



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Selectmen's Meeting Minutes

Monday September 25, 2006

6:00 P.M.

Town Offices

Members present: Selectman Jay Booth, Selectman Kevin O'Connor, Selectwoman Jacqueline Schnackertz, Selectman Rich Lemoine and Selectwoman Karyn Puleo. Also present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay.

The Board was introduced, and the agenda was read. The Board began the evening meeting with a police commendation.

1. 6:05 P.M. Police Commendation

The Chief presented Officer Steve Georges with a commendation for his heroic efforts in the apprehension of an armed robber. The robbery at the Mobil on the Run in Tyngsborough was one of a series of robberies that plagued surrounding communities. The Board commended the young officer and thanked him for his service to the Town.

2. 6:15 P.M. Continuation of Hearing – Matty's Field House

A motion made by Selectman O'Connor to open the continued hearing for Matty's Field House, LLC request for a weekday and a Sunday entertainment licenses, second by Selectman Booth. The Board voted unanimously to continue the hearing.

The Board received on September 18, 2006 a letter from Attorney John F. Paczkowski informing the Board of his clients' intent to withdraw their application for the Alcoholic Beverage License for Retail Sales together with all other license applications with regard to same. The Board on receipt of the letter voted to allow the applicants to withdraw.

A motion made by Selectman O'Connor to close the public hearing, second by Selectwoman Schnackertz. The Board voted unanimously to close the public hearing.

A motion made by Selectwoman Schnackertz to allow the withdrawal of the applications for the weekday entertainment license and the Sunday entertainment license for Matty's Field House, LLC, per the written request of Matty's Field House, LLC, dated September 14, 2006, second by Selectman Lemoine. The Board voted unanimously to allow the withdrawal of the applications.

Upon receipt of a letter by Attorney Paczkowski representing Matty's Field House, LLC withdrawing their application, the Board voted to rescind the votes taken on August 28, 2006 in which the Board approved the all alcoholic license, the common victualler license and the automatic amusement license.

A motion made by Selectwoman Schnackertz to rescind the Board of Selectmen's vote of August 28, 2006 in which the Board had approved the application of Matty's Field

House, LLC for an All Alcoholic Beverages to be Drunk on Premise Restaurant License, per the written request of Matty's Field House, LLC, dated September 14, 2006, second by Selectman Booth. The Board voted unanimously to rescind the Board's vote of August 28, 2006 approving the license.

A motion made by Selectman Lemoine to rescind the Board of Selectmen's vote of August 28, 2006 in which the Board had approved the application of Matty's Field House, LLC for a Common Victualler License, per the written request of Matty's Field House, LLC, dated September 14, 2006, second by Selectwoman Schnackertz. The Board voted unanimously to rescind the Board's vote of August 28, 2006 approving the license.

A motion made by Selectwoman Schnackertz to rescind the Board of Selectmen's vote of August 28, 2006 in which the Board had approved the application of Matty's Field House, LLC for an Automatic Amusement Devices License, per the written request of Matty's Field House, LLC, dated September 14, 2006, second by Selectman Lemoine. The Board voted unanimously to rescind the Board's vote of August 28, 2006 approving the license.

3. 6:25 P.M. Lake Mascuppic Association – Town Beach Boat Ramp

Mr. Ed Smith and Mr. Bill Look, President and Vice-President of the Lake Mascuppic Association were before the Board to talk about upgrading the Maplewood Avenue boat ramp. The Association plans to clean, gate and lock the ramp to be used by town residents only. They are hoping to have the Highway Dept. pave at least 5 to 6 feet at the end of the road. Mr. Smith is not in favor of parking trailers at the ramp and would prefer that residents would launch their boats and return the trailers back home. He does not expect the Town to pay for the upgrade and did ask that the buoys be placed at the beach to separate swimmers from the boaters. The Board agrees that it would be a good idea but a few things to work out such as parking, signage, handouts of the do's and don'ts to go along with the key. The Board will have to ask Town Counsel about legalities if this ramp is approved and upgraded. The Board thinks it is a good idea but it would be best to have a hearing inviting the abutters for their input where the ramp is in their neighborhood. The Association has done a great job in cleaning the weeds from the lake and the Board supports the association in their efforts. The Administrator will contact the Police and Fire Depts. for any input they may have. The hearing will be scheduled for Monday October 16. Mr. Smith and Mr. Look thanked the Board for listening and will attend the October 16 hearing.

4. 6:45 P.M. Tyngsboro General Store

The Board had received a letter from Attorney McClure representing Mr. Murphy owner of the Tyngsboro General Store detailing a list of concerns Mr. Murphy had. Mr. Murphy had voiced his concern at a meeting the Board hosted for information on the temporary bridge issues. Mr. Murphy was told to send a written list of the issues he had and the Board would address it at a meeting. The Town Administrator has met with the Building Commissioner and the Police Chief and spoke to a Mass Hwy representative and compiled all of the information answering Attorney McClure's questions. Attorney McClure received the information and did not attend the meeting this evening and said that he will deal directly with Mass Hwy on the issues dealing with drainage.

5. Special Town Meeting Warrant - Review and Sign

The Board received a draft copy of the Special Town Meeting Warrant. The Board voted to sign and post the Warrant.

A motion was made by Selectman O'Connor to sign the Special Town Meeting Warrant for posting on Tuesday, September 26, second by Selectwoman Schnackertz. The Board voted unanimously to sign and post the Special Town Meeting Warrant.

6. Citizen's Time

No one came forward this evening.

7. Other Business (If Necessary)

A. One Day Special License Request – Boston University, 72 Tyng Road

The Board received a request for a one day special license for September 28, the Board reviewed and voted to grant.

Motion by Selectwoman Schnackertz to approve the request for a one day license to serve wine and malt on September 28 from 4PM to 6PM in the Boston University Nashoba Dining Room and will serve approximately 50 people, second by Selectman O'Connor. The voted unanimously to grant the request for a one day license for Boston University.

B. Accept Open Space Parcel A – Sleepy Hollow Subdivision

The Board received a letter from the Conservation Director informing them of a parcel of land being donated to the Town from Applewood Construction Corp. The parcel abuts the town owned Sherburne property and will add an additional one hundred thirty thousand plus square feet of land to the land already owned by the town.

Motion by Selectman Lemoine to accept the parcel of land from Applewood Construction Corp, known as parcel A "Plan of Land in Tyngsborough, Massachusetts 75 Lakeview Avenue" on the deed as presented to the Conservation Commission with the following amendments by Town Counsel: First paragraph to add the phrase "pursuant to Massachusetts General Laws, Chapter 40, subsection 8C" and after paragraph six which begins with Parcel A, "said premises are conveyed subject to restrictions that said premises shall remain in its natural state in perpetuity for the scenic enjoyment of the Inhabitants of the Town of Tyngsborough. The Conservation Commission of the Town of Tyngsborough shall have sole and exclusive right to administer, manage and control the use and occupation of said land for such purposes, second by Selectwoman Schnackertz. The voted unanimously to accept the parcel of land as stated in the motion above.

C. Appoint Council on Aging Program Coordinator/Senior Aide

A motion made by Selectman O'Connor to appoint Rhonda Buck for 10 hours a week as the Council on Aging Program Coordinator/Senior Aide, second by Selectman Booth. The Board voted unanimously to appoint Rhonda Buck as the program coordinator/senior aide.

D. Appoint Member - Council on Aging

The Board received a letter of interest from a resident, Mr. Phil O'Brien, to fill the vacant position on the Council on Aging Committee, a letter from the Council members supporting Mr. O'Brien.

A motion made by Selectman O'Connor to appoint Phil O'Brien as a member to the Council on Aging, second by Selectwoman Schnackertz. The Board voted unanimously to appoint Phil O'Brien as a member of the Council.

8. Correspondence

A motion made by Selectwoman Schnackertz to accept the 21 pieces of correspondence, second by Selectman Booth. The Board voted unanimously to accept the correspondence.

The Board has received a letter of resignation from the Town Accountant, the Board voted to accept the resignation with regrets.

A motion made by Selectman O'Connor to accept the Town Accountant's resignation with regrets, second by Selectwoman Schnackertz. The Board voted unanimously to accept the resignation.

The Board has received a letter of resignation from the Director of Conservation, the Board voted to accept the resignation.

A motion made by Selectman O'Connor to accept the Director of Conservation's resignation, second by Selectman Lemoine. The Board voted unanimously to accept the resignation.

9. Selectmen's Notes

Selectwoman Schnackertz had received calls regarding the dotted lines painted on Middlesex Road wanting to know if that was the new stop line. After speaking to a Mass Hwy representative the answer is no the cars are to stop at the white line at the lights. Selectman Lemoine announced the Annual Pig and Apple Fest on Sunday October 1 from 11AM to 4PM.

10. Town Administrator's Notes

The Town Administrator has been very busy this week finalizing the Special Town Meeting Warrant, and has started the budget process and warrant for the Annual town meeting for next May.

The Chair entertained a motion to enter into Executive Session.

A motion made by Selectwoman Schnackertz to enter into Executive Session to discuss Collective Bargaining and litigation strategy and to exit Executive Session to enter into a Work Session and to adjourn at the conclusion of the Work Session, second by Selectman Lemoine.

Roll Call Vote – Selectman Booth, yes; Selectman O'Connor, yes; Selectwoman Schnackertz, yes; Selectman Lemoine, yes; and Selectwoman Puleo.

The Board exited open session at 6:55 P.M.

11. Executive Session (If Necessary)

The Board entered into Executive Session at 7:10 P.M.

