



TOWN OF TYNGSBOROUGH

Office of the Selectmen

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Board of Selectmen Minutes

Monday January 11, 2010

6:00 P.M.

Town Offices

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

Staff Present: Town Administrator Norman Thidemann, and Admin Assist. Therese Gay

Selectman Lemoine called the meeting to order. The Board was introduced. Selectwoman O'Neill read this evening's agenda. A moment of silence was held in memory of Sergeant Howard (Tiny) Given passed away on January 3rd.

1. 6:00 P.M. Introduction – Norman Thidemann, Interim Town Administrator
The Chairman introduced Mr. Thidemann, the new Interim Town Administrator. Mr. Thidemann spoke briefly.

2. 6:05 P.M. Manager Change Request – Outback Steakhouse Rest, 440 Middlesex Road
Selectwoman O'Neill read the legal documents received for the manager change at the Outback Steakhouse. The paperwork was reviewed, the application is in order and there was no derogatory information on the proposed new manager. Mr. Joshua Dumond was present; he introduced himself and gave a brief overview of his knowledge and experience in operating a restaurant. Mr. Dumond is not TIPS Certified at this time but will be within 30 days. No one came forward to speak for or against the petition. The Board voted 4-0-1 on a motion by Selectwoman O'Neill, second by Selectman Jackson to grant the manager change request from Robert Webb to Joshua Dumond pending the TIPS certification within 30 days.

Selectwoman Puleo arrived at the meeting. 6:15 P.M.

3. 6:25 P.M. Liquor License Request – Tyngsboro Sports Center, 18 Progress Avenue
Selectwoman O'Neill read the legal notice, Selectwoman Puleo made a motion to waive the reading of the abutters' list, second by Selectwoman O'Neill, the Board voted unanimously.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to open the public hearing.

Attorney Nicosia representing Mr. and Mrs. Wickens, presented the petition starting with the Home Rule Petition request approved at Town Meeting, the Legislature approved and signed the petition. The next is before the Local Licensing Authority. The Tyngsborough Sports Center is an indoor sports facility and hosts many leagues and youth as well as adult. Mr. Wickens is looking for a liquor license so that he may expand his business with the addition of functions. He will seek TIP certification and will have his staff monitor the establishment during the serving of alcohol. The alcohol will be dispensed at the concession stand and the refrigeration unit will be locked when not in use or when the youth leagues are playing. Mr. Wickens is looking for serving hours of 11AM to 2AM. The Chairman asked if there were any abutters or citizens present who wished to speak for or speak against the petition. Two

residents came forward to speak in favor of the petition; no one came forward to speak against. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to close the public portion of the meeting. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman Puleo to approve the petition for an all alcohol beverages general license for Monday to Sunday from 11AM to 2AM.

4. Citizen/Business Time

Mr. Glen Shankin of 21 Merrimac Way, Merrimac Landing Condos, came forward to voice his concerns. 1) the lights crossing over the bridge could they be re calculated. 2) the frost heaves on Middlesex Road, who is notified to fix? 3) Mr. Shankin is also the president of the Condo Association at Merrimac Landing, he would like to have curb side trash pickup. Selectman Lemoine informed Mr. Shankin that Mass Hwy is the department who maintains Middlesex Road, and the traffic lights, as for the trash pick up he will have Town Counsel review the condo association's agreement. Mr. Shankin should expect an answer soon.

5. Other Business

A. Approve Minutes – Monday, September 14, 2009

The Board voted 4-1-0 on a Motion by Selectwoman O'Neill, second by Selectwoman Puleo to approve the minutes of Monday, September 14, 2009. Selectwoman O'Neill abstaining.

B. Energy and Environmental Affairs Committee Appointment (Planning Board)

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to appoint Caryn DeCarteret as the Planning Board Representative to the Energy and Environmental Affairs Committee.

C. Discussion – Special Town Meeting

Some discussion about the venue of the Town Meeting whether it be at the High School Auditorium or at the Elementary School Cafetorium. The Board favors the Elementary School because of the handicap accessibility, better lighting, and it has a live feed to broadcast the meeting. After discussions the Board voted unanimously to recognize Tuesday, March 2, 2010 at 7:00 P.M. at the Elementary School Cafetorium as the date, time and place of the Special Town Meeting. And the Board of Selectmen voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to request that the Planning Board hold a public hearing on the Westford Road Project proposed by Walter Eriksen.

D. Funds Request – Snow and Ice Budget

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to authorize the Town Accountant to issue warrants and the Town Treasurer to pay such warrants in excess of funds for snow and ice removal, such warrants not to exceed \$125,000.00.

E. Accept – Town of Tyngsborough's Land Use and Regulatory Permitting Services

Action on this item has been deferred to Monday, February 1, 2010.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to accept the correspondence as submitted. The flu clinic is announced for Thursday, January 14 at the Town Hall from 2PM to 6PM. Mention of the School request for consideration of the FEMA reimbursement fund. Selectman Lemoine will answer the residents comments about the presentation by Mr. Eriksen on the Westford Road Development. A complaint on boulder/stones placed on the edge of Frost Road, the Town Administrator will view the area along with the Highway Administrator.

7. Selectmen's Notes

Selectwoman Coughlin spoke briefly about Sgt Howard Tiny Given, he was laid to rest today. He was a 'son of Tyngsborough' who served his community for 34 years as a police officer and after retirement continued to serve Tyngsborough and other area departments with his technical and legal knowledge of armament. In addition, he was a proud member and officer of the Lions Club, a well known international service organization. We will miss him and may he rest in peace. Selectwoman O'Neill announced that the Town Hall will be closed on Monday the 18th and that the elections are on Tuesday Jan 19th. Selectman Lemoine announced that the interviews for the 4 finalist for the Town Administrators position will be in open session on Tuesday the 12th and Thursday the 14th. Selectman Jackson announced the fundraiser sponsored by the Education Foundation. It is a dinner dance to be held in NH. Selectwoman Puleo announced the second relay for life in June along with the Education Foundation's first town ball.

8. Town Administrator's Notes

The Town Administrator held a staff meeting on Thursday. The budget work continues, met with the Town Clerk and did discuss the number of precincts. I am organizing thoughts on a DPW and will be meeting with the Highway Administrator and the Town Accountant.

9. Executive Session

A. Collective Bargaining/Personnel Issues

The Board voted 5-0 on a motion by Selectwoman O'Neill, second by Selectwoman Puleo that the Board move to enter into Executive Session under exception #3 of the Open Meeting Law to discuss anticipated litigation and contract negotiations, and to return to open session to adjourn. Roll Call Vote: Selectman Robert Jackson, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Rich Lemoine, yes; Selectwoman Karyn Puleo, yes. The Board entered into Executive Session at 7:45 P.M.

10. Adjournment

The Board voted 5-0 on a motion by Selectwoman Puleo, second by Selectman Jackson to adjourn. The Board adjourned at 9:30 P.M.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: 2/8/10