



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Selectmen's Meeting Minutes

Monday March 12, 2007

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.

Staff present: Town Administrator Rosemary Cashman and Admin Assistant Therese Gay.

The Board was introduced, and the agenda read.

1. 6:00 P.M. Special Permit Application – Fiesta Shows/Carnival-Middlesex Road
A motion was made by Selectman Lemoine to open the hearing, second by Selectman Booth. The board voted unanimously to open the hearing.
The Clerk read the legal notice that was published in the newspaper on Wednesday, February 28 and Monday March 5m 2007. The Clerk also read the comments from the various departments for the record.

A motion was made by Selectwoman Schnackertz to waive the reading of the abutters' list, second by Selectman Lemoine. The board voted unanimously to waive the reading of the list.

Mr. Flynn was present to announce the carnival's dates and time. He has submitted the necessary certificates. The State safety marshal will be on site along with the town's inspectors to inspect the stands and the rides. The Board of Health will be inspecting the food booths. The fire department in conjunction with the department of public safety and the state fire marshal's office will be monitoring the temporary housing of the traveling personnel. The State is working on clarifying if it is a state law or federal law.

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

A motion was made by Selectman O'Connor to approve the special permit subject to: Compliance with all applicable laws, by0laws and regulations; required inspections must be done successfully; applicant is to provide the Public Safety Officials a site layout of the carnival; and an updated Certificate of Insurance; provision of on site public safety personnel as requested by town departments; obtains sign permit; No traveling personnel to sleep in box trailers on the grounds unless approved, second by Selectwoman Schnackertz. The Board voted unanimously to approve the request for the special permit.

6:10 P.M. Road Acceptance discussions – Overlook Drive, Primrose Lane, Black Oak Circle, and Diabilis Avenue.

The Town Administrator has received two requests to accept 4 roads as town ways. Mr. Eriksen has requested that the town accepts Overlook Drive, Primrose Lane, and Black Oak Circle and Mr. Peter DeCarolis requested the town accept Dabilis Avenue. The Town Administrator outlined the several steps to follow for this to happen. The steps are as follows: 1) The Selectmen vote its intentions for possible acceptance and refer the matter to the Planning Board. 2) The Planning Board meet and make a non-binding recommendation. 3) The Selectmen meet and approve the layout of each road. 4) The layout must be filed with the Town Clerk. 5) The Town Meeting must vote on the acceptance. 6) The Selectmen must acquire any necessary land or easements. The Board took the following votes recording their intentions.

A motion was made by Selectwoman Schnackertz that the Board of Selectmen vote its intention to lay out and accept Overlook Drive as a town way, and further that this matter be referred to the Planning Board for its recommendation, second by Selectman Lemoine. The Board voted unanimously.

A motion was made by Selectwoman Schnackertz that the Board of Selectmen vote its intention to lay out and accept Black Oak Circle as a town way, and further that this matter be referred to the Planning Board for its recommendation, second by Selectman Lemoine. The Board voted unanimously.

A motion was made by Selectwoman Schnackertz that the Board of Selectmen vote its intention to lay out and accept Primrose Lane as a town way, and further that this matter be referred to the Planning Board for its recommendation, second by Selectman Lemoine. The Board voted unanimously.

A motion was made by Selectwoman Schnackertz that the Board of Selectmen vote its intention to lay out and accept Dabilis Avenue as a town way, and further that this matter be referred to the Planning Board for its recommendation, second by Selectman Lemoine. The Board voted unanimously.

A hearing will be held on April 9, 2007 regarding the approval of the layout for each road.

2. Other Business (if necessary)

A. One Day Special License Application – NDA – Annual Spaghetti Supper

The Board received an application for a One Day Special License to serve Wine at their annual Spaghetti Supper on Saturday, March 24, 2007 at the Academy of Notre Dame.

A motion was made by Selectwoman Schnackertz to approve the One Day Special License for the Academy of Notre Dame's annual spaghetti supper on Saturday, March 24, 2007 from 4 p.m. to 9 p.m. for approximately 800 guests at 180 Middlesex Road, second by Selectman Lemoine. The Board voted unanimously to approve the application.

B. Application for a Common Victualler's Modification – New Hours – Tyng's Tavern, Middlesex Road.

The Board received an application to modify the common victualler's hours for Tyng's Tavern to allow them to serve breakfast. The new hours would be Monday through Sunday from 6:00 a.m. to 2 a.m. at the restaurant at 130 Middlesex Road.

A motion was made by Selectwoman Schnackertz to approve the request for the common victualler's modification of hours for Tyng's Tavern starting at 6 a.m. in the morning till 2 a.m. Monday through Sunday, second by Selectman O'Connor. The Board voted unanimously to modify the hours.

3. Citizen's Time

No one came forward this evening.

4. Correspondence

A motion was made by Selectwoman Schnackertz to accept the 17 pieces of correspondence as submitted, second by Selectman Booth. The Board voted unanimously to accept the correspondence.

5. Selectmen's Notes

Selectman O'Connor and Selectman Lemoine commented on the misinformation that has circulated about the purchase of the Shurfine Market property. The funds used to purchase the property will come from the Community Preservation Funds set aside especially for the purchase of open space properties. The Committee feels that this is a positive step in the long-term plan to create a town center. Behind the building is a beautiful pond and green space that no one sees because of the building, this purchase will allow some parking spaces. The purchase has been referred to in the 2004 Master Plan. The CPC funds cannot be used for general government nor school department, as these funds are directly earmarked for three categories: open space, housing and historic restoration. The Selectmen want to dispel the rumor that the market will be torn down and the space will be used solely as a parking lot.

6. Town Administrator's Notes

The Town Administrator wanted to mention the art show the Library sponsored and shown this weekend. It was a great show and was well attended. The Library Director and Trustees did a nice job.

7. Executive Session (If Necessary)

A. 6:30 P.M. Collective Bargaining Discussions

A motion was made by Selectwoman Schnackertz to enter into a Executive Session for purpose of discussing Collective Bargaining and to exit Executive Session only to adjourn, second by Selectman Booth.

Roll Call Vote - Selectman Jay Booth, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Rich Lemoine, yes; and Selectwoman Karyn Puleo, yes. The Board entered into Executive Session at 6:40 P.M.

Selectman O'Connor recused himself from the Executive Session because of a conflict of interest, since he is also a town employee.

8. Adjournment

The meeting was adjourned at 9:00 P.M.

Respectfully submitted by,

Therese Gay
Admin Assistant

Approved on _____