



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100

Fax: 978 649-2320

Selectmen's Meeting Minutes

APPROVED

Monday June 29, 2009

6:00 P.M.

Town Offices

Members present: Selectwoman Elizabeth Coughlin, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo.

Member absent: Selectman Rich Lemoine

Staff Present: Town Administrator Rosemary Cashman, and Admin Assist. Therese Gay

Selectwoman Puleo called the meeting to order. The Board was introduced. Selectwoman O'Neill read this evening's agenda.

1. 6:00 P.M. S&R Request – Use Town Owned Parking Facility

S&R Corp has been awarded the bid by Mass Hwy to repair the existing Tyngsborough bridge. The project will take approximately 3 years. S&R is looking to use town owned parking lot for parking their field office and materials.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to allow the use of Town owned property to S&R Corp to use as an area for construction material, and for the parking of the field office trailer.

2. Citizen's Time

No one came forward this evening.

3. 6:30 P.M. Special Permit Application – 3A Gas & Repair Station, 54 Pawtucket Blvd.

The Board asked the petitioners to come forward. The Clerk read the legal notice that was advertised in the local newspaper. The Board voted 4-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to waive the reading of the abutters list. The application was read, the requested comments were read into the record. The Board voted 4-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to open the public hearing. Mr. Glasswasser, the petitioner was present to present his petition and to answer any questions. Mr. Glasswasser is leasing the gas station, motor vehicle repair station located at 54 Pawtucket Blvd. He is proposing to take one of the repair bays and renovate it to house a convenience store. This evening is the hearing for the convenience store to offer the staples, milk, butter, bread, packaged snacks, tobacco and soft drinks. The hours will be 6AM to 8PM Monday through Friday, and Saturday 6AM to 4PM, no hours on Sunday. The Chair asked if there were abutters in attendance to speak in favor against the proposal. There was only one abutter who spoke against the proposal because of an ongoing cleanup from an old oil tank leak. It is being monitored but the abutter does not want things to worsen. Mr. Glasswasser stressed that there is no longer any

danger of leakage as the tanks were replaced in 2000 and the Environmental Company is keeping a watch on it. No one else came forward. The Chair entertained a motion from the Board to continue this hearing until July 20th to allow the Board to gather more information, and to allow the petitioner to correct the application.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to continue the hearing to Monday, July 20, 2009 at 6:30 P.M.

4. 6:45 P.M. Liquor License Transfer Application – Banjo Pub, 25 Parham Road
The Board asked the petitioners to come forward. The Clerk read the legal notice that was advertised in the local newspaper. The Board voted 4-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to waive the reading of the abutters list. The application was read into the record. The Board voted 4-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to open the public hearing. Attorneys Nicosia and Lacourse were present, Tram and Thien Dang the proposed new owners, and Mr. and Mrs. Martone. The Board welcomed everyone. The Attorneys came forward to present the application. Mr. Dang and Miss Dang have been businessmen in Dracut for three years and have had no incidents. The petitioners want to continue to be good neighbors as were the past owners. Both Mr. Dang and Miss Dang have been TIPS Certified. They will conduct their business on Monday through Saturday from 11:00 AM to 1:00 AM and Sunday from 12:00PM to 1:00 AM. They wish to have a 3 piece band and will entertain between the hours of 3:00 PM to 12:00 AM. The Entertainment will have different hours from the Common Victualler. Attorney Nicosia did make some corrections on the original application but had not on the subsequent copies the Board had received. The changes were addressed. The Attorney did change the type of license from Club to Restaurant. The Board's concern was with the entertainment because of the Pub being so close to residential homes. Neighbors were concerned about the noise level and the additional patrons and traffic that it would generate. The Chair asked if there were any abutters to speak in favor, no one came forward. The Chair then asked if there were any abutters to speak against the transfer, eight abutters came forward to speak against the entertainment license especially the granting of a 3 piece band. The abutters fear that the music will be so loud that it will disrupt the quiet of the neighborhood and also the increase in patrons will add traffic and will increase the need for more parking spaces. Attorney Nicosia rebutted with the facts that the petitioners are not first timers and anyone coming into town would want to enhance their business. The applicants could probably check on adding double doors to help with the noise as patrons enter and exit the restaurant. When the petitioners wish to add parking spaces they will need to follow the zoning of the town. A question arose about the dancing if there is to be music there will be dancing by patrons. The application was corrected to show dancing. In conclusion the Board assured the residents that if there is a problem that they should feel comfortable to come forward to complain. The Chair hearing no further discussion entertained a motion from the Board.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to close the public hearing.

The Board being sensitive to the neighbors concerns also feels comfortable that the petitioners will do their best to be good neighbors. We must be positive and give the petitioners a chance.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to grant the request for the transfer for the all alcohol beverages license as presented.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to pledge the license as printed.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to grant the Common Victuraller License as amended to show Operating hours will be Monday to Saturday from 11:00 AM to 1:00 AM and Sunday from 11AM to 12 Midnight.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to grant the automatic amusement devices license as submitted.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to grant the Weekday and Sunday Entertainment license as amended. The Weekday hours are Monday to Saturday from 8:00 PM to 1:00 AM. The Sunday hours are from 3:00 PM to 12:00 AM.

5. Other Business

A. Municipal Lien Certificate Fee Increase

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to approve the increase the fee from \$25.00 to \$50.00 for a copy of Municipal Lien Certificate.

B. Selectmen's Yearly Appointments

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to appoint the Selectmen's yearly appointments to the various boards and/or committees as printed.

C. Selectmen's Appointment to the NMCOG

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to appoint Ashley O'Neill as the Board's representative to the Northern Middlesex Council of Governments.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to accept the correspondence.

7. Selectmen's Notes

The Board wishes all a happy and safe July 4th holiday. Selectman Jackson recognized the Middle School Students for the benefits that raised \$500.00. Selectwoman Coughlin thanked the residents who attended the Town Meeting, and asks that we support our local businesses. Selectwoman Coughlin asks if anyone is interested in the green space/community to contact her.

8. Town Administrator's Notes

A few updates, the campground bid will be out by July; a consultant will be hired for the Town Center study by December. The Administrator is finalizing the bid for the

demolition of the Shur Fine building. The repairs/replacement of the storage tanks at the Highway Garage is underway, and the Elementary School HVAC system is being worked on this summer. A reminder that the way the trash will be collected has changed; we now have the new automated containers. A Library survey will be in the tax bills. Finally we will be getting back to budgets soon.

9. Executive Session (if needed)

A. Collective Bargaining

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to enter into Executive Session to discuss Collective Bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Robert Jackson, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectwoman Karyn Puleo, yes. The Board entered into Executive Session at 8:55 P.M.

10. Adjournment

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn. The Board adjourned at 9:45 P.M.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: _____