensing Authority. As the local authority they have regulations in place for any establishment serving alcohol, wine, or malt beverages. One specific regulation is as follows:

### **41. ANNUAL FINANCIAL REPORTS – RESTAURANTS**

**All holders of restaurant licenses under Chapter 138, section 12, shall furnish by March 1<sup>st</sup> of each year, an annual report indicating the percentage of gross sales of food and gross sales of alcoholic beverages for the preceding calendar year.**

At this time we are seeking your report for calendar year 2015 in accordance with Paragraph 41 as referenced above. The information you supply may be subject to verification with the Commonwealth of Massachusetts Department of Revenue and/or Alcoholic Beverage Control Commission.

Thank you for your cooperation

Best Regards,

Curt T. Bellavance  
Town Administrator

c: Board of Selectmen

Appala's P. 2.20

### Sales Mix Summary

Business Dates 1/1/2015 - 12/31/2015  
 Locations All  
 Revenue Centers All

Group	Gross Sales	Item Discounts	Sales Less Item Disc	% Sales	Qty Sold	% Qty Sold	Average Price
<b>Total Item Sales:</b>	<b>1,273,147.17</b>	<b>(17,179.62)</b>	<b>1,255,967.55</b>	<b>100%</b>	<b>228,155</b>	<b>100%</b>	<b>5.50</b>
<b>FOOD</b>	<b>908,560.22</b>	<b>(11,244.59)</b>	<b>897,315.63</b>	<b>71.4%</b>	<b>152,675</b>	<b>66.9%</b>	<b>5.88</b>
PIZZA	590,221.82	(6,590.16)	583,631.66	46.5%	43,766	19.2%	13.34
APPS	156,027.90	(1,303.25)	154,724.65	12.3%	13,118	5.7%	11.79
SALADS	98,891.30	(2,355.37)	96,535.93	7.7%	14,344	6.3%	6.73
PIZZA TOPPINGS	49,078.50	(530.45)	48,548.05	3.9%	33,715	14.8%	1.44
FOOD PREPS	9,779.00	(431.44)	9,347.56	0.7%	10,216	4.5%	0.91
DESSERTS	3,268.25	(20.57)	3,247.68	0.3%	704	0.3%	4.61
OPEN FOOD	1,293.45	(13.35)	1,280.10	0.1%	461	0.2%	2.78
DOUGH	0.00	0.00	0.00	0.0%	36,351	15.9%	0.00
<b>BEER</b>	<b>170,519.10</b>	<b>(4,373.62)</b>	<b>166,145.48</b>	<b>13.2%</b>	<b>33,276</b>	<b>14.6%</b>	<b>4.99</b>
DRAFT BEER	145,342.60	(3,953.82)	141,388.78	11.3%	27,358	12.0%	5.17
BOTTLED BEER	25,176.50	(419.80)	24,756.70	2.0%	5,918	2.6%	4.18
<b>WINE</b>	<b>101,145.00</b>	<b>(656.75)</b>	<b>100,488.25</b>	<b>8.0%</b>	<b>13,882</b>	<b>6.1%</b>	<b>7.24</b>
GLASS RED	52,813.05	(160.11)	52,652.94	4.2%	8,158	3.6%	6.45
GLASS WHITE	30,293.95	(308.96)	29,984.99	2.4%	4,944	2.2%	6.06
BOTTLED RED	13,158.00	(142.73)	13,015.27	1.0%	564	0.2%	23.08
BOTTLED WHITE	4,876.00	(44.95)	4,831.05	0.4%	215	0.1%	22.47
OPEN WINE	4.00	0.00	4.00	0.0%	1	0.0%	4.00
<b>N/A BEVERAGES</b>	<b>48,627.85</b>	<b>(213.66)</b>	<b>48,414.19</b>	<b>3.9%</b>	<b>22,226</b>	<b>9.7%</b>	<b>2.18</b>
BEVERAGE	48,627.85	(213.66)	48,414.19	3.9%	22,226	9.7%	2.18
<b>CORDIALS</b>	<b>44,284.00</b>	<b>(691.00)</b>	<b>43,593.00</b>	<b>3.5%</b>	<b>6,094</b>	<b>2.7%</b>	<b>7.15</b>
LIQUOR	43,532.00	(684.50)	42,847.50	3.4%	5,987	2.6%	7.16
OPEN LIQUOR	752.00	(6.50)	745.50	0.1%	107	0.0%	6.97
<b>RETAIL</b>	<b>11.00</b>	<b>0.00</b>	<b>11.00</b>	<b>0.0%</b>	<b>2</b>	<b>0.0%</b>	<b>5.50</b>
RETAIL NON TAXABLE	10.00	0.00	10.00	0.0%	1	0.0%	10.00
RETAIL TAXABLE	1.00	0.00	1.00	0.0%	1	0.0%	1.00

Top Selling Items

The Club INC. 4/13/16  
130 Frost Road  
Tyngsboro, ma 01879

This letter is to say  
that 95% of our sales  
are Alcohol however our  
customer's do allot of  
take out from all the  
local restaurant's in the  
Area. We supply them with  
menus as needed.

Thank You



APR 13'16 13:33:26

TYNGSBOROUGH BOS

March 1, 2016

Caffe il Ciproso  
130 Middlesex Rd  
Tyngsboro, MA 01879

APR 11 '16 11:05:50  
TYNGSBOROUGH BOS

Town of Tyngsboro  
Therese Gay  
Office of the Board of Selectmen  
25 Bryants Lane  
Tyngsboro, MA 01879

Dear Town of Tyngsboro:

I am writing in response to your letter of Alcoholic Beverage Rules and Regulations, following is the gross sales percentages of food and alcoholic beverages.

Food	74%
Alcoholic Beverages	26%

Sincerely,



Rhonda O'Neill

# Daily Sales Report

Stores: Maxamillians  
 Dates: 2015-01-01 - 2015-12-31  
 Generated: 2016-04-11 at 14:59  
 Page: 1 of 2

APR 11 '16 13:11:48

TYNGSBOROUGH BOS

\*\*\* PERFORMED WITH OPEN CHECKS \*\*\*

## Sales Summary

Department	Gross Qty	Gross Amt	Void Qty	Void Amt	Net Qty	Net Amt
Beverage	230,958	720,211.41	4,612	15,879.35	226,346	704,332.06
Food	73,508	286,345.18	2,944	10,414.40	70,564	275,930.78
Gift Certs	1,378	3,510.00	8	18.00	1,370	3,492.00
Pool Tables	35,289	148,227.67	15,915	2,223.21	19,374	146,004.46
<b>Total Sales</b>	<b>341,133</b>	<b>1,158,294.26</b>	<b>23,479</b>	<b>28,534.96</b>	<b>317,654</b>	<b>1,129,759.30</b>

## Other Income Summary

Type	Amount
Non-Revenue Sales	0.00
Payins	0.00
TipRecovery	0.00
<b>Total Other Income</b>	<b>0.00</b>

## Adjustment Summary

Type	Amount
Payouts	0.00
Discounts	(3,143.86)
Service Charges Paid to Restaurant	0.00
<b>Total Adjustments</b>	<b>(3,143.86)</b>

## Tax Summary

Tax Report Group	Amount
FoodTax	19,288.21
Sales Tax	0.00
<b>Total Taxes</b>	<b>19,288.21</b>

**Total Revenue** **1,145,903.65**

## Cash Summary

Stores: Maxamillians  
 Dates: 2015-01-01 - 2015-12-31  
 Generated: 2016-04-11 at 14:59  
 Page: 2 of 2

Type	Amount
Cash Intake	504,246.95
Payins	0.00
Payouts	0.00
Gift Certificate Change	(193.97)
Service Charges Paid to Server	(5,111.54)
Tips	(105,724.78)
TipRecovery	0.00
<b>Net Cash</b>	<b>393,216.66</b>

Payment Summary

Payment Type	Qty	Amt	Tips	Tip Rcv	Void Qty	Void	Void
American Express	1,166	56,783.70	6,529.94	0.00	7	149.16	2.00
Authorize CC	4	143.76	34.00	0.00	0	0.00	0.00
Cash	31,746	393,216.66	0.00	0.00	781	21,882.0	0.00
Discover	631	19,546.59	2,347.04	0.00	1	60.50	0.00
Gift Certificate	170	2,905.37	0.00	0.00	13	392.88	0.00
Mastercard	5,013	167,692.50	24,375.6	0.00	34	2,645.49	216.00
Visa	16,617	504,703.58	72,438.1	0.00	109	3,248.60	9.00
<b>Total Payments</b>	<b>55,347</b>	<b>1,144,992.</b>	<b>105,724.</b>	<b>0.00</b>	<b>945</b>	<b>28,378.6</b>	<b>227.00</b>

**Total Settlements** **1,144,992.16**

Key Performance Indicators

Number of checks:	50955	Number of guests:	52918
Average per check:	22.17	Average per guest:	21.35

**Tyngsborough School Committee Meeting  
Tuesday, April 5, 2016  
Town Hall – Community Room**

7:00 pm the meeting was called to order by Chair Moran. He noted that the meeting was being video recorded. Those present were:

Anthony Tinnirella	Amy Pozerski
Paul Mitchell	Joe Durham
Rob Mullin	Allyson Tompkins, Student Representative

Superintendent Ciampa, Assistant Superintendent Flanagan, School Committee members, and Business Administrator Joseph Messina introduced themselves.

Tony Tinnirella made a motion, seconded by Rob Mullin to approve the March 29, 2016 School Committee and Executive Session Minutes. Executive Session Minutes will not be released at this time.

VOTE: 6 Yea, 0 Nay, 0 Abstain

The Superintendent asked Joe Messina to speak on the TPS Monthly Dining Review. Mr. Messina explained that Sue Lupoli, Whitson's kitchen manager, compiles the TPS Monthly Dining Review highlighting the accomplishments of all three school kitchens for the month.

The Superintendent has received an agenda from the Planning Board regarding self-storage units on Middlesex Road. This has been placed in the Drop Box for the Committee's review.

None at this time.

Student Representative, Allyson Tompkins shared the April Students of the Month - Stephanie Ahern, Cody Face, Avery LaRochelle and Alyssa Santos.

Allyson also congratulated the 12 seniors being recognized at the THS Academic Excellence Breakfast:

Rebecca Barisano	Stephen Kordash
Janki Bhagat	Renae Luongo
Olivia Guelzian	Kevin Morris
Peter Hauman	Emily Morrison
Brad Hoole	James Robson
Jacqueline Janusis	Diana Welch

She also thanked NHS students, Mrs. Lewenczuk and Mr. Eaton for hosting another successful Senior Citizens Luncheon.

None at this time.

None at this time.

Superintendent Ciampa asked the Committee to approve the submission of the, previously authorized, TMS SOI to the MSBA for the complete renovation of the TMS building. This will be the 6<sup>th</sup> year in a row a TMS SOI has been submitted. If approved by the MSBA, the School Committee will be notified next fall. A feasibility study will then be conducted, and work would begin 3-4 years later.

1. Call to Order

APR 13 '16 8:10:09

TYNGSBOROUGH BOS

2. Approval of Minutes from the  
March 29, 2016 Meeting

3. Correspondence

A. Superintendent's Letters –  
TPS Monthly Dining Review

B. Town Hall Correspondence –  
Planning Board Agenda

4. Visitor's Comments and Questions

5. Share the Success

6. Policy

7. Personnel

8. Unfinished Business

A. TMS SOI Update

Dr. Flanagan pointed out that previous submissions have focused on the physical plant, whereas this plan will focus on how the facility impacts student learning per the MSBA recommendations.

Chair Moran asked if there were any questions before a motion is made. No questions were asked.

Paul Mitchell made a motion, seconded by Tony Timmirella to approve the TMS SOI submission statement.

VOTE: 6-0-0

Chair Moran read aloud:

***Having convened in an open meeting on April 5, 2016, the School Committee of Tyngsborough 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, April 5, 2016, for the Tyngsborough Middle School, located at 50 Norris Road, Tyngsborough, Mass., 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 for replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease related costs in a school facility and further to provide for a full range of programs consistent with state and approved local requirements, 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.***

B. FY17 Budget Discussion

The Superintendent updated the Committee on the budget building since the March 29 Budget Work Session. The Superintendent still plans to put forth a level service request to the Town even though a recent communication from the Town Administrator indicates a \$19 million shortfall. He cautioned the Committee that the Town still does not have budget numbers from GLTHS. Past trends from GLTHS have show 9% growth annually. Final Warrants are due April 25. Updates will be placed into Drop Box this coming week for the Committee's review before the Budget Work Session scheduled for April 12.

Chair Moran noted that other districts are considering later start times for the middle school and high school. He asked if that was a consideration for Tyngsborough.

Superintendent Ciampa noted that it has been discussed at roundtable discussions.

Dr. Flanagan noted that athletic leagues are impacted by changes in start/end times and the Mid-Wach League is not considering changes at this time.

The Lavallo/Bresinger contracts have been approved by Attorney Zaroulis. Assessments are scheduled over April vacation week. A traffic signal at TES and the viability of portables at THS are a few items being assessed. The School Committee will have the report from Lavallo/Bresinger by the end of June. This report is recommended to be used as guiding principles for the next 5-10 years of maintenance plans.

C. Town Facility and Security  
Assessment Update

Superintendent stated the BOS have signed the lease documents for Lakeview School and approved the culvert project. The BOS will complete Phase 1 of the culvert project going to central register for public bidding. TES Administration will have input regarding access to the school, which may include use of the service road off of Diamond Street, for summer programs. The work schedule is not yet set, but remediation funds will be used before the deadline. Flooring and roofing projects at TES have also been identified.

D. TES Remediation Funds and  
Culvert Update

Chair Moran pointed out that these funds are specific to remediation as identified in the Punch List when the school was built.

Paul Mitchell noted a Tentative Agreement has been reached with Unit D and will be discussed later this evening in Executive Session. Contract changes have been placed in Drop Box for review.

E. Unit D Negotiations Update

Mr. Messina placed a memo in Drop Box along with a quote from Dee Bus regarding specialized transportation for FY17-FY19. Costs are 5% higher than current cost, which has been a fixed cost for the past three years with a 2% increase each year. The FY17 budget does not reflect these new rates.

9. New Business - Specialized  
Transportation FY17-FY19

Paul Mitchell made a motion, seconded by Tony Timmirella to approve the specialized transportation contract with Dee Bus for the period July 1, 2016-June 30, 2019 and authorize the Chair to sign any contracts and agreements.  
VOTE: 6-0-0

Mr. Mitchell commented that he has been happy with the service Dee Bus has provided.

Joe Messina noted that seven Bill Warrants were signed this evening.

10. Finance  
A. Signing of Bills

Bill Schedules were signed:

April 5, 2016

16-213	School Committee Budget	\$218,857.75
16-214	User Fees Rev. Acct.	\$ 84.12
16-215	Before/After School Care Rev. Acct	\$ 390.49
16-216	Use of Facilities Rev. Acct.	\$ 1,712.37
16-217	Community/Adult Ed Rev. Acct.	\$ 415.64
16-142	Student (Agency) Acct.	\$ 7,144.38
16-219	School Committee Budget	\$ 13,894.97

Payroll Warrants were signed:

March 21, 2016

16-202 Payroll Warrant (all accounts) \$639,582.90

April 4, 2015

16-212 Payroll Warrant (all accounts) \$644,904.25

None at this time.

Allyson Tompkins congratulated the April Students of the Month and the Academic Excellence recipients from the Senior Class.

Paul Mitchell noted the spring sports season has begun and now there is snow on the fields. Enjoy the spring weather.

Dr. Flanagan thanked Sarah Lewenczuk, Mike Woodlock and Matt Eaton for their efforts with the Senior Citizens Luncheon held today at TIS.

Superintendent Ciampa thanked the TES support staff for calling approximately 135 parents when all after school activities were cancelled on Monday. An early dismissal is difficult, as is cancelling all after school activities. Kudos for all their efforts. He thanked the custodians for keeping the sidewalks clear, and the Highway Department for sanding and plowing in time for dismissal. All buses safely completed their routes. Great job by all.

Chair Moran reminded community members that Joe Durham is not seeking re-election in May. Anyone that is interested in running for this open School Committee seat please get in touch.

At 7:25 pm Mr. Tinnirella made a motion, seconded by Mr. Mullin to adjourn the meeting to go into Executive Session for the purpose of reviewing negotiations. Discussion of which in an open session will have a detrimental effect to the School Committee's strategic or negotiation position, and come out and take any appropriate action and adjourn the open meeting.

Roll Call Vote:

Paul Mitchell	in favor
Joe Durham	in favor
Amy Pozerski	in favor
Rob Mullin	in favor
Chair Moran	in favor
Anthony Tinnirella	in favor

7:50 pm Mr. Mitchell made a motion, seconded by Mr. Tinnirella to adjourn to the open meeting.

Respectfully submitted,

Mike Moran

B. Signing of Payroll

C. Other

11. School Committee Discussion

12. Executive Session

13. Adjournment



April 13, 2016

Curt Bellavance  
Town Administrator  
Town of Tyngsborough

Dear Mr. Bellavance:

Congratulations on entering into a Community Compact with the Baker-Polito Administration. Community Compacts create clear mutual standards, expectations, and accountability for both the state and municipalities as together we seek to create better government for our citizens.

We are excited to partner with Tyngsborough as you implement your chosen best practices:

*Transportation / Regional: The Middlesex 3 Coalition communities, including Tyngsborough, are faced with transportation challenges, including limited public transportation between the northern Middlesex 3 corridor and the southern Middlesex 3 corridor. This is partly because there are two regional transit authorities (RTAs) that serve the area, resulting in an artificial boundary, which separates and creates a disjointed and limited system along the Middlesex 3 Highway without well-planned interconnections between the systems.*

- **Next steps:** The Commonwealth will provide the Middlesex 3 communities with a grant to support the development of goals and objectives for any new approach to providing public transportation, a review of the current state of the transportation network and land use, identification of potential improvements to transit service, and the development of recommendations, including opportunities to address barriers, funding, and other implementation strategies. Bedford will serve as the fiscal agent for this grant.

*Economic Development - Job Creation/Retention: There is a documented economic development plan which leverages local economic sector strengths, regional assets, encourages innovation and entrepreneurship, and demonstrates collaboration with educational institutions for the development of a workforce plan.*

- **Next steps:** The Executive Office of Housing and Economic Development (HED) recommends that the Town meet with the Massachusetts Office of Business Development Regional Director to review the current economic development plan and begin drafting a strategy for promoting 3-5 key development opportunities. These may be priority development sites and/or buildings. Your contact is Juan Vega ([juan.vega@state.ma.us](mailto:juan.vega@state.ma.us)), Assistant Secretary for Communities at the Executive Office of Housing and Community Development.

*Supporting a Commonwealth of Communities*

mass.gov/DLS  
P.O. Box 9569 Boston, MA 02114-9569  
(617) 626-2300

Sincerely,

A handwritten signature in black ink, appearing to read 'Sean Cronin', with a stylized flourish at the end.

Sean Cronin  
Senior Deputy Commissioner of Local Services

cc: Juan Vega, Assistant Secretary for Communities, Executive Office of Housing and  
Economic Development



April 7, 2016

Board of Selectmen  
Town of Tyngsborough  
25 Bryants Lane  
Tyngsborough, MA 01879

**Re: Comcast Digital Preferred and Digital Premier Services**

Dear Chairman and Members of the Board:

APR 11 '16 13:11:14

I'm writing to make you aware of some upcoming changes to our Digital Preferred and Digital Premier XFINITY TV services and the launch of new related packages. The changes being made will help make the bill easier to read and understand for our customers. It is important to note that these changes will not impact the actual services being received by the customer or the price they currently pay.

TYNGSBOROUGH BOS

On April 28, 2016, we will rename the following XFINITY TV Services:

- Digital Preferred will be renamed Digital Preferred Tier;
- Digital Preferred plus One Premium will be renamed Digital Preferred Tier plus One Premium;
- Digital Preferred with HBO will be renamed Digital Preferred Tier with HBO;
- Digital Preferred with Two Premiums will be renamed Digital Preferred Tier with Two Premiums;
- Digital Preferred with HBO and One Premium will be renamed Digital Preferred Tier with HBO and One Premium; and
- Digital Premier will be renamed Digital Premier Tier.

In addition, on April 28, 2016, we will launch the following new packages:

- Digital Preferred package will include Digital Starter and the Digital Preferred Tier at \$87.90/mo.
- Digital Preferred plus One Premium package will include Digital Preferred and choice of Showtime, Starz, Cinemax or TMC at \$99.90/mo.
- Digital Preferred with HBO package will include Digital Preferred and HBO at \$102.90/mo.
- Digital Preferred plus Two Premiums package will include Digital Preferred and choice of two premium channels of Showtime, Starz, Cinemax, or TMC at \$111.90/mo.
- Digital Preferred with HBO and One Premium package will include Digital Preferred, HBO and choice of Showtime, Starz, Cinemax or TMC at \$114.90/mo.
- Digital Premier package will include Digital Preferred, HBO, Showtime, Starz, Cinemax, and TMC at \$134.90/mo.

These new packages will allow customers currently subscribing to both Digital Starter and one of our Digital Preferred or Digital Premier packages to combine these two services on the bill rather than being charged as two separate line items. The price would remain the same, but would be combined in the one line item charge. This will make the video section of the bill easier to read and follow for customers.



Warrant: #42SPI  
Effective Date: 04/18/2016

Town of Tyngsborough

To the Treasurer:

Pay to each of the persons named in the above warrant, accompanying payrolls and schedules of bills payable the sums set against their respective names, amounting in the aggregate to:  
Six Thousand One Hundred And 00/100 Dollars  
and charge the same to the appropriations or accounts indicated.

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

*Kathleen Cayer*  
\_\_\_\_\_  
Asst. Accountant

Reviewed by:

\_\_\_\_\_  
Town Administrator

The amount in totals \$ 6,100.00 on 04/18/2016

Warrant: #42S  
Effective Date: 04/18/2016

Town of Tyngsborough

To the Treasurer:

Pay to each of the persons named in the above warrant, accompanying payrolls and schedules of bills payable the sums set against their respective names, amounting in the aggregate to: One Hundred Sixty Eight Thousand One Hundred Seventy Seven And and charge the same to the appropriations or accounts indicated.

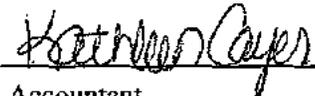
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Selectman

\_\_\_\_\_  
Selectman

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Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

*Asst.*   
Accountant

Reviewed by:

\_\_\_\_\_  
Town Administrator

The amount in total \$ 168,177.36 on 04/18/2016

Warrant: #42S(332)  
Effective Date: 04/18/2016

Town of Tyngsborough

To the Treasurer:

Pay to each of the persons named in the above warrant, accompanying payrolls and schedules of bills payable the sums set against their respective names, amounting in the aggregate to:  
Thirty Six Thousand Seven Hundred Twenty Two And 36/100 Dollars  
and charge the same to the appropriations or accounts indicated.

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

*Kathleen Cayer*  
\_\_\_\_\_  
Asst, Accountant

Reviewed by:

\_\_\_\_\_  
Town Administrator

The amount in total\$ 36,722.36 on 04/18/2016

Warrant: #42B  
Effective Date: 04/18/2016

Town of Tyngsborough

To the Treasurer:

Pay to each of the persons named in the above warrant, accompanying payrolls and schedules of bills payable the sums set against their respective names, amounting in the aggregate to: Seven Hundred Forty Nine Thousand Ninety Three And 31/100 Dollars and charge the same to the appropriations or accounts indicated.

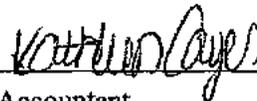
\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

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Selectman

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Selectman

\_\_\_\_\_  
Selectman

ASST.   
Accountant

Reviewed by:

\_\_\_\_\_  
Town Administrator

The amount in total\$ 749,093.31 on 04/18/2016

## **9 Town Administrator's Report**

## **10 Selectmen's Report**

## **11 Executive Session**

## **12 Adjournment**