



TOWN OF TYNGSBOROUGH
SPECIAL TOWN MEETING WARRANT
December 8, 2015
7:00 P.M.

Middlesex, SS.

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

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in elections and Town affairs, to meet at the Tyngsborough Elementary School Cafetorium, 205 Westford Road in said Tyngsborough on the eighth day of December, in the year two thousand fifteen at 7:00 o'clock in the evening then and there to act on the following articles:

Article 1. To see if the Town will vote to authorize payment of the following unpaid bills from prior year(s), by the respective department, using appropriations of the current fiscal year, or to take any other action relative thereto.

<u>Prior Year</u>	<u>Invoices/Vendor</u>	<u>Amount</u>	<u>Department</u>
FY15	Lowell Janitorial Supply Co.	397.25	Town Administration
FY15	The Abrahams Group	\$400.00	Sewer

Submitted by: Board of Selectmen

Article 2. To see if the Town will accept the layout and/or relocation of certain Town ways below described, made by the Board of Selectmen under the provisions of M.G.L. c. 82, § 21 through 24, and any other enabling statute, filed in the Office of the Town Clerk with the plans there mentioned and are referred to for more particular description, and raise and appropriate any money that may be necessary, and determine how such money shall be expended for the payment of any damages, if any, and the layout and/or relocation being substantially as follows:

Mascuppic Trail shown on a plan of land entitled "Mascuppic Trail Street Acceptance Plan of Land in Tyngsborough MA" prepared by David E. Ross, Associates, Inc., dated November 2015, 4 sheets.

The layout and/or relocation is substantially in the location of the way known as Mascuppic Trail.

Submitted by: Board of Selectmen

Article 3. To see if the Town will vote to authorize the Board of Selectmen to enter into a payment in lieu of taxes agreement, said agreement not to exceed 20 years duration and subject to other terms in conditions the Selectmen deem appropriate, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes relative to land located at the corner of Dunstable and Cummings Roads, otherwise identified as Parcels 14-13-0, 14-14-0, 14-14A-0, 14-15-0, and 14-16-0; said agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 2.4 megawatts and to be executed with Tyngsborough Solar, LLC, a solar energy company, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 4. To see if the Town will accept the provisions of Chapter 44, Sec. 53F½ of the Massachusetts General Laws establishing Ambulance as an enterprise fund effective Fiscal Year 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen

Article 5. To see if the Town will vote to modify section 2.16.00 of the Town of Tyngsborough Zoning Bylaw entitled "Mixed Use Overlay District" to revise section 2.16.20 entitled "Boundaries" to add parcels on Map Sheet 15 Parcel 18, Map Sheet 22 Parcels 7 and 23, and Map Sheet 22 Parcel 20 Lot 17, containing approximately 12.2 acres with frontage on Westford and Dunstable Road.

Submitted by: Board of Selectmen

Article 6 To see if the Town shall amend the Town General Bylaws, Article III, by adopting the following Section 3:

No person may hold more than one elected Tyngsborough Town office (Board of Selectmen, School Committee, Finance Committee, Board of Health, Board of Assessors, Town Clerk, Town Collector, Planning Board, Sewer Commissioners, Town Moderator, Board of Library Trustees, Cemetery Commissioners, Tree Warden, or any other existing or subsequently created elected position) at one time; provided, however, if the Moderator or Town Clerk is absent from a Town Meeting, the Town Meeting may elect a temporary Moderator or Town Clerk, who may be an elected official. Further provided, this bylaw shall not apply to the elected member(s) of the Greater Lowell Technical High School Committee or the Tyngsborough Housing Authority Board of Commissioners or the elected Constables for Tyngsborough. In any case where an elected official seeks election to another office or offices, the office

or offices such person is holding at that time shall be declared vacant if such person is declared elected to the second or other office. If a person shall seek two or more elective offices at the same time and if elected to two or more offices, such person shall forthwith declare in writing to the Town Clerk which office he or she shall hold; and the other offices shall be declared vacant. The Town Clerk shall not swear in such person until such written declaration is filed with the Town Clerk. No person holding an elective office shall be elected to another elective office pursuant to M.G.L. c. 41, §§ 10, 11, and 40. Any elected Town of Tyngsborough official in conflict with this article upon passage and approval by the Massachusetts Attorney General's office shall have 30 days after approval by the Attorney General's office to notify the Town Clerk in writing and declare which elected position(s) from which such person will resign, provided, however, such elected official shall be eligible to serve in the offices previously elected to until the next Town election, further provided such elected assessors shall be eligible to serve until such assessors term expires. Failure of such person to notify the Town Clerk in writing by the 30-day deadline shall result in such person's holding the last office to which he or she was elected, and all other elected positions shall be declared vacant, or to take any other action relative thereto.

Submitted by: Board of Selectmen

Article 7. To see if the Town will vote to reserve the additional sum of \$75,000.00 from estimated Fiscal Year 2016 Community Preservation Fund Revenue for open space initiatives to the Community Preservation Open Space Reserve Fund, or to take any other action relative thereto.

Submitted by: Community Preservation Committee

Article 8. To see if the Town will vote to appropriate by transfer from existing Community Preservation Fund balance reserved for Open Space in the amount of \$265,000.00 for the purchase and related costs of vacant land located at the end of Paddock Road, and identified as Assessors' Map 16, Parcel 36, consisting of 36 +/- acres, to be expended by the Board of Selectmen. Any funds remaining in account on June 30, 2017 will be closed out, or take any action relative thereto.

Submitted by: Community Preservation Committee

Article 9. To see if the Town will vote to raise and appropriate or transfer from available funds \$12,560.00 for the Town Collector's planned retirement in May 2016, or to take any other action thereto.

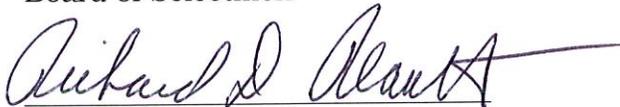
Citizens Petition

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

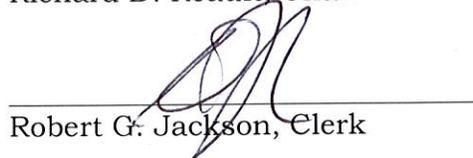
HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

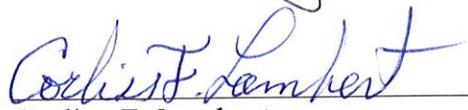
Given under our hands and seals this 23rd day of November, in the year two thousand fifteen.

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, Fire Station No. 1 on Kendall Road, Senior Center on Westford Road, Lakeview Avenue Community Center, Fire Station No.2 on Lakeview Avenue, and at least fourteen (14) days before the date thereof, as within directed.

Constable

Date

Time