



TOWN OF TYNGSBOROUGH

ANNUAL TOWN MEETING WARRANT

May 15, 2012

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 the said inhabitants of the Town of Tyngsborough to meet for the Annual Town Meeting at the Tyngsborough Elementary School Cafetorium in said Tyngsborough on Tuesday the fifteenth day of May in the year two thousand twelve at 7 o'clock in the evening then and there to act on the following articles:

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

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

Article 4. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2013 (July 1, 2012 - June 30, 2013), or take any other action relative thereto.

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

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/11	7/01/12	7/01/12
	6/30/12	6/30/13	6/30/13
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$ 57,701	\$ 61,200	\$ 61,200
Town Clerk	\$ 53,657	\$ 56,100	\$ 56,100
Assessors (3)			
Chairman	\$ 1	\$ 1	\$ 1
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	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 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 High School (1)	\$ 0	\$ 0	\$ 0

Article 5. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for Fiscal Year 2013 (July 1, 2012 - June 30, 2013), or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 6. To see if the Town will vote to appropriate by transfer from Free Cash the sum of \$516,977 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2013, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 7. To see if the Town will vote to appropriate by transfer from the Capital Asset Stabilization Fund a sum to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2013, or take any other action relative thereto.

Submitted by: Capital Asset Management Committee

Article 8. 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 2013 by funding recreational, public safety, or other public purposes, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 9. To see if the Town will vote to accept MGL Chapter 32B Section 20, which authorizes the establishment of a separate fund, known as an Other Post Employment Benefits Liability Trust Fund, to reduce the unfunded liability of health care and other post employment benefits for which the Town of Tyngsborough is obligated, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 10. To see if the Town will vote to raise and appropriate the sum of \$25,000 to the Other Post Employment Benefits Liability Trust Fund, established under the provisions of MGL Chapter 32B Section 20, for the purpose of funding health care and other post employment benefits, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 11. To see if the Town will vote to transfer the current balance of \$15,444.80, plus quarterly net earnings, in the Unfunded Pension Liability Trust Fund to the Other Post Employment Benefits Liability Trust Fund, established under the provisions of MGL Chapter 32B Section 20, for the purpose of funding health care and other post employment benefits, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 12. To see if the Town will vote to raise and appropriate the sum of \$25,000 to a special purpose Compensated Absence Fund, for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 13. 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 2013 as follows:

That the following sums be appropriated:

Salaries	\$ 231,279.00
Expenses	\$ 599,800.00
Capital outlay	\$ 326,043.00
Debt	\$ <u>75,451.00</u>
Subtotal	\$ 1,232,573.00

And that \$ 1,232,573.00 be raised as follows:

Department receipts	\$ 963,724.34
Capital Reserve Account	\$ <u>268,848.66</u>
Total	\$ 1,232,573.00

Or take any other action relative thereto.

Submitted by: Sewer Commissioners

Article 14. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for fiscal year 2013, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses.

Appropriations

Administrative Expenses	\$ 28,000.00
Long-Term Debt Service (Long Pond)	\$ 54,194.00
Lake Mascuppic Weed Control Program	\$ 6,000.00
ST Debt Interest on 1 yr. (Old Town Hall)	\$ <u>75,000.00</u>
	\$163,194.00

Reserves

To Reserve for Historic Preservation	\$ 56,539.00
To Reserve for Affordable Housing	\$ 56,539.00
To Reserve for Open Space	\$ <u>56,539.00</u>

FY13 Budgeted Reserve	\$169,617.00
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Total	\$332,811.00
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Or take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 15. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2013 of \$354,416.00 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 16. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY 2012 and FY 2013 shall remain in the revolving accounts for each of the following town entities.

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Sealer of Weights and Measures or designee	\$ 3,000.00

Or take any other action relative thereto.

Submitted by: Town Entities as shown

Article 17. 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 18. To see if the Town will vote to accept Massachusetts General Laws Chapter 59 Section 5, clause fifty-fourth, added by Chapter 159 Section 114 of the Acts of 2000, and to see if the Town will vote to establish a minimum fair cash value of \$1,001 required for Personal Property accounts to be taxed, to become effective fiscal year 2013; or take any other action relative thereto.

Submitted by: Board of Assessors

Article 19. To see if the Town will vote to accept St. Mary Lane as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Street Acceptance Plan, St. Mary Lane, Tyngsborough, MA" and "As-Built Roadway Plan and Profile, St. Mary Lane, Tyngsborough, MA" prepared for David Trahan and Dennis Page, by LandTech Consultants, with survey provided by LandTech Consultants dated March 16, 2012, provided that such acceptance is made without cost to the Town and that such appropriate waivers, releases, easements, or other conveyances are obtained from the abutters and others as may be required by the Board of Selectmen acting with the advice of the Planning Board, or take any other action relative thereto.

Submitted by: Planning Board

Article 20. To see if the Town will vote to amend the Zoning Map with regard to a certain parcel of land and improvements thereon located at 257 Middlesex Road, Tyngsborough, Massachusetts 01879 and more particularly described in a deed recorded at Book 12910, page 132 and recorded in the Middlesex North District Registry of Deeds on March 26, 2002 from B2 to B3. The property is also identified as Map 20, Lot 47 on the Tyngsborough Tax Assessor's Maps. The property is currently owned by Robert Khouzami, Trustee of the Tyngsboro Realty Trust and it contains approximately 13,340 square feet of land more or less, or take any other action relative thereto.

Submitted by: Citizens' Petition

Article 21. To see if the Town will vote to amend the Zoning Map with regard to two (2) certain parcels of contiguous land with buildings thereon, situated on the westerly side of Pawtucket Boulevard and the easterly side of the Merrimack River and more fully described in a deed recorded at Book 3228, page 92 dated October 28, 1985 recorded in the Middlesex North Registry of Deeds from R1 to B2. Said parcels are commonly known as 1 and 11 Pawtucket Boulevard, Tyngsborough, Massachusetts 01879 and are currently owned by National Carpet Centers of New England, Inc. They are also identified as Tyngsborough Assessors' Map 20, Block 84, Lot 0 and Map 20, Block 85, Lot 0 and contain an approximate total of 44,126.28 square feet of land, or take any other action relative thereto.

Submitted By: Citizens' Petition

Article 22. To see if the Town will vote to elect, under provisions of M.G.L.A. Chapter 41, Section 63 and 64, a Road Commission for the Town of Tyngsborough, or take any action in relation thereto.

Submitted by Citizens' Petition

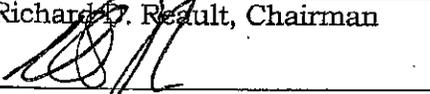
And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Flint's Convenient Store, Lakeview Avenue Community Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said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

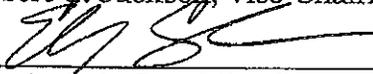
HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

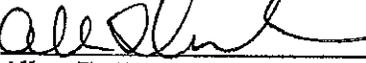
Given under our hands and seals this 30th day of April, in the year two thousand twelve.

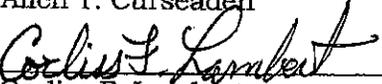
Board of Selectmen


Richard D. Result, Chairman

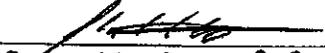

Robert G. Jackson, Vice-Chairman


Elizabeth A. Coughlin, Clerk


Allen T. Curseaden


Corliss F. Lambert

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, Flint's Convenience Store, Lakeview Avenue Community Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.


Constable John R. Pelletier

May 1, 2012
Date

4:22 pm
Time