TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes APPROVED

Monday July 26, 2010 6:00 P.M. Town Offices

Members Present: Selectman Rich Lemoine, Selectwoman Elizabeth Coughlin, Selectwoman Ashley O'Neill, Selectman Rick Reault
Member Absent: Selectman Bob Jackson
Staff Present: Town Administrator Michael Gilleberto, Admin Assist. Therese Gay

The Chairman called the meeting to order, the Board was introduced and the Clerk read the Agenda.

1. 6:00 P.M Joint Appointment – Tyngsborough Housing Authority Member

The Housing Authority Commissioners present for the meeting were: Commissioner Rick DeLeo, Commissioner Margaret Giguere, Commissioner Michelle Reichter and Commissioner John Pelletier.
The Chair welcomed the Commissioners and the Clerk read the notice sent by the Town Clerk. The Housing Authority Commissioners held interviews of three applicants and did recommend to the Board of Selectmen their candidate, Mr. Corliss Lambert. The other two applicants were Mr. Brian Martin and Mr. Robert Bursey. The Chair invited Mr. Lambert to come up and to speak to his accomplishments and his interest in serving on the Authority. The Board thanked Mr. Lambert for his interest to serve. The Board voted on a motion by Selectman Lemoine, second by Selectwoman Coughlin to appoint Corliss Lambert to serve as a Housing Authority Commissioner. Roll Call Vote: Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes; Commissioner Pelletier, yes; Commissioner Reichter, yes; Commissioner Giguere, yes; and Commissioner DeLeo, yes. The Board congratulated Mr. Lambert on his appointment.

Commissioner DeLeo took a few minutes to present Selectman Lemoine a plaque for his seventeen years of service to the Tyngsborough Housing Authority. Mr. Lemoine also received Proclamation from Representative Garry and Senator Panagiotakos. Mr. Lemoine's family was present for the presentations.

2. 6:35 P.M. Police Department Policies and Procedures – Chief Mulligan

Chief Mulligan and Sgt Howe presented the Police Department's Policies and Procedures to the Board. The Department does follow the procedure in the manual. They are updated from time to time and the process is reviewed by the Union and Labor Counsel. The Board thanked the Chief and his department. The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to approve the Police Department Policies and Procedures brought forth this evening by the Chief.

3. Discussion – New Open Meeting Laws

The Board has been notified of the new Open Meeting Laws taking effect in July of 2010. The Town Clerk has sent notices to all Board, Commissions and Committees, everyone is to read and sign the form acknowledging receipt.

4. Vote and Sign the Capital Exclusion Override Ballot Question.

The Board has received an opinion from Town Counsel that the ballot question wording cannot be changed. The Clerk read the Capital Exclusion Override Ballot Question – Shall the Town of Tyngsborough be allowed to assess an additional $780.00 in real estatwe and personal property taxes for the purpose of funding the following capital appropriations: Fire Command Car ($40,000), Highway Deump Truck ($130,000), Highway Wash Station Completion ($100,000), School Technology Plan ($100,000), School Paving ($80,000), Middlesex School Bleachers ($80,000), High School Pierce Bleachers ($125,000), Town Technology ($100,000), and Town Road Plan ($100,000), for the fiscal year beginning July first two thousand and ten? The Board voted on a motion by Selectman Lemoine, second by Selectman Reault to approve and sign the election warrant. Roll Call Vote: Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

5. Green Communities Grant Award

The Department of Energy Resources the Green Communities Division has approved the Town of Tyngsborough's Green Communities grant request of $161,649 to fund building envelope improvements in municipal buildings. The grant submission is for the insulation of the Town Hall and the Middles School. Selectwoman Coughlin announces the partnering of the Vocational School to assist in the renovation of the historic barn located on Middlesex Road. The Selectman will write a letter of interest to ask to be placed on a list for the students' assistant. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to have the Town Administrator write a letter to the Vocational School's Student Coordinator Mr. O'Hare expressing the Town's desire to be placed on the project list for the restoration of the bar.

6. Federal Regulatory Energy Commission Intervener Filing for Docket P-2790

The Board received a request, from the Chair of the Energy and Environmental Affairs Committee, to file for Intervener Status specific to the licensing and operation of the hydroelectric generation facilities by Booth Hydropower, Inc. on the Merrimack River. The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to sign a letter for the Town of Tyngsborough to file for Intervener status relative to the Federal Energy Regulatory Commission (FERC) Docket P-2790 specific to the licensing and operation of the hydroelectric generation facilities by Boot Hydropower, Inc. on the Merrimack River in Middlesex County, Massachusetts.

7. Approve Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Tuesday, April 6, 2010; Monday April 12, 2010; Monday, April 26, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010; July 12, 2010.

The Board voted 3-0-01 on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve the minutes of March 1to April 26, 2010. Selectman Reault abstains from and Selectman Jackson absent.

The Board voted 4-0-0 on a motion by Selectman Lemoine, second by Selectman Reault to approve the minutes of June 7 and June 12. Selectman Jackson was absent.

The Board voted 3-0-0 on a motion by Selectman Lemoine, second by Selectman Reault to approve the minutes of June 21 and June 28. Selectman Lemoine abstains and Selectman Jackson was absent.

- Approve/Not Released Executive Session - Monday, June 7, 2010; Monday, June 12, 2010; Monday, July 14, 2010.

The Board voted 4-0-0 on a motion by Selectman Lemoine, second by Selectwoman O'Neill to approve the Executive Session and Not Release the minutes of June 7, 12 and June 14, 2010. Selectman Lemoine abstains and Selectman Jackson as absent.

- Approve and Release Executive Session - Monday, March 22, 2010; Monday, March 30, 2010; Tuesday, April 6, 2010; Monday, April 12, 2010; Monday, April 26, 2010.

The Board voted 3-0-0 on a motion by Selectman Lemoine, second by Selectwoman O'Neill to approve and release the Executive Session of March 22, 30, April 6, 12 and 26, 2010. Selectman Reault abstains and Selectman Jackson was absent.

8. Other Business
   A. Selectmen's Appointments
      - Animal Inspector - Held
      - Capital Asset Management Committee

The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Jacquelyn Cronin, Kerry Colburn-Dion, Ashley O'Neill, Jeff Hunt and Rob Mullin.

- Citizen's Taxation Aid Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Lemoine to appoint Charlotte B. Chafe, Kerry Colburn-Dion, Richard J. Deleo, Jr., Pauline S. Knight and Philip F. O'Brien.

- Community Preservation Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Guy Denommee as the citizen at large. The Board received two letters of interest from two residents, Mr. Guy Denommee and Mr. Richard Lemoine.

- Conservation Commission

The Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Brian Martin and Linda Bown. The Board received two letters of interest from two residents, Mr. Brian Martin and Ms. Linda Bown.

- Cultural Council

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Richard Tessier. The Board received one letter of interest from one resident, Mr. Richard Tessier.

- Economic Development

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Walter Eriksen and Richard Lemoine. The Board received two letters of interest from two residents, Mr. Walter Eriksen and Mr. Richard Lemoine.

- Emergency Management/Assistant Directors

The Board is currently reviewing these positions.

- Energy and Environmental Affairs Committee

The Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to reappoint the members currently serving.

- Historical Commission

Board voted 4-0-1 on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Warren W. Allgrove, Jr., Marie R. Lambert and Herbert V. Morton. The Board received three letters of interest from three residents, Mr. Warren Allgrove, Mr. Herb Morton and Ms. Marie Lambert.

- Recreation and Parks Commission

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to appoint Matt Bogacz, Eric Estochen, Robert McNamara and E. Robert Page.

- Strategic Financial Planning Committee

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to re-appoint the committee. Selectwoman O'Neill will serve as the Selectman on the Committee, and appointed Karyn Puleo and Christopher Casey as members at large.

Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to appoint Elizabeth Coughlin, Chairman of the EEAC as an alternate member to the NMCOG.

9. Correspondence

Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as read.

Board voted 4-0-1 on a motion by Selectman Lemoine, second by Selectman Reault to sign the Employee Letter of Disclosure for the Town Treasurer.

10. Selectmen's Notes

- E. Coughlin – Energy and Environmental Affairs Committee Update

Selectwoman Coughlin announced that the EEAC has an intern working with them to assist in the gathering information on items the committee is working on. The committee has received the street light report and the reports offers some options the town may pursue.

- R. Lemoine – Economic Development Committee Update

The Economic Development Committee has met July 19th a member of the Historical Committee was present for the NMCOG presentation on the Westford Road Development. The Town is moving forward to having a code review of the barn, the committee is putting together an RFP and hope to have the historical commission participate, for the post and rail fencing along the town center corridor. Selectman Lemoine has been in contact with the members of the First Parish Church to discuss the painting of the church building, he has also been in contact with Representative Garry on the status of the building across from the bridge and the timetable of it being razed.

- R. Reault – NMCOG

Selectman Reault updated the board on the Pawtucket Blvd redesign they are one year behind and the RFP will be out in September or October. Also he saw no legal notice from the Town Clerk saying that residents could not speak and not be able to speak freely.

11. Town Administrator's Report

- Response to Selectmen's Requests

Information relative to remaining appointments is included in your binder under the appropriate section.

The Capital Exclusion language has been reviewed by Town Counsel and the Town Clerk. The Town must use the template that is in your binders under that section. I am gathering contracts to be posted on the Town website. Attached please find a template of a quarterly reporting form for appointed boards and committees. A draft letter to the ABCC regarding recently-cited violations at Sun City Variety and Thirsty's is under review by Town Counsel.

- Budget Status

The Town Treasurer has examined upcoming short-term borrowing that is able to be rolled into long-term borrowing. Because our FY2011 capital funding is subject to a capital exclusion ballot question that may or may not pass, the Town can consider taking advantage of low interest rates and continue to roll over our short-term debt for another year.

- Departmental Information

Veterans' Agent: while regional discussions continue, I am requesting approval to post the attached advertisement.

Wiring and Plumbing/Gas/Inspector: temporary services are in place. After discussion with the Building Commissioner, I am requesting approval to post the attached advertisements.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to post the 3 vacant positions.

The Treasurer is scheduled to attend a conference August 17-19. The Board is confirmed to host the Senior breakfast on August 19th and Senator Panagiotakos will host a cookout at the Senior Center on August 9th. The Senior Tax Work-off program recruitment is underway. Highway: Jim Hustins is developing a budget and plan for resurfacing in the vicinity of Long Pond Road in August.

- Contracting/Procurement

None at this time

- Other

See additional comment from Town Counsel regarding the pre-existing development agreement for the Westford Road parcel.

12. Executive Session to Discuss Strategy for Collective Bargaining, because holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lemoine to enter into Executive Session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations where an open meeting will have a detrimental effect on the subject matter, the Chair so declares and to exit executive session to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, absent; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes. The Board entered into executive session at 8:35 P.M.

13. Adjournment

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to adjourn the meeting. The Board adjourned at 11:00 P.M.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on Monday, September 13, 2010

TOWN OF TYNGSBOROUGH
Office of the Town Clerk
Town Hall – 25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
(978) 649-2300, Ext. 129
jshifres@tyngsboroughma.gov

Joanne Shifres, Town Clerk

MAY 21 PM 7:41
SELECTMEN
TYNGSBORO, MA.

May 18, 2010

Tyngsborough Housing Authority
198 Middlesex Road
Tyngsboro, MA 01879

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

Dear Board Members:

Please be advised that Michelle L. Richter has declined the elected seat on the Tyngsborough Housing Authority. According to MGL 41:10 this is a failure to elect.

Under MGL Chapter 41, Section 11, the remaining members of the Housing Authority are required to provide notification to the Board of Selectmen within one month of the vacancy. The Selectmen and the remaining members of the Housing Authority, after one week's notice, shall fill the vacancy by roll call vote.

A copy of the Ms. Richter's letter is attached.

Sincerely,

Joanne Shifres
Town Clerk

cc: Mr. Michael Gilleberto

Michelle L. Richter
13 Malvern Avenue
Tyngsborough, MA 01879

May 14, 2010

The Office of The Town Clerk
25 Bryants Lane
Tyngsborough, MA 01879

Ms. Shifres,

As a result of my recent four-year appointment to the Tyngsborough Housing Authority Board of Commissioners by Governor Deval Patrick, I will be respectfully declining acceptance of the one-year term Board of Commissioners position for which I was successfully elected on May 11, 2010.

Sincerely,

Michelle L. Richter

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PART I. ADMINISTRATION OF THE GOVERNMENT

TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 41. OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

ELECTION OF TOWN OFFICERS

Chapter 41: Section 10. Failure to elect; procedure to fill vacancy; notice

Section 10. If there is a failure at an election to choose a town officer, except a selectman, or if a person chosen shall not accept such office, or if a vacancy shall occur, the town may at any meeting elect a person to such office.

If, at an election of town officers for which official ballots are used, there is a failure to elect a town officer, he may be elected at an adjourned or succeeding meeting; and ballots shall be prepared and furnished for such meeting, containing the nominations already made and such as may subsequently be made for the office.

The proceedings in such election and the qualifications of a person to be elected or appointed in case of failure to elect, refusal to accept or vacancy shall be the same as in an original election.

If there is a failure to elect or a vacancy occurs in the office of selectman, the remaining selectmen or selectman may call a special election to fill the vacancy and shall call such election upon the request in writing of two hundred registered voters of the town, or twenty per cent of the total number of registered voters of the town, whichever number is the lesser; provided, that such request is filed with them or him not less than one hundred days prior to the date of the next annual election.

If there is a resignation of a town officer creating a vacancy at some later time certain, and such resignation is filed with the town clerk in accordance with the provisions of section one hundred and nine, said town clerk shall certify a vacancy shall occur at the later time certain and the board of selectmen may call a special election as provided in this section; provided, however, that no such election may be held prior to the effective date of the resignation creating such vacancy.

No election shall be held for any office pursuant to this section unless the selectmen file with the town clerk notice of an election for such office not less than fifteen days before the last day to submit nomination papers to the registrars of voters for certification, before the election or any preceding primary, caucus, or preliminary election.

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TITLE VII. CITIES, TOWNS AND DISTRICTS

CHAPTER 41. OFFICERS AND EMPLOYEES OF CITIES, TOWNS AND DISTRICTS

ELECTION OF TOWN OFFICERS

Chapter 41: Section 11. Appointment to fill vacancy in town office

Section 11. As used in this section, the term "vacancy" includes a failure to elect. If a vacancy occurs in any town office, other than the office of selectman, town clerk, treasurer, collector of taxes or auditor, the selectmen shall in writing appoint a person to fill such vacancy. If there is a vacancy in a board consisting of two or more members, except a board whose members have been elected by proportional representation under chapter fifty-four A, the remaining members shall give written notice thereof, within one month of said vacancy, to the selectmen, who, with the remaining member or members of such board, shall, after one week's notice, fill such vacancy by roll call vote. The selectmen shall fill such vacancy if such board fails to give said notice within the time herein specified. A majority of the votes of the officers entitled to vote shall be necessary to such election. The person so appointed or elected shall be a registered voter of the town and shall perform the duties of the office until the next annual meeting or until another is qualified.

Tyngsborough
Housing Authority

2010 JUL 13 PM 1:58
TYNGSBOROUGH, MA.

July 13, 2010

Tyngsborough Board of Selectman
25 Bryants Lane
Tyngsborough, MA 01879

Dear Town Administrator and Selectman:

The Tyngsborough Housing Authority Board of Commissioners wishes to be put on the Board of Selectman's agenda for the meeting of Monday, July 26, 2010 to discuss with the selectman their appointment of Corliss Lambert to the open seat we have on our Board.

Sincerely,

Melinda L. Theide

Melinda L. Theide
Housing Manager

198 Middlesex Road
Tyngsborough, MA 01879

TEL 978-649-9941
FAX 978-649-3807

Tyngsborough
Housing Authority

2010 JUN 17 AM 11:04
TYNGSBOROUGH, MA.

June 16, 2010

Tyngsborough Board of Selectman
25 Bryants Lane
Tyngsborough, MA 01879

Dear Selectmen, Town Administrator and Town Clerk:

This letter is to inform you that after our interviews of interested parties, we have made our selection by vote to recommend this candidate for appointment for the Tyngsborough Housing Authority Board of Commissioners.

Mr. Corliss Lambert
196 Middlesex Road
Tyngsborough, MA 01879

We wish that the Tyngsborough Board of Selectman follow suit and vote to appoint our nominee.

Regards,

Richard J. DeLeo, Jr.
Tyngsborough Housing Authority Chairman

198 Middlesex Road
Tyngsborough, MA 01879

TEL 978-649-9941
FAX 978-649-3807

Board of Selectmen
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

June 14, 2010

Re: Appointment to open seat, Tyngsborough Housing Commission

I am interested in filling the open seat on the Tyngsborough Housing Commission for the remainder of the current one year term and will seek to fill the seat in subsequent years.

I was raised in Town and attended the Town's public schools. I earned a Bachelor of Science Degree from Florida Institute of Technology and worked for the The Boeing Company as an engineer on the Saturn V program and the on the design of the 747 airplane. I served in the U.S. Air Force, working on the Titan II ICBM system, the design and operation of various Defense satellite and communications programs. During that period I was required to be proficient at writing, negotiating and monitoring Defense design and construction contracts. In addition to the technological experience I was also required to monitor masonry, plumbing, carpentry and electrical work for compliance with Defense requirements and standards.

Following my retirement from military service I served Tyngsborough for nine years as a member of the Town's School Committee where I instituted the broadcast of the Committee meetings to Town residents and worked to make the School Department's budgets lean and understandable. I also served the Town for seven years as the Chairman of the Town's Elementary School Building Committee, and as the Chairman of the Town's Capital Program Committee, and as a member of the Master Plan Committee.

If appointed, I will encourage and facilitate the business of the Tyngsborough Housing Commission and the Tyngsborough Housing Authority being conducted in a timely and professional manner. Further, I work to help the Housing Authority to continue to maintain its excellence in providing safe and comfortable accommodations for all of its tenants.

Thank you for your consideration.

Respectfully,

Corliss F. Lambert

Corliss F. Lambert.

cc: Tyngsborough Housing Commission

To: Town Administrator
From: Bob Bursey
RE: Letter of Interest

6/03/2010

Dear Sir,

I am writing this letter of interest in regards to the open position as a Tyngsboro Housing Authority Member. My wife and I and our two children have been residents in this town for 11 years. I have been a coach in the Youth Baseball Program for 9 years and I have been involved with Tyngsboro Youth Baseball board for the past four years. I currently serve as the director for Babe Ruth Baseball here in Tyngsboro.

As for my background, I work in Tyngsboro with the EL Harvey Company. My wife is a Real Estate Agent for Pristine Homes in Tyngsboro. I devote much of my time to the sports here in town. Including Baseball, Softball, Basketball and Football. My reputation in Tyngsboro is that of a fair and equitable coach, parent and neighbor. I have some new and fresh ideas for the Tyngsboro Housing Authority and I would like the opportunity to help do the right thing for the good people of Tyngsboro.

In closing, let me say that given the opportunity, I can make a positive difference in this great town. Thank you.

Sincerely,

Robert Bursey
5 Willowdale Rd.
Tyngsboro, MA. 01879
H 978-649-0010
C 508-735-6252

2010 JUN 18 AM 10:20
TYNGSBOROUGH, MA.

June 15, 2010

Dear Members of the Board of Selectmen,

It has come to my attention that there is currently an open position on the Housing Authority Board of Directors. As someone who has worked for the Dracut Housing Authority for the past twelve years in a maintenance position I have first hand knowledge of the needs and issues of those living in Housing and feel that I would be an asset to this board.

I respectfully request your consideration for appointment to the Housing Authority Board of Directors.

Thank you for your time and consideration,

Brian Martin
978 649-2474 (H)

RESPONSIBILITIES OF LHA BOARD

I ORGANIZATION

A. Adopt by-laws and revise as needed
B. Elect officers annually
C. Hold meetings in conformance with:
   1. Open Meeting Law M.G.L. c.39 §23 A-C;
   2. Public Records Law M.G.L. c.4 §7(26); and
   3. LHA By-laws

II SET POLICIES AND REVISE SAME AS NEEDED

A. Personnel Policy (including job descriptions and performance review standards)
B. Procurement Policy
C. Travel Policy
D. Disposition Policy
E. Rent Collection Policy
F. Affirmative Action Plan
G. Capitalization Policy
H. Investment Policy
I. Reasonable Accommodations Policy
J. Criminal Offender Records Information (CORI) Policy
K. Others as appropriate

III REGULATIONS AND GUIDELINES

A. Adopt DHCD regulations and comply with DHCD program guidelines
B. Request waivers or modifications as may be appropriate based on local circumstances

IV HIRING

A. LHA Board hires executive director subject to DHCD/HUD confirmation
B. Delegate hiring of other staff to executive director subject to board confirmation
C. Select consultants (legal, accountant, design) based upon recommendation of executive director or as provided for in DHCD/HUD guidelines or regulations
D. Evaluate executive director performance

V MAINTENANCE

A. Set standards for maintenance of properties
B. Monitor maintenance through monthly reports provided by executive director
C. Monitor preparation of vacant units through monthly reports of executive director and inspections of vacant units as scheduled by executive director

VI FISCAL

A. Work with executive director, fee accountant, and tenants' organization(s) to develop annual and revised budgets
B. Review monthly and quarterly fiscal reports and/or operating statements
C. Review audit reports and work with executive director to develop responses and implement recommendations
D. Set annual salary increases for executive director and staff as provided by DHCD budget guidelines
E. Enter into contracts subject to DHCD/HUD approval

VII BIDDING/PURCHASING

A. Review and issue RFPs, bid specs, etc., as provided in M.G.L. c.30 and or M.G.L. c.149
B. Open bids and award to lowest responsible bidder

VII LONG RANGE PLANNING

A. Determine local housing needs
B. Develop Capital Improvement Program (MOD)
C. Develop additional housing units
D. Apply for grants appropriate to public housing, urban renewal, tenant services
E. Develop management and tenant service plans

BOARD MEMBERS MAY NOT

I Enter into conflict of interest situations prohibited by M.G.L. c. 268A and DHCD's regulations on code of conduct set out in 760 CMR 4.04

II Violate the privacy of applicants or tenants by:

A. holding a master key
B. having access to applicant or tenant files
C. having access to names of applicants
D. entering tenant apartments as a board member unless invited by the tenant

III Carry on the day-to-day operation of the Authority

IV Seek personal gain by action(s) as a board member

V Participate in tenant selection process

VI Assign tasks directly to staff. Assignments to staff are made by the executive director. Assignments to the executive director are made by the board at its meetings.

VII Act, speak, or conduct business on behalf of the authority without the express, formal consent of the LHA board

EVERY BOARD MEMBER SHOULD OBTAIN THE FOLLOWING FROM THE EXECUTIVE DIRECTOR UPON HIS/HER ELECTION/APPOINTMENT:

- M.G.L. c.121B
- NAHRO's Commissioner's Handbook
- Open Meeting Law
- Public Records Law
- Copies of all DHCD/HUD regulations
- Copies of current Bidding Laws
- Copies of local By-laws/ordinances
- Copy of State Sanitary Code
- Copies of operating statements for past fiscal year
- Copy of LHA By-laws and management plan
- Copy of all CFAs entered into by the LHA
- Copy of current operating budgets

ROLE OF STAFF

I Implement Board Policy

II Implement DHCD/HUD regulations and guidelines

III Prepare reports at request of Board/DHCD/HUD

IV Implement management plan approved by the Board and DHCD

V Prepare grant applications at direction of the Board

VI Hire and terminate staff with concurrence of the Board

VII Carry on day-to-day activities of LHA

POLICY DEVELOPMENT/IMPLEMENTATION

Housing authority members have responsibility for determining the policy objectives of the authority.

There is often confusion as to what belongs within the policy sphere of activity and what belongs appropriately to administrative staff of an LHA. It is the staff's responsibility to carry out the policy and objectives set by the board. The following examples should help clarify the difference between policy and administration:

Policy: All tenants must pay rent determined in accordance with regulations adopted by the board and pay in accordance with the board approved rent collection policy.

Implementation: The staff determines the amount of rent, collects the rent, records the rent, and implements the appropriate collection policy if rent is not paid in a timely manner.

Policy: Tenants must be selected in conformance with DHCD/HUD regulations and the emergency case plan as adopted by the board and approved by DHCD.

Implementation: Staff accepts applications, makes entries in ledgers, and selects tenants without deviating from the procedures in the regulations.

Policy: There shall be a personnel policy covering all categories of staff.

Implementation: The staff prepares a draft personnel policy for the board to review, modify, if appropriate, and adopt. Once adopted, it would be implemented by staff.

Confusion results when staff members engage in setting and establishing policy and board members interfere in the day-to-day administration of LHA programs. It is important for each to understand his/her role and to support the other in carrying out that role.

REPORTS TO THE BOARD

What kind of information should LHA board members expect from staff? They must receive complete minutes of all board meetings. There should be a written management plan, which includes all LHA policies and a description of each development that the LHA oversees. Staff should provide regular reports to the board on the status of each program. This should be done by the executive director, or by staff at the direction of the director, in a full, comprehensive, written report. Board members should be provided with regular, detailed financial reports. A financial

statement summarizing the status of each budget should be presented to the Board on a monthly basis. Reports from tenant organizations and from sub-committees of the board can be helpful in assisting the board in carrying out its function.

MONITORING OF LHA ACTIVITIES

In an absolute sense, the board is ultimately responsible for living up to all of the obligations that it incurs by law and contract. This responsibility cannot be delegated. The expectation is that board members will exercise supervision. This means that they must be given enough information from the staff to ensure compliance. It is the responsibility of the board, working with the staff, to develop a monitoring process which will insure that all policies are being implemented as intended. A good reporting system includes information from both staff and residents.

BOARD MEETING

When the board meets, it should have a written agenda highlighting all of the items to be discussed at the meeting. Any board member should be able to add items to the agenda at the beginning of each meeting. Once the agenda for that meeting has been established by consensus, it should be followed and no additional business entertained unless agreed upon by a vote by the Board.

RESPONSIBILITIES OF LHA STAFF

The housing authority must delegate the responsibility for the day-to-day operation of the housing authority to its staff. This delegation should be clear. In most instances, the executive director, as the chief administrative officer of the housing authority, should have clearly and carefully defined delegation of authority in a written contract and job specification. The executive director must be allowed to have the authority required by the accountability under which he/she is subject. To hold the executive director accountable for performance, the board must be careful not to interfere or otherwise compromise his/her effectiveness. That means that board members cannot communicate with subordinate staff and order them to perform certain functions. All communications must go through the executive director. Some board members have a tendency to want to usurp policy functions. The executive director must not control policy. He/she may recommend and guide, but not dictate or manipulate. By the same token, board members should not be involved in the day-to-day administration of the authority's developments because they have neither the time nor the expertise to do this. If things are not functioning correctly within the LHA, it is the responsibility of the board to take corrective action. The board may expect performance from the executive director. The executive director should expect support and clear policy guidance from the board. Subordinate staff should expect clear and sensible supervision from the executive director and no interference on the part of board members. When communication is open and people are playing their proper roles, conflicts can be resolved readily.

TYNGSBORO POLICE DEPARTMENT

		DEPARTMENT MANUAL: P&P, Operations	
POLICY & PROCEDURE # 1.04		DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25 2010
SUBJECT: VEHICULAR PURSUIT		ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 41.2.2, 41.2.3	PAGE 1 of 15	____NEW __X__AMENDS ____RESCINDS	

GENERAL CONSIDERATIONS AND GUIDELINES

Vehicular pursuits are sometimes necessary to effectuate the enforcement of criminal and motor vehicle laws. Many of these pursuits are inherently dangerous and therefore create some risk of injury to the pursuing officer(s), the occupant(s) of the pursued vehicle, and the public at large.

The primary purpose of this policy is to secure a balance between the need to protect the lives of the public and the occupants of the pursued vehicle and the obligation of police officers to enforce laws and apprehend violators.

This policy also recognizes that vehicular pursuits do not automatically occur when officers activate their emergency warning equipment in an attempt to effectuate a lawful motor vehicle stop. Motorists occasionally may not immediately see or hear an officer's emergency warning equipment, or may not realize that they are the target of the officers' efforts. Officers may be required to follow a motorist with emergency warning equipment activated for a significant distance before that motorist actually stops the vehicle. Consequently, an officer's lawful attempt to stop a motorist is not considered a vehicular pursuit subject to the requirements and restrictions of this policy unless and until such time as the officer reasonably believes that the motorist is intentionally ignoring the officer or actively attempting to elude the officer.

Since numerous unique situations arise in law enforcement, it is impossible for this policy to anticipate all possible vehicular pursuit circumstances. Therefore, in unusual situations an officer should use common sense and consult with a supervisor whenever possible.

I. PURPOSE

This directive sets forth the policy and procedures of the Tyngsboro Department in the important area of vehicular pursuit. It also outlines the specific requirements for equipment that must be used during a pursuit, and the procedures that emergency vehicles must follow, as set forth in Massachusetts General Law. The intention of this policy is to limit the use of vehicular pursuits to the most serious of circumstances, thereby effectively limiting the exposure of officers, suspects and citizens to the possible serious consequences of vehicular pursuits.

II. POLICY

It is the policy of the Tyngsboro Police Department that vehicular pursuit is clearly inappropriate and will not be authorized when the pursuit itself has a higher potential for serious injury or loss of life than does the threat posed by the escape of the suspect. Officers will adhere to the following guidelines;

- Emergency operations of department vehicles shall be conducted in strict accordance with existing statutes, rules and procedures.

- Vehicle pursuit is one of the most dangerous duties a police officer must perform. When a decision to pursue is made, the safety of all concerned must be considered. The seriousness of the offense must be weighed against the hazards of the health and welfare of citizens who might be affected by the chase. During the pursuit, continuous balancing of the seriousness versus safety is mandatory.

- The Tyngsboro Police Department expects an officer, or his/her supervisor, to terminate a pursuit whenever the risks to the safety of the officers or citizens outweigh the danger to the community if the offender is not caught. **[41.2.2(h)]** There is no task is of such importance as to justify the reckless disregard of the safety of innocent persons. The principles of safety shall not become secondary.

- The responsibility for the decision to overtake or pursue another vehicle rests on the individual officer. In arriving at his decision he/she must carefully consider all factors involved and the possible consequences. To diminish the likelihood of a pursuit, officers intending to stop a vehicle should, when possible, be within close proximity to the vehicle before activating emergency lights and siren.

III. DEFINITIONS

Vehicular Pursuit:

An active attempt by an officer in an authorized police vehicle, with emergency warning equipment activated, to apprehend one or more occupants of another moving vehicle, when the officer reasonably believes that the operator of the other moving vehicle is resisting apprehension by increasing the vehicles speed or using other evasive tactics such as driving off the roadway, sudden or unexpected movements or willfully failing to yield to a signal to stop.

Primary Pursuing Unit:

The police unit that initiates a pursuit or any unit that assumes control of the pursuit.

Secondary Unit:

An authorized police vehicle that is actively involved in the pursuit and is the backup to the primary unit.

Terminate Pursuit:

The officer will deactivate audible and visual emergency warning equipment (emergency lights and siren) and resume a safe speed with the flow of traffic.

III. PROCEDURES

The policy of the Tyngsboro Police Department shall be to limit the use of vehicle pursuits to those situations that involve:

- The attempted apprehension of persons wanted for the commission of felonious acts that threaten, have threatened, or will threaten the health, life or safety of a person or persons.

- The attempted apprehension of a motor vehicle operator who has committed flagrant violations and was operating in a reckless manner before the pursuit was initiated and continues to operate in a reckless manner that endangers the lives and safety of others.

The following rules shall be adhered to during a pursuit:

- The requirements of Massachusetts General Law (M.G.L), Chapter 89, Section 7B, and applicable case law, shall be adhered to at all times during a pursuit. This law outlines the following:

Chapter 89, Section 7B: The driver of a vehicle of a ...police ... shall be subject to the provisions of any statute, rule, regulation, ordinance or by-law relating to the operation or parking of vehicles, except ...the driver of a vehicle of a police ...department ...in an emergency and while in performance of a public duty ... may drive such vehicle at a speed in excess of the applicable speed limit if he exercises caution and due regard under the circumstances for the safety of persons and property, and may drive such vehicle through an intersection of ways contrary to any traffic signs or signals regulating traffic at such intersection if he first brings such vehicle to a full stop and then proceeds with caution and due regard for the safety of persons and property, unless otherwise directed by a police officer regulating traffic at such intersection. The driver of any such approaching emergency vehicle shall comply with the provisions of section fourteen of chapter ninety when approaching a school bus which has stopped to allow passengers to alight or board from the same, and whose red lamps are flashing."

- Officers engaged in emergency vehicle operations shall use audible and visual emergency warning equipment (emergency lights and siren).

- Officers and passengers shall wear safety belts whenever their vehicle is engaged in a pursuit. **[41.3.3]**

- No Officer shall participate in an emergency pursuit while transporting a prisoner or civilian passenger. **[41.2.2 d]**

PURSUIT GUIDELINES: **[41.2.2(a)]**

Each officer must use their discretion using the guidelines in this policy in determining whether or not to commence a pursuit and how to conduct the pursuit once it has it has been initiated. Some factors to be considered when determining whether to initiate, continue, or terminate a pursuit are:

- **Time of day** - Vehicular pursuits occurring at a time when there is a high level of business, school or other activities are deemed to be more hazardous than those occurring during periods of low activity.
- **Volume of vehicular traffic** - Pursuits occurring during periods of heavy traffic flow are deemed to be more hazardous than those occurring at off-peak hours.
- **Location of pursuit** - Pursuits through residential areas, business districts or along streets near to or adjacent to schools are viewed as more hazardous than those in lightly populated areas.
- **Weather conditions** - Environmental factors such as rain, snow, fog or darkness substantially increase the danger of pursuit.
- **Road conditions.**
- **Speed involved.**
- **Nature of the charges.**
- **Volume of pedestrian traffic.**
- **Police vehicle capabilities.**
- **Quality of radio communications.**

Once a decision to pursue is made, the decision is not irreversible. It is often better to abandon a pursuit where the risk of danger to the officer or the public is high, or weather or road conditions are poor.

RESPONSIBILITY OF THE OFFICER INITIATING THE PURSUIT [41.2.2(b)]

The responsibility for the decision to initiate pursuit rests with the individual officer. The officer shall, in all cases, activate emergency lights and siren and notify the Communications Center that a pursuit is underway and provide the following information:

- police unit identification;
- location, speed and direction of travel, with continuous updates;
- suspect vehicle description including license number, if known;
- the specific reason for the pursuit, including known laws violated;
- number and description of occupants;
- ongoing status of the pursuit at regular intervals;
- when the pursuit is nearing the town line and potentially entering another jurisdiction;
- when switching to another radio frequency.

a) Failure to provide sufficient information will be cause for the supervisor to order termination of the pursuit.

b) The pursuing officer shall adhere to all the requirements of MGL Chapter 89, section 7B and all other applicable case law at all times during the pursuit.

c) The primary unit may maintain pursuit as long as it is safe to do so; until directed to terminate the pursuit by a supervisor; the suspect is stopped; or a reasonable distance has been covered which may indicate the futility of continued pursuit.

d) **The decision to abandon pursuit may be the most intelligent course of action**. A pursuing officer must constantly question whether the seriousness of the offense justifies continued pursuit.

IN ANY CASE, A PURSUIT SHALL TERMINATE IMMEDIATELY UNDER ANY OF THE FOLLOWING CIRCUMSTANCES:

- If, in the opinion of the pursuing officer or a supervisor, there is a clear and unreasonable danger to the officer or others created by the pursuit which outweighs the necessity for immediate apprehension;
- The suspects identity has been established so that later apprehension can be accomplished and there is no longer a need for immediate apprehension;
- The prevailing traffic, roadway and environmental conditions dictate the futility of continued pursuit;
- The pursued vehicle's location is no longer known; or,
- When there is an equipment failure involving emergency lights, siren, radio, brakes, steering or other essential mechanical equipment.

Once pursuit is terminated :

- When terminating a pursuit, the officer will turn off the vehicle's emergency lights and siren, advise Communications that he/she is terminating pursuit and the last known location and direction of travel of the suspect vehicle.
- Termination of a pursuit does not necessarily prohibit the following of a vehicle at a safe speed or remaining in an area to re-initiate pursuit if the opportunity and conditions permit.
- File any and all reports required relating to the pursuit.

SECONDARY UNIT RESPONSIBILITY [41.2.2(c)]

- Assistance will be coordinated by the Communications Center under the direction of the shift supervisor.
- An active pursuit will normally consist of no more than two units actively pursuing a vehicle. The secondary vehicle may follow the initial pursuit vehicle to act as a backup. The secondary unit shall follow at a safe distance so as to allow ample reaction time in order to reduce the possibility of officer-involved accidents.
- Only the shift supervisor may authorize more than two units to be in active pursuit. All other units will remain aware of the direction and progress of the pursuit but shall not actively participate unless specifically authorized to do so.
- An authorized assisting unit shall immediately notify Communications of its identity upon joining the pursuit.
- If the primary unit is a one-man car the assisting unit may assume radio communications responsibility allowing the primary to devote full attention to driving.
- Any assisting unit shall adhere to all the requirements of MGL Chapter 89, section 7B and all applicable case law at all times during the pursuit.
- If the primary unit becomes disabled, the assisting unit will become the primary unit. A new backup unit may be authorized by the supervisor.
- File any reports as requested by the officer-in-charge relating to the pursuit.

COMMUNICATION CENTER RESPONSIBILITIES [41.2.2(e)]

- Receive, repeat information, and properly record all incoming information on the pursuit, the pursued vehicle(s) and occupant(s).
- Immediately notify the patrol supervisor, who shall assume command of the pursuit.
- Clear the radio channel of unnecessary traffic, advise other units that a pursuit is in progress and broadcast relevant information.

- Perform relevant records and motor vehicle checks.
- Control all radio communication during the pursuit and continue to monitor radio traffic until pursuit is terminated.
- Coordinate assistance under the direction of the supervisor.
- Notify, as soon as practical, outside agencies if the pursuit enters their jurisdiction.

PATROL SUPERVISOR RESPONSIBILITY [41.2.2(f)]

Upon being notified of a pursuit, the patrol supervisor will verify the following:

- No more than the necessary units are involved;
- The proper radio frequency and procedures are being utilized; and, all affected agencies are being notified.
- The patrol supervisor will direct the pursuit, approve or order alternative tactics, and maintain control until the pursuit is terminated.
- Remain within town limits to provide proper supervision unless the patrol supervisor is the primary unit. If the patrol supervisor is the primary unit the Shift Commander will take command of the pursuit.
- In the absence of adequate information from the primary or backup unit, the supervisor will terminate the pursuit.
- Ensure that all units involved do, in fact, terminate a pursuit upon an order to do so and return to their assigned areas.
- If the pursuit terminates in Tyngsboro, the patrol supervisor will proceed to the termination point to provide supervision and guidance.
- Ensure that all necessary reports relating to the pursuit are filed.

RESPONSIBILITIES OF THE SHIFT COMMANDER [41.2.2(f)]

An officer not immediately involved in the pursuit is often in a better position to objectively oversee it and decide whether the pursuit should be continued and under what circumstances. Therefore, upon learning of a vehicular pursuit in progress, the Shift Commander shall:

- Monitor radio communication regarding the pursuit;

- Ensure all department procedures are being followed by the communication specialists, pursuing officer(s) and the patrol supervisor;
- Make necessary notifications as required for a major incident;
- Assess the information available and order the termination of the pursuit when, in his/her opinion the dangers created by the pursuit outweigh the need for immediate apprehension of the suspect(s)

PURSUIT INITIATED BY ANOTHER POLICE AGENCY *[41.2.2(i)]*

- A Tyngsboro Police unit may become directly involved in a pursuit initiated by another agency while it remains in Tyngsboro if authorized by the patrol supervisor. If exigent circumstances exist, and a request is made by the initiating agency for a Tyngsboro unit to continue outside of Tyngsboro, authorization to do so must be received from the patrol supervisor.
- If a Tyngsboro unit joins the pursuit, it will act as the secondary or backup unit to the primary unit. The relevant guidelines described in this procedure for the secondary unit will apply.

COMMUNICATIONS RESPONSIBILITY FOR ANOTHER POLICE AGENCY [41.2.2(e)]

- Monitor the progress of the pursuit and relay relevant information to the field units.
- If the pursuit terminates in our jurisdiction, ensure that necessary police and other assistance are dispatched.

SUPERVISOR'S RESPONSIBILITY IN PURSUIT BY ANOTHER AGENCY [41.2.2(f)]

- Closely monitor the pursuit while it is in our jurisdiction to ensure that adequate assistance is provided.
- Ensure that Police units do not continue the pursuit once it has passed out of town unless necessary to assist the pursuing unit.

OUT OF JURISDICTION PURSUIT [41.2.2(i)]

- Involvement in vehicle pursuit will begin within the town limits and terminate once the pursued vehicle exits the Town of Tyngsboro unless otherwise designated by the

patrol supervisor. Only the unit(s) designated by the patrol supervisor may continue out of town.

- When a pursuit approaches a town line and the circumstances indicate that it will enter that town, the Shift Commander or communication specialist, as directed by the Shift Commander, shall contact the police agency in that jurisdiction, as well as the State Police, and request assistance.

OUT OF STATE PURSUIT

- No officer shall pursue any person or vehicle into another state's jurisdiction for a misdemeanor, **including** motor vehicle violations and Use without Authority violations.
- An officer in pursuit of a person who has committed a felony may cross a state line, if approved by the Patrol Supervisor. Only the unit(s) approved by the Patrol Supervisor shall continue and contact will be made with the police agencies having jurisdiction as above. If the vehicle is stopped out of state, the officer shall contact the Shift Commander and affect the arrest if possible. When the arrest is made the officer shall request the assistance of the police agency having jurisdiction. The prisoner shall then be transported to the proper detention center in that jurisdiction for processing.

VEHICLE OPERATIONS, TACTICS, LIMITATIONS AND PROHIBITIONS

Traffic Violations: Pursuits for minor traffic violations are prohibited.

Property Crimes: Pursuits for property crimes will be based on the seriousness of the crime weighed against the danger to life posed by the offender and the danger posed by the pursuit itself.

Motorcycles: Motorcycles are prohibited from engaging in a pursuit except when the offense involves life threatening actions or death. The motorcycle will withdraw from active pursuit when a marked unit becomes available to take over the pursuit.

[41.2.2(d)] (Refer to our department's Motorcycle unit policy)

Offensive Tactics: During the course of a pursuit, deliberate contact between vehicles; forcing the offender into parked cars, ditches, or any other obstacle; boxing in or heading off; ramming; or driving along side the pursued vehicle while it is in motion shall be prohibited unless such actions are specifically approved by the supervisor. Reckless or hazardous driving maneuvers of the pursued vehicle shall not be duplicated by any pursuing unit. The following are considered offensive tactics; **[41.2.2(g)]**

- **Roadblocks:** Generally, the use of roadblocks must be authorized by a supervisor. Roadblocks may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the operator and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle. This tactic may not be utilized when tire deflating devices are a viable option. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. No officer shall remain in a cruiser or vehicle parked as part of a roadblock. The roadway shall not be completely blocked unless the use of deadly force would be authorized.
- **Boxing:** Generally, boxing a vehicle will be employed only as a last resort. The use of a boxing maneuver must be authorized by a supervisor. Boxing may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the operator and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle. This tactic may not be utilized when tire deflating devices or roadblocks are a viable option.
- **Ramming:** Generally, ramming will be employed only as a last resort. The use of ramming must be authorized by a supervisor. Ramming may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the operator and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle. This tactic may not be utilized when tire deflating devices, roadblocks or boxing are a viable option.

Civilian Ride-Along: No unit will engage in a pursuit when accompanied by a civilian ride-along.

Unmarked Police Vehicles: Officers operating unmarked vehicles (provided the vehicle is equipped with emergency lights and siren) may engage in a pursuit only when the offender presents an immediate and direct threat to life. The unmarked car will withdraw from active pursuit when a marked unit becomes available to take over the pursuit. **[41.2.2(d)]**

Caravanning: Units not involved in the pursuit shall not follow behind the pursuing vehicles.

Passing: Passing another pursuing police vehicle in a pursuit is prohibited.

Spacing: All units in a pursuit shall space themselves at a distance that will ensure proper braking and reaction time for any sudden or unexpected maneuvers.

Controlled Access Highway: Units shall not pursue offenders the wrong way on any interstate or other controlled access highways, divided highways or ramps.

Emergency Equipment: No officer will continue a pursuit if the emergency equipment on the unit ceases to function properly.

Collisions: No officer will continue a pursuit if his unit becomes involved in a traffic collision unless the collision is with the pursued vehicle and no other police unit is available to assume control.

Tire Deflation Devices: Tire Deflation Devices (such as "stop-sticks) may be used in certain circumstances to reduce the speed and duration of pursuits in order to reduce the risk of injury to persons and/or damage to property. They may only be authorized by a supervisor and deployed by an officer trained in their use. They shall be used in accordance with the officer's training and the manufacturer's guidelines for use. **[41.2.2(g)]**

Roadblocks: Generally, a roadblock will be employed only as a last resort. The use of roadblocks must be authorized by a supervisor. Roadblocks may be utilized only when there is a determination that the pursued vehicle must be immediately stopped because the operator and/or occupants of the vehicle pose a clear and immediate threat of death or serious physical injury to the public and/or other occupants of the pursued vehicle. This tactic may not be utilized when tire deflating devices are a viable option. The roadblock must be clearly visible and provide adequate warning to allow vehicles to come to a safe stop. No officer shall remain in a cruiser or vehicle parked as part of a roadblock. The roadway shall not be completely blocked unless the use of deadly force would be authorized. **[41.2.2(g)]**

REPORTING AND CRITIQUE [41.2.2(j)]

At the conclusion of a pursuit, the primary officer will complete an incident report detailing the circumstances. The supervisor involved shall file a supplemental report as well. These reports will be forwarded to the Commanding officer who will review the circumstances surrounding the incident and forward a written report to the Chief of Police. This report will contain:

- A review of the facts surrounding the incident as it relates to adherence to Department policy and procedure, and

- A finding and recommendation in those circumstances where there are deviations from policy and procedure. **[41.2.2(j)]**

A commanding officer, assigned by the Chief of Police, shall annually analyze all pursuit reports for the previous year. A review of incidents involving vehicle pursuits may reveal patterns or trends that indicate training needs and/or policy modifications. He/She shall implement modifications to this procedure if warranted. A report of the commanding officer's findings and recommendations will be submitted to the Chief of Police by March 1st annually. **[41.2.3]**

RELEVANT CASE LAW

The following is an excerpt from a landmark Massachusetts case relevant to the responsibilities of operators of emergency vehicles. You are encouraged to look up the case and read the complete opinion of the court.

Duty of emergency vehicle driver;

"Drivers of police and fire vehicles have no right to enter intersections in blind reliance on statutory right of way but must be alert and on lookout for other vehicles and are bound to take reasonable precautions against dangers created in proceeding contrary to traffic signals and must exercise a degree of care commensurate with serious consequences that might result from their failure to do so." Neil v. Holyoke St. Ry. Co. (1952) 109 N.E.2d 831, 329 Mass. 578. Automobiles ⚷210

TYNGSBORO POLICE DEPARTMENT

		DEPARTMENT MANUAL; P&P, Operations	
POLICY & PROCEDURE # 1.22		DATE OF ISSUE: April 8, 2010	EFFECTIVE DATE: April 8, 2010
SUBJECT: TASER		ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard #	PAGE 1 of 6	____NEW __X__AMENDS ____RESCINDS	

I. PURPOSE

This Policy sets forth the Tyngsborough Police Department's policy regarding the training, handling, and deployment of the conducted energy weapon or taser.

The specific objectives of this policy and procedure are the following:

A) To inform and direct Tyngsborough Police Officers who are authorized operators of the Taser, in a uniform and professional manner, the proper tactics and procedures in deploying the Taser.

B) To provide written guidelines for officers to follow when deploying the Taser, as well as the documentation required for a Taser deployment.

II. POLICY

The Taser is an additional police tool (The Taser/ECD is a "Less than Lethal" device) and is not intended to replace verbal problem solving skills, self-defense techniques, or firearms. The Taser shall be deployed only in circumstances where it is deemed reasonably necessary to control a dangerous, non-compliant or violent subject. The Taser may be deployed when deadly force does not appear to be justified and/or necessary, as a pre-cursor to deadly force, as an alternative to deadly force and when attempts to subdue the subject by other conventional tactics have been, or will likely be, ineffective in the situation at hand; or there is a reasonable expectation that it will be unsafe for officers to approach within contact range of the subject. The Taser may also be used when a non-compliant subject refuses to cooperate in his/her lawful arrest and failure to secure the subject may present a danger to officers, the subject or the public.

III. DEFINITIONS

Taser: A Taser includes but is not limited to the X-26 Taser.
Deployment: The activation of a Taser resulting in the arcing of the unit, a contact maneuver on a subject or animal, and/or the discharge of an air cartridge whether or not the probes strike their intended target. The mere display of a Taser is not a deployment.
"**Tased**": The accepted word indicating that a person or animal has received an electrical charge from a Taser.
Taser Control Manager: A Taser instructor who has been appointed by the Police Chief to manage the Departments Taser Program.
Taser Instructors: All approved Taser instructors who provide training for the Tyngsboro Taser units
Conventional tactics: Those tactics and other uses of force described in the Tyngsborough Use of Force Policy.
Medical Personnel: Includes, but is not limited to, Doctors, Physician's Assistants, Nurses, Paramedics, and Emergency Medical Technicians.
Supervisor: An officer in the Tyngsborough Police Department with a rank of Sergeant or Lieutenants.
Anti-felon Identification (Afids): A system to deter misuse through enhanced accountability. Every time a TASER cartridge is deployed, 20- 30 small confetti-like Anti-Felon Identification (AFID) tags are ejected. Each AFID is printed with the serial number of the cartridge deployed; allowing law enforcement to determine which cartridge was fired.

IV. PROCEDURE:

Tasers shall be issued to and handled or deployed only by officers who have completed the Tyngsborough Police Department Taser Training Program, which follows the standards set by the MPTC i.e (Dave Standen lesson plan) and the Executive Office of Public Safety. The Taser shall be handled in the same manner and treated with the same degree of care and discretion as a firearm. The rules for securing firearms shall apply to Tasers and the Taser shall not be left unattended and shall be returned to the shift supervisor at the completion of the officer's shift. The Officer authorized to carry the Taser shall have the responsibility to ensure that the Taser has been signed out at the beginning of their shift and signed back in at the end of their shift.

Tasers shall only be used in conformance with procedures mandated in the training course, and only in accordance with Tyngsborough Police Department's Taser policy, State Law and training guidelines set fourth by the MPTC.

Only properly functioning and charged Tasers shall be issued for field use. The battery charge shall be checked prior to each deployment or exercise. The battery charge shall only be checked when there is no air cartridge loaded in the Taser. The Taser should be pointed in a safe direction with no air cartridge loaded in the unit for the "spark Test", performed when checking the Taser out to test the battery charge. The Taser equipment log will be completely filled out each time an authorized officer is issued a Taser. The authorized officer shall be responsible for the maintenance and operation of the assigned Taser. Any Taser or component thereof found to be defective or damaged shall be returned to the Taser Control Manager for repair or replacement, with a detailed explanation of the malfunction or cause of damage.

All Tasers and associated equipment shall be properly secured when not in use. Taser's not being used during a Deployment shall be stored in the manner as a Tyngsborough Police Department issued firearm. When carried in the field, the Taser shall be carried in the Tyngsborough Police Department-approved holster. The holster shall be carried opposite of the officer's department issued sidearm.

Each deployment of a Taser shall be investigated and documented utilizing the Use of Force outline in the Tyngsborough Police Department Use of Force Policy. This includes a contact deployment, as well as the firing of an air cartridge or other deployment resulting in a subject receiving an electrical charge from the Taser, or when the Taser is activated ("sparked") and the subject is subdued/controlled without actually receiving an electrical charge from the Taser. Any accidental discharge of a Taser air cartridge shall be documented in an Incident Report. The Supervisor in Charge shall be notified as soon as practical after a Taser is used. It shall be the responsibility of the Officer who used the Taser to notify the Officer in Charge of the use of the device. Such notice is mandatory.

V. DEPLOYMENT

Whenever a Taser is to be deployed it is the responsibility of the deploying officer or on-scene supervisor to make certain officers on scene understand that the Taser is being deployed and not lethal force, prior to the deployment of the Taser if at all possible. This shall be accomplished through the warning announcement "**TASER!**" to alert other officers, as well as to provide the subject an additional opportunity to cease the conduct that has given rise to the deployment of the Taser.

When an officer approaches a subject with the intent to deploy the Taser, an additional officer should also approach whenever possible to provide additional security and back-up, in the case of a violent subject or a subject carrying a weapon, with cover of lethal force. If the subject is non-compliant the officer shall assist with the handcuffing of the subject. Verbal commands should be used constantly before (whenever practical), during, and after the deployment of the Taser to warn the subject to cease his/her aggressive demeanor or action. A deployment of the Taser in the "Drive Stun" mode, defined as a discharge of the Taser while pressed against the body of the subject without the air cartridge present is considered a level 3 use of force according to the Tyngsborough Police Department Use of Force policy. This may be done when a subject is non compliant and resists verbal commands to comply with the officers orders.

A deployment of the TASER probes by firing the TASER shall be considered a level 4 use of force and shall be done in accordance with the Tyngsborough Police Department Use of Force policy. This may be done when a subject is assaultive and aggressive toward the officers, others or themselves and the subjective actions indicate an immediate threat to the officer or others present or themselves. This shall include circumstances when a subject presents a threat or threatens that they have a weapon and by the 'totality of the circumstances' the officer believes that the subject presents clear and imminent danger to the officer's, others or themselves.

Subjects who have received an electrical charge from the Taser unit or probes shall be treated as follows:

A) Once the subject is safely secured and in custody, the arresting officer shall notify medical personnel that the subject has received an electrical charge from the Taser and relate the approximate time the action occurred. If the probes penetrate the skin, the puncture sites shall be brought to the attention of medical personnel. Probes shall only be removed by medical personnel, who will determine if they will remove the probes. No Tyngsborough Police Officer regardless of medical training will remove probes.

B) The on-scene supervisor shall allow medical personnel to determine if the subject should be transported to the hospital.

C) If the subject is transported to the emergency room/hospital, an officer of the Tyngsborough Police Department may travel in the ambulance if requested to do so by medical personnel or will follow the ambulance to the hospital.

D) Officers must be aware that one aspect of possible injury to a subject receiving an electrical charge from a Taser is that of falling from a standing position.

The spent air cartridge and "AFIDS" shall be collected and preserved as evidence. Caution should be exercised in handling probes that have penetrated a subject's skin. Such probes shall be packaged and handled with the same care as a hypodermic needle, and shall be packaged in a suitable container to prevent accidental infection. This evidence will be entered into property per department procedure to the Evidence Officer.

Do not deploy the X26 Taser near flammable liquids or fumes. The X26 Taser can ignite gasoline or other flammables. Only electronic weapon safe OC (oleoresin capsicum) should be used. All Tyngsborough Police Department issued OC dispersion devices should be Taser compatible.

Electronic Weapons should not be used against obviously pregnant women, children under the age of 17, adults over the age of 70, and those suffering from severe mental illness. Electronic weapons should only be deployed against these vulnerable groups if the officer's assessment at the time is that the individual has or will cause immediate serious bodily harm to themselves and/or others but could be subdued by an electronic weapon as an alternative to the use of deadly force.

The Taser shall not be used as a tool of coercion or punishment.

VI. DOCUMENTATION

The deploying officer is responsible for documenting the deployment of the Taser by completing a Use of Force report, as well as submitting a detailed account of the reason/rationale for deploying the Taser each time it is deployed. If the deploying officer is not the primary reporting officer, the deploying officer shall write a detailed supplemental report documenting his/her role in the deployment of the Taser. The use of force report shall be separate from the arrest or incident report.

The booking officer shall ensure photographs are taken of the subject receiving an electrical charge from the Taser (contact or probes), with special attention to any area injured and where the charge was received. The arresting officer shall also include detailed documentation in the incident report of how the injuries occurred.

The Supervisor in Charge shall notify the Tyngsborough Police Department Taser Control Manager and the Taser Instructors by e-mail of the use of the Taser to ensure a detailed review of the deployment in conjunction with the Use of Force policy guidelines.

The Taser that was deployed shall be removed from service until such time as the deployment report is downloaded from the Taser's data port. The Taser control manager shall perform this function. The Taser that was used shall be placed into evidence using the same procedure that is required for seized weapons and shall be secured in the evidence room. Once a printed report is obtained, the Taser may return to service.

A copy of the printed deployment report shall include the date prior to the deployment, the date of deployment on a subject, and then included in the case file.

VII. Tyngsborough Police Taser Control Manager Responsibilities:

Sgt. Richard Howe is the Taser Control Manager

A) Receive, inspect, and ensure the maintenance and replacement of the Department's Taser devices and related equipment.

B) Establish and maintain systems to record issuance of equipment.

C) Return defective or damaged Tasers and air cartridges to the suppliers

D) Obtain service and/or replacement for defective or damaged Taser components from the supplier.

E) Review reported uses of a Taser by Tyngsborough Police personnel and establish a system for maintaining statistics on the performance of the Taser. This department will file quarterly reports with EOPS regardless of the use or non use of the Taser. Sgt. Richard Howe is responsible person for these reports along with transferring Taser date to Evidence.com for Taser downloads.

F) Ensure Basic certification and annual re-certification training on the Taser is provided as needed, as well as maintaining a record of the training.

G) All other duties as may become necessary for the employment, maintenance, and enhancement of the Tyngsborough Police Taser program.

VIII. Re-certification

All officers shall be re-certified on an annual basis to ensure that they receive the most up to date information available. Officers will receive at least four hours (minimum) of training annually. Instructors will receive sixteen hours of instructor training along with a four hour certification course from Dave Standen of MPTC. Instructors will be recertified every two years. In the event that a new training module is released by either the TASER Corporation, the Municipal Police Training Committee or the Executive Office of Public Safety all officers shall receive the updated training prior to the continued deployment of the TASER.

If any officer fails to attend and complete the annual recertification training as mandated their certification and authorization to carry and use the Taser shall end. No officer shall carry, use or deploy a Taser unless their certification and training is up to date and they have received authorization from their Chief of Police.

Sgt. R. Howe
Feb 2010

TYNGSBORO POLICE DEPARTMENT

	DEPARTMENT MANUAL; P&P, Administration	
POLICY & PROCEDURE # 4.01	DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
SUBJECT: INTERNAL AFFAIRS & PROFESSIONAL STANDARDS INVESTIGATIONS	ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 52.1.1; 52.1.2; 52.1.3; 52.1.4; 52.1.5; 52.2.1; 52.2.2; 52.2.3; 52.2.4; 52.2.5; 52.2.6; 52.2.7; 52.2.8 82.2.2(b)	____NEW __X__AMENDS ____RESCINDS	
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GENERAL GUIDLELINES

The responsibility of the Internal Affairs and Professional Standards functions are to thoroughly investigate allegations of misconduct originating from all complaints from external or internal sources. Investigating alleged employee misconduct carries with it the important responsibility of conducting such investigations in accordance with the law and professionally accepted practices. In order for the public to have confidence in the Tyngsboro Police Department, there must be a clearly established mechanism for complaints to be received and investigated in a fair and impartial manner so that a positive and constructive resolution can be achieved. The Tyngsboro Police Department has established policies, rules and procedures for handling the receipt, investigation and resolution of allegations of employee misconduct. These policies, rules and procedures have been established to clearly set forth this Department's commitment to protect the right of the public, the right of employees of the Department and complainants to expect efficient, fair and impartial resolution of investigations and be protected from unwarranted harassment. The method by which police agencies handle complaints against employees can be an important determinant of the trust and confidence the community will have in our Police Department.

The responsibility for supervising, conducting, coordinating, and maintaining the Internal Affairs function of the Tyngsboro Police Department rests with a commanding officer assigned by the Chief of Police. All findings will be prepared in writing and presented to the Chief of Police with a recommendation for disposition.

I. POLICY

The Tyngsboro Police Department recognizes the right of all citizens and department personnel to initiate a complaint and receive a fair and thorough investigation and unbiased adjudication. It is the policy of this Department that all elements of the complaint process will be handled in a manner that prohibits discrimination on the basis of race, gender, religion, ethnicity, national origin or other legally protected class. All complaints of employee misconduct will be promptly investigated. All reports or accusations made against employees of the Department or the Department in general, from all sources, will be completely investigated in order to ensure the integrity of the Department. The Tyngsboro Police Department is committed to objectivity, fairness and justice through intensive, impartial review and investigation of all complaints. The public has a right to expect efficient, fair and impartial law enforcement. All misconduct must be detected, thoroughly investigated and properly adjudicated to assure the maintenance of these qualities. **[52.1.1]**

II. DEFINITIONS

Citizen: Any individual not a member of the Tyngsboro Police Department.

Complaint: An allegation of misconduct made against a member of the Department.

(Complaints will generally fall within one of two categories. Internal Affairs and Professional Standards Investigations.)

Internal Affairs Complaint: Internal Affairs complaints are those more serious complaints that will be investigated by a commanding officer assigned by the Chief of Police. **[52.1.1 b] [52.2.1 b]**

Professional Standards Complaint: Professional standards complaints are minor complaints that are not serious and are non-criminal in nature. These complaints can usually be handled and investigated by the officers shift supervisor. **[52.1.1a] [52.2.1 a]**

Employee: Any sworn or civilian, permanent or temporary, member of the Tyngsboro Police Department.

Exonerated: The incident did occur, but the actions of the accused were in compliance with Department policies, rules and procedures. This definition would also include those

allegations not directed at the individual but rather deal solely with a complainant's objection to, or criticism of, a Department policy or procedure.

Formal Complaint: A written complaint, signed by a complainant.

Informal Complaint: A verbal complaint or an unsigned written complaint.

Member: Any sworn or civilian, permanent or temporary, employee of the Tyngsboro Police Department.

Not Sustained: The investigation failed to discover sufficient evidence to clearly prove or disprove the allegation(s) of employee misconduct. This definition also includes incomplete investigations. An incomplete investigation is an investigation that cannot be thoroughly or properly completed due to any one of the following:

- Lack of cooperation by the complainant or witness
- The absence of a critical interview, which was necessary to the investigation;
- A determination that the physical evidence is not available; and/or
- A witness statement is insufficient to permit adjudication of the complaint.

Sustained: The investigation indicates there is sufficient evidence to clearly prove the allegation(s) of employee misconduct made in the complaint.

Unfounded: The investigation indicates that the acts complained of did not occur.

III. PROCEDURES

Internal Affairs and Professional Standards Investigations

The commanding officer who is conducting internal affairs investigations reports directly to the Chief of Police. A superior officer who is conducting a professional standards investigation will report directly to the commanding officer in charge of internal affairs. Any officer conducting an internal or professional standards investigation will maintain the confidentiality of all investigatory files and related records. **[52.1.2] [52.1.10]**

NOTIFICATION OF CEO [52.2.2]

Due to the serious nature of internal affairs complaints it is the policy of this department that any internal affairs complaint brought against the agency or an individual officer, the Chief of Police will be notified immediately by phone or direct contact. If neither is possible, the Chief will be contacted by e-mail and the Deputy Chief will be notified immediately by phone or direct contact. Any written complaints that are made will also be given directly to the Chief along with the supervisors initial report on the complaint.

For complaints identified as professional standards complaints, which are of a less serious nature, the Chief of Police will be notified by department e-mail and by leaving any written complaints that may have been made in the Chief's incoming mailbox.

This policy does not prohibit and in fact encourages an supervisor to contact the Chief of Police or Deputy Chief immediately for any complaint if there is a question as to the serious nature of the complaint.

The Commanding officer assigned to internal affairs investigations shall:

- Ensure that internal affairs and professional standard complaints are forwarded to the Chief of Police for review.
- Assume responsibility for the maintenance and security of all complaint investigation files and records
- Maintain liaison with the appropriate prosecuting authority during investigations involving alleged employee criminal misconduct;
- Conduct regular audits of complaints to ascertain the need for changes in training or policy;
- Notify the Chief immediately, when appropriate, concerning internal affairs incidents (e.g. the arrest of an employee, an event involving an employee that may cause media inquiry, etc.); **[52.1.3] [52.2.2]**
- Provide the Chief of Police with a monthly summary and status of complaints against employees; **[52.1.3]**
- Review and analyze trends in numbers and types of complaints; and **[52.1.10]**
- Prepare an annual statistical summary, based upon records of the Internal Affairs and Professional Standards functions to be submitted to the Chief of Police. (the summary may be made available to the agency employees and the public at the discretion of the Chief of Police). **[52.1.11]**

COMPLAINT ANALYSIS SYSTEM

One function of the Tyngsboro Police Departments Professional Standard's unit to assure that consistent standards are maintained by reviewing records of complaints that may be filed against an officer throughout his/her career. If a pattern is identified, an analysis will be conducted to determine if the employee's behavior warrants further action (e.g. training, counseling, etc.). **[52.1.1 c]**

COMPLAINT PROCESSING AND RECORDING

The Department, being cognizant of its responsibilities to all citizens and its employees, will process, record and investigate all complaints of alleged employee misconduct. **[52.1.1]**

CONFIDENTIALITY

Prior to the completion of the investigation of either an Internal Affairs or Professional Standards complaint, information concerning such an investigation shall not be released unless authorized by the Chief of Police. The fact that a complaint was received and a departmental investigation is underway may be disclosed unless the Chief of Police determines that it should remain confidential.

STANDARDS OF CONDUCT

The Department has established guidelines regarding which categories of complaints will be handled and investigated as a Professional Standards issue and which complaints will be investigated as an internal affairs matter. **[52.1.1 a, b]**

INTERNAL AFFAIRS INVESTIGATIONS

Investigations to be conducted by a commanding officer assigned by the Chief of Police include, but are not limited to: **[52.1.1 b]**

- Criminal conduct;

- Untruthfulness;
- Domestic violence;
  - Excessive Force
- Acts indicative of bias (e.g. racial, gender, etc.);
- Divulging confidential police information to unauthorized sources; and
- Engaging in conduct, whether on or off duty, that discredits the police agency, or the individual in his/her capacity as a Police Officer.

CITIZEN COMPLAINTS/SUPERVISORY INVESTIGATIONS

Complaints submitted by citizens alleging improper or unprofessional behavior related to the performance of their duties or sworn status or violations of Department policy will be investigated by the shift commander, and/or the shift supervisor. They include, but are not limited to, the following offenses: **[52.1.1]**

- Insubordination;
- Rudeness;
- Tardiness
- Uniform violations; and
- Minor rule infractions

However, the nature, sensitivity, or severity of the offense may indicate a more appropriate assignment to a commanding officer for a more thorough professional standards investigation or internal affairs matter.

ROLE OF THE SUPERVISOR:

1) The first-line supervisor's familiarity with their personnel allows them the best opportunity to observe or foresee disciplinary problems and to determine the most appropriate methods to deal with them.

2) The first-line supervisor has the primary responsibility for overseeing the conduct, discipline, and duty performance of all personnel under their supervision and the basic accountability for failure to take warranted disciplinary action.

3) Supervisors shall be responsible for discovering marginal or problem employees and for uncovering any evidence of corruption, dishonesty, or malfeasance by personnel under their command.

4) Supervisors must exercise discretion in the application of disciplinary action. As noted before, the use of counseling by a supervisor may avert a potential disciplinary problem or prevent a minor problem from escalating. Supervisors may also issue an oral reprimand to a member for a minor infraction when they occur.

5) All supervisors have the authority to relieve from duty with pay an employee whom they deem to be unfit or unable to perform his/her assigned duties or responsibilities. If a member is so relieved from duty, the Chief of Police and the Deputy Chief shall immediately be notified and advised of the circumstances surrounding such action and a written memorandum will be submitted outlining the incident. This action may or may not occur as a result of a need for disciplinary investigation or action. **[52.2.7]**

   A. Examples of relieving for non-disciplinary reasons would be as follows:

      i. If the officer or employee is suffering from an illness and appears too sick to work effectively or safely.

      ii. If the officer reports to work injured, is injured during the performance of duties and a physician advises that he/she be relieved, or is injured on duty and refuses to acknowledge the apparent danger the injury may place himself/herself in if remaining on duty.

      iii. The officer's or employee's mental state as the result of an unusual or traumatic situation presents a danger that duties and responsibilities may not be performed safely and properly.

   B. Supervisors may initially investigate and relieve any officer or employee from duty, with pay, for the balance of the assigned shift only for any infraction or violation of the Rules, Regulations, Policies, Procedures or Orders of the Department. The following are specific examples but not limited to the following: **[52.2.7] [52.2.1.a]**

      i. Reporting to duty while under the influence of alcohol or controlled substances.

      ii. Insubordination

      iii. Leaving duty location or refusing to perform assigned duties.

      iv. Committing a criminal offense while on or off duty

v. Falsifying a statement or record

vi. Abusing, stealing, damaging, destroying, or defacing property or equipment of the Department or others.

vii. Improper use of department property

C. Further investigation into the matter will be conducted in accordance with the procedures outlined in this policy.

6) All supervisors have the duty to ensure that discipline is maintained within the department. It must be remembered that discipline can be positive in nature and includes recognizing and rewarding exemplary performance, training, counseling, as well as punitive damage.

RECEIPT OF COMPLAINTS BY TELEPHONE OR IN PERSON

Complainants will be referred to the Shift Commander. When the complainant informs the shift commander that he/she desires to file a complaint, the Supervisor will ask him/her, in private, to describe the complaint. The complainant will then be asked to fill out an Internal Affairs/Citizen Complaint form. If for any reason they are unable to fill out the form, the Supervisor may paraphrase the complaint in the narrative section and read it to the complainant. The complainant will be asked to sign the form. If requested, the complainant will be given a blank Internal Affairs/Citizen Complaint Form to fill out and sign on his or her own. The forms will include the language that it is signed under the pains and penalties of perjury.

LOGGING AND PROCESSING COMPLAINTS

All complaints against employees, including complaints filed by mail, will be processed in the following manner. The commanding officer assigned by the Chief of Police as the officer in charge of Internal affairs and professional standards shall:

- Review all complaints received; **[52.1.1 c]**
- Complete the necessary entry in the Complaint Log for each Internal Affairs/Citizen Complaint Form received; **[52.1.10]**
- Assign a Complaint Number; **[52.1.10]**

- File the original complaint; **[52.1.10]**
- Assign the complaint to another superior officer, as indicated by the nature of the complaint; and
- Notify the complainant in writing that the complaint has been received. **[52.2.4 a]**

INVESTIGATION OF COMPLAINTS

All complaint investigations, including anonymous complaints must be conducted thoroughly and objectively. Every appropriate investigative technique and method may be employed consistent with legal requirements and concern for the individual rights of the accused employee. All complaints require a finding. If the employee resigns or the complaint is withdrawn, the investigator will note that fact in his/her report but will still be required to conclude the investigation based on the information available. **[52.1.1, 52.1.9]**

ANONOYMOUS COMPLAINT REVIEW

The Chief or Deputy Chief will review the complaint and assign it to a Superior Officer for investigation, as indicated by the nature of the complaint. **[52.1.1 c]**

CRIMINAL COMPLAINT

Anytime a Tyngsboro Police Department employee is accused of committing a criminal act, whether on duty or off duty, he/she will notify the on-duty commanding officer. The commanding officer will notify the Chief of Police or his/her designee. **[52.1.3, 52.2.2]**

INVESTIGATION BY SUPERIOR OFFICER

An employee who may have been involved as either a participant or witness to the alleged incident being investigated will submit, upon request, a written report concerning his/her

actions and observations to the investigating Superior Officer. In pursuit of fundamental fairness, when an investigation requires that an employee submit a written report, he/she will be issued a written statement that will include the allegations against the employee, and the employee's rights and responsibilities. A Tyngsboro Police Department Internal Affairs rights for will be given to the employee. **[52.2.5]** Sufficient information should be provided to reasonably apprise the employee of the allegations. If the complaint is filed in writing, a copy should be furnished to the employee. If it is known that the employee being instructed to submit a report is a witness only, he/she should be so informed at the initial contact (see Section regarding no contact with the complainant).

Upon completion of the investigation, the Superior Officer will submit the investigative reports to the Chief of Police or his/her designee. After reviewing the results of the completed investigation, the Chief or designee will indicate, in writing, whether or not he/she concurs with the recommendation(s). The file must contain the following: **[52.1.2, 52.1.3]**.

- A statement of the allegations made by the complainant;
- A statement of the situation as described by the employee involved and/or witness employees;
- A description of the facts to which the complainant and employee agree;
- A description of the issues and allegations to which the complainant and employee disagree;
- A statement of evidence which supports each side of these disagreements;
- A conclusion and statement of what occurred based upon the Supervisor's analysis of the supporting evidence; and **[52.2.8]**
- A recommended finding in one of the following classifications: Exonerated, Not Sustained, Sustained or Unfounded. **[52.1.9]**

FORMAL INTERVIEW

In the interest of organizational integrity and fairness, when an investigation requires that an employee be brought in for a formal interview, he/she will be issued a written statement that will include the allegations against the employee, and the employee's rights and responsibilities. **[52.2.5]** Formal interviews will be conducted in accordance with the following procedures:

- An internal investigation rights form will be given to the employee prior to an interview taking place.
- Sufficient information should be provided to reasonably apprise the employee of the allegations.
- If the complaint is filed in writing, a copy should be furnished to the employee.
- If it is known that the employee being interviewed is a witness only, he/she should be so informed at the initial contact.
- If a copy of the tape of a citizen's complaint is available it will be provided to the employee.
- At the time of the interview, the interviewee under investigation should be afforded all rights guaranteed under the United States Constitution, the Article 12 in the Massachusetts Declaration of Rights, Carney v. Springfield and any other applicable constitutional or statutory rights.
- If the employee could infer that his responses may result in discipline against him/her, he/she shall be notified that they have the right to consult with a union representative and to have him/her present during questioning. (NLRB v. Weingarten)
- The Department will afford an opportunity for the employee to consult with counsel and/or a union representative before being questioned concerning a serious violation of rules and procedures, provided that the interview is not unduly delayed. In any case, the interview may not be postponed for purpose of counsel.
- The questioning will not be overly long. Time will be provided for personal necessities, meals, telephone calls and rest periods as are reasonably necessary.
- The complete interrogation of the employee will be recorded. There will be no "off-the record" questions. All requests for recesses during the questioning will be recorded.

PROHIBITION OF CONTACT WITH COMPLAINANT

An employee against whom a complaint has been made shall not contact the complainant or attempt, directly or indirectly, by threat, appeal, persuasion, or the payment or promise of money or other things of value, to secure the withdrawal or abandonment of the complaint. Such actions are prohibited and shall be dealt with very strictly by the Department.

EXAMINATIONS

Upon orders of the Chief of Police or his/her designee, an employee may be compelled to submit to a medical or laboratory examination, at the Department's expense. This examination must be specifically directed and narrowly related to a particular Internal Affairs investigation being conducted by the Department. **[52.2.6 a]** An employee may also be compelled to be photographed, **[52.2.6 b]** to participate in a lineup **[52.2.6 c]** to be viewed by witnesses or complainants for the purpose of identifying an employee accused of misconduct, and/or be compelled to submit a financial disclosure statement as part of an internal investigation provided such statement is material to the investigation. **[52.2.6 d].** Examinations may also include workplace searches. The agency reserves the right to exercise searches of storage/clothing lockers, desks, file cabinets, computers and electronic messaging systems. Such submissions and/or examinations will only be conducted in a manner that is consistent with applicable federal, state, case law and administrative decisions. **[52.1.7 b, c, d]**

DETECTION OF DECEPTION

If necessary, when instruments for the detection of deception, such as a polygraph or other lie detecting test, are used in any internal affairs investigation, these instruments will be used only by trained and certified personnel who have graduated from an institution providing training for this purpose. These instruments will be used and in accordance with all applicable federal, state, case law and administrative decisions. **[52.2.6 e]** **[42.2.8, 52.1.7 e]**

INVESTIGATION REVIEW PROCESS

The Chief of Police will review the completed investigation and indicate, in writing, whether or not he/she concurs with the Superior Officer's finding and recommendation. The

employee and the complainant will be notified, in writing, of the disposition of the complaint. **[52.1.5 c]**

DEADLINES/PROCESS

All investigations pursuant to this chapter will be completed within thirty (30) days of initiation unless extenuating circumstances exist. In all such investigations, after the thirty (30) day initial time period, extensions will be allowed provided status reports are submitted to the Chief of Police. **[52.1.4]** If an investigation arising from a citizen complaint is still pending at the end of thirty (30) days, a letter will be sent to the complainant stating that the investigation is continuing, and estimating when the investigation will be completed. **[52.1.5 b]**

A decision on the complaint will be made by the Chief of Police based on one of the following classifications: Exonerated, Not Sustained, Sustained or Unfounded. **[52.1.9]**. Once a decision is made the following will occur;

- The employee will be notified, in writing, of the disposition of the complaint.
- The investigating superior officer will prepare a written response to the complainant. The response will be signed by the Chief of Police and will apprise the complainant of the results of the investigation. **[52.1.5 c]**
- Members of the Department will be notified of the outcome of all complaints through the Department's internal written directive system. **[12.2.2 a]**
- If the complaint is SUSTAINED, disciplinary action as appropriate, consistent with policies and procedures on progressive discipline as outlined in our policy manual, may be initiated. **[52.2.7]** **[26.1.4]**
- If the allegation was true, but the action complained about was not inconsistent with established policies, rules or procedures, the Department will review its policy to determine what changes need to be made so as to provide clearer guidelines to personnel and prevent a recurrence of the type of action complained about.
- The investigating superior officer will specify in his/her report which policy, rule or procedure was the subject of the complaint and when applicable, will include a draft policy revision for review.

- The suggested policy revision will be forwarded through using our department's policy review process as stated in the Written Directive System policy & procedure.

DISCIPLINARY RECORDS

In the event disciplinary action is taken, a record of the discipline received will be placed in the employee's Personnel File in conformance with Massachusetts General Law (M.G.L.), Chapter 149, Section 52C. **[26.1.8]**

APPEAL PROCESS

If an employee wishes to appeal the disciplinary action imposed, he/she may file a signed, written grievance through the employee's bargaining unit in accordance with the respective collective bargaining agreement. **[25.1.1 a,b,c,d,e]**

FILE MAINTENANCE

A central file of internal investigation complaints will be maintained, secured and treated as confidential investigative files. The commanding officer assigned to internal affairs investigations shall assume responsibility for all Internal Affairs and Professional Standards investigation files. **[52.1.10]**

MONITORING AND EVALUATION

The system of processing complaints against employees will be monitored in the following manner:

- **ANNUAL STATISTICAL SUMMARY;** The commanding officer responsible for internal affairs investigations will prepare an annual summary of complaint statistics (both Internal Affairs and Professional Standards complaints), indicating the number of complaints filed, by type of complaint, and the outcome of the investigations undertaken, by outcome classification. This information will be forwarded to the Chief of Police. **[52.1.11]**

INTERNAL AFFAIRS RIGHTS FORM

TYNGSBORO POLICE DEPARTMENT
INTERNAL AFFAIRS RIGHTS FORM

Date: _____

To: _____

From: **Chief William Mulligan**

Subject: Inc./Arr. # _____, IAD Case # _____

You are hereby ordered in accordance with Policies and Procedures, to participate in this investigative interview detailing your knowledge of the allegations. You are required to answer all questions concerning the performance of your duties, your fitness to perform those duties, and professional responsibilities honestly and truthfully. You have a right to remain silent about conduct or behavior that would tend to incriminate you in a criminal matter. This must be done on a question by question basis. Invocation of your rights against self-incrimination under the 5th Amendment to the U.S. Constitution and Article 12 of the Massachusetts Declaration of Rights is sufficient to comply with the order but must be invoked on a question by question basis as it relates to the allegations of criminal activity.

You may be able to comply by asserting your 5th Amendment privilege against self-incrimination and waiving your Article 12 Mass. Declaration of Rights privilege. If you choose this option, you are waiving your right to transactional immunity and you are required to participate by answering questions or submitting a detailed report. However, the answers you provide to the allegations of the complaint and any evidence derived from those answers cannot be used against you in a criminal proceeding. Criminal proceedings may be based upon evidence obtained from other independent sources.

Failure to participate in the interview or submit a report absent an assertion by you of your constitutional privilege(s), is considered failure to obey and comply with an order and could result in you receiving disciplinary action.

PLEASE READ, CHECK THE APPROPRIATE BOX, SIGN AND DATE THIS STATEMENT.

[ ] I wish to claim my constitutional protections under the US Constitution's 5th Amendment and the Massachusetts Declaration of Rights Article 12.

[ ] I assert my 5th Amendment privilege against self-incrimination, but agree to waive my Article 12 privilege. I will answer questions and/or submit a report as required, but the contents of that report cannot be used against me in a criminal proceeding. However, I understand that criminal proceeding can be instituted against me based upon evidence obtained from other sources.

Employee' Signature: _____ Date: _____

Signed in the presence of: _____ Date: _____
(Superior Officer)

CITIZENS COMPLAINT FORM

Town of Tyngsborough
Police Department
20 Westford Road
Tyngsborough, Massachusetts 01879-0549
Phone: 978-649-7504 Fax: 978-649-3670

Citizens Complaint Form

Name:_____

Address:_____

Phone #:_____ SSN:_____ D.O.B._____

Date & Time of Incident:_____

Location:_____

Officer's Name(s) (if known):_____

Description of Officer (if name unknown):_____

_____

Narrative:_____

_____

_____

_____

I understand that false statements (perjury) could lead to civil or criminal action being taken by the police department or the individual officer(s).

Signed:_____ Date:_____

Officer Receiving Complaint:_____

TYNGSBORO POLICE DEPARTMENT

		DEPARTMENT MANUAL; P&P, admin.	
		DATE OF ISSUE: April 26, 2010	EFFECTIVE DATE: April 26, 2010
POLICY & PROCEDURE # 4.02			
SUBJECT: HARASSMENT		ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 26.1.3	PAGE 1 of 4	___NEW __X__AMENDS ___RESCINDS	

I. POLICY

It is the goal of Tyngsboro Police Department to promote a workplace that is free of harassment of any kind, including sexual harassment. Any harassment of employees occurring in the workplace or in other settings in which employees may find themselves in connection with their employment is unlawful and will not be tolerated by this organization. Further, any retaliation against an individual who has complained about harassment or retaliation against individuals for cooperating with an investigation of a harassment complaint is similarly unlawful and will not be tolerated. To achieve our goal of providing a workplace free from all forms of harassment, the conduct that is described in this policy will not be tolerated and we have provided a procedure by which inappropriate conduct will be dealt with, if encountered by employees.

Because the Tyngsboro Police Department takes allegations of harassment seriously, we will respond promptly to complaints of harassment, sexual or otherwise, and where it is determined that such inappropriate conduct has occurred, we will act promptly to eliminate the conduct and impose such corrective action as is necessary, including disciplinary action where appropriate.

Please note that while this policy sets forth our goals of promoting a workplace that is free of sexual harassment, the policy is not designed or intended to limit our authority to discipline or take remedial action for any type of workplace harassment which we deem unacceptable, regardless of whether that conduct satisfies the definition of sexual harassment.

All employees are protected from any and all harassment on the basis of their race, color, religion, national origin, ancestry, sex, age, handicap (disability), participation in discrimination complaint-related activities, sexual orientation, genetics, or active military or veteran status. Prohibited behavior includes slurs or other derogatory comments, objects, pictures, cartoons, or demeaning gestures connected to one's membership in a protected group.

II. Definition of Sexual Harassment

In Massachusetts, the legal definition for sexual harassment is this: "sexual harassment" means sexual advances, requests for sexual favors, and verbal or physical conduct of a sexual nature when:

- submission to or rejection of such advances, requests or conduct is made either explicitly or implicitly a term or condition of employment or as a basis for employment decisions; or,
- such advances, requests or conduct have the purpose or effect of unreasonably interfering with an individual's work performance by creating an intimidating, hostile, humiliating or sexually offensive work environment.

Under these definitions, direct or implied requests by a supervisor for sexual favors in exchange for actual or promised job benefits such as favorable reviews, salary increases, promotions, increased benefits, or continued employment constitutes sexual harassment.

The legal definition of sexual harassment is broad and in addition to the above examples, other sexually oriented conduct, whether it is intended or not, that is unwelcome and has the effect of creating a work place environment that is hostile, offensive, intimidating, or humiliating to male or female workers may also constitute sexual harassment.

While it is not possible to list all those additional circumstances that may constitute sexual harassment, the following are some examples of conduct which if unwelcome, may constitute sexual harassment depending upon the totality of the circumstances including the severity of the conduct and its pervasiveness:

- Unwelcome sexual advances -- whether they involve physical touching or not;
- Sexual epithets, jokes, written or oral references to sexual conduct, gossip regarding one's sex life; comment on an individual's body, comment about an individual's sexual activity, deficiencies, or prowess;
- Displaying sexually suggestive objects, pictures, cartoons;
- Unwelcome leering, whistling, brushing against the body, sexual gestures, suggestive or insulting comments;
- Inquiries into one's sexual experiences; and,
- Discussion of one's sexual activities.

All employees should take special note that, as stated above, retaliation against an individual who has complained about sexual harassment, and retaliation against individuals for cooperating with an investigation of a sexual harassment complaint is unlawful and will not be tolerated by this organization.

III. Making a Complaint

If any of our employees believes that he or she has been subjected to Harassment of any kind, including sexual harassment, the employee has the right to file a complaint with our organization. This may be done in writing or orally.

If you would like to file a complaint you may do so by contacting;

Chief William Mulligan - 978-649-7504

Deputy Chief Burrows - 978-649-7504

Tyngsborough Town Administrator Michael P. Gilleberto
Tyngsboro Town Hall 25 Bryants Lane Tyngsborough, MA 01879
978-649-0300, extension 100

IV. State and Federal Remedies

In addition to the above, if you believe you have been subjected to sexual harassment or any other type of harassment, you may file a formal complaint with either or both of the government agencies set forth below. Using our complaint process does not prohibit you from filing a complaint with these agencies. Each of the agencies has a short time period for filing a claim (EEOC - 300 days; MCAD - 300 days).

The United States Equal Employment Opportunity Commission (EEOC)
One Congress Street, 10th Floor Boston, MA 02114
Phone: (617) 565-3200.

The Massachusetts Commission Against Discrimination (MCAD)
Boston Office: One Ashburton Place, Rm. 601, Boston, MA 02108
Phone: (617) 994-6000.
Springfield Office: 424 Dwight Street, Rm. 220, Springfield, MA 01103
Phone: (413) 739-2145.

V. Harassment / Sexual Harassment Investigation

When we receive the complaint we will promptly investigate the allegation in a fair and expeditious manner. The investigation will be conducted in such a way as to maintain confidentiality to the extent practicable under the circumstances. Our investigation will include a private interview with the person filing the complaint and with witnesses. We will also interview the person alleged to have committed the harassment. When we have completed our investigation, we will, to the extent appropriate inform the person filing the complaint and the person alleged to have committed the conduct of the results of that investigation.

If it is determined that inappropriate conduct has occurred, we will act promptly to eliminate the offending conduct, and where it is appropriate we will also impose disciplinary action.

VI. Disciplinary Action

If it is determined that inappropriate conduct has been committed by one of our employees, we will take such action as is appropriate under the circumstances. Such action may range from counseling to termination from employment, and may include such other forms of disciplinary action as we deem appropriate under the circumstances.

TYNGSBORO POLICE DEPARTMENT

	DEPARTMENT MANUAL: P&P, Administration	
POLICY & PROCEDURE # 4.06	DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
SUBJECT: AUTHORIZED WEAPONS & AMMUNTION	ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 1.3.4, 1.3.9, 1.3.10, 1.3.11, 1.3.12 — PAGE 1 of 6	____NEW __X__AMENDS ____RESCINDS	

GENERAL CONSIDERATIONS

Police officers in Massachusetts are authorized to carry and use a variety of weapons. General Law ch.41 § 98, permits officers to carry firearms as authorized by the Chief of Police. While no statute addresses the possession and use of other weapons by officers, court decisions make it clear that the Chief of Police may both authorize and regulate such activities.

I. PURPOSE

The purpose of this policy is to provide members of the Tyngsboro Police Department with guidelines in the use of the approved lethal, non-lethal and less-lethal weapon systems. **[1.3.4], [1.3.9], [1.3.10], [1.3.11] [1.3.12]**

II. POLICY

It is the policy of the Tyngsboro Police Department that the use of lethal, non-lethal or less-lethal weapons on any subject, must be in compliance with the following protocol, as well as, the Tyngsboro Police Departments Use of Force Policy. All weapons carried by Tyngsboro Police Officers will be approved by appropriate personnel prior to the officer carrying said weapon. All weapons will be subject to periodic inspection. **[1.3.9(c)]**

A weapon that is found to be unsafe will be removed from use in active duty and be replaced forthwith. **[1.3.9(d)]**

The department will maintain a record on each weapon approved by this agency for official use. **[1.3.9(e)]**

Each sworn officer of the Tyngsboro Police Department is solely responsible for the safe and proper storage of their assigned authorized firearms. All department rifles, if not being secured in a cruiser, shall be secured in a firearm locker located in the Sergeants office. **[1.3.9(f)]. Safe storage of weapons is required under Massachusetts General Law chapter 140 s. 131L. It shall be unlawful to store or keep and firearm, rifle or shotgun including, but not limited to, large capacity weapons, or machine gun in any place unless such weapon is <u>secured</u> in a locked container or equipped with a tamper-resistant mechanical lock or other safety device, properly engaged so**

as to render such weapon inoperable by any person other than the owner or other lawfully authorized user.

STORAGE OF WEAPONS

A) **Officers must comply with the safe storage requirements of G.L. c. 140 s. 131L. When not under the officer's immediate control, all weapons must be secured and safely stored.**

B) **Officers may be required to document compliance with the above-mentioned statute.**

C) **Members of the department shall take all reasonable precautions to ensure that weapons issued to them by the department are protected from loss, misuse or theft.**

All officers authorized to carry lethal and less lethal weapons will be issued copies and be instructed in our department's use of force policy. **[1.3.12]**

Only agency personnel that demonstrate proficiency in the use of agency-authorized weapons are approved to carry such weapons. **[1.3.10]**

At least once annually, all agency personnel authorized to carry weapons will receive training on our agencies use of force policy and demonstrate proficiency with all approved lethal and electronic controlled weapons that the employee is authorized to use. Training for other less lethal weapons and weaponless control techniques shall occur at a minimum of once every two years. **[1.3.11]**

DEFINITIONS:

PEPPER SPRAY: Liquid spray whose main component is derived from natural pepper extracts applied using a spray (stream type configuration)

ASP: An expandable locking baton.

NON-LETHAL FORCE: Is the force that is neither likely nor intended to cause serious bodily injury or death. This includes but is not limited to the use of approved defensive physical tactics, O.C./pepper spray and the authorized baton.

LESS-LETHAL FORCE: That force which is likely to have less potential for causing death or serious bodily injury than the use of deadly force. This includes but is not limited to the use of approved delivery systems and respective munitions.

DEADLY FORCE: Is that degree of force likely to result in death or serious bodily injury. This includes but is not limited to the use of department-approved firearms.

III. PROCEDURES

1. **DRAWING OR DISPLAYING**: A Tyngsboro Police Officer shall avoid the unnecessary display of firearms and not draw a firearm except when there is justification for its use to accomplish a proper police purpose. However, in responding to any potentially dangerous situation (e.g., searching a building pursuant to a burglar alarm or approaching a business establishment on a report of a robbery in progress etc.) the Tyngsboro Police Officer should carry his/her firearm in a position that will facilitate its speedy, effective, and safe use. Tyngsboro Police Officers shall not point firearms at persons in circumstances which are clearly unjustifiable.

LETHALWEAPONS - GENERAL CONSIDERATIONS [1.3.9], [1.3.11]

The Tyngsboro Police Department, in accordance with Massachusetts Police Training Committee's Use of Force curriculum, has incorporated lethal weapons for use within the department's use of force continuum.

1. **TRAINING AND QUALIFICIATIONS**: Training shall consist of a department approved training and qualification program in the use of department firearms. All sworn personnel are required to qualify once per year in the department issued pistol and patrol rifle. This qualification will consist of 100% round accountability during qualification. Training for each firearm listed will consist of eight hours per officer for each weapon. Therefore each sworn officer of the Tyngsboro Police Department is required to take a minimum of sixteen hours of qualification time yearly. **[1.3.11(a)]**

   - Supplemental training will continue throughout the year via roll call training and any other means that the firearm division and instructors deem appropriate.
   - All firearm training will be documented and each officer's proficiency in each weapon will be appropriately delineated. **[1.3.11(b)]**
   - Remedial training will be conducted immediately and prior to the officer returning to active duty. This training will be appropriately documented. **[1.3.11(c)]**
   - While off-duty, a Tyngsboro Police Officer may only carry firearms and ammunition authorized by the Tyngsboro Police Department for which the Tyngsboro Police Officer has been qualified. (This will not apply to firearms used for hunting or target practice.) **[1.3.9(a)(b)]**

2. **DEPLOYMENT OF LETHAL WEAPONS** - Officers will deploy designated lethal weapons as needed in accordance with department training and use of force policies.

3. **APPROVED LETHAL WEAPONS [1.3.9(a)]**

   a. Weapon Type - **Sig Sauer P226R, caliber .357 Sig.**

   b. Weapon Type - **Sig Sauer 556, patrol rifle**

4. **APPROVED AMMUNTION [1.3.9(b)]**

   A) For the Sig Sauer P226R - .357 Sig 125 grain hollow point

   B) For the Sig Sauer 556 - .223 REM 55 grain BTHP

5. **OFF-DUTY WEAPON [1.3.9]**

   a. Any weapon that a Tyngsboro Police Officer carries on his/her person while off-duty for protection or to enable him/her to take action as a police officer (especially a weapon carried by a Tyngsboro Police Officer to and from an assigned tour of duty) excluding the Tyngsboro Police Officer's issued service weapon, will be considered an off-duty weapon.

   b. Any Tyngsboro Police Officer who desires to carry an off-duty weapon must first submit a written request to the Chief of Police detailing a complete description of the firearm. **[1.3.9(c)]**

   c. Prior to carrying such weapon, it must be inspected and approved by the Tyngsboro Police Armorer satisfactory to the Chief of Police. Weapons found by the Tyngsboro Police Armorer to be unsafe may not be used. A record of all approvals shall be maintained by the Chief of Police. **[1.3.9(c)]**

   d. If the weapon is approved by the Chief of Police, the Tyngsboro Police Officer must qualify with the weapon at the range. **[1.3.9(d)]**

   e. If approved to carry a weapon other than a department issued firearm, the officer wishing to qualify must provide their own ammunition, approved by the Chief, for use in qualification.

   f. Only Tyngsboro Police Officers demonstrating proficiency in the use of Tyngsboro Police Department authorized off-duty weapons may carry such weapons. **[1.3.10]**

   g. Any Tyngsboro Police Officer who has not qualified with his/her approved off-duty weapon shall not be indemnified by the Tyngsboro Police

Department for any use of such weapon until such time as the Tyngsboro Police Officer has qualified. The Tyngsboro Police Officer may, however, carry his/her service revolver while off duty (if [s]he has qualified with it).

h. All ammunition carried in an approved off-duty weapon must be of a type approved by the Tyngsboro Police Department. **[1.3.9(b)]**

i. All approved off-duty weapons must be carried in a type of holster approved by the Chief of Police.

j. All Tyngsboro Police Officers shall qualify with their off-duty weapon on at least an annual basis.

j. Tyngsboro Police Officers are reminded that their license to carry applies only to Massachusetts. Carrying a firearm in or through any other state is subject to that state's laws and local ordinances.

NON-LETHAL WEAPONS – GENERAL CONSIDERATIONS [1.3.9] [1.3.10]

The Tyngsboro Police Department in accordance with Massachusetts Police Training Committee's Use of Force curriculum has incorporated non-lethal weapons for use within the department's use of force continuum.

1. **TRAINING AND QUALIFICATIONS:** Training shall consist of department approved training and qualifications program in the use of O.C./pepper spray and the Monadnock Expandable Baton. Officers trained in the use of these weapons will be held accountable for proficiency as well as compliance with department policy in the use of such weapons. The Training Unit will keep proficiency records. **[1.3.10]**

2. **APPROVED NON-DEADLY WEAPONS: [1.3.9]**

   A. *Weapon Type* – **Spray canister 5.5% - 10% solution (oleoresin capsicum) stream configuration.**

   B. *Weapon Type* – **Monadnock Expandable Baton.**

3. **DEPLOYMENT OF NON-LETHAL WEAPONS:** Officers will deploy designated non-lethal weapons systems as needed in accordance with department training and use of force policies.

4. **DECONTAMINATION OF SUBJECTS AFTER DEPLOYMENT OF O.C. BASED AGENTS:** After the deployment of either Pepper Spray on a subject, the following decontamination protocol **must** be followed:

- Provide Fresh Air and Cool Clean Water as needed
- Keep Subject Calm
- Assure Subject he / she is Safe
- Assure Subject the Condition is only temporary
- Watch for any Unusual Reaction(s)
- Watch for Cross-contamination

LESS-LETHAL WEAPONS – GENERAL CONSIDERATIONS [1.3.4]

The Tyngsboro Police Department has adopted a less-lethal force philosophy to assist in the de-escalation of potentially violent situations. **The less-lethal force philosophy shall not preclude the use of deadly force.**

1. **TRAINING AND QUALIFICATIONS:** Training shall consist of a department approved training and qualification program in the use of the Taser. Officers trained in the use of this weapon will be held accountable for proficiency, as well as compliance with department policy in the use of such weapons. The Firearms Training Unit will keep proficiency records.

2. **APPROVED WEAPONS AND MUNITIONS: [1.3.9(a)]**

   Weapon Type - **Taser - X26E**

3. **AUTHORIZATION AND USE OF NON–LETHAL/LESS-LETHAL WEAPONS:**

   A. Only officers who have completed the department training and qualification programs shall be authorized to utilize any non-lethal/less-lethal force options. A list of all authorized less-lethal weapons system operators will be made available to the patrol supervisor, OIC, and shift commanders. **[1.3.10]**

4. **REPORTING AND INVESTIGATING:** Any discharge / use of non-lethal or less-lethal munitions or weapons, other than in training, shall be reviewed and reported pursuant to the Tyngsboro Police Departments Use of Force policy.

TYNGSBORO POLICE DEPARTMENT

	WRITTEN DIRECTIVE MANUAL: P&P, §4 (administration)	
	DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
POLICY & PROCEDURE # 4.17		
SUBJECT: CODE OF ETHICS	ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S) Massachusetts Police Certification Standard **1.1.2**	PAGE 1 of 4	___NEW __X__AMENDS ___RESCINDS

I. POLICY

All Tyngsboro Police Department employees shall receive training in a code of ethics that concern their position. This training can be in the form of classroom, shift briefing or any other method as determined by this agency. This training shall be completed biennially and documented by signature of each employee acknowledging that they have been trained in, understand and will abide by the code of ethics. **1.1.2**

II. PROCEDURE

- All employees who are sworn law enforcement officers will abide by and receive training in the Law Enforcement code of ethics as published by the International Association of Chiefs of Police.
- All employees who are civilian communication specialists will receive training in the Telecommunicator code of ethics as adopted by the Association of Public-Safety Communications Officials.
- All other civilians working in any capacity for the Tyngsboro Police Department, will abide by a code of ethics adopted by this department specifically for civilian employees.
- Any employee who is both a sworn law enforcement officer and a communications specialist will receive training in both codes of ethics.
- Any employee receiving training in a code of ethics will acknowledge with their signature that they have read and understand the code of ethics. **1.1.2**

LAW ENFORCEMENT CODE OF ETHICS

As a law enforcement officer, my fundamental duty is to serve the community; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation and the peaceful against violence or disorder; and to respect the constitutional rights of all to liberty, equality and justice.

I will keep my private life unsullied as an example to all and will behave in a manner that does not bring discredit to me or to my agency. I will maintain courageous calm in the face of danger, scorn or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed both in my personal and official life, I will be exemplary in obeying the law and the regulations of my department. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courteously and appropriately without fear or favor, malice or ill will, never employing unnecessary force or violence and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of police service. I will never engage in acts of corruption or bribery, nor will I condone such acts by other police officers. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every reasonable opportunity to enhance and improve my level of knowledge and competence.

I will constantly strive to achieve these objectives and ideals, dedicating myself before God to my chosen profession . . . law enforcement.

(International Association of Chiefs of Police) **1.1.2**

TELECOMMUNICATOR CODE OF ETHICS

As a Telecommunicator, I regard myself as a member of an important and honorable profession.

I will keep myself in the best possible physical condition at all times.

I will perform my duty with efficiency at all times.

I will be exemplary in my conduct, edifying in my conversation, honest in my dealings and obedient to the laws of the City, State, and Country.

I will not, in the performance of my duty, work for personal advantages or profit.

I will at all times, recognize that I am a public servant.

I will give the most efficient and impartial service of which I am capable at all times.

I will be courteous in my contacts at all times.

I will regard my fellow Telecommunicators with the same standards as I maintain myself.

I will be loyal to my fellow Telecommunicators, my supervisors, and my agency.

I will accept responsibility for my actions.

I will do only those things that will reflect honor on my fellow Telecommunicators, my agency and myself.

I will constantly strive to achieve these objectives and ideals, dedicating myself to my chosen profession of Public Safety Telecommunications. **1.1.2**

(Association of Public-Safety Communications Officials International Code of Ethics, 2007)

TYNGSBORO POLICE DEPARTMENT CIVILIAN CODE OF ETHICS

As a civilian employee of the Tyngsboro Police Department I will;

Be honest and ethical in my conduct, including ethical handling of actual or apparent conflicts of interest between personal and professional relationships.

Comply with applicable state, local laws including but not limited to M.G.L. ch. 268a and the rules and regulations of this department.

Maintain the confidentiality of information entrusted to them by the Tyngsboro Police Department except when authorized or otherwise legally obligated to disclose.

Deal fairly with the public, community members, vendors and guests.

Provide the public with information that is accurate, completely objective, relevant, timely and understandable.

Will promote ethical behavior and be a responsible partner among peers at the Tyngsboro Police Department.

Protect and ensure the proper use of Tyngsboro Police Department equipment and property.

Report violations of the departments code of ethics policy to your immediate supervisor. If the immediate supervisor is the person you believe to be in violation, the employee will report the violation to the next level in the chain of command.

TYNGSBORO POLICE DEPARTMENT

		DEPARTMENT MANUAL; P&P, administration	
POLICY & PROCEDURE # 4.19		DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
SUBJECT: LIMITS OF AUTHORITY		ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S); Massachusetts Police Certification Standards, 1.2.1, 1.2.2	PAGE 1 of 2	__X__NEW ____AMENDS ____RESCINDS	

I. PURPOSE

The purpose of this policy is to define the legally mandated authority and responsibilities vested in all sworn agency personnel.

II. POLICY

a) The policy of the Tyngsboro Police Department is that all sworn personnel will be aware of the limits of their authority and of their responsibility to ensure that individual's constitutional rights are protected.

b) Discretionary power is the power of free decision, or latitude of choice within certain legal bounds. When this power is poorly exercised, discretionary power may be viewed by the public as favoritism, bias or corruption. It is imperative that officers consider the goals and objectives of the Tyngsboro Police Department, and our code of conduct, when exercising discretionary power.

c) Officers are encouraged to use discretion when their authority allows them to choose between possible alternatives of enforcement action.

III. PROCEDURES

a) The Federal Constitution, State Constitution and State Law define the scope and limits of law enforcement authority as it pertains to the enforcement of laws, statutes and ordinances. [**1.2.1**]

b) M.G.L. Ch. 41, § 97A grants the authority to municipalities to establish a police department and Ch. 41, § 98 defines police powers and duties. [**1.2.1**] Section 98 also gives police the authority to "carry within the Commonwealth such weapons as the chief of police or the board of selectmen…shall determine". [**1.2.2**]

c) The primary role of the Tyngsboro Police Department is to provide a high level of safety, security and service for all members of our community as well as those traveling through or visiting our community. Having all the powers conferred or imposed upon them under M.G.L. Ch. 41, sec. 98, Tyngsboro Police Officers are responsible for:

- The protection of life and property.
- The prevention and detection of crime.
- The arrest, detention and prosecution of violators of the law.
- The recovery of stolen property.
- The preservation of public peace.

d) Rules and Regulations and Policies and Procedures for the Tyngsboro Police Department are issued by the Chief of Police pursuant to the authority conferred upon the Chief of Police by M.G.L. Ch. 41, sec. 97A. [**1.2.1**]

III. DEFINITIONS

a) **Sworn Officers;** Those officers that have the authority to make a full custody arrest. The following are sworn positions within the Tyngsboro Police Department; [**1.2.1c**]

- **Police Officer;** sworn personnel holding the positions of Chief of Police, Deputy Chief, Lieutenants, Sergeants and patrol officers.

- **Reserve officers**; sworn personnel who work part-time and have similar duties to those of patrol officers.

- **Special Police Officer**; sworn personnel who are authorized to work traffic related functions only; i.e. private details, parades. Specials have limited full custody arrest powers and those powers are limited to the period of time they are on duty.

b) **Non-Sworn Civilian**; those personnel who perform their duties outside the confines of the Tyngsboro Police Department. The following positions fall under this category;

- **Police Explorers**; Are unarmed, have no authority to make a full custody arrest, if uniformed their uniform must clearly denote status as Police explorer.

c) **Civilians: Unarmed and administrative**; non-sworn personnel who may be uniformed and perform an administrative function inside the Tyngsboro Police Department. The following positions fall under this category;

- **Matrons**

TYNGSBORO POLICE DEPARTMENT

POLICY & PROCEDURE # 4.25	DEPARTMENT MANUAL: P&P; administration	
	DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
SUBJECT: ACCREDITATION MAINTENANCE SYSTEM	ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 11.4.3 — PAGE 1 of 3	____NEW __X__AMENDS ____RESCINDS	

I. PURPOSE

To establish this agency's system for monitoring and compliance with certification and accreditation standards.

II. POLICY

It is the policy of the Tyngsboro Police that a system for maintaining certification and accreditation is created and maintained. The Chief of Police will appoint a superior officer to manage the accreditation program. This agency will ensure that periodic reports, reviews and other activities mandated by applicable certification and accreditation standards are accomplished. **[11.4.3]**

III. PROCEDURES

The accreditation manager shall;

a) Establish a file system where certification and accreditation polices are organized and readily available.

b) Establish a system whereby policies are reviewed twelve month's after original distribution and once per year thereafter. The department's calendar system will be used as a reminder of all reports due and for the various policies that are required to be reviewed.

c) Ensure that certification and accreditation standards are maintained by updating polices after a review has found an area of non-compliance of a certification or accreditation standard.

d) Notify appropriate personnel of non-compliance to a particular standard and document when and how the standard is brought back into compliance.

e) Prepare this department for re-certification/accreditation.

f) Identify polices that are to be reviewed and signed off by all employees on a yearly basis regardless of whether changes are made. These policies currently identified are use of force, pursuits, internal affairs and harassment.

g) Ensure annual analysis of use of force, vehicular pursuits, internal affairs reports as required by certification or any other analysis that the Chief of Police deems appropriate.

h) Establish a system for ensuring that the scheduled and unscheduled inspections, inventories and audits of this agency's property and evidence are completed.

Sgt. R. Howe 6/24/08

TYNGSBORO POLICE DEPARTMENT

	DEPARTMENT MANUAL: P&P, PROPERTY MGT.	
POLICY & PROCEDURE # 6.02	DATE OF ISSUE: February 15, 2010	EFFECTIVE DATE: February 25, 2010
SUBJECT: EVIDENCE & PROPERTY CONTROL	ISSUING AUTHORITY: Chief William Mulligan	
REFERENCE(S): Massachusetts Police Certification standard # 84.1.1, 84.1.2, 84.1.3, 84.1.4, 84.1.5, 84.1.6 — PAGE 1 of 27	____NEW __X__AMENDS ____RESCINDS	

GENERAL CONSIDERATIONS AND GUIDELINES

As part of their routine responsibilities, police officers come into possession of types of property and evidence that vary widely in nature, value and condition. These items may include anything from priceless jewelry to the bloodstained clothing of a murder victim, and could be as worthless as yesterday's newspaper or as valuable as an art treasure. Items of property and evidence are normally held by departments subject to strict legal constraints and under control of the department's property and evidence function.

Storing, safekeeping, and managing of property and evidence are major responsibilities, not only for the evidence custodian, but for all officers in the department. Failure of departments to establish effective and efficient systems to gather, manage and secure evidence can lead to civil and criminal charges against officers and to the inability of the criminal justice system to successfully prosecute criminal offenders.

The purpose of this policy is to provide guidance for the submission, custody, and disposition of property which is not the property of the police department.

I. POLICY

It is the policy of the Tyngsboro Police Department to:

1) effectively and efficiently manage and control all found, recovered and evidentiary property and any other property coming into the custody of this department
2) properly and lawfully preserve, package, record, accounted for, handle and store all property and evidence recovered or turned in to the department;
3) take the initiative to return property to its rightful owner or owners in the most expedient manner;
4) dispose of property and evidence that are no longer useful or are potentially dangerous, as provided by law; and,
5) maintain strict accountability for all property and/or evidence.

II. DEFINITIONS

a) ***Audit***: An inspection of the documentation and accountability of a random sampling of in-custody property sufficient to evaluate the integrity of the property and evidence function.

b) ***Inspection***: An examination of the agency's property storage areas to determine that they are being maintained in a clean and orderly fashion, that the agency directives

concerning the property management system are being followed (property handling, documentation, etc.), and that the property is being protected from damage and deterioration.

c) ***Inventory:*** An accounting of every item of property.

d) ***Property Record:*** Electronic records contained in the property and evidence management program that document and describe an evidence item and reflect its status within the custody of the property and evidence function. **[84.1.5]**

e) ***Property Room #1:*** This refers to the property room located in the 2nd floor of the building, attached to the detective bureau This is the designated storage room for property and evidence under the control of the property and evidence function and will store the following items of evidence only;

- **Cash**
- **Jewelry**
- **Firearms**
- **Drugs**
- **Precious metals**
- **Other items with significant value (determined by officer in charge of detectives)**
- **Audio/Video** – All recordings of bookings, interviews, surveillance or any other audio/video item of evidentiary value.

The commanding officer In Charge of the Evidence Rooms may also store current case or major case evidence in Evidence Room#1 as is determined to be necessary.

d) ***Property Room #2***; This refers to the property room located on the bottom floor of the building, off of the firing range. There will be no cash, jewelry, firearms, drugs, precious metals or items with significant value stored in this property room. This property room is the designated storage room for property and evidence under the control of the property and evidence function and will store the following items of evidence;

- **All other property held as evidence not stored in property room #1.**

III. PROCEDURES

a) Property Function Administration and Management

1. Property Custodian: The commanding officer of the detective division shall be responsible for managing the property and evidence function.

2. Evidence Officer: Irrespective of any non-sworn members assigned to the property and evidence function, the Chief of Police shall designate a police officer to act as the custodian of all drugs and narcotics seized in the course of any arrest and investigation. The Evidence Officer shall be the same officer assigned as the property custodian.

3. Department Prosecutor: The department prosecutor shall have a key and access to the property room for purposed of retrieving needed evidence for court in the absence of the property custodian.

b) Security and Access to Property Storage Areas **[84.1.2]**

1. AUTHORITY TO ACCESS PROPERTY ROOM

Note: The Tyngsboro Police Department maintains two evidence rooms;

Property Room #1, which is located on the 2nd floor adjacent to the Detective Bureau, is used for the storage of cash, jewelry, Firearms, Drugs, precious metals, audio/video and other items of significant value (as determined by the officer in charge of detectives.)

Property Room #2, which is located on the bottom floor adjacent to the firing range, is used for the storage of evidence which is not stored in property room #1. There will be no cash, jewelry, firearms, drugs, precious metals or other items of value (as determined by the officer in charge of detectives) stored in this property room.

a. The department shall maintain areas for the secure storage of items of property and evidence in the custody of the police department.

b. Unescorted access to such areas shall be limited to employees who are assigned to work regularly in such areas by the Chief of Police.

c. Other persons may access property and evidence storage area provided that:

   1) They are escorted at all times by the property custodian;

   2) They are accessing the area for a legitimate work function such as:

      a) Conducting an inventory;

      b) Conducting an inspection; or

      c) Conducting maintenance of the facility or equipment; and

   3) The visit is recorded in the Property Room Visitors Log.

d. Visitors shall not enter the property room for the purpose of station tours.

2. PROPERTY ROOM SECURITY

a. Keys, pass-codes, or other means of entry to property storage areas shall not be possessed by any person who is not specifically authorized unescorted access by the Chief of Police.

b. Key issue and control shall be the responsibility of the property custodian.

   1) All property room keys shall be accounted for in a key log which shall list:

      a) An individual key (by key number, etc.);

      b) The person to whom the key was issued;

      c) The date that the key was issued; and

      d) The person who issued the key.

2) An annual key audit shall be conducted by the Property Custodian to account for all property room keys.

3) The audit report shall be filed with the Deputy Chief.

4) Un-issued keys shall be stored in a secure container within the property room.

3. LIMITED SECURITY STORAGE

a. Bulky items such as vehicles, boats and watercraft, which remain in police custody and have already been or will not be subjected to processing for evidence, will be stored in a limited security storage area. Such areas include:

1) The rear of the Police Department or;

2) Duff's garage

3) Vehicles that are to be processed will be stored in the sally-port until processing is complete, they then will be released to the owner (if authorized for release) or transported to Duff's garage.

b. Bicycles will be secured in the rear of the Police Department in the caged area.

c. Vehicles and trailers shall be locked and/or immobilized if possible.

d. Keys shall be submitted to the property and evidence function.

e. Vehicles that are to be processed shall be secured in the sally-port if possible

c) Packaging Property and Evidence for Submission

1. GENERAL PRECAUTIONS

2. It is necessary that property and evidence in department custody be carefully accounted for to minimize the possibility of adverse claims against the department and to maintain the department's credibility in the courts.

3. To this end, all personnel shall be aware of and practice the following:

a. No property, evidence, or contraband shall be stored in any office, desk or locker, vehicle, or other unauthorized location. (Evidence may be temporarily stored in a vehicle for security purposes in the field.)

b. Property or evidence shall not be left unattended or unsecured at any time.

c. Property and evidence shall be handled with care so as to protect any evidentiary value of the item.

d. The chain of custody shall be carefully maintained with as few persons as possible taking custody of the property.

e. Upon taking custody of property or evidence, the employee shall promptly return to the station and document, package, and submit item(s) to the

property and evidence function pursuant to this policy.

f. No member of the department shall take, use, or possess any item that has been recovered or confiscated by the department, for other than those purposes sanctioned by the department.

II. TYPES OF PROPERTY: DEFINITIONS

1. Destruction: Contraband, unwanted firearms, ammunition, or other items confiscated by police officers or turned in by citizens for disposal. Citizens submitting property for destruction relinquish all rights of ownership to such property.
2. Evidence: Property which potentially may be presented as an exhibit in court, or before a board or other body.
3. Found Property: Items lost by and not in the custody of the owner.
4. Safe Keeping: An item temporarily in the custody of the police for the purpose of its safe retention.
5. NIBRS (National Incident Based Reporting System): Items or property entered into the department's records management system for the purpose of NIBRS reporting only. Such items are not physically in police custody.

III. DOCUMENTATION OF PROPERTY AND EVIDENCE

1. All property shall be logged in to the property and evidence management program of the department's records management software prior to the end of the officer's tour of duty. The entry must include as much of the following information as is known: **[84.1.1(a)]**
   a. Association with the incident number;
   b. A description of the property;
   c. Quantification of the item (number, weight, size, etc.);
   d. Type of property (evidence, found, destruction, etc.);
   e. Name of owner or custodian; and
   f. What is to be done with the property, such as:
      i. Hold for evidence;
      ii. Forward to a laboratory for specific testing;
      iii. Destruction or disposition; or

iv. Return to owner.

2. All property and evidence in the custody of this department shall be associated with an incident, arrest or accident number and accompanied by a log entry or report explaining the circumstances by which the property came into the agency's possession and describing each item of property obtained. **[84.1.1(c)]**

IV. PACKAGING OF PROPERTY AND EVIDENCE **[84.1.1(d)]**

1. A property label generated by software should be included with or affixed to the property container or property tag. Employees should not stick labels directly on any item that could be damaged by the label adhesive.
2. The evidence items shall be packaged and labeled prior to being submitted to the property and evidence room. To some degree, packaging and documentation should be guided by the needs of the case.
   a. Items which need to be individually identified should be individually packaged (i.e., a bag of marijuana found in a suspect's pocket, a bag of marijuana found in the glove compartment, a marijuana roach found in an ash tray).
   b. Items which are similar and may be identified collectively may be packaged collectively (i.e., five bags of marijuana found in a vehicle's console).
   c. For further information on packaging of evidence items, see our department policy on ***Collection and Preservation of Evidence***.
3. Bulk items such as bicycles, safes, and vehicles which will not fit into an evidence bag shall be tagged. A tag shall be affixed to the item listing the report number, date and submitting officer's name, or a property tag generated by the property and evidence program may be attached.
4. Items requiring further processing shall be:
   a. Clearly marked to identify what type of examination or method of examination is requested;
   b. Packaged so as to avoid destroying or contaminating the evidence;
   c. Marked to warn Property Technicians that the item must be handled with care (fingerprints, DNA, etc.). Property Custodian shall not be responsible

for the destruction or contamination of evidence not properly packaged or marked.

5. Items (with the exception of drugs) requiring further processing by the Massachusetts State Police Laboratory shall be submitted with a completed CL-1 form and a copy of the report. See department policy on ***Collection & Preservation of Evidence.***

6. Accuracy and completeness are important. Items not properly submitted will be returned to the officer or his/her supervisor for reprocessing and resubmission.

V. DNA TESTING ITEMS

1. Items submitted for processing for DNA shall be packaged in such a manner as to avoid contamination prior to submission.

2. Such items shall be clearly marked to warn property technicians. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.

3. For further information, see the department policy regarding ***Collection and Preservation of Evidence***.

VI. HANDLING VALUABLE OR SENSITIVE ITEMS **[84.1.1(e)]**

1. Employees must use a higher level of caution when dealing with valuable or sensitive items, such as cash, jewelry, precious metals, and drugs. A

2. At least two employees shall package and document such items. In the case where circumstances do not allow for two officers, a supervisor may authorize a single officer to package and document such property. Supervisors should use such discretion judiciously.

3. Whenever possible, particularly when an officer is working alone, such items should be processed in view of the booking room video camera, another fixed surveillance camera, or in certain cases, processing should be video-recorded.

   a. DRUGS:

      i. Drugs must be quantified by type, size, or other classification (2 blue pills, 4 red and white tablets, 3 rocks, 10 bindles, 3 baggies, etc.).

ii. Unsealed bags of powder or vegetable matter should be weighed.

b. CASH:

i. Cash shall be counted by at least two employees.

ii. The results of the count shall be entered on the cash accountability sheet by the number of each denomination accounted for.

iii. Each employee shall print his or her name, sign and date the form.

iv. The form and cash shall be placed in a sealed envelope to be submitted to the property and evidence function.

c. JEWELRY:

i. Jewelry which could contain precious metals or stones.

ii. This might include expensive watches or other such items.

d. PRECIOUS METALS: Precious metal in a solid form may be quantified. Metal in flakes, dust, etc. shall be weighed.

e. OTHER VALUABLE ITEMS: Other items of value may, in the discretion of the employee or supervisor, require such handling.

VII. DELAYED ENTRY AND PACKAGING

a. Large volumes of evidence, such as from a search warrant, which cannot be processed prior to the end of the shift may be stored in a sealed container or locked in a secure room.

b. Property items seized in an after-hours incident or search warrant may be secured to be processed after employees have rested.

c. Such actions must be authorized by a supervisor.

d. The storage area must be secure and the integrity of the evidence not compromised.

b. Submitting Evidence to the Property and Evidence Function

i. Property and evidence shall be placed in the evidence lockers prior to the end of an officer's tour of duty. There are no exceptions. **[84.1.1(b)]**

ii. DIRECT SUBMISSION: Submitting property and evidence directly into the custody of the property and evidence room is the preferred method.

III. AFTER HOURS STORAGE: **[84.1.3]**

1. Property and evidence to be placed in the custody of the property and evidence room shall be placed inside a storage locker located in the wall outside the detective bureau on the 2nd floor.
2. The evidence shall be placed in the corresponding locker number and the locker key dropped into the key box.
3. Bulk items such as bicycles, safes, and vehicles which will not fit into an evidence locker shall be tagged and placed in the sally-port, with permission of a supervisor.
   a. The item must be placed in full view of the surveillance camera.
   b. Vehicles or items to be processed for evidence shall be protected with crime scene tape.
   c. Uninvolved employees shall not handle items left in the garage.
   d. No cars may be washed in the garage when a vehicle or property items to be processed are present.

iv. TEMPORARY EVIDENCE STORAGE:

1. Designated temporary evidence storages areas are available for property which has not yet come under the control of the property and evidence function.
2. Evidentiary items recovered which will be processed by department employees may be entered into the property and evidence program and stored in another authorized evidence storage location. These will remain the responsibility of the person or entity having custody of the items until such time as the items are delivered to the property and evidence function.

c. Receiving and Storing Property and Evidence

I. RECEIVING PROPERTY

1. The Property custodian may receive property or evidence directly from an employee.
2. For property and evidence removed from temporary storage, the Property custodian shall:
   a. Take custody of the property;

b. Annotate the property log with his or her initials and the date on which the property was removed; and

c. Check the items for proper packaging and documentation. Items not properly prepared need not be accepted and may be returned.

II. PROCESSING PROPERTY

1. Check each property entry in the property and evidence log, and update the property activity to reflect the present status.
2. Store or prepare property and evidence for transportation to the appropriate lab.
3. Make a diligent effort to identify and notify owners of found or stolen property, and return the property to the rightful owner as soon as it is no longer needed. **[84.1.1(f)]**
4. Prepare property for legal disposition, such as auction or destruction.

III. DRUGS

1. Evidence Officer: Drugs in the custody of the property and evidence function are the responsibility of the Evidence Officer.
   a. Drugs shall be received, processed and stored under the supervision of the Evidence Officer.
   b. Only the Evidence Officer will transport drugs to and from the appropriate state drug laboratory.
2. Drug Storage: Drugs shall be stored in a locked container or room within the property and evidence storage area. When not in use, such locked container or room shall remain locked and secured.
3. Transfer of Custody: When drugs are being issued from or returned to the custody of the property and evidence function, the Property Technician shall inspect the drug packaging and contents for any evidence of damage or tampering.
   a. If the package appears to have been tampered with in any way, the Property Technician shall immediately notify the Evidence Officer.
   b. The Evidence Officer shall inspect the evidence. If the Evidence Officer believes that the evidence has been compromised:

i. The officer shall count and/or weigh the contents, and verify the listed count/weight against any such count or weight recorded by the testing laboratory or existing evidence record.

ii. The sample shall be resubmitted to the lab for testing to determine if the contents is the substance noted on the laboratory certificate of analysis.

iii. The packaging shall be preserved as evidence.

iv. The Chief of Police shall be advised, and the Property Custodian shall submit a report to the Chief of Police regarding the incident.

c. The Chief will notify the Internal Affairs Supervisor to initiate an immediate investigation.

d. Additionally, as part of that investigation, Internal Affairs will conduct a full inventory and audit of all drugs and drug records.

4. Destruction:

a. Drugs may be destroyed upon receipt of an order of destruction issued by the court, after adjudication of a case, or when submitted to the property and evidence function for that purpose.

b. When drugs are to be destroyed, the Evidence Officer will ensure that the drugs are prepared for destruction in accordance with guidelines set forth by the Department of Public Health.

i. All drug cases and reports shall be reviewed by the District Attorney's Office.

ii. Drug destructions must be authorized by the Chief of Police.

iii. Drug destructions shall be conducted by the evidence officer and at least one other employee.

iv. Upon completion of drug destruction, the activity for each item shall be updated to reflect the destruction of the item and the closed status of the case.

IV. HYPODERMIC NEEDLES

1. Hypodermic needles and syringes shall be accepted only when properly packaged to prevent an accidental needle stick. Needles not in factory packaging should be placed into a syringe container prior to being submitted.
2. Laboratory policy prohibits analysis of syringes unless requested by the District Attorney's Office.
3. Needles and syringes which are not to be held as evidence shall be placed in a "sharps container" for collection for eventual disposal and shall be recorded as destroyed in evidence records.

V. FINGERPRINT ITEMS

1. Items submitted for processing for latent fingerprints shall be clearly marked to warn Property Technicians. The property and evidence function shall not be responsible for the inadvertent destruction of fingerprints when the submitted item is not clearly marked.
2. Employees handling such evidence shall wear gloves.
3. Such items shall be handled with care so as to preserve any existing fingerprints.

VI. DNA TESTING ITEMS

1. Items submitted for processing for DNA shall not be accepted unless they have been packaged in such a manner as to avoid contamination prior to submission.
2. Such items shall be clearly marked to warn employees who will handle the evidence. The property and evidence function shall not be responsible for the inadvertent destruction or contamination of DNA evidence when the submitted item is not properly packaged and clearly marked.
3. Such items shall be handled with care so as not to contaminate the item.

vii. HIGH VALUE ITEMS **[84.1.1(e)]**

1. High value items shall be stored within a secured room or container within property room #1 (2nd floor evidence area).
2. Cash: The property and evidence function will not provide long term storage of cash unless the Chief of Police specifically authorizes such storage for a specific case.
    a. Cash received by the property and evidence function shall be promptly forwarded to the

treasurer for deposit in a police holding account or returned to the proper owner.

b. Cash will be accepted only if it has been accounted for by the submitting employee and placed in a sealed container. See **Handling Sensitive Items** in this policy. Sealed containers of cash will not be opened by Property room employees unless such cash is to be returned to the owner or custodian.

i. Cash for deposit in a police holding account will be forwarded, as received in a sealed container, to the treasurer's office and this activity will be documented by the property custodian.

ii. Cash to be immediately returned to its owner or responsible party shall be counted in the presence of the owner or responsible party and properly returned.

iii. Cash to be returned to the owner or custodian at a later time shall be deposited into a police holding account and the return made by check.

viii. PERISHABLE ITEMS: Perishable property or evidence, such as blood or a Sexual Assault Kit, shall be refrigerated in a secure area until such time that it is transported for analysis.

IX. FIREARMS

1. Firearms shall be received only after having been unloaded and rendered safe. No loaded firearm shall be accepted or stored by the property and evidence function. For further information, see our department policy regarding ***Collection and Preservation of Evidence.***

a. Firearms shall not be placed in a gun cabinet until the firearm has been checked to ensure that it is unloaded and safe. Upon placing the firearm into the gun cabinet, the gun shall be properly tagged with appropriate case number, description, ect.

b. Any firearm removed from the firearm locker checked to ensure that it is unloaded and safe.

c. No firearm shall be stored with a magazine inserted into the magazine well.

2. Firearms held as evidence shall be stored in a locked firearm cabinet within the property room, which will remain secured and locked when not in use.

X. COMBUSTIBLE LIQUIDS:

1. Combustible evidence such as gasoline, toluene, paint thinner, etc., shall be stored in a secure Flammable Liquids Cabinet.
2. Officers should use caution when transporting flammables.
3. Whenever possible, small samples of the flammable shall be retained as evidence.
4. For further information, see the department policy regarding ***Collection and Preservation of Evidence.***

XI. EXPLOSIVE DEVICES

1. No live explosive devices shall be accepted or stored by the property and evidence function.
2. Under no circumstances are explosive devices such as dynamite, hand grenades, blasting caps, etc., to be brought into the station.
3. When an explosive device or suspected explosive device is located, the officer locating the device shall inform a supervisor, who shall notify the appropriate Bomb Disposal Unit.
4. Upon being rendered safe, non-explosive components may be properly received.

d. Temporary Release of Property **[84.1.1(g)]**

I. PRIMARY RELEASE OF PROPERTY

1. The temporary release of property or evidence from the custody of the property and evidence function shall be conducted or coordinated by employees assigned to that function which are our departments; Property custodian and Department Prosecutor.
2. Property may be released for the purposes of:
   a. Use as evidence in court or another hearing;
   b. Laboratory examination;
   c. Identification of property by the owner, custodian, victim, or witness;
   d. Investigation; and
   e. Other law enforcement purposes.
3. Whenever property or evidence is removed from the custody of the property and evidence function, the chain of custody shall be maintained.

a. A notation shall be made in the Property and Evidence Log, containing the following information:

   i. Date and time;

   ii. Property number(s);

   iii. Name of person taking custody;

   iv. Reason for removing the item (court, laboratory processing, investigation, etc.); and

   v. Initials of the person taking custody.

b. The officer taking the property will then initial the Log to indicate the change in custody.

c. The property custodian shall update the status of the property in the property and evidence program to reflect the release from custody and to whom the item was released.

d. The person receiving temporary custody of property must return the property promptly.

II. <u>SECONDARY TEMPORARY RELEASE OF PROPERTY</u>

a. Property temporarily released to an employee may be further released to the custody of another, if necessary to fulfill a law enforcement purpose. Among the reasons for such release are:

   i. Transfer of evidentiary items to the court or District Attorney's office;

   ii. Release to another investigative agency; or

   iii. Release to another agency for a specialist to examine.

b. Upon such secondary release, the releasing employee shall obtain a written receipt for the property which shall include:

   i. Date and time;

   ii. Property number(s);

   iii. Name of person taking custody;

   iv. Reason for removing the item (court, laboratory processing, investigation, etc.);

   v. Signature of the person taking custody; and

vi. Name and signature of the person relinquishing custody.

c. The receipt shall be forwarded to the property and evidence function for purposes of maintaining the chain of custody, and for personnel to update the property activity in the property and evidence management program.

III. PROPERTY RELEASED FOR INVESTIGATIVE OR TRAINING PURPOSES **[84.1.4]**

1. Weapons, explosives, and controlled substances may be used for investigative or training purpose with the express permission of the Chief of Police.
2. Firearms and weapons shall be transferred to the custody of the department as follows:
   a. The property activity for such weapon shall be annotated to indicate such transfer and shall reflect a "closed" status.
   b. The weapon shall be listed on the department's Weapons Control Roster.
3. Small quantities of explosives for training purposes may be stored by the department. (This does not include devices used by special operations teams for diversionary purposes.)
   a. Training explosives shall be stored in a designated storage area approved by the Chief of Police.
   b. Access to the explosives shall be supervised by the department armorer.
   c. When needed for training purposes, the explosives shall be issued by the department armorer who will annotate in the Explosives Log the date, time, purpose of issue, and name of the person to whom the explosive was issued. The employee receiving the explosive shall initial having received the item.
   d. The explosive shall be returned to the department armorer who will place the item back into the designated storage and annotate such return in the Explosives Log.
4. Drugs may be issued for training or investigations.

a. Only drugs associated with closed cases or submitted for destruction may be used for such purposes.

   i. The Evidence Officer shall obtain an incident number which will be associated with each drug item to be used for such training or investigation.

   ii. The Evidence Officer shall submit an incident report identifying each property item by description, property number and state lab number (if applicable).

   iii. For drugs processed and packaged by a state lab, if the drugs must be removed from the packaging, the original packaging shall be maintained by the Evidence Officer.

b. The drugs shall be issued as temporary release of property.

c. Drugs not under the immediate control of an authorized person shall be locked in a secure container approved for such purposes by the Chief of Police.

d. In the event that any drugs are lost or damaged during such investigation or training, in addition to any other incident reports, the employee having custody of such drugs shall submit a report explaining the circumstances of such loss or damage.

e. Upon return to the custody of the property and evidence function, the Evidence Officer shall:

   i. Inspect the drugs for loss or damage;

   ii. Submit an addendum to the initial report; and

   iii. Re-submit same to the state lab along with the original packaging and certificate.

IV. <u>RETURNED PROPERTY</u>

1. When property or evidence is being returned to the custody of the property and evidence function, the returning party may return the item in person, or when the Property custodian is not on duty, the item may be placed in the temporary storage lockers. See **Temporary Evidence Storage** in this policy.

2. The Property custodian will examine the item to ensure that it is the same item that was released and that it is in the same condition.
    a. If all is in order, the item will be received and the activity updated in the property and evidence log.
    b. Any unexpected or unexplained change or alteration of the item shall be immediately reported to the property custodian for further action.

e. Final Disposition of Property

I. RELEASING PROPERTY **[84.1.1(g)]**

1. All property permanently released from the custody of the property and evidence room shall be documented and accounted for.
2. A receipt shall be obtained for each item. The receipt shall contain:
    a. The date and time of release;
    b. The property number of each item released;
    c. A brief description of the property item;
    d. Name, address, and date of birth of person to whom the property is released -- if multiple property sheets are used, this information need only be captured on one sheet;
    e. Signature of the person to whom the property is released; and
    f. Name and signature of employee releasing the property.
3. The property record for each released property item shall be updated to reflect the return of the property and the change of the status of the property item to "closed."

II. DISCARDED OR DESTROYED PROPERTY

1. All property in the custody of the property and evidence function which is discarded or destroyed shall be documented and accounted for.
2. Upon the property's being discarded or destroyed, the property record for each discarded or destroyed property item shall be updated to reflect the return of the property and the change of the status of the property item to "closed."

III. PROPERTY SUBMITTED FOR DESTRUCTION

1. When receipt is received of property submitted for destruction, such property shall be processed and held for destruction or destroyed.
2. Drugs submitted for destruction shall be processed in accordance with the guidelines set forth by the Department of Public Health.

IV. EVIDENCE NO LONGER NEEDED

1. It is the responsibility of the case officer to notify the property and evidence function when evidence is no longer needed.
    a. Such evidence will be promptly returned to the owner whenever possible.
    b. The property and evidence function shall make a diligent effort to notify the owner. Such notification may be made by telephone, e-mail or U.S. Mail.
2. If the owner or custodian cannot be located, such item may be disposed of.

V. PHOTOGRAPH OF EVIDENCE, RETURN OF PROPERTY TO OWNER

1. Evidence may be returned to the owner or custodian, at the discretion of the case officer or District Attorney's Office, after having been photographed. The photograph may be admitted in judicial proceedings as competent evidence.
    a. The property may then be released to the victim prior to trial, provided that the return does not compromise prosecution of the case.
    b. In determining whether or not to return the property to the victim, the case officer must weigh the hardship created for the victim against the value of the evidence in future court proceedings.
    c. Return of property in superior court cases must be approved by the District Attorney's Office.
2. Before impounded property is returned, it will be photographed in a manner that clearly identifies the property and may be admissible in court as competent evidence.
    a. When applicable, a readily identifiable object should be used for size comparison.
    b. The person to whom the property is to be returned shall be asked if the property in the photograph is

the same property as that being returned. The person shall then sign and date the photograph.

3. The item(s) shall be returned and the return documented in accordance with this policy.
4. The signed property return receipt and photograph(s) shall be turned in to the Property Custodian.
5. Property released from the custody of the property and evidence function shall be annotated to reflect the return of such property and the entry of a photograph into custody, in place of the true item.

VI. FOUND PROPERTY: RIGHT OF CLAIM BY FINDER: The finder of money or property may request that such property be turned over to him/her after one year has passed since the property or money was found.

1. If the owner becomes known and makes a claim to such property within one year, the property shall be returned to the owner.
2. If the owner remains unknown or does not make arrangements to obtain the property within one year of the date of finding, the property shall belong to the finder.
3. If the finder does not claim the property, such property may be disposed of at auction.

VII. OTHER LOST, STOLEN, ABANDONED, OR UNCLAIMED PROPERTY

1. Lost, stolen, abandoned property, or property taken from a person under arrest (except arrestee property to be returned upon release), shall be forwarded to the property and evidence function. Such property shall also include:
   a. Property left behind by arrested persons; and
   b. Safe keeping property not reclaimed by the owner after notice or attempt of notice.
2. All such property shall be retained for a period of at least one month.
3. The property may be sold at auction, provided that:
   a. The owner or owner's residence or place of business is unknown;
   b. If the owner, owner's place of residence or business is known, the owner shall be notified by registered mail; and

c. If the owner refuses or fails to take possession of the property within ten days of receiving notice, the property may be sold at auction.

4. Owner's Claim to Property:

a. The owner may make claim to the property:

i. Within two years and two months after the property came into the possession of the police department; or

ii. Within two years of the sale of such items.

b. If the owner can prove ownership of the property, the owner may receive proceeds of the sale of the property, less any incurred expenses.

c. If property is not clearly identifiable, and an individual claims ownership, the property shall be released only when that individual establishes ownership rights to such property.

d. Any property that becomes the subject of controversy as to the rightful owner shall not be released to any person, except by written order of the Chief of Police or by a court order.

VIII. PROPERTY FROM SEARCH WARRANTS

1. Property or articles stolen, embezzled or obtained by false pretenses, or otherwise obtained in the commission of a crime shall be returned to the rightful owners.

2. All other property seized in execution of a search warrant shall be disposed of as the court or justice orders.

3. Rifles, shotguns, knives, or other dangerous weapons which have been found to have been kept, concealed or used unlawfully or for an unlawful purpose shall be delivered to the State Police for destruction.

f. Disposition of Firearms

i. FIREARMS TURNED IN FOR DISPOSITION: Unwanted firearms turned in to the police department for disposition shall be;

- Made safe / unloaded and secured.
- Checked for ncic/stolen status
- Tagged & labeled with property description and report
- Secured temporarily in firearm cabinet in 2nd floor evidence locker.

- Administrative nationwide broadcast sent out for recovered weapon.
- The officer in charge of evidence will remove any firearms from the evidence locker and determine whether or not they will be stored as evidence. Firearms held as evidence will be stored in the 2nd floor evidence room, all other firearms will be turned over to the department armorer.

a. If not involved in an active case, after 30 days the weapon will be transferred to village vault.

II. FIREARMS HELD FOR SAFE KEEPING

- Made safe / unloaded and secured.
- Checked for ncic/stolen status
- Tagged & labeled with property description and report
- Secured in firearm locker in Sergeants offiice
- Administrative nationwide broadcast sent out for recovered weapon.
- Notification made to the department armorer via department e-mail and by copy of report left in mailbox.
- The department armorer will remove all firearms from the temporary firearm locker in the Sergeants office and move them to a secure area within the armorers office until such time they can be transferred to village vault.

1. Firearms in possession of the police department for the purpose of safe keeping shall be held for a period of not less than 30 days.
2. Firearms held in excess of 30 days will be transferred to Village Vault, which is a bonded warehouse used for storage.

III. LICENSE SUSPENSION OR REVOCATION; TRANSFER OF FIREARMS BY OWNER: Firearms surrendered Pursuant to Suspension or Revocation of License

1. The owner or his or her legal representative may transfer firearms, rifles, shotguns, machine guns, and ammunition to anyone lawfully permitted to take possession.
2. The purchaser or transferee and the former owner shall notify the licensing authority in writing of the intended transfer.
3. Within ten days of the receipt of such notice, the firearms shall be transferred.

IV. BONDED WAREHOUSE

1. Firearms held in police custody may be transferred to a bonded warehouse for storage.
2. This shall apply to all firearms with the exception of firearms being held as evidence in any pending case dealing with a firearms violation.

V. FIREARMS, VIOLATION OF M.G.L. 265, §10

1. A firearm shall be returned to the person from whom it was lost or stolen if that person was lawfully in possession of it.
2. Otherwise, unless directed by the court, firearms shall be forwarded to the State Police for disposition.

vi. FIREARMS, SERIAL NUMBER REMOVED OR MUTILATED: Such firearms shall be delivered to the State Police for destruction.

vii. SILENCERS: Unlawfully possessed silencers shall be delivered to the State Police.

g. Asset Forfeiture

I. DOCUMENTATION

1. A separate incident number shall be assigned to each asset forfeiture application.
2. Items seized for possible asset forfeiture shall be documented and turned into the property and evidence function as would an evidence item of a similar type.
3. A report shall be filed documenting:[i]
   a. The exact kinds, quantities and forms of property;
   b. From whom the property was received;
   c. Under what authority it was held, received, or disposed of;
   d. To whom it was delivered; and
   e. The manner of destruction or disposition.

II. ASSET STORAGE

1. Such item shall be stored pending the outcome of such action.
2. Vehicles shall be immobilized, locked, and stored in a secure area.
3. Cash shall be forwarded to the treasurer for deposit in a police holding account.

4. Other items shall be stored in the custody of the property and evidence function.

III. APPLICATION FOR ASSET FORFEITURE

1. Asset forfeiture actions should be initiated promptly.
2. The following documents shall be forwarded to the District Attorney's Office Seizure Unit:
    a. Request for Asset Forfeiture Form; and
    b. A copy of the police report. The report must contain necessary probable cause for seizure.

IV. FINAL DISPOSITION

1. The District Attorney's Office will notify the police department of the award.
2. Funds awarded to this department shall be deposited in a police holding account specifically designated for drug asset forfeiture funds only.
3. All funds shall be disbursed as directed by the forfeiture judgment. Such funds may be used for the following purposes:[ii]
    a. To defray the cost of protracted investigations;
    b. To provide additional technical equipment or expertise;
    c. To provide matching funds to obtain federal grants; or
    d. To accomplish such other law enforcement purposes as the Chief of Police deems appropriate.
4. Such funds shall not be considered a source of revenue to meet the operating needs of the department.
5. The disposition of all vehicles, real property, and items of value shall be in accordance with the final order of forfeiture. Such disposition may include:
    a. Official use by the department or other public agency; or
    b. Sale at public auction or competitive bidding.
6. Funds from the sale of vehicles or property shall be disbursed in accordance with M.G.L. c. 94C, §47.

V. FEDERAL ASSET FORFEITURE

1. Federal asset forfeitures will be conducted in conjunction with the federal agency involved with the asset seizure.

2. Funds received shall be deposited in a police holding account for federal asset forfeiture funds only.
3. Such funds shall be used only for purposes lawfully allowed by the federal asset forfeiture program.
4. The Deputy Chief shall maintain records of all asset forfeiture funds received and disbursed and shall comply with annual reporting requirements

h. Property Room Integrity Inspections

i. The department shall conduct scheduled and unscheduled inspections, inventories, and audits of the property and evidence function to maintain a high degree of evidentiary integrity over agency controlled property and evidence.

II. INSPECTION **[84.1.6(A)]**

1. Inspections to determine adherence to the procedures used for the control of property and evidence shall be conducted by the Deputy Chief. The inspection shall determine if:
   a. Property and evidence, and drugs in custody, and the records relating thereto, are being maintained in full compliance with the procedures outlined in this directive, and proper accountability procedures are being maintained;
   b. Property is properly stored and protected from damage and/or deterioration;
   c. Property having no further evidentiary value is being disposed of promptly; and
   d. The evidence/property rooms are being maintained in a clean and orderly condition.
2. Inspections shall be conducted semi-annually by April 1st and October 1st.
3. A copy of the inspection report shall be filed with the Chief of Police, Deputy Chief and accreditation manager.

III. INVENTORY **[84.1.6(B)]**

1. An inventory of all property under the control of the property and evidence function shall be conducted as follows:
   a. Whenever the Property Custodian is assigned to or transferred from the position, an inventory shall be conducted by the newly assigned Property Custodian, jointly, with an employee designated

by the Chief of Police. The inventory shall ensure that records are correct and properly annotated.

b. An inventory shall also be conducted when directed by the Chief of Police.

2. The purpose of the inventory is to ensure the continuity of custody and not to require the accounting of every single item of property.

   a. The inventory shall be sufficient to ensure the integrity of the system.

   b. The inventory shall include all high risk items:

      i. Cash;

      ii. Precious metals;

      iii. Jewelry;

      iv. Firearms; and

      v. Drugs.

   c. A sufficient sample of property records relative to the volume of property under the care of the property and evidence function shall be reviewed carefully with respect to proper documentation and accountability.

3. All discrepancies should be recorded prior to the assumption of property accountability by the new custodian.

4. The inventory report shall be filed with the Chief, Deputy Chief and the accreditation manager.

IV. AUDIT **[84.1.6(C)]**

1. An audit of property and evidence in the custody of the property and evidence function shall be conducted by the department accreditation manager and shall be completed:

   a. Annually, by January 1st

2. Such audit shall be conducted by a supervisor assigned to that task by the Chief of Police, as such the Chief of Police has assigned Sgt. Chris Chronopoulos to this function. The supervisor assigned shall not be routinely or directly connected with the control of property and evidence. Under no circumstances should the inspector designated by supervisory or command officers have the property function under his or her control.

3. The audit report shall be filed with the Chief, Deputy Chief and the accreditation manager.

V. UNANNOUNCED INSPECTIONS **[84.1.6(D)]**

1. Unannounced inspections of the property storage areas shall be conducted by the Chief of Police on an annually basis.
2. Accountability and security procedures will be the primary focus of this inspection.
3. The inspection report shall be filed with the Deputy Chief.

Shall the Town of Tyngsborough be allowed to assess an additional $780,000 in real estate and personal property taxes for the purposes of funding the following capital appropriations: Fire Command Car ($40,000), Highway Dump Truck ($130,000), Highway Wash Station Completion ($100,000), School Technology Plan ($100,000), School Paving ($80,000), Middle School Bleachers ($80,000), High School Pierce Bleachers ($125,000), Town Technology ($25,000) and Town Road Plan ($100,000) for the fiscal year beginning July first two thousand and ten?

Yes_____ No____

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

July 15, 2010

Ms. Ashley O'Neill, Chairperson
Board of Selectmen
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

BoS
AS AGENDA
ITEM FOR 7/26

Mr. Michael P. Gilleberto
Town Administrator
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Tyngsborough

Re: Capital Outlay Expenditure Exclusions Ballot Question

Dear Ms. O'Neill, Board Members, and Mr. Gilleberto:

This letter is in response to your E-mail of July 13, 2010, requesting that I review two (2) edits by the Board of Selectmen.

Please note that the language in the ballot questions is mandated by M.G.L. c. 59, § 21C (i ½), which reads:

> "...that the question submitted shall be worded as follows: 'Shall the (city/town) of _____ be allowed to assess an additional $_____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, two thousand and _____ ?
>
> Yes _____ No_____' "

The phrase, "shall be worded as follows" means that the language must appear, except for the blank spaces, exactly as in the statute. Therefore, the additional language suggested by the Board must be deleted.

A copy of the complete Section 21C is attached. Note well paragraph (i ½). Also note the language in paragraph (m).

Also note well that the Department of Revenue's Requirements and Procedures for Proposition 2 ½ ballot questions state:

> "... All ... exclusion questions require a statement of the purpose or purposes for which the monies from the tax 'assessment' ... will be used. ..."
>
> ... Exclusion questions are designed to fund specific capital projects. Therefore, the borrowing or spending purpose in an exclusion question must describe the particular project(s) being funded by the question. ...
>
> The purpose used in an ... exclusion question must be a spending or borrowing purpose. This means a purpose for which a community's appropriating body could vote to as appropriate money or authorize debt. The purpose cannot be used to provide voters with information on the impact of an unsuccessful vote on the question, on the underlying event or circumstances that may cause budget difficulties or to otherwise promote or advocate for the override or exclusion."

Please call me if you have any questions or to discuss.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ/jrz
Attachment

☑ Display Reference Line

Massachusetts General Laws
CHAPTER **59**. ASSESSMENT OF LOCAL TAXES.
Section **21C**. Limitations on total taxes assessed; determination by voters.

Section 21C. Limitations on total taxes assessed; determination by voters.

Section 21C. (a) Whenever used in the text of this section, the following words and terms shall have the following meanings:

"Full and fair cash valuation", the fair cash value of all real estate and personal property as defined in this chapter, as certified by the commissioner, or, if no certification has been made, as last reported by the commissioner to the general court pursuant to section ten C of chapter fifty eight as updated by the commissioner for any intervening period by an appropriate factor, if any.

"Local appropriating authority", in a town, the board of selectmen; in a city, the council, with the mayor's approval when required by law; in a municipality having a town council form of government, the town council.

"Total taxes assessed", the net amount to be raised by any ad valorem tax levied on the real estate and personal property located within a city or town.

(b) The total taxes assessed within any city or town under the provisions of this chapter shall not exceed two and one half per cent of the full and fair cash valuation in said city or town in any fiscal year. Any city or town in which total taxes exceed this limit shall be subject to the provisions of paragraph (d).

[There is no paragraph (c).]

(d) Any city or town in which total taxes assessed exceed the limits set fort h in paragraph (b) shall for each successive year until the total taxes assessed shall not exceed said limits, reduce the total taxes assessed by not less than fifteen per cent of the total taxes assessed for the year immediately preceding; provided, however, that the reduction pursuant to this paragraph shall not be so great as to require a reduction below the limits set forth in paragraph (b); and provided, further, that said reduction may be adjusted by those amounts approved in accordance with the applicable provisions of paragraph (e).

(e) The local appropriating authority of any city or town which is subject to the provisions of paragraph (d) may, by a two thirds vote, seek voter approval to assess taxes in excess of the amount allowed pursuant to said paragraph (d) by a specified amount. Any question submitted to the voters shall be worded as follows:

"Shall the (city/town) of _____ be allowed to assess an additional $_____ in real estate and personal property taxes for the fiscal year beginning July first, nineteen hundred and ?

YES_____ NO_____

If the amount specified in such question is not greater than one half of the reduction required pursuant to said paragraph (d), the proposal shall be deemed approved if a majority of the persons voting thereon shall vote "yes". If the amount specified is greater than one half of the reduction required pursuant to said paragraph (d), the proposal shall be deemed approved if two thirds of the persons voting thereon shall vote "yes".

In no event shall the amount specified be greater than the reduction required pursuant to said paragraph (d).

The local appropriating authority may, by a two thirds vote, submit two questions on the same ballot; provided that only one question shall specify an amount which is greater than one half of the

reduction required pursuant to paragraph (d). If both questions are approved by the required number of voters, then the question which requires a two thirds vote shall apply.

(f) in any city or town in which the total taxes assessed result in a percentage which is less than or equal to the limits imposed pursuant to paragraph (b), the total taxes assessed for any fiscal year shall not exceed an amount equal to one hundred and two and one half per cent of the maximum levy limit for the preceding fiscal year as determined by the commissioner of revenue; provided, however, that the total taxes assessed may be further increased by those amounts approved in accordance with the provisions of paragraph (g); and provided further, that the total amount of taxes assessed for the then current fiscal year may be increased by an amount equal to the tax rate for the preceding fiscal year multiplied by the amount of increase in the assessed valuation of any parcel of real, or article of personal property over the assessed valuation of such property during the prior year which shall become subject to taxation for the first time, or taxed as a separate parcel for the first time during such fiscal year, or which has had an increase in its assessed valuation over the prior year's valuation unless such increased assessed valuation is due to revaluation of the entire city or town.

(g) The local appropriating authority of any city or town which is subject to the provisions of paragraph (f) may, by majority vote, seek voter approval to assess taxes in excess of amount allowed pursuant to said paragraph (f) by a specified amount.

Any question submitted to the voters shall be worded as follows:

"Shall the (city/town) of _____ be allowed to assess an additional $_____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, nineteen hundred and _____?

YES_____ NO_____ "

Said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

If a question as aforesaid shall provide for assessing taxes for the purpose of funding a stabilization fund established pursuant to section 5B of chapter 40, the assessors shall in each successive fiscal year assess property taxes for the same purpose in an amount equal to 102.5 per cent of the amount assessed in the next preceding year in which additional taxes were assessed for such purpose, but only if the local appropriating authority votes by a ' vote to appropriate such increased amount in such year for such purpose. The voters of the city or town, by majority vote at a referendum, may alter the purpose of a stabilization fund or authorize the assessment of such additional property taxes for another purpose. In any year in which the local appropriating authority does not vote to appropriate such amount as aforesaid, the total property tax levy for such year shall be reduced by the amount that could otherwise have been assessed, so that such additional taxes may not be assessed for any other purpose. The maximum levy limit under paragraph (f) shall not be affected by any such reduction in the levy for such year.

(h) In a city or town, if a majority of the local appropriating authority or the people by local initiative procedure shall so require, there shall be a special election called in order to submit a question to the voters as to whether said city or town should be required to assess taxes by a specified amount below that amount allowed pursuant to this section. The question submitted to the voters shall be worded as follows:

"Shall the (city/town) of _____ be required to reduce the amount of real estate and personal property taxes to be assessed for the fiscal year beginning July first, nineteen hundred and by an amount equal to $_____?

YES_____ NO_____

If a majority of the persons voting on the question shall vote "yes", the limit on total taxes assessed shall be decreased to the percentage so voted for that fiscal year.

(i) With regard to the referenda procedures set out in this section the local appropriating authority may direct that the questions be placed upon the official ballot at a regular city or town election or at a special election which the local appropriating authority may call at any time. The local appropriating authority may also direct that not more than three such questions be placed upon the official ballots for use in the city or town at a biennial state election, by filing with the state secretary not later than the first Wednesday of August preceding that election a copy of its vote attested by the city or town clerk.

[First paragraph, of paragraph (i 1/2) effective until August 14, 2007. For text effective August 14, 2007, see below.]

(i 1/2) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for certain capital outlay expenditures. Amounts for such capital outlay expenditures shall be assessed only after approval by a separate vote of the people taken at a regular or special election held before the setting of the annual tax rate; provided, however, that the question submitted shall be worded as follows: "Shall the (city/town) of_____ be allowed to assess an additional $_____ in real estate and personal property taxes for the purposes of (state the purpose(s) for' which the monies from this assessment will be used) for the fiscal year beginning July first, nineteen hundred and_____ ?

Yes_____ No_____"

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

[First paragraph of paragraph (i 1/2) as amended by 2007, 91, Secs. 1 and 2 effective August 14, 2007 applicable to fiscal years beginning on or after July 1, 2007. See 2007, 91, Sec. 3. For text effective until August 14, 2007, see above.]

(i 1/2) The local appropriating authority of any city or town may, by a two-thirds vote, seek voter approval to assess taxes in excess of the levy limitation for certain capital outlay expenditures. Amounts for such capital outlay expenditures or for the city's or town's apportioned share for certain capital outlay expenditures by a regional governmental unit shall be assessed only after approval by a separate vote of the people taken at a regular or special election held before the setting of the annual tax rate; provided, however, that the question submitted shall be worded as follows: "Shall the (city/town) of_____ be allowed to assess an additional $_____ in real estate and personal property taxes for the purposes of (state the purpose(s) for which the monies from this assessment will be used) for the fiscal year beginning July first, two thousand and _____?

Yes_____ No_____"

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

Capital outlay expenditures may be authorized for any municipal purpose for which the city or town would be authorized to borrow money under section seven or eight of chapter forty four.

(j) The local appropriating authority of any city or town may, by a two thirds vote, seek voter approval at a regular or special election to assess taxes in excess of the amount allowed pursuant to this section for the payment of principal and interest on bonds, notes or certificates of indebtedness, excluding tax revenue anticipation notes, issued by the city or town and for the city's or town's

apportioned share of the principal and interest on such bonds or notes issued by a regional governmental unit which were outstanding as of November fourth, nineteen hundred and eighty; provided, however, that the question submitted shall be as follows:

"Shall the (city/town) of _____ be allowed to exempt the total amounts required to pay for bonded indebtedness incurred prior to the passage of proposition two and one half, so called, from the (city's/town's) limit?

Yes_____ No_____"

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

(k) The local appropriating authority of any city or town may, by two thirds vote, seek voter approval at a regular or special election to assess taxes in excess of the amount allowed pursuant to this section for the payment of principal and interest on bonds, notes or certificates of indebtedness, excluding tax revenue anticipation notes, issued by the city or town and for the city's or town's apportioned share of the principal and interest on such bonds or notes issued by a regional governmental unit which were not outstanding as of November fourth, nineteen hundred and eighty; provided, however, that the question submitted shall be as follows:

"Shall the (city/town) of _____ be allowed to exempt from the provisions of proposition two and one half, so called, the amounts required to pay for the bond issued in order to (state the purpose or purposes for which the monies from the local issue will be used)?

Yes_____ No_____"

and provided, further, that said question shall be deemed approved if a majority of the persons voting thereon shall vote "yes".

(l) Amounts exempted from the tax limit under paragraph (i 1/2), (j), (k) or (n) shall not be included in calculating the "total taxes assessed" in paragraph (a) or the maximum levy limit in paragraph (f).

(m) A town may appropriate from the tax levy, from available funds, or from borrowing, contingent on the passage of a ballot question under paragraph (g), (i 1/2) or (k), but: (1) the statement of the purpose of the appropriation shall be substantially the same as the statement of purpose in the ballot question; (2) the appropriation vote shall not he deemed to take effect until the approval of the ballot question; (3) no election at which the question appears on the ballot shall take place later than the September 15 following the date of an appreciation vote adopted at an annual town meeting, or 90 days after the date of the close of any other town meeting at which an appropriation vote was adopted; and (4) after a contingent appropriation from the tax levy, tax rate for a town a shall not be submitted for certification by the commissioner under section 23 until after a ballot question under paragraph (g), (i 1/2) or (k) has been voted man, or until the expiration of the time for holding an election at which the question appears on the ballot, whichever period is shorter.

(n) The local appropriating authority may, by accepting this paragraph, provide that taxes may thereafter be assessed in excess of the amount otherwise allowed by this section, solely for payment, in whole or in part, of water or sewer debt service charges, including debt service charges of an independent commission, authority or district and as part of any wholesale water and sewer charges, that the board or officer responsible for determining the water and sewer charges certifies were not in fiscal year nineteen hundred and ninety-three paid by local taxes; provided, however, that water and sewer charges shall be reduced by the amount of any such aggregate additional taxes assessed; and provided, further, that said additional taxes may he assessed on only residential real property as defined in section two A, notwithstanding the failure of the city or town to adopt a residential factor pursuant to section fifty six of chapter forty, but subject tb any subsequent adoption of such residential factor allowed by said section fifty six; and provided, further, that if said additional taxes

are assessed only on residential real property, aggregate residential water and sewer charges shall be reduced by the amount of any such additional taxes assessed. In the case of a city or town whose water and sewer service is provided by an independent commission, authority or district which separately bills water and sewer users, said commission, authority or district may enter into an agreement with said city or town to effectuate the purposes of this paragraph, provided, however, that immediately upon collection of all such taxes assessed for payment of such residential water and sewer debt service charges of such commission, authority or district, the treasurer or collector of taxes of such city or town shall, without appropriation by such city or town, pay over the taxes so collected to such commission, authority or district less any amounts agreed upon to provide reasonable compensation to the city or town for costs incurred in carrying out the agreement. Notwithstanding the provisions of chapter twenty nine C, chapter two hundred and seventy five of the acts of nineteen hundred and eighty nine, or any other general or special law to the contrary, any city or town which accepts this paragraph or any independent authority, commission or district which provides water or sewer services to such city or town shall remain eligible to receive loans and grants for water pollution abatement projects or safe drinking water projects.

COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF
ENERGY AND ENVIRONMENTAL AFFAIRS
DEPARTMENT OF ENERGY RESOURCES
100 CAMBRIDGE ST., SUITE 1020
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Deval L. Patrick
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Timothy P. Murray
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and Environmental Affairs

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617-727-0030
617-727-0093

July 14, 2010

Town Administrator Michael Gilleberto
Town of Tyngsborough
25 Bryant Lane
Tyngsborough, MA 01879

Dear Town Administrator Gilleberto:

I am pleased to inform you that the Green Communities Division has approved the Town of Tyngsborough's Green Communities grant request of $161,649 to fund building envelope improvements in municipal buildings.

The Division reviewed the Town of Tyngsborough's grant application and has determined that the proposed activity/activities meet the eligibility requirements of the Green Communities Act and are viable, well-developed projects. Over the next several weeks, your Green Communities Regional Coordinator Joanne Bissetta will be in contact with the designated representative listed on your grant application form to discuss next steps, including coordination of the grant contract process (execution of a grant agreement and developing a project schedule/plan). I have enclosed a list of the grant documents that are required to be completed by the Town of Tyngsborough and the Green Communities Division.

The Green Communities Division looks forward to working with the Town of Tyngsborough on your grant project(s). We congratulate you on your designation as a Green Community and applaud you for your efforts to create a greener energy future for the Town of Tyngsborough and for the Commonwealth of Massachusetts.

Please do not hesitate to contact Joanne Bissetta at (978) 694-3315 or by email at joanne.bissetta@state.ma.us with any questions you may have regarding your grant award.

Sincerely,

Mark D. Sylvia
Director
Green Communities Division

Cc: Ms. Elizabeth Coughlin
Joanne Bissetta, Regional Coordinator

GRANT CONTRACT DOCUMENTS

Contract – To be provided by the Green Communities Division

- ☐ **Completed Standard Contract Form with original vendor signature**
  http://www.mass.gov/Aosc/docs/Forms/Contracts/standard_contract_frm.doc

Other Grant Contract Documents – To be provided by the municipality

- ☐ **Terms and Conditions Page signed** (if no VCC exists)
  http://www.mass.gov/Aosc/docs/Forms/Contracts/comm_TermsConditions.doc
- ☐ **W-9 Form signed** (now required for all contracts for collecting DUNS number)
  http://www.mass.gov/Aosc/docs/Forms/VendorCustomer/newMass_W9.doc
- ☐ **EFT Form** (preferred) https://massfinance.state.ma.us/VendorWeb/eftRegisterfrm.asp
- ☐ **Contractor Signature Authorization Form**
  http://www.mass.gov/Aosc/docs/Forms/Contracts/CASL_Form.rtf

Attachments – To be provided by the Green Communities Division

- ☐ **Attachment A Scope of Services**
- ☐ **Attachment B Budget Page** (must reflect est. expenditures by fiscal year, indirect costs)
- ☐ **Original Copy of Contract for Contract Renewals or Amendments**

Elizabeth Coughlin
Vice Chair Board of Selectmen
Chair Energy and Environmental Affairs
Tel/Fax: (978) 649-9694
Direct Line: (978) 758-2680
lizcoughlin2000@yahoo.com
P.O Box 706, Tyngsborough, MA 01879-0706

July 22, 2010

Board of Selectmen
25 Bryant's Lane
Tyngsborough, MA 01879

Re: Filing for FERC Intervenor Status on Docket P-2790

Dear Madam Chair and Board Members:

I respectfully request consideration and consent be enacted by the Board of Selectmen for the Town of Tyngsborough to file for Intervenor status relative to the Federal Energy Regulatory Commission (FERC) Docket P-2790 specific to the licensing and operation of the hydroelectric generation facilities by Boott Hydropower, Inc. on the Merrimack River in Middlesex County, Massachusetts.

This filing for Intervenor status is a basic step in ensuring that the Town of Tyngsborough have standing to represent and protect all of its rights and interests as well as that of its citizens.

The recent amendment to the basic licensing of the facility brought about by a proposed change to the physical infrastructure of the Pawtucket Dam has activated a primary comment period relative to this proposed change and also the operation of the licensed facility.

The Town of Tyngsborough has been significantly impacted by the operation of the Boott Hydropower, Inc. facilities due to operational procedures which have resulted in an extreme range of river depths over very short periods of time upstream of the Pawtucket Dam.

Problems caused by this operational format were first noticed by Tyngsborough residents along the Merrimack River when their moored and docked boats were suddenly "beached" on river bottom and also by fishermen and other recreational users of the river who suddenly could not safely navigate this prime waterway.

As these operational procedures continued, the stability of the riverbank upstream of the Pawtucket Dam in Lowell, Massachusetts became constantly challenged by the sudden changes in river hydrologic characteristics which ultimately resulted in destabilization of the riverbank, leading to severe erosion and ultimate collapse of portions of Town of Tyngsborough and privately owned deeded parcels in Tyngsborough.

At the same time Massachusetts municipalities above the Pawtucket Dam, Lowell and Tyngsborough began to experience a change in scope and size of areas regularly impacted by spring snowmelt and rainfall events. Areas subject to flooding, (Zone A) were now being joined by areas not regularly subject to flooding, (Zone B).

It was the impact of these changes to flooding patterns which led to the realization that the operational procedures of the hydroelectric facilities were resulting in maintaining higher river levels, and when this coincided with snowmelt and rainfall events flooding occurred where it never previously had been a problem. Additionally these newly flooded areas were primarily in Zone B, not Zone A.

Recently the FEMA Flood Maps incorporated changes which for Tyngsborough resulted in some Zone B areas now becoming Zone A areas. The impact for property and deeded land owners includes restrictive zoning permissibility and flood insurance increased risk and cost.

The Boott Hydropower, Inc. hydroelectric generation facilities operations have additionally impacted the overall sustainability of abundant and available water withdrawal resources from the Merrimack River in the Town of Tyngsborough as well as promoting increased mobility of constituents within the associated groundwater aquifer affecting water quality of residential and public water supply drinking water wells as well as agricultural irrigation.

These operational procedures have also produced extreme ranges of water volume and velocity which have not only affected the physical condition of the riverbank and water quality, but have also affected the depth and other hydrologic characteristics that may prevent rightful use of the Merrimack River by the Town of Tyngsborough for hydropower generation for the benefit of its citizens.

All of these above mentioned rights of use of the Merrimack River by the Town of Tyngsborough and by its citizens are held in the Public Trust since Colonial times and predate any water rights that Boott Hydropower, Inc. may have to operate their facilities which include but are not limited to canals, the Pawtucket dam and the hydroelectric generation plant all located in Lowell, Massachusetts.

The Federal Energy Regulatory Commission is the licensing authority which may provide relief regarding all of these impacts to the Town of Tyngsborough and its citizens by amending and modifying the license of Boott Hydropower, Inc. to include provisions that call for operational formats that reduce and minimize the negative impacts that the recent procedures have caused.

I respectfully request that the Board of Selectmen consider and consent to the enactment of the Town of Tyngsborough filing for intervenor status for Docket-P-2790 which is the licensing of the Boott Hydropower, Inc. hydroelectric generation facilities which includes the active sub-docket 055, relative to constructive changes to the Pawtucket Dam.

Filing for and acquiring Intervenor status is a necessary step in ensuring that the Town of Tyngsborough have adequate and timely standing to represent and protect all of its rights and interests as well as that of its citizens which are held in the Public Trust.

Sincerely yours,

Elizabeth Coughlin (s)

Elizabeth Coughlin
Vice-Chair Board of Selectmen
Chair Energy and Environmental Affairs Committee

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes DRAFT

Monday March 1, 2010 6:00 P.M. Town Offices
Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin.

Staff Members Present: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay.

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1. 6:00 P.M Work Session- Budget Discussion

The Board met in a work session to discuss the FY11 budget. The TA submitted a budget work sheet with the 3% cut the Senate is proposing but that could change to 5%. The Senate may have numbers ready by mid March. The Board will meet with the Vocational officials and with the town officials to discuss the increase in the town's assessment on March 18, 2010. The board voted 3-0-2 on a motion by Selectman Jackson, second by Selectwoman Coughlin to move to the Tri-Board Meeting.

2. 7:00 P.M. Tri-Board Meeting

Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Elizabeth Coughlin.

Staff Members Present: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay.

Finance Committee Membes: John Griffin, Jacqueline Schnackertz, Robert Mullin.

School Committee Members: Burt Buchman, Herb Derosiers, Collin Manzillo, Jeff Hunt, Shaun McCarty, Hillari Wennerstrem, Supt Lockwood.

Senator Steve Panagiotakos was present.

Chairman Lemoine welcomed everyone. Everyone was introduced and the meeting called the meeting to order.

School Committee members voted to open their meeting on motion by member Buchman, second by member Winnerstrom.

Finance Committee members voted to open their meeting on a motion by member Mullin, second by member Schnackertz.

Selectman Lemoine opened the meeting and turned it over to Senator Panagiotakos.

Senator Panagiotakos provided a brief history of finance in FY09. He discussed the issues for FY10 and his concerns with FY11. He believes that Chapter 70 will not be able to continue to fully be funded and he believes that local aid may also be cut (possibly as much as 5%). He believes there may be a resolution on local aid this month.

Selectman Lemoine spoke of an 11% increase in health care rates, the possible expansion of the pension schedule out to 2040 and also some new legislation on early retirement.

Interim Town Administrator, Norman Thidemann reviewed a spread sheet on long term finances and Selectman Lemoine provided an overview of the budget as it stands with the 3% cuts and could go as high as 5%. Nearly a $500,000 loss. The new construction numbers as set but could change, the Veterans assistance will not be cut. The School could need $120,000 to $150,000 more. Right now it is textbooks vs bodies, programs etc. The $640,881 # does not reflect new negotiations with the unions, there will be no raises to base pay but will honor the step increases. With the first draft at 3% cut the town shortfall is $222,304 and the school $418,577 and could increase if the cuts include 5%. Selectman Lemoine thanked the town employees for what they had to endure with the cuts and thanked everyone for coming this evening.

3. Adjournment

The Finance Committee voted to adjourn on a motion by Member Schnackertz, second by Member Mullin.

The School Committee voted to adjourn on a motion by Member Wennerstrom, second by Member Buchman.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman O'Neill to adjourn the meeting.

The meeting adjourned at 8:32 PM.

Respectfully submitted by,

Therese Gay
Admin Assistant

Approved on _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting
AGENDA

Monday March 1, 2010	6:00 P.M.	Town Offices

1. 6:00 P.M. Work Session
   A. Budget Discussions

2. 7:00 P.M. Tri-Board – Selectmen, School Committee, Finance Committee

3. Executive Session (if needed)

4. Adjournment

Future Meetings
**Special Town Meeting Tuesday March 2, 2010 at 7PM – Tyngsborough Elementary School Cafetorium, 205 Westford Road.
Selectmen's Meeting Monday March, 08, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday March, 22, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday April 12, 22, 2010 at 6:00 P.M. at Town Hall Offices
**Town Offices Closed Monday April 19, 2010 in Observance of Patriots Day
Selectmen's Meeting Monday April 22, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday May 8, 2010 at 6:00 P.M. at Town Hall Offices
**Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM
**Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

TOWN OF TYNGSBOROUGH

Office of the Selectmen
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Board of Selectmen Meeting Minutes DRAFT

Monday March 22, 2010 6:00 P.M. Town Offices

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

Staff Members Present: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay.

Chairman Lemoine opened the meeting at 6:00 P.M. The Board was introduced and the agenda read.

1. 6:00 P.M. Michael P. Gilleberto, Town Administrator – Sign Contract

The Board welcomed Michael Gilleberto, as the Town's new Administrator. He will be working to get up on the different issues, he will have a start date of April 5.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Lemoine to approve the hiring of Michael Gilleberto as the new Town Administrator and to sign the contract subject to Town Counsel's review.

2. 6:15 P.M. Review & Accept – Land Use & Regulatory Permitting Practices Assessment & Recommendations for Streamlining

The Board, after review of the document, voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman Puleo to move forward and adopt the Land Use & Regulatory Permitting Practices Assessment & Recommendations for Streamlining.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to include the Westford Road Development Project as part of our green community initiative.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to place the documentation for the 43D application, to accept with the language that the town is completing the greens community project and to apply for the grant monies for 43D to expand on the documents with the designation of the Economic Development Zone, Marketing services and preferably for DLTA grant.

3. 7:00 P.M. Executive Session

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session and to return to open session at the conclusion of the Executive Session. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes. The Board entered into session at 8:00 P.M.

A. Discuss Personnel Issues

The Board will meet on Tuesday, March 30th 2010 at 6:00 P.M. to discuss personnel issues.

Town Counsel submitted to the Board documents that are to be discussed here this evening. The Documents refer to an incident that occurred on March 15th and after investigation the allegation were found to be unfounded. The incident was a motor vehicle accident involving the Chief's wife. The allegation centered on the Chief covering up. The source came from an anonymous source and after investigation was found to be unfounded.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to end the review process on the Chief about the incident involving the Chief that occurred on March 15, 2010 finding that the hearsay was from an undisclosed source and was unfounded. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to engage Town Counsel to contact the Chief and share the Board of Selectmen's information with him, to review the information and to release such. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman O'Neill that the Board reviewed all relevant information and found that the Chief acted appropriately. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

4. Citizen/Business Time

Mr. Paquette and Mrs. Emery, neighbors of Thirsty's is asking the Board to look further into the activities going on at Thirsty's and would like to Board to act on the issue. The Chairman reassured the neighbors that everything is being looked at and the Board is following the process and is waiting for legal counsel's recommendations. When the Board schedules a meeting or a hearing the neighbors will be notified.

5. Other Business

A. Green Communities Criterion Vehicle Policy

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to accept the Green Communities criterion for the Fuel Efficient Vehicle Policy with introduction and enforcement by the Board of Selectmen.

B. Budgets

The Board received and reviewed the changes to the budget that reflected a 4% reduction in local aid. The Board, after review and discussions, voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to move to the Finance Committee a draft of the budget and a draft of the Annual Town Meeting Warrant and to place the draft budget on the Town's web site.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to accept the correspondence as presented.

7. Selectmen's Notes

Selectwoman Coughlin extended a thank you to Paul Worthington Berry for his expert comment and explanation at the Special Town Meeting. Selectman Lemoine heard the Shamrock Ball was well attended and that it was a good dance. Selectman Lemoine will generate a letter to the church owners inviting them to come and speak with us.

8. Town Administrator's Notes

The Administrator attended the Council on Aging Council meeting with the builder of Wynnbrook, Mr. Finn, for the discussion on the proposed new senior center. Shurfine market building will be razed next week. And the town will have a kick off of the redevelopment of the town center use and overlay district.

9. Adjournment

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn. The Board adjourned at 9:30 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes DRAFT

Monday March 22, 2010 8:00 P.M. Town Offices

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

Staff Members Present: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay. Town Counsel Charles J. Zaroulis.

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1. Executive Session

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to enter into Executive Session to discuss personnel and at the conclusion of the Executive Session to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Karyn Puleo, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 8:00 P.M.

The Chairman opened the meeting by informing the Board of an issue that has arisen, Town Counsel was called and Town Counsel in turn asked the Chairman to call an Executive Session.

Town Counsel proceeded to inform the Board that a Selectman was called by an anonymous caller saying that there was wrongdoing by the PD's Chief in an automobile accident. Town Counsel then distributed some correspondence he received about the incident the Board reviewed.

Upon the completion of the reviewed the Board voted to end the review process on the Police Chief on an incident involving the Chief on March 15, 2010 finding that the allegations is hearsay from an unidentified source.

The Board voted 5-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to have Town Counsel contact the Chief and share the info with him to review and release. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Karyn Puleo, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman O'Neill that the Board found that the Chief acted appropriately, no additional information is needed and no other action is required. Roll Call Vote: Selectwoman

Elizabeth Coughlin, yes; Selectwoman Karyn Puleo, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman O'Neill to exit Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Karyn Puleo, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:00 P.M.

Respectfully submitted by

Therese Gay,
Admin Assistant

Approved on _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
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Board of Selectmen Meeting
AGENDA

Monday March 22, 2010 6:00 P.M. Town Offices

1. 6:00 P.M. Michael P. Gilleberto, Town Administrator – Sign Contract
2. 6:15 P.M. Review & Accept – Land Use & Regulatory Permitting Practices Assessment & Recommendations for Streamlining
3. 7:00 P.M. Executive Session
   A. Discuss Personnel Issues
   B. Collective Bargaining
4. Citizen/Business Time
5. Other Business
   A. Green Communities Criterion Vehicle Policy
   B. Budgets
6. Correspondence
7. Selectmen's Notes
8. Town Administrator's Notes
9. Work Session (if needed)
10. Adjournment

Future Meetings
Selectmen's Meeting Monday April 12, 2010 at 6:00 P.M. at Town Hall Offices
**Town Offices Closed Monday April 19, 2010 in Observance of Patriots Day
Selectmen's Meeting Monday April 22, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday May 3, 2010 at 6:00 P.M. at Town Hall Offices
**Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM
**Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

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Board of Selectmen Work Session
Minutes

Tuesday March 30, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Elizabeth Coughlin, Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Karyn Puleo.
Member Absent: Selectwoman O'Neill
Staff Present: Interim Town Administrator Norman Thidemann,
Admin Assistant Therese Gay

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1. 6:00 P.M. Open Meeting

The Chairman called the meeting to order. The Clerk read the agenda.

2. 6:15 P.M. Peter Lafarella – Sewer Department

Mr. Peter Lafarella was before the Board to discuss his dismissal as the Administrator to the Sewer Department. The Board did ask Mr. Lafarella if he wished to discuss under Executive Session or in Open Session. The Chair explained that the Executive Session Minutes would be released at the conclusion of the deposition. Mr. Lafarella agreed to have an open session. The Board received a letter from the Sewer Department dismissing Mr. Lafarella from the position. He was placed on administrative leave on March 11, 2010 due to multiple complaints from the Sewer Superintendent and the Treasurer, specifically instances where the spreadsheet was incomplete, or wrong accounts payable presented. Mr. Lararella stated he did make mistakes and made miscalculations in the warrants because he felt rushed and he was working less hours, the Sewer Commissioners knew he had no experience; he never had a chance to show that he could do the job. He did rectify the mistakes and went forward, he did not have the assistance from the office. Mr. Lafarella feels that he was unfairly dismissed, and that he did not have enough time to do the job he needed to do. The Board had no final comments and Mr. Lafarella referred to his letter and had nothing further to add.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Puleo to act on the recommendation from the Sewer Commissioners to dismiss Mr. Lafarella, and to reference Mr. Lafarella in the positive.

Selectwoman O'Neill entered the Selectman's meeting at 6:30 P.M.

3. Other Business

A. Road Acceptance – Set Date

The hearing date schedule for the road acceptance hearing was scheduled for Monday, April 24, 2010.

B. Budget

The Board placed the discussion on the budget on a future Selectmen agenda.

C. Review Draft Annual and Special Town Meeting Warrant Articles

Spoke briefly on a couple of items one being the $1.00 stipend for the elected officials, the stipends was cut in 2005. The Level 3 sex offender by-law was discussed the by-law addresses where a level 3 sex offender cannot live. The offender cannot live within 2,000 feet of a school, day care or play ground. The article 4 and the Level 3 Sex Offender by-law will be placed on the Monday April 12 agenda.

Interim Town Administrator spoke briefly on the Elementary School Repairs near the Beaver Dam, during the flooding mishap a dumpster was damaged, damages too costly for the residents the FEMA officials will have an office open in the area to help reimburse the residents for the losses. The Town will submit a letter and itemize the damages for reimbursement. The young Eagle Scout hoping to construct a ADA compliance path in the Library garden. The Town Administrator will check with the Insurance Company to see if there is a liability in allowing the Scout to proceed with the path. There is no Capital Plan; the committee has not yet met. The Sewer Commissioners will be in to discuss the SR Funding on Tuesday, April 6, 2010 at 6:00 P.M.

The Board of Selectmen voted on a motion by Selectman Lemoine, second by Selectman Jackson to enter into Executive Session to discuss a personnel issue and collective bargaining and at the conclusion of the Executive Session to return to open session to exit. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 8:15 P.M.

4. Executive Session

A. Personnel Issues

The Board discussed a personnel issue that was presented to them in open session with the individual agreeing.

B. Collective Bargaining

Selectman Jackson was invited to attend a School Committee negotiating session. There was discussion about the Selectman's representative to be a voting member, the Town Administrator will speak to Labor Counsel and get an opinion. The Board spoke briefly on the collective bargaining.

At the conclusion of discussions the Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to exit Executive Session and to return to open session to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectwoman Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at8:30 P.M.

5. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Therese Gay, Admin Assist Approved on: _____

3. 7:00 P.M. Executive Session

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session and to return to open session at the conclusion of the Executive Session. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes. The Board entered into session at 8:00 P.M.

A. Discuss Personnel Issues

The Board will meet on Tuesday, March 30th 2010 at 6:00 P.M. to discuss personnel issues.

Town Counsel submitted to the Board documents that are to be discussed here this evening. The Documents refer to an incident that occurred on March 15th and after investigation the allegation were found to be unfounded. The incident was a motor vehicle accident involving the Chief's wife. The allegation centered on the Chief covering up. The source came from an anonymous source and after investigation was found to be unfounded.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to end the review process on the Chief about the incident involving the Chief that occurred on March 15, 2010 finding that the hearsay was from an undisclosed source and was unfounded. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to engage Town Counsel to contact the Chief and share the Board of Selectmen's information with him, to review the information and to release such. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman O'Neill that the Board reviewed all relevant information and found that the Chief acted appropriately. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes.

4. Citizen/Business Time

Mr. Paquette and Mrs. Emery, neighbors of Thirsty's is asking the Board to look further into the activities going on at Thirsty's and would like to Board to act on the issue. The Chairman reassured the neighbors that everything is being looked at and the Board is following the process and is waiting for legal counsel's recommendations. When the Board schedules a meeting or a hearing the neighbors will be notified.

5. Other Business

A. Green Communities Criterion Vehicle Policy

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to accept the Green Communities criterion for the Fuel Efficient Vehicle Policy with introduction and enforcement by the Board of Selectmen.

B. Budgets

The Board received and reviewed the changes to the budget that reflected a 4% reduction in local aid. The Board, after review and discussions, voted unanimously on a motion by

TOWN OF TYNGSBOROUGH

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Board of Selectmen Work Session
AGENDA

Tuesday March 30, 2010 6:00 P.M. Town Offices

1. 6:00 P.M. Open Meeting

2. 6:15 P.M. Peter Larfarella - Sewer Personnel

3. Other Business
   A. Road Acceptance – Set Hearing Date
   B. Budget
   C. Review Draft Annual and Special Town Meeting Warrant Articles

4. Executive Session
   A. Personnel Issues
   B. Collective Bargaining

5. Adjournment

Future Meetings
Selectmen's Meeting Monday April 12, 2010 at 6:00 P.M. at Town Hall Offices
**Town Offices Closed Monday April 19, 2010 in Observance of Patriots Day
Selectmen's Meeting Monday April 26, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday May 3, 2010 at 6:00 P.M. at Town Hall Offices
**Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM
**Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

TOWN OF TYNGSBOROUGH

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Board of Selectmen Meeting Minutes **DRAFT**

Tuesday April 6, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Elizabeth Coughlin, Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman O'Neill, Selectwoman Karyn Puleo.
Staff Present: Interim Town Administrator Norman Thidemann,
Admin Assistant Therese Gay

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1. 6:05 P.M. Open Meeting

The Chairman called the meeting to order. The Board was introduced. The Clerk read the agenda.

2. 6:15 P.M. NMCOG/City of Nashua Representative – Improvement to an Exit

Representatives from Nashua were Mayor Donna LeHauser, Alderman Barbara Pressley, Transportation Director Kerry Deers, Public Utility Assistant to the Regional Planning office, and from NMCOG Beverly Woods, Director. The joint meeting is to discuss the Rout 3 Exit 36 South. The NH Planning contacted NMCOG to see f there as funding available and support from the Tyngsborough Board of Selectmen. The work on exit 36 is to improve the ramp for ease of accessibility as and on/off ramp going north and south. The NH Regional Office did a presentation showing the changes to Exit 36. The Board spoke in favor of the project and are support the efforts. The two agencies are to work together through the Town Administrator. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to authorize NMCOG to work with NH Regional Planning office on the Rt 3, Exit 36 project.

3. 6:45 P.M. Review Warrant Articles - Selectmen & Finance Committee

The Board and the Finance Committee are meeting to start discussions on the Annual Town Meeting and the Special Town Meeting Warrant Articles. The comments were taken and the Board and Committee will meet at the next scheduled meeting.

4. Citizen/Business Time

No Citizen or Business came forward at this time.

5. Other Business

A. Energy & Environmental Affairs Committee – Energy Audit Update

No discussion this evening.

B. Extension of Town Administrator's Contract

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to extend the Interim Town Administrator's Contract to one (1) week from the original.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to accept the correspondence as submitted.

7. Selectmen's Notes

No Selectmen Notes this evening.

8. Town Administrator's Notes

No Town Administrator's Notes this evening.

9. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session to discuss a personnel issue and collective bargaining and at the conclusion of the Executive Session to return to open session to exit. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 9:15 P.M.

10. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 8:30 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: _____

TOWN OF TYNGSBOROUGH

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Board of Selectmen Executive Session Minutes **DRAFT**

Tuesday April 6, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Elizabeth Coughlin, Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman O'Neill, Selectwoman Karyn Puleo.
Staff Present: Interim Town Administrator Norman Thidemann,
Admin Assistant Therese Gay

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1. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session to discuss a personnel issue and collective bargaining and at the conclusion of the Executive Session to return to open session to exit. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 9:15 P.M.

A. Contract Negotiations

The Board discussed the Chief's contract. The Board and the Chief did not notify each other of the expiring contract and to sit down and renegotiate a new contract. The Board voted 4-1-0 on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill, for discussion, to not negotiate a new contract for the Police Chief. Roll Call Vote: Selectman Lemoine, no; Selectman Jackson, no; Selectwoman Puleo, no; Selectwoman O'Neill, no; Selectwoman Coughlin, yes. Selectwoman Puleo is not in favor of the motion, Selectman Lemoine fully supports negotiating a new contract.

The Board voted 4-1-0 on a motion by Selectman Jackson, second by Selectwoman Puleo to negotiate a 3 year contract.
Roll Call Vote: Selectman Lemoine, yes; Selectman Jackson, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes; Selectwoman Coughlin, no.

Selectman Lemoine named Selectwoman Puleo and Selectwoman O'Neill to form the working group charged with negotiating a new contract for the Chief.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to have Selectwoman Puleo and Selectwoman O'Neill to open negotiations for a new contract with the Police Chief.

B. Collective Bargaining

The Board discussed the releasing of the documents relating to the incident involving an officer. Labor Counsel received the judgment from the Court to release all documents as requested by the local media. Will check to see if the agreement is to be released, it was not mentioned in the judgment.

At the conclusion of discussions the Board voted on a motion by Selectwoman Puleo, second by Selectman Jackson to exit Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectwoman Puleo, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:45 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: _____

TOWN OF TYNGSBOROUGH

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Board of Selectmen Meeting
AGENDA

Tuesday April 6, 2010	6:00 P.M.	Town Offices

1. 6:05 P.M. Open Meeting
2. 6:15 P.M. NMCOG/City of Nashua Representative – Improvement to an Exit
3. 6:45 P.M. Review Warrant Articles - Selectmen & Finance Committee
4. Citizen/Business Time
5. Other Business
   A. Energy & Environmental Affairs Committee – Energy Audit Update
   B. Extension of Town Administrator's Contract
6. Correspondence
7. Selectmen's Notes
8. Town Administrator's Notes
9. Work Session (if needed)
10. Executive Session (if needed)
    A. Contract Negotiations
    B. Collective Bargaining
11. Adjournment

Future Meetings
Selectmen's Meeting Monday April 12, 2010 at 6:00 P.M. at Town Hall Offices
**Town Offices Closed Monday April 19, 2010 in Observance of Patriots Day
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Board of Selectmen Meeting Minutes **DRAFT**

Monday April 12, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Elizabeth Coughlin, Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman O'Neill, Selectwoman Karyn Puleo.
Staff Present: Town Administrator Michael Gilberto, Admin Assistant Therese Gay

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The Chairman called the meeting to order. The Board was introduced. The Clerk read the agenda.

1. 6:05 P.M. Eagle Scout Project

Mr. Ben Savage and h is advisor Mr. Dan Smith has proposed constructing a handicap path in the Tyngsborough Public Library's garden, located to the side of the Children's entrance to the Library as part of his Eagle Scout project. Mr. Savage will work with the inspectional services to make certain that the walkway will be safe. Mr. Savage will speak to local businesses to ask for donations. The Board thanked Mr. Savage for coming forward and helping to make the garden more accessible to the handicapped.
The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to approve the Eagle Scout project as presented.

2. 6:15 P.M. Review Warrant Articles - Selectmen & Finance Committee

The Board and Finance Committee reviewed some of the warrant articles made some changes, talked about the stabilization account.

3. 7:00 P.M. TRI-BOARD – Selectmen, School Committee, Finance Committee

The School Committee did not have a quorum they would be listening and will bring the information back to their committee at their next meeting. The Finance Committee was present. The Finance Team was invited to the meeting for discussions. The School Committee budget has been submitted the formal hearing will take place on April 27 the school department has reduced all the schools to the bare minimum with personnel cuts and reduction in programming. Everyone is waiting for the state numbers to come in so that a more accurate number to work with. The Town Accountant identified revenues, local receipt, meals tax receipt the second payment from state revenues was significant. The Assessor reported on the new growth there is less construction but we still have till June. The Town Collector gave a summary of the collections motor vehicle is down, and the commitment is also down. At the present time there is no extra money for any union negotiation raises. The Capital Asset Management Committee has recognized there aren't any funds for this year's projects. The Finance Committee is meeting with the departments and going through the budgets. The Board thanked everyone for coming this evening and for their input in the budget process.

4. Citizen/Business Time

The Chief came forward to announce that the Tyngsborough Police Department has passed the review and will be awarded State Certification at a ceremony at the Hopkinton Police Department. State Certification is the first step moving toward State Accreditation. The Chief wants to thank the members of the Board of Selectmen past and present for their continued support. The Board congratulated the Chief and the entire Police Department.

5. Other Business

A. Energy & Environmental Affairs Committee – Energy Audit Update

Selectwoman Coughlin updated the Board on the sequence of events leading up to this point. The last thing is to do a base line audit. I will be meeting with the consultant, the Town Administrator along with National Grid who will be compiling all of the data.

B. Reissue of Debt

The Treasurer is asking for the Board's vote to reissue a bond. The deadline is April 20th Bond Counsel has review and has approves of the reissueance of the bond.
The board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to reissue the bond.

6. Correspondence

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to accept the correspondence as presented.

7. Selectmen's Notes

Two quick notes the Census takers are still out gathering information there is still time to fill out your application and return. Also school is out next week asking everyone to be careful.

8. Town Administrator's Notes

The past two weeks have included a number of introductory meetings with elected officials and department heads. Mr. Thidemann and I have worked side-by-side to transition ongoing projects/issues. The Commonwealth Capital is a program the State offers cities and towns. Towns can apply and then are provided a score. Receiving scores makes the communities eligible for certain state grant or loan programs. The budget has been adjusted and reflects the most accurate information. Refinement of the budget will continue up until Town Meeting. A FEMA disaster recovery center for residents is open in Billerica. The information is posted on the website.

9. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session to discuss contract negotiation and at the conclusion of the Executive Session to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 6:50 P.M.

A. Contract Negotiations

The Board reviewed the negotiation status of the Police Chief's contract there were some changes the team will speak with the Chief about the changes and will return to the Board at the next scheduled meeting.
The Board of Selectmen voted on a motion by Selectwoman Puleo, second by Selectman Jackson to exit Executive Session and to return to open session. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board returned to open session at 7:10 P.M.

10. Adjournment

The Board voted on a motion by Selectwoman Puleo, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 8:15 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting
AGENDA

Monday April 12, 2010 6:00 P.M. Town Offices

1. 6:05 P.M. Eagle Scout Project
2. 6:15 P.M. Review Warrant Articles - Selectmen & Finance Committee
3. 7:00 P.M. TRI-BOARD – Selectmen, School Committee, Finance Committee
4. Citizen/Business Time
5. Other Business
   A. Energy & Environmental Affairs Committee – Energy Audit Update
6. Correspondence
7. Selectmen's Notes
8. Town Administrator's Notes
9. Work Session (if needed)
10. Executive Session (if needed)
    A. Contract Negotiations
    B. Collective Bargaining
11. Adjournment

Future Meetings
**Town Offices Closed Monday April 19, 2010 in Observance of Patriots Day
Selectmen's Meeting Monday April 26, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday May 3, 2010 at 6:00 P.M. at Town Hall Offices
**Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM
**Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes **DRAFT**

Monday April 26, 2010 6:00 P.M. Town Offices
Members Present: Selectman Rich Lemoine, Selectman Robert Jackson, Selectwoman Ashley O'Neill, Selectwoman Karyn Puleo, Selectwoman Elizabeth Coughlin.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay.

The Chair opened the hearing, the Board was introduced and the Agenda was read.

1. 6:00 P.M. Road Acceptance Hearing – Annual Town meeting Warrant

Article #22 Jonathan circle – The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to open the hearing. The article was read. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Puleo to waive the reading of the list of residents. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval, Ms Jacqueline Schnackertz and Mr. Richard Lombardo spoke in favor of the acceptance of this street. Ms. Jacqueline Schnackertz discloses that she is a resident of Jonathan Circle. No one came forward to speak against the acceptance. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to close the hearing.
The Board voted unanimously to recommend the acceptance of Jonathan Circle and submits this article to town meeting floor or acceptance.

Article #23 Wilson Way - The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Puleo to waive the reading of the list of residents. Discussion the Planning Board held a hearing and approved the acceptance of this road, no residents of Wilson Way were not present at the hearing, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. Mr. Scott Sasek, 2 Wilson Way and Mr. Scott Landsteiner, 10 Wilson Way came forward to voice their concerns about the acceptance of Wilson Way. There has been issues with the road side drainage and would like to have it fixed before the town takes on the responsibility of maintaining it. The Board has continued this hearing to their next scheduled meeting and will invite the Planning Board members in to discuss.

Article #24 Marla Circle, - The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. The Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. Ms

Judith Lethbridge, 5 Marla Circle, has no issues on the road all is in wonderful. No one came forward to speak against the acceptance. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to close the hearing.
The Board voted unanimously to recommend the acceptance of Marla Circle and submits this article to town meeting floor or acceptance.

Article #25 Alpine Way - The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. No one came forward to speak against the acceptance. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to close the hearing.
The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to recommend the acceptance of Alpine Way and submits this article to town meeting floor or acceptance.

Article #26 Skyline Drive - The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. No one came forward to speak against the acceptance. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to close the hearing.
The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to recommend the acceptance of Skyline Drive and submits this article to town meeting floor or acceptance.

Article #27 Diaz Drive, and Article #28 Rello Way - The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to open the hearing. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of the article. The Board voted unanimously on motion by Selectwoman O'Neill, second by Selectwoman Coughlin to waive the reading of the residents list. Discussion the Planning Board held a hearing and approved the acceptance of this road, the board asked if anyone was present who wished to speak in favor or against the placing of this article on the warrant for approval. No one came forward to speak for or against the acceptance. Mr. King of Diaz Drive was concerned on what would happen to the unfinished portion of Diaz Drive, the road is not finished. Another developer owns the parcels on the remaining portion of Diaz Drive and has not been before the Planning Board for any building lots. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to ask the Planning Board members to be present at the next Board meeting to continue the discussions.
The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to continue this hearing to the Board's next scheduled meeting.

2. 6:30 P.M.

A. Review Annual Town Meeting Warrant Article - Selectmen & Finance Committee

Article 1 is the election warrant for last week's election. Articles 2&3 are the standard article to accept the town reports and to appoint the surveyor of woods and bark and the Memorial Day committee, the Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to recommend the acceptance of the town reports and the appointments as read.

Article 4 Elected Officials Stipend this article sets the stipends for the elected officials, Article 5 Town's Operating Budget for 2011, Article 6 Sewer Budget, Article 7 Certify Chapter 90 Highway Funds, Article 8 Revolving Funds, Article 9&10 Community Preservation Fund Budget, Article 11 to 18 Additional Funding, Article 20 Sex Offender Residency, Article 21, Flood Plain Zoning By-Law, Article 22 to 28 Street Acceptance, Article 29 to 37, Sewer Articles (Commissioners were before the Board to explain) Article 38 to 43 Zoning Changes by Citizen's Petition and Article 44 Solid Waste Collection by Citizens Petition.

The Board discussed and voted Article 4 to Article 44 as follows:

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman O'Neill to support the $1.00 for the Chairman of the Board of Assessors. After discussions on Article 4, on whether or not to recommend the $1.00 stipend for all elected officials, with the Finance Committee member Schnackertz removing the Finance Committee Members from receiving the stipend stating that the Finance Committee Members never received the stipend and that it is illegal to accept compensation. The Board voted 3-2-0 split with Selectwoman Puleo and Selectman Jackson voting against the stipends and Selectwoman O'Neill and Selectwoman Coughlin and Selectman Lemoine voting in favor of the stipends.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Coughlin to recommend Article 5 the town's operating budget as presented.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to recommend Article 6 as presented.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectwoman O'Neill to recommend Article 7 as presented.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to recommend Article 8 as presented.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend Article 9 as presented.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend Article 10 as presented. Discussion it would be best to reverse Article 9 with Article 10.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend Article 11 as presented.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to recommend Article 12 as presented.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to recommend Article 13 as presented.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to remove Article 14.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to recommend Article 15.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to remove Article 16.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to remove Article 17.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to recommend the amount of $228,100 to Article 18 the Stabilization Account.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectman Jackson to remove Article 20. The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to waive the reading of Article 20.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to recommend Article 21. The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to waive the reading of Article 20.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman O'Neill to recommend Article 22 to Article 26. Article 22 to Article 26 are the road acceptance, Finance Committee Member Jacqueline Schnackertz discloses that she lives on Jonathan Circle one of the proposed street acceptances. The Board will recommend Articles 23, 27 and 28 on Town Meeting Floor.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Puleo to recommend Article 29 and Article 30.

The Sewer Department made reference that they will withdraw Articles 31 to 38 on Town Meeting Floor.

The Board took no action on Articles 39 to 44 these articles are zoning changes petitioned by private citizens.

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to not recommend Article 45.

B. Special Town Meeting Warrant Articles 1 to 4 Funding Transfers for 2010 budgets.

The board reviewed the Special Town Meeting Warrant Article 2 to 4 as follows:

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to recommend Article 1.

The Board voted unanimously on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to remove Article 2.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Lemoine to not recommend Article 3.

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to remove Article 4.

C. Sign Annual Town Meeting Warrant and Special Town Meeting Warrant

The Board will sign the warrant at their next scheduled meeting.

D. Vote to Post Annual Town Meeting Warrant and Special Town Meeting Warrant.

The Board will vote to post the warrant at their next scheduled meeting.

3. Citizen/Business Time

No one came forward this evening.

4. Correspondence

The Board voted 4-1-0 on a motion by Selectwoman O'Neill, second by Selectman Jackson to accept the correspondence as presented.

5. Selectmen's Notes

Selectwoman Coughlin mentioned that it would serve everyone better if the Board were notified of any information in a timely manner. Selectwoman Puleo wanted to take this opportunity to thank all of the elected and appointed officials and the town's people for their support during her term on the Board.

6. Town Administrator's Notes

The Administrator reports that Mr. Savage has met with the Building Commissioner, Conservation Director and the Library Director regarding the Eagle Scout Project, a plan was agreed upon by all and still waiting for the Dig Safe approval. The budget from the House Ways and Means Committee released its draft FY 2011 State Budget our assumption regarding overall State Aid was fairly close only off by $400.00. The full House of Representative will be deliberating on this proposal soon. I have begun conversation with NMCOG to examine the potential provision of these services on a regional basis. Projects the NMCOG is working with its NH counterpart to solidify funding for a study for the Proposed Route 3 Exit 36S. Green Communities the Town Accountant and I have been working with our consultant to assemble the required data. Health Insurance the town and its employees have collectively worked to minimize the impact of health insurance on both town budget and individual/family plan. Town Center the Greater Lowell Chamber of Commerce is also working with three existing businesses near the Town Center to schedule a ribbon-cutting.

7. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectwoman Puleo to enter into Executive Session to discuss contract negotiation and at the conclusion of the Executive Session to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board entered into Executive Session at 9:45 P.M.

A. Contract Negotiations

The Board reviewed the negotiation status of the Police Chief's contract the changes were discussed and agreed upon team will return with a contract for the Board to review at the next scheduled meeting.

The Board of Selectmen voted on a motion by Selectwoman Puleo, second by Selectwoman O'Neill to exit Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectman Robert Jackson, yes; Selectman Rich Lemoine, yes; Selectwoman Puleo, yes; Selectwoman O'Neill, yes. The Board returned to open session at 10:45 P.M.

8. Adjournment

The Board voted on a motion by Selectwoman Puleo, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 10:45 P.M.

Respectfully submitted,

Therese Gay, Admin Assist

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting
AGENDA

Monday April 26, 2010 6:00 P.M. Town Offices

1. 6:00 P.M. Road Acceptance Hearings – Annual Town Meeting Warrant Article #22 Jonathan Circle, Article #23 Wilson Way, Article #24 Marla Circle, Article #25 Alpine Way, Article #26 Skyline Drive, Article #27 Diaz Drive, Article #28 Rello Way.

2. 6:30 P.M.
   A. Review Annual Town Meeting Warrant Articles - Selectmen & Finance Committee

Articles 2 & 3 Standard, Article 4 Elected Officials Stipend, Article 5 Town's Operating Budget for 2011, Article 6 Sewer Budget, Article 7 Certify Chapter 90 Highway Funds, Article 8 Revolving Funds, Article 9 & 10 Community Preservation Fund Budget, Article 11 to 18 Additional Funding, Article 20 Sex Offender Residency-
Article 21 Flood Plain Zoning By-law, Article 22 to 28 Street Acceptance, Article 29 to 37, Sewer Articles (Commissioners were before the Board to explain) Articles 38 to 43 Zoning Changes by Citizen's Petition and Article 44 Solid Waste Collection by Citizens Petition.

   B. Special Town Meeting Warrant Articles 1 to 4 Funding Transfers for 2010 budgets.
   C. Sign Annual Town Meeting Warrant and Special Town Meeting Warrant
   D. Vote to Post Annual Town Meeting Warrant and Special Town Meeting Warrant.

3. Citizen/Business Time
4. Other Business
5. Correspondence
6. Selectmen's Notes
7. Town Administrator's Notes
8. Work Session (if needed)
9. Executive Session (if needed)
   A. Contract Negotiations/Collective Bargaining
   B. Litigation

10. Adjournment

Future Meetings
Selectmen's Meeting Monday May 3, 2010 at 6:00 P.M. at Town Hall Offices
**Town Election Tuesday May 11, 2010 Polls Open at 7AM & Close at 8PM
Precinct 1 – 135 Coburn Road; Precinct 2 – 180 Lakeview Avenue
Precinct 3 – 25 Bryant Lane; Precinct 4 – 205 Westford Road
**Annual Town Meeting Tuesday May 18, 2010 at 7PM at the Tyngsborough Elementary School Cafetorium, 205 Westford Road.

TOWN OF TYNGSBOROUGH

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Board of Selectmen Meeting Minutes DRAFT

Monday June 7, 2010 6:00 P.M. Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto
and Admin Assistant Therese Gay

5:30 P.M. Reception for the Police Department
The Board of Selectmen hosted a reception for the police department in recognition of the Departments efforts in obtaining their certification.

1. 6:00 P. M. Open Meeting

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. 6:05 P. M. Recognize Police Department

On May 6, 2010 the Tyngsborough Police Department received certification status by the Massachusetts Police Accreditation Commission. It took the department, under the direction of Chief Mulligan, the hard work of Detective Sergeant Richard Howe and Police Officers three years to complete the standard to become certified. The Tyngsborough Police Department is the 38th department in the commonwealth to reach certification. Thank you and congratulation to the Chief Mulligan, Det Sgt Howe and the entire force.

3. 6:15 P.M. Recognize Former Selectwoman Karyn Puleo

The Board thanked former Selectwoman Karyn Puleo for her commitment to the Town in her ten years of service, thank you Karyn and wishing you luck in your new endeavors. The Board presented Karyn with a plaque to commemorate her dedicated service.

4. 6:20 P.M. Census Discussion – Mark Robowtham

Mr. Robowtham was not able to attend this evening.

5. 6:30 P.M. Special Permit Request – Westford Road Development, LLC

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the special permit hearing. The legal notice that appeared in the local publication on Mondays May 24 and May 31 was read by Selectman Reault, Clerk of the Board. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the abutters list. The abutters to the 8 acres, B-3 zone were notified by certified, return receipt mail, the adjoining abutters to the remaining 22 acres, I-1 zoned were notified by regular mail, as certified return receipt would have been costly, this mailing was send as a courtesy, the legal obligations were met.

The Board welcomed the petitioners and invited them to come forward and present their petition. Mr. Walter Eriksen, Mr. James Patierno and Attorney Scott Ericksen came forward and introduced themselves. Mr. Eriksen presented his petition to construct a solar energy cell field on a 30 acres site. Of the 30 acres, 8 acres is in a B-3 zone, the remaining field is in an I-1 Zone. Pursuant to the Town Zoning By-laws the solar energy cells is in the appropriate zone the 8 acres portion located on Middlesex Road is a B-3 Zone and that is the portion the petitioners are requesting a special permit from the Selectmen to allow the solar energy cells to be located. This portion of the site is conveniently located near the National Grid sub-station. There will be some tree cuttings and there will be a few tall pines remaining to accommodate the bald eagles nesting in the area of the river. The site will be graveled, and low vegetation seeded, the entire site will be closed in with a 6 foot chain link fence, will replicate any wetlands that are disturbed. The petitioner will be filing with the Conservation Commission within the next couple of weeks. There access roads are located near the substation and there is one by Tyng Road. The only heavy equipment on the site will be for the grading and preparation of the site. The access roads will be for the maintenance crews which will be driving pick up trucks. The size of the panels will be 8 feet long, 4 ½ feet high and strung along in a chain fashion in excess of 100 feet. There will be no noise, no odor, no dust, the panels will be stationary. The buffer zone for the neighbors will be at least 100 feet with 80 feet buffer for the proposed apartment building, and 2 houses will be within 200 feet. The petitioners feel that this project will not impact the town with traffic, and noise and it will benefit the town beneficially in that it will bring in millions of dollars in taxes.

The Chairman asked is there were any abutters present who wished to speak in favor of the project, no one came forward. The Chairman asked if there were any abutters who wished to speak in opposition of the project. The abutters from Dickens Lane, Steinbeck Street, Center Crest Drive, Hamblett Avenue and Middlesex Road were concerned with the noise level, buffer to development, protecting the forest, impact to two ponds in the area, height of the panels, to the slope of the project to Middlesex Road and the possibility of a mudslide, and water run off on the graveled area and the number of vehicles on the access roads.

Mr. Eriksen answered the abutters questions first the Maple Ridge development has an open space area and the project will be 80 to 100 feet from the open space. The panels will be built and the energy from the cells will go into the grid. The access roads will be used only for the maintenance vehicles and those will be pick-up trucks. Construction will last about 3-4 months. There is an environmental study for the entire parcel, landslides do happen when the soil is mostly clay, however the proposed area is ledge and sandy soil and will be baled to handle excessive runoff. No one should be affected with any glare from the panels, the only abutters that will be able to see the fields are the second and third floor tenants of the apartment building. The landfill was not a good option for such fields because of the amount of contaminates on the site and the fear of a puncture in the membrane. Mr. Ed Wallace entered the meeting and asked about the notification procedure and that the abutters were not properly notified. The Administrator assured him that the office properly notified according to law. (see notification of abutters in the first paragraph) Mr. Wallace is to supply the names of the individuals who were not notified.

The Chairman thanked the abutters for their comments and thanked the petitioners for their presentation and their answers to the questions asked.

The Chairman entertained a motion to close the evidentiary portion of the hearing. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to close the evidentiary portion of the hearing.

The Board deliberated the 4 criteria needed to be met to issue this special permit. The Board found and was in agreement that all 4 criteria needed were met.

The Board of Selectmen voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to grant the Special Permit to construct a proposed 30 acre Solar Energy Cell Farm in certain B-3 zoning districts located off of Westford and Middlesex Roads based on the following findings and reasons that the use is in harmony with the intent and purpose of the by-laws in accordance to the Rules and Regulations for Special Permits issued by the Board of Selectmen pursuant to the Town of Tyngsborough Zoning By-laws with the following conditions: that the proposed facility will not produce dust, dirt, odor, fumes, smoke, gas, sewage or refuse and once constructed the Facility will be unmanned, other than periodic inspections and maintenance. Further, that the applicant and Mitsui agree to maintain a 6 foot chain link fence around the entire perimeter of the solar fields, the buffer zone is to be 100 feet, the solar panels not to exceed 6ft, and if need additional height the applicant is to return to the Special Permitting Authority for a special permit to increase the height, and the hours of operation will be 7:00 AM to 5:00 PM Monday through Friday. And further the Local Permit Granting Authority asks that the applicant and Mitsui will entertain the request for an Education Sharing with the public and private schools.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to close the hearing.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to recess for 5 minutes. 8:35 P.M.

The Board resumed the public meeting at 8:40 P.M.

6. 7:15 P.M. Historical Commissioners - Presentation
   Due to the late hour the Historical Commissioners decided to reschedule at a later date. The Special Permit Hearing lasted longer than anticipated.

7. Citizen/Business Time
   No citizen came forward this evening.

8. Other Business
   A. Review the Minutes of May 12, 2010

The Board after review of the Minutes of May 12 and corrections were made.
The Board voted unanimously on a motion by Selectman by Selectman Reault, second by Selectman Jackson to accept the Minutes of May 12 with the noted corrections.

9. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as submitted. Selectman Jackson would like to volunteer to serve on the TECC study committee. Selectwoman Coughlin mentioned the Dracut Water District's increase in the water rates; she will be looking into the Tyngsborough water user and their inability to be represented in the district.
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to support the Planning Board's request for a reserve fund transfer for $916.00.
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to support the Planning Board's request for a reserve fund transfer for $1400.00.
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to approve pursuant to MGL Chapter 44 Section 33B a reserve fund transfer from the Highway Department to transfer the amount of $1,500 from the Vehicle Supplies account

to the Highway Seasonal Wages account for the payment of wages to a temporary seasonal employee.
Chairwoman O'Neill spoke to the census and its importance to the town for all residents to fill out the information and mail back to the census bureau.

10. Selectmen's Notes

Selectman Jackson attended the graduation, congratulation to all the seniors, also thank you to the Education Foundation for raising the money for grants to the teachers for supply and equipment for teaching aids. Selectman Lemoine thank you to Ben Savage in completing his project at the library, he urges all to come and use the new walkway through the library garden. The Memorial Day parade was great thank you to the Memorial Day committee. Selectman Reault attended the Memorial Day parade great parade thank you to the committee, and congratulation to the graduating class of 2010. Selectwoman Coughlin congratulation to the softball team they played in the State Championship. The town has been designated a Green Community and has just finished the first grant round. Please remember to fill out the census form it is very important. Thank you to the Education Foundation for seeing a need and working on a plan to address it; Congratulation to the Police Department on their certification; and congratulation and thank you to Karyn for the use of her professional skills in servicing the town. Selectwoman O'Neill Congratulations to the High School and the Vocational School graduates; and thank you to the Memorial Day Committee for a great parade.

11. Town Administrator's Notes

At the Selectmen's request the Chief and Town Counsel sent correspondence on Thirsty's regarding the violations. The Administrator forwarded under separate cover steps for improving the administration of the Board's affairs. The budget status, the House/Senate budget will be release later this month. An expenditure report has been included in you correspondence. Town Counsels have responded to the Town Auditors' request for information. Construction is to begin on Farwell Rd., Locust Ave. and Joyce Circle on Monday June 7. The Highway Dept continues to prepare a project plan to replace the culvert on Westford Road. FEMA and Dept of Conservation and Recreation have confirmed that the town is in compliance with the National Flood Insurance program. The position of Sewer Dept Admin will be advertised beginning this week. Negotiation with the potential BLS ambulance provider continues. The Town has been designated a Green Community and the town is now eligible for $161,000 in green community funding. I attended a state Dept. of Revenue municipal Forum on June 2nd. The focus was on the Dept's operations, resources, and best practices and pitfalls in municipal financial planning.

12. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss contract negotiations and to discuss potential litigation and at the conclusion of the Executive Session to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:05 P.M.

A. Contract Negotiations
b. Litigation Discussion

The Board of Selectmen voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to exit Executive Session and to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:45 P.M.

13. Work Session (if needed)

The Board discussed the implementation of keeping of records, or recording of minutes and the posting of agendas. The new open meeting law takes effect on July 1, 2010 and the way we keep records and post agendas will change. The Administrator will contact the Historical Commission's chairperson to reschedule their presentation. The Administrator reminded the board of the ribbon cutting ceremony on Thursday at Positively Young Salon located on Kendall Road.

14. Adjournment

The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:30 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes DRAFT

Monday June 7, 2010 6:00 P.M. Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay

1. Executive Session

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss contract negotiations and to discuss potential litigation and at the conclusion of the Executive Session to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:05 P.M.

A. Contract Negotiations

The Board discussed the contract negotiations ongoing with the Police Department in reference of the Quinn Bill; and on their upcoming contract negotiations and the separation of the Sergeants from the patrolmen's union. The union members will pursue their argument before Labor Relations Board.

The negotiations with the teachers, custodians, and secretary's unions have been completed and the School Committee will sign the agreements. The School Committee has given the teachers a 1.5% raise on their step increase which as been deferred for 6 months.

The Administrator has sat down with the town hall unions and the frustration is starting to show.

The Board discussed and agreed to have Dunstable partner with Tyngsborough on the ambulance contract.

A resident has been harassing the Conservation Director on an issue relating to wetland protection that happened about 7 years ago. The director has placed a no contact order against this individual and now the individual is sending mailings.

The town hall employees will start the bi-weekly payroll in September. All of the union members have agreed to the new bi-weekly payroll system.

The Board of Selectmen voted on a motion by Selectwoman O'neill, second by Selectman jackson to exit Executive Session and at the conclusion of the Executive Session to enter into a Work Session and to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson,

yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:05 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on _____

TOWN OF TYNGSBOROUGH

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Board of Selectmen Meeting
AGENDA

Monday June 7, 2010	6:00 P.M.	Town Offices

5:30 P.M. Reception for the Police Department

1. 6:00 P. M. Open Meeting
2. 6:05 P. M. Recognize Police Department
3. 6:15 P.M. Recognize Former Selectwoman Karyn Puleo
4. 6:20 P.M. Census Discussion – Mark Robowtham
5. 6:30 P.M. Special Permit Request – Westford Road Development, LLC
6. 7:15 P.M. Historical Commissioners - Presentation
7. Citizen/Business Time
8. Other Business
   A. Review the Minutes of May 12, 2010
9. Correspondence
10. Selectmen's Notes
11. Town Administrator's Notes
12. Executive Session (if needed)
    A. Contract Negotiations
    b. Litigation Discussion
13. Work Session (if needed)
14. Adjournment

Future Meetings
Selectmen's Meeting Monday, June 14, 2010 at 6:00 P.M. at Town Hall Offices.
Selectmen's Work Session Monday, June 21, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, June 28, 2010 at 6:00 P.M. at Town Hall Offices.

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes **DRAFT**

Monday June 14, 2010 6:00 P.M. Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

1. 6:00 P. M. Open Meeting

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. 6:05 P. M. Liquor License Violations Hearing – Thirsty's, 25 Parham Road

The Board scheduled a liquor license hearing after receiving a letter from the Chief of Police reporting on 5 separate incidents that occurred at Thirsty's, a bar located at 25 Parham Road. In the audience this evening, are members of the Police Department, abutters to Thirsty's, the owners and managers and their Attorney.

Before the opening of the hearing, Chairwoman O'Neill read from a prepared statement the order in which the hearing will be conducted. The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to waive the reading of the Notice of Hearing. The Manager of Record, Mr. Thien Dang was sent a letter notifying him of the hearing scheduled for this evening. The list of violation are 1) Indecent exposure occurred on April 2, 2010, violation TABR, Section 12; ABCC Regulations, 204 CMR 2.05(2). Also M.G.L. c.272, s53. 2) Excessive noise occurred on April 11, 2010, violation Town of Tyngsborough Zoning by-laws, Sections 3.14.40 and 3.14.41; and TABR Section 12. 3) Drink till you drop, Happy Hour promotion, solicitation occurred on April 26 and May 1, 2010, violation of ABCC Regulations, 204 CMR 4.03 paragraph (1) (a) (c) (d) (e) and paragraph (2); TABR, Section 34. 4) Ladies Night Promotion, discriminatory conduct, occurred on May 5, 2010 violation of TABR, Sections 16 and 34; ABCC Regulations 204 CMR 4.03 Paragraph (1) (a) and Paragraph (2). And 5) Gaming Events Promotion, Beer Pong Tourney, violation on May 1 and May 5, 2010, violation of ABCC Regulations, 204 CMR 4.03, Paragraph (1) (h) and paragraph (2); TABR, Section 12.

Town Counsel asked that each party who wished to speak do so on the specific violations outlined this evening, and to stay true to the facts of the specific violation.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to open the hearing.

Selectman Reault rose and asked if anyone who wishes to speak at tonight's forum to please rise and be sworn in. All who wished to speak at this hearing rose and were sworn in.

Detective Sergeant Richard Howe, representing the Police Dept. as Prosecutor, called as witnesses Reserve Officer Richard St. Pierre, Officer Thomas Walsh, Chief William Mulligan and Building Commissioner Mark Dupell.
Officer St. Pierre was working a paid detail at Thirsty's on April 3, 2010 from 8:00 P.M. to 1:00 AM, he was working in response to the noise/disturbance and security for the bar. Officer Thomas Walsh was in an unmarked vehicle observing the patrons as they exited the bar.

The Licensee, in writing, stipulated to the following:
Indecent Exposure: The police report is admissible as an official Police Department report and that the individual did urinate in the parking lot; provided, however, any other factual allegations or conclusions contained therein are not admitted.

Excessive Noise: The Building Commissioner's report is admissible as an official report of the Building Commission; provided, however, Thirsty's does not admit to any of the facts or conclusions contained therein.

Drink Till You Drop Promotion: The website and/or Facebook printouts are admissible as website and/or Facebook documents and are accurate as to the day printed; provided, however, Thirsty's does not admit to any violation of law.

Ladies Night Promotion: The website and/or Facebook printouts are admissible as website and/or Facebook documents and are accurate as to the day printed; provided, however, Thirsty's does not admit to any violation of law.

Gaming Events Promotion: The website and/or Facebook printouts are admissible as website and/or Facebook documents and are accurate as to the day printed; provided, however, Thirsty's does not admit to any violation of law.

The following documents were admitted as evidence as official and/or valid documents but not as any facts or conclusions contained therein except as otherwise noted above:
The Police Report regarding Kurtis Dolan, April 3, 2010, by Police Officers Thomas F. Walsh and Richard St. Pierre. The Zoning By-Laws, § 3.14.00, and Building Commissioner's Report dated April 13, 2010. Thirsty's Face Book postings on or about April 29, 2010, and April 30, 2010, Rock/Paper/Scissors Tournament on or about April 23, 2010, and beer pong tournament. Thirsty's Face Book postings on or about May 7, 2010, and May 8, 2010. Thirsty's Face Book postings on or about April 30, 2010, and May 1, 2010.

As the hearing continued the observations made by police officers and building commissioner were introduced. The police department prosecutor called his witnesses to speak to the offenses, the defense attorney questioned the witnesses, the board and town counsel asked questions and/or commented on the allegations. The defense attorney then called his witness Mr. Odum, manager and Mr. Lanier the engineer who worked on the soundproofing, the same format of questions and/or comments ensued.

> As to the first offense, Indecent Exposure, on or about April 3, 2010, at approximately 1:15 a.m., Reserve Police Officer Richard St. Pierre observed a patron who exited the premises in a very intoxicated state and who urinated publicly at the entrance against the building in the presence of several persons.
> Police Officer Thomas Walsh was also at the scene and spoke with the patron, who admitted to urinating; Police Officer Walsh also observed that said patron was intoxicated.

Regarding the second offense, Excessive Noise, Mark E. Dupell, the Building Commissioner with noise decibel reading equipment, on April 11, 2010, at approximately 12:30 a.m. to 1:30 a.m., found that the decibel level on five (5) separate occasions exceeded the decibel level of fifty (50), in violation of the Tyngsborough Zoning By-Laws, and, in addition, observed that some patrons were talking very loudly, were yelling and screaming, and that some patrons were making their tires screech as they exited the premises.

Regarding the third offense, Drink Till You Drop, the fourth offense, Ladies Night Promotion, and the fifth offense, Gaming Events Promotion, on the above dates and using an account owned and operated by the Licensee on Facebook, a social networking website, the Licensee promoted a so-called "happy hour" by offering $25.00 cover charge for two straight hours of free drinking and promoted and offered to serve free shots of alcohol to all ladies on certain dates and at certain hours set forth in Face Book, and promoted gaming events without being a non-profit organization and without the necessary permits from the appropriate state agencies.

The establishment did receive from the board two letters of notice of the violations, the letters were hand delivered to the owner. The town and defense made closing statements to the facts of the 5 violations.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to close the evidentiary portion of the hearing.

The Board deliberated on the 5 violations. The Board did find that 5 violations did in fact occur and voted the following.

The Board voted 4-1-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson the board is in agreement of the violation of indecent exposure that occurred on April 10, 2010. Roll Call Vote: Selectmen Robert Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, no. Mr. Reault does not agree that the indecent exposure is related to the alcohol license violation.

The Board voted 4-1-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin the board is in agreement of the violation of excessive noise that was witnessed on April 11, 2010. Roll Call Vote: Selectmen Robert Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, no. Mr. Reault does not agree that excessive noise is related to the alcohol license violation.

The Board voted 4-1-0 on a motion by Selectman Lemoine, second by Selectman Jackson the board is in agreement of the violation drink till you drop advertised on their facebook page on April 26, 2010 which is in violation of ABCC happy hour CMR 204 4.03 and the TABR Section 34. Roll Call Vote: Selectmen Robert Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, no; Selectwoman O'Neill, yes; and Selectman Reault, yes. Ms. Coughlin does not agree that the drink till you drop is a violation, the manager did receive a warning and did respond by not holding the event.

The Board voted 4-1-0 on a motion by Selectman Jackson, second by Selectman Lemoine the board is in agreement of the violation ladies night advertised on their facebook page on May 1, 2010 which is in violation of ABCC happy hour CMR 204 4.03 and the TABR Section 34. Roll Call Vote: Selectmen Robert Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, no; Selectwoman O'Neill, yes; and Selectman Reault, yes. Ms. Coughlin does not agree that the drink till you drop is a violation, the manager did receive a warning and did respond by not holding the event.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson the board is in agreement of the gaming where money was offered and advertised on their facebook page on May 1, 2010 and May 5, 2010 which is in violation of ABCC happy hour CMR 204 4.03 and the TABR Section12. Roll Call Vote: Selectmen Robert Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; and Selectman Reault, yes.

The Board moved to the disciplinary phase of the hearing, the Board asked for the Police Chief for his recommendation. Chief Mulligan recommended 1-5 days in total suspension. Defense Attorney Mr. Nicosia recommends no penalty as this is the first offense, should offer public warning with no suspension.

The Board deliberated the merits of treating the violations as 5 in totality, with one Selectwoman looking at the violation as individual offenses. The suspension ranged from 10 days to 3 days. The majority consensus of the Board was to hand down a 3 day suspension. The Board voted 4-1-0 to suspend Dracut Food Service, Inc., DBA Thirsty's All Alcoholic Beverage Restaurant License for 3 days beginning on Thursday, July 29, and ending on Saturday, July 31, 2010.

Defense Attorney Nicosia asked the Board to vote a stay of the suspension until after the ABCC's decision on the Board's ruling. And has asked the Board to preserve the video of the meeting.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to stay the suspension until after the Alcoholic Beverages Control Commission's decision on the Board's ruling.

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to close the hearing. The hearing was closed at 9:30 P.M.

3. Citizen/Business Time

Mr. Joe Paquette came forward this evening to speak to the comment in the Lowell Sun that Ms Dang made. Mr. Dang's courtesy of helping Mr. Paquette this winter by plowing in front of his house, but did not shovel his driveway, should not be interpreted as a nice gesture overshadowed by Mr. Paquette's complaints of the noise emanating from the bar they own.

4. Other Business

A. Review the Minutes of Monday March 22, 2010 and Monday June 7, 2010

The board will forward any comments and corrections to the office, for correction and placed on the June 28 agenda for approval.

B. Review the Special Permit Decision

The Special Permit Decision to be reviewed. Town Counsel is in the process of reviewing and to sign the decision.

C. Appoint a representative to the TECC sub-committee

The Board received a letter from the School Committee on Friday, June 4 informing the Board that on Tuesday evening of June 1, 2010 to create a The Early Childhood Center Study Committee. The group will be charged with the reviewing the status of the facility and with developing recommendations for future use or uses of the Coburn Road school building. Following the Board discussion of the letter received from the School Committee, Selectman Jackson voiced interest in being appointed to that committee. The Board voted unanimously

on a motion by Selectman Lemoine, second by Selectwoman Coughlin to appoint Selectman Robert Jackson to The Early Childhood Center sub-committee.

5. Correspondence

The Clerk of the Board read the list of correspondence in this evening's Selectmen's meeting packet. The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to approve the correspondence as read. Comments on the correspondence: the Board instructed the Administrator to forward the Westford Road agreement to Town Counsel for review and to place the agreement and the Police policies and procedures on the June 28 meeting. The Administrator did inform the Board that NMCOG will help in validating the town's boundaries. The Selectmen asked that the Westford Road Development request and agreement be placed on the next meeting. The Police Policies and Procedures will be placed on a July agenda. Selectwoman Coughlin reminded everyone that the FEMA disaster assistance registration will end on June 28th; and to remember to fill out the census information it is very important to the town.

6. Selectmen's Notes

Selectman Jackson was in attendance at the Dance Expression dance recital, it was very well choreographed and it was well attended. Also a reminder to all who wished to be reappointed or has an interest in serving on committees and boards do need to submit a letter of interest, a list of open positions is available on line. Selectman Jackson also asked if the Chair of Selectmen pen a letter to the Chair of the School Committee requesting a copy of the approved and signed teachers' contract and a financial report of the sustainability of the contract. A copy should go to the Chair of the Selectmen, Finance Committee, the Strategic Financial Planning Committee and the Town Administrator. The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Lemoine to request our Chairman to pen a letter to the School Committee Chairman requesting a copy of the teachers' contract and a financial sustainability report of the contract.

Selectman Lemoine has asked the Board to have the appointments schedule for July as he will be out of town at the end of June. He and the Administrator met with the owners of the First Parish Church on Middlesex Road to discuss the painting of the building. The owners will solicit 3 bids on the cost of the painting of the church as of this week they had not received any bids and as soon as they do they will meet again with us to discuss.

Selectwoman Coughlin announced that she and committee have submitted an application for grant funds to assist in insulating the town hall and middle school building. Because the Town has been designated a green community it is in line to receive the grant funding. The town will also receive some solar compactors and also signs. Selectman Reault has no notes this evening. Selectwoman O'Neill did attend the ribbon cutting ceremony at the Positively Young Salon and Bittersweet Shoppe and Antique shop businesses on Kendall Road; they will be in on Monday, June 28th under business time to present their business.

7. Town Administrator's Notes

The Town Administrator has received a copy of a letter from resident's attorney in reference to Thirsty's, it was given to Town Counsel. And I have also forwarded additional complaints to the Board of Health per Town Counsel's recommendation. Terry and I are proposing phase 1 to include an itemized listing of correspondence, and posting correspondence on line with the Board's approval. Budget status: A final state budget is expected later this month. Departmental info: The Senior work off program is to continue as before with Board approval. The police dept will need adjustment the Chief is assembling a report for the Board. Wiring Inspector's last day is June 30th I am looking into a short term solution for the summer while evaluating a long term solution. The Veterans' Agent: The town of Westford is hosting a meeting to discuss the potential for shared/subscriber/regional Veterans Agent services. Though unclear if this is a potential solution for Tyngsborough I will attend the meeting.

Animal Control: The Westford Town Manager is looking to alter the structure of its Animal Control Services they are reviewing the staffing level and potential opportunities to reduce s services, more information is expected next week. Construction on Farwell Rd, Locust Ave and Joyce Circle began on Saturday. The Highway Dept continues to prepare a project plan to replace the culvert on Westford Road. A final proposal will be brought for approval of the Board this month. Contracting/procurement The negotiation with the potential BLS ambulance provider continues. Bid for the Highway Dept. services were opened on Thursday, June 10, results will be available late this week. The Town Collector has traditionally been designated the town's parking clerk, that designation will be on the June appointments. I am in touch with MassDOT and am attempting to schedule an update in front of the Board as soon as June 28th. Campground project continues have coordinated a meeting for this Wednesday. A further update is forthcoming. And the town has received a request from the Census bureau to validate our boundaries. I am engaging NMCOG's GIS assistance to help validate.

8. Executive Session (if needed)

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 10:00 P.M.

9. Adjournment

The Board, having exited executive session, voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 10:45 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
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Board of Selectmen Executive Session Minutes DRAFT

Monday June 14, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay

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1. Executive Session

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman Coughlin to enter into Executive Session to discuss contract negotiations and to discuss potential litigation and at the conclusion of the Executive Session to return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 10:00 P.M.

A. Contract Negotiations

The Board discussed the contract negotiations ongoing with the Police Department in reference of the Quinn Bill; and the update on the Sergeants split from the Police Union.

The Administrator was contacted by the SEIU Representative and they will be ready to sit down and talk in about two weeks.

Some discussion on the allocation of the Veterans Agent's reimbursement whether it should stay in general fund or set up as a revolving fund.

The Board discussed the ambulance contract between the Town of Tyngsborough and Trinity Ambulance Service. The Chiefs and the Administrator and the ambulance officials have worked out the different issues and have come to an agreement. Among some of the issues were dispatch fees, training, community involvement and payment of billing fees. Location of the ambulance will be at Progress Ave for the west side and Vocational School/Stonehedge. The term will be three years with a one year extension if needed, Trinity will offer emergency preparedness training and will cover town events. The Fire Chief will be the point of contact. Trinity will be using ALS from Saints Memorial. Charles is reviewing the contract and will it will be ready for signature on June 28, 2010.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Lemoine to exit Executive Session and return to open only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 10:45 P.M.

Respectfully submitted,

Therese Gay, Admin Assistant Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
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Board of Selectmen Meeting
AGENDA

Monday June 14, 2010 6:00 P.M. Town Offices

1. 6:00 P. M. Open Meeting
2. 6:05 P. M. Liquor License Violations Hearing – Thirsty's, 25 Parham Road
3. Citizen/Business Time
4. Other Business
   A. Review the Minutes of Monday March 22, 2010 and Monday June 7, 2010
   B. Review the Special Permit Decision
5. Correspondence
6. Selectmen's Notes
7. Town Administrator's Notes
8. Executive Session (if needed)
   A. Collective Bargaining
9. Work Session (if needed)
10. Adjournment

Future Meetings

Selectmen's Work Session Monday, June 21, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, June 28, 2010 at 6:00 P.M. at Town Hall Offices.
Town Offices Closed Monday, July 5, 2010 – to Honor the July 4th HOLIDAY.
Selectmen's Meeting Monday, July 12, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, July 26, 2010 at 6:00 P.M. at Town Hall Offices

TOWN OF TYNGSBOROUGH

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DRAFT

Board of Selectmen Work Session
Minutes

Monday June 21, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson,
Member Absent: Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

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1. 6:00 P.M. Open Meeting

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. Discussion - Appointments

The Board discussed some of the appointments up for action in July. The vacancy ads have been up on the web site and the Town media channel. Only a few letters of interest have tricked in. The Board asked for the by-laws for a couple of the ad hoc committee.

3. Discussion - Westford Road Development, LLC – Public and Private Utility Solar Energy Farm, STM, Article 8, Overlay District

The Attorney General's office is extending its period for review 30 days in light of a joint need for time to further discuss the proposed by-law's consistency with state law.

4. Selectmen's Notes

Selectman Jackson referenced the correspondence on state legislation on the Wind Energy Siting Reform Act, H.4687, should someone respond or just ignore it. Selectwoman Coughlin will respond to the correspondence. The Energy Committee has submitted a grant application for $161,000 to insulate the town hall building and the middle school building. The Town is also in receipt of three solar compactors and would like a vote to accept and file the paperwork to enter into an agreement. The Board voted 4-1-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to agree to accept the 3 solar compactors and to file for paperwork to enter into an agreement. Mr. George Woodbury will submit his report on the cost of purchasing the town streetlights. The Board will need to appoint a planning board rep to the energy committee. Selectwoman O'Neill spoke on the cops grant if received would rehire 1 officer for 3 years and the 4th year the town would pick up the salary. Resident Linda Bown sent a letter to the Chair requesting the opportunity to air a cable access talk show weekly at 6:00 AM. The Board will review and will forward their answer to Ms. Bown. The Board received a notice from the Office of Public Safety on the seat belt usage, a copy should be forwarded to the Chief. Selectman Reault announced the Sewer Administrator's position has been advertised.

5. Town Administrators Notes

The Town Administrator has received a letter from the Library Director requesting the placement of a CD/DVD drop off box be placed in the foyer so that residents could drop off CDs and DVDs when the Town Hall is opened and the Library is closed. Also the Chief's confidential report was forwarded to the Board this evening. Additional information was received in connection with Thirsty's Bar, the office is gathering the information and placing it in the file. The FY2011 budget was approved at the Annual Town Meeting. The State budget will be reviewed by House/Senate a final state budget is expected to be released later this month. The Secretary of Veterans' Services has increased the veterans' benefit calculation via a 5.8% cost of living. Other departmental information include the correspondence from Chief Mulligan re Police Budget, also the Police Dept. was encouraged to re-apply for the Federal COPS hiring grant. The Senior Tax Work-off program recruitment is underway. I attended the meeting in Westford on Veteran Agent shared services; the town is way ahead of its counterparts both in terms of staffing level and number of cases. Animal Control, Westford is seeking to reduce its Animal Control costs by going to 16 hours weekday coverage and on-call overnight and weekend coverage. There are no proposal to reduce our cost has been provided. And Westford is looking to disarm their ACOs. Chief Mulligan has expressed concern over the potential impact upon the Police Department from the call volume increase. Construction on Farwell Rd, Locust Ave and Joyce Cir has been completed and lone painting to occur soon. The Highway Dept. continues to prepare a project plan to replace the culvert on Westford Road. The Treasurer has notified town employees of our schedule for conversion to bi-weekly payroll. The timeline has been pushed back to September.

6. Adjournment

The Board voted unanimously on a motion by Selectwoman O'Neill, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 9:10 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Work Session
AGENDA

Monday June 21, 2010 6:00 P.M. Town Offices

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1. 6:00 P.M. Open Meeting
2. Discussion - Appointments
3. Discussion - Westford Road Development, LLC – Public and Private Utility Solar Energy Farm, STM, Article 8, Overlay District
4. Selectmen's Notes
5. Town Administrators Notes
6. Executive Session (if needed)
7. Adjournment

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes **DRAFT**

Monday June 28, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson,
Member Absent: Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

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1. 6:00 P. M. Open Meeting
The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. 6:15 P.M. Positively Young Salon and Spa, 9 Kendall Road – Business Presentation
The owner and operator of Pozitively Young Salon and Spa Rachel Poznik and Phyllis Young with the help of a power point presentation, they offer professional services provided in a relaxed setting; client satisfaction is their main concern. They employ the finest licensed stylist, therapists and technicians. They also detailed the many services they provide to their customers. The services range from hair styling to skin care and make up consulting; also manicures, waxing, pedicures and several types of massages. They provide a 20% discount to first time patrons and also offer the Town's employees at 10% discount. The Board thanked Ms. Poznik and Ms. Young for coming in and encouraged people to visit the spa.

3. 6:45 P. M. Strategic Financial Planning Committee – Report
At its meeting of June 24, 2010, the Strategic Financial Planning Committee (SFPC) voted to request the Board of Selectmen to authorize an election for a Proposition 2 ½ Capital Exclusion pursuant to Article 6 of the Annual Town Meeting of May 18, 2010. The SFPC respectfully suggests that the election be scheduled for Tuesday, September 14, 2010. This is the same date of the state preliminary election, thus reducing the cost to the Town to conduct this election. And the SFPC request that the election be in the form of one referendum question inclusive of all items approved in Article 6. If the above referenced election is authorized, the SFPC suggest that the appropriate community outreach and education begin immediately with the posting the electronic presentation utilized at the Annual Town Meeting on the website and on the government channel. The Committee also requests that two public information forums be conducted on Thursday, August 12 and Tuesday, September 7, 2010. The SFPC is willing to host the forums and would invite one member each from the Board of Selectmen, School Committee and the Finance Committee to speak.

The Board voted 4-0 on a motion by Selectman Reault, second by Selectman Jackson to authorize an election for a Proposition 2 ½ Capital Exclusion pursuant to Article 6 of the Annual Town Meeting of May 18, 2010 to replace Fire Dept Incident Command Car #1 for $40,000; to replace Highway Dump Truck w/Plow, Sander, & Wing for $130,000; the Highway Wash Station – Phase II Completion for $100,000; the School District-Wide Technology Plan for $100,000, the School District-Wide Paving Plan for $80,000; to replace the bleachers in Middle School Gym for $80,000; to replace the bleachers at HS Pierce Field for $125,000; for

Town-Wide Technology, $25,000; and a Town Road Plan for $100,000, the total Capital Asset recommendation is for $780,000; and that said election be scheduled for Tuesday, September 14, 2010.

This is the same date of the state preliminary election, thus reducing the cost to the Town to conduct this election.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Reault to approve and authorize the Strategic Financial Planning Committee to the posting of the electronic presentation utilized at the Annual Town Meeting on the website and on the government channel and that two public information forums be conducted on Thursday, August 12 and Tuesday, September 7, 2010 and that a drop off site be provided for anyone who wished to send questions in advance of the forums.

Selectwoman Coughlin suggests that a questionnaire could be dropped off at the Selectmen's office prior to the forums; so that the Committee could have the questions in advance. This was added to the motion above.

At its meeting of June 24, 2010, the Strategic Financial Planning Committee (SFPC) voted to request the Board of Selectmen to initiate an update of the Town's long-term financial forecast. At present, the Town has a template for long-term financial forecasting, that template currently reflects through FY 2014. The SFPC requests that the plan be updated to reflect budgeted FY 2011 revenues and expenditures, and projections for FY 2012, 2013, and 2014 be updated as well. The SFPC recommends circulating this request for updated projections to all Town departments, and that adequate time is allowed for review and revision of this plan. The departments should be requested to provide the above-referenced information with assumptions that current staffing will be maintained. Additionally, departments should denote anticipated changes or trends in expenses and should also separately identify requests for adjustments to staffing levels and that the Board set a deadline of August 13, 2010 for departments to submit their comments and updates.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Reault to support the SFPC's request and to requests the departments to submit updated information to the Board by Wednesday, August 13, 2010.

4. Citizen/Business Time

Ms. Paulette Grout, 1 Hamblett Avenue was before the Board this evening to discuss three items, 1) Solar Energy Farm, 2) the town center, 3) informational meetings. First the solar farm she had attended the hearing and wished that there could have been some experts to speak on the issue and that the abutters were not able to counter the answers by the developer, the Chairman interjected that Town Counsel has set the direction how the hearing was to proceed. Ms Grout also mentioned the possible use of the landfill site rather than cut down trees. Selectwoman Coughlin informed Ms Grout that the landfill is privately owned and that the type of contaminants in the landfill negates the disturbing of the cap. Selectman Jackson explained that the process has been ongoing and the developer has been to the appropriate boards and those boards did hold hearing to inform everyone of what the project was all about. Due diligent has been done. Ms Grout also wanted to express her support of keeping the town owned buildings for the town citizens and not to lease or sell the buildings. And thirdly would like to see some type of input meetings for the citizens to come in and voice their comments. The Board does have such a forum it is Citizen's time and anyone who wished to address the Board may do so. Ms Grout thanked the Board for the time.

6. Correspondence

The Board voted 4-0 on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read for discussion.

Items for discussion: Letter to Mass Hwy invited them to the next Board meeting, no response to that letter. The letter from Town Counsel on the revision of the Zoning by-law the Board will need to form a committee. A letter from the Board of Health re Covanta Mercury Program, Covanta is proposing to offer a storage shed for the items containing Mercury. The Board is waiting for more information on the matter. Selectwoman Coughlin would like to respond to the letter from Senator Kerry on Broadband Institute, the mission is to extend affordable broadband access to all homes, businesses, schools, etc. And finally a notice from the nonprofit Cobalt Community Research the organization is designed to help the community engage citizens in the challenging budget and planning decision making.

7. Selectmen's Notes

Selectwoman Coughlin gave an update on Green Community grants. Selectman Reault attended the Tyngsborough Water Supply District's dedication of the new water tank on Tower Road. The district dedicated the tower to the former water superintendent David Denommee, it was a very moving and emotional ceremony. Town residents are encourage to see the new water tank. Selectwoman O'Neill wished all a happy 4th of July and asked that everyone be careful as school is out for the summer.

8. Town Administrator's Notes

In response to Selectmen's request we are gathering information relative to appointments. The final budget released by the House and Senate is consistent with our projections. Senior Tax Work Off program is underway. There is correspondence from Westford Town Manager and also a report from Chief Mulligan on the Animal Control issue. The Highway project will be before the Board with a final proposal on the Westford Road Culvert replacement. The Ambulance is near completion and will be ready to sign shortly. Highway bids were open and re being reviewed. The US Census boundary has been verified, submitted and accepted. NMCOG is requesting an extension of its contract with the Town to update our Housing Study. And finally I will be submitting a request for payment of Mass Municipal Manager's Association dues.

9. Adjournment

The Board, having exited executive session, voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 7:50 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen
25 Bryant Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting
AGENDA

Monday June 28, 2010 6:00 P.M. Town Offices

1. 6:00 P. M. Open Meeting
2. 6:15 P.M. Positively Young Salon and Spa, 9 Kendall Road – Business Presentation
3. 6:45 P. M. Strategic Financial Planning Committee - Report
4. Citizen/Business Time
5. Other Business
   A. Trinity Ambulance Service – Sign Contract
   B. Animal Control Contract – Discussion
6. Correspondence
7. Selectmen's Notes
8. Town Administrator's Notes
9. Executive Session (if needed)
   A. Collective Bargaining
10. Work Session (if needed)
11. Adjournment

Future Meetings
Town Offices Closed Monday, July 5, 2010 – to Honor the July 4th HOLIDAY.
Selectmen's Meeting Monday, July 12, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, July 26, 2010 at 6:00 P.M. at Town Hall Offices

TOWN OF TYNGSBOROUGH

Office of the Selectmen

Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting Minutes **DRAFT**

Monday July 12, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

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1. 6:00 P. M. Open Meeting

The Chairman called the meeting to order, the Board was introduced and this evening's agenda was read.

2. 6:05 P.M Citizen/Business Time

No citizen or business owner came forward this evening.

3. Sign Westford Road Development Special Permit

The review by town counsel of the Westford Road Development Special Permit decision is complete and the document is ready for signature. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin approving signing the decision.

4. Other Business

A. Selectmen's Appointments

The Board reviewed the appointment list and appointed the following individuals;
Zoning Board of Appeals
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to Christina Michalides as a Member of the Zoning Board of Appeals for 3 years, and Scott Bordeleau, Associate Member of the Zoning Board of Appeals for 3 years.

Board of Registrars
The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to appoint David Coles as a Registrar for 3 years.

Burial Agent
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to appoint Robert DeCarteret as the Burial Agent.

Constable
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to appoint David Muscovitz as a Constable for 3 years.

Council on Aging
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to appoint Roger Downing and Phil O'Brien as members of the Council on Aging for 3 years.

Field Use Committee
The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to appoint Eric Estochen, member at large, and Alison McNamara to the use field committee. Committee member George Trearchis is appointed by the School Committee.

LRTA Representative
Chairwoman Ashley O'Neill appointed Kevin V. O'Connor as the Boards Representative to the Lowell Regional Transportation Advisory Board.

NMCOG Representative
The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Lemoine to appoint Rick Reault as the Board's representative to the Northern Middlesex Council of Governments.

Permitting Authority
The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to appoint Mark Dupell as the Permitting Authority.

At the request of the Littleton Police Department to be appointed as Special Police Officers in Tyngsborough, the Board did vote unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin, to appoint the Littleton Police Chief and his officers as Special Police Officers in the Town of Tyngsborough for one year.

The Board did discuss the various committees' submission of quarterly reports to the office. The Town Administrator will inform the committees in writing.

B. Sign Election Warrant for September 14th Primary and Capital Exclusion Question

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to sign the September 14 primary election warrant.

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to place following ballot question on the September 14 primary election warrant, it reads as follows: Shall the town of Tyngsborough be allowed to assess an additional $780,000 in real estate and personal property taxes for the purposes of funding he following capital appropriations: Fire Command Car ($40,000), Highway Dump Truck ($130,000) Highway Wash Station Completion ($100,000), School Technology Plan ($100,000), School Paving ($80,000), Middle School Bleachers ($80,000), High School Pierce Bleachers ($125,000), Town Technology ($25,000) and Town Road Plan ($100,000) for the fiscal year beginning July first two thousand and ten?

The Board discussed the wording of the vote. They would like the wording to reflect the intent of the question to it being a one time occurrence, by either adding for fiscal 2011 or with starting with July 1, 2010 and ending June 30, 2011. The Town Administration will follow up on the wording of the question for the July 26 meeting.

C. Review of Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010.

The Board will approve the minutes on Monday July 26.

Field Use Committee
The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to appoint Eric Estochen, member at large, and Alison McNamara to the use field committee. Committee member George Trearchis is appointed by the School Committee.

LRTA Representative
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The Board discussed the wording of the vote. They would like the wording to reflect the intent of the question to it being a one time occurrence, by either adding for fiscal 2011 or with starting with July 1, 2010 and ending June 30, 2011. The Town Administration will follow up on the wording of the question for the July 26 meeting.

C. Review of Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010.

The Board will approve the minutes on Monday July 26.

5. Correspondence

Selectman Reault read the list of the correspondence in the Selectmen's meeting binder. The Board voted unanimously on a motion by Selectman Reault, second by Selectwoman Coughlin to accept the correspondence as read.

Discussion – Selectman Reault read a citizen's letter commending Barbara Reynolds, COA Director for her assistance to a family in their time of need. The Board received two letter from the ABCC naming two establishments that were observed selling/serving alcohol to a minor, the ABCC will hold two hearing in August dealing with the matter. The Board voted on a motion by Selectwoman O'Neill, second by Selectman Jackson to send a letter to the ABCC in response to the violation and to send a representative to the hearing.

The information received on the Cedar Street issue to be sent to the Planning Board. The street was a paper street on a development plan on Long Pond, this street abuts the Club Fleur –de-Lis. It was not accepted properly at a Town Meeting in 1980. The Board will ask the Conservation Commission to have it surveyed.

Selectman Jackson commented on the letter from MIT on the payment to the town in lieu of taxes, he would like to see the agreement that precipitated this payment. The board received a letter from a resident about after hour trouble from young people congregating at the town beach once it is closed. The Administrator is to notify the police of complaint and to ask the police to investigate. The Street Light Report was received and will be distributed to the Energy and Environmental Affairs Committee. The board received a letter from the bankruptcy lawyer handling the assets of Tyng's Tavern notifying the Board that a license transfer request will be submitted shortly.

6. Selectmen's Notes

Selectman Jackson asked for a motion to place all approved employee contracts on the website with an accompanying narrative. The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Coughlin to place all approved employee contracts on the website with an accompanying narrative.

Selectman Lemoine announce the Economic Development Committee's meeting on Thursday, July 15, 20101 at 6:30 P.M. The Committee will have a presentation by NMCOG on the Westford Road Project and they will be discussing moving forward on the Town Meeting vote regarding the fencing for the center and the code review of the barn.

Selectwoman Coughlin is eagerly awaiting the naming of the green communities grant awards to see if Tyngsborough received it request for $161,000+ monies to be used to seal the town hall and the middle school. There is an environmental situation at the hydroelectric dam in Lowell, the company is applying for an amendment to their license and she would like to see Tyngsborough be an intervener and would like the Board to motion to send a letter that that effect. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to send a letter to become an intervener and be part of the process involving the dam. Selectman Lemoine would like more information on the issue.

Selectwoman O'Neill cautions everyone driving on the town roads there are freshly painted lines and to be careful of the highway workers.

7. Town Administrator's Notes

The information the Selectmen had requested is included in their binders under the appropriate section. The Governor has signed into law the final state fiscal year 2011 budget. The Cherry Sheet reflects the same numbers the town has used to finalize its budget. The Town Treasurer has examined the upcoming short-term borrowing that is able to be rolled into long-term borrowing; it is recommended that the town should take advantage of low interest rates and continue to roll over our short-term debt for another year. The Building Commissioner has identified a candidate to serve as interim wiring inspector. The candidate is William F. Choate of Groton, MA. He has all of the required certifications. I recommend the Selectmen appoint Mr. Choate as interim while the Building Commissioner and I solicit proposals for a long-term solution for both Wiring and Plumbing/Gas inspection. The July Senior breakfast is July 15th at the Senior Center. Senator Panagiotakos will host a cookout at the Senior Center on August 9th. The Board is invited to sponsor a breakfast as well an August breakfast is available for sponsorship. The Senior Tax Work-Off program, recruitment is underway. I spoke further with the Health office about the disposal of mercury products, we would like to avoid storing those materials on town property, I suggested an alternative proposal for same-day removal in conjunction with Hazardous Waste Day or similar events. The campground park should be completed by July 30th. We have received a few complaints about noise in the late hours from the young people frequenting the town beach. The Police will monitor and the public is advised to follow the posted rules and regulations. New sewer agreement with Lowell is being negotiated with Dracut, the Manager will include Tyngsborough in those conversations. The Treasurer and collector are schedule to attend a conference in August. Westford will continue to provide ACO services to Tyngsborough for the next 90 days. The Ambulance Contract with Trinity has been executed. The final bid results for the Highway are attached. Town Counsel has prepared an agreement for the Recreation Committee for contracting for lawn mowing services for this season. The recommendation is to enter into an agreement with Greenscape. The NMCOG Affordable Housing Study update has been extended to October, 2010.

The Fire Chief has replaced the department's air packs that meet regulations. The surplus equipment will be shared with the municipalities that have helped us. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to allow the Fire Chief to share the surplus air packs with other municipalities.

The Board thanked the Fire Department for their efforts in fighting a brush fire and a thank you to the Highway Department for their assistance.

Mr. Rick DeLeo came forward to ask that the Board consider appointing John Pelletier as the Tyngsborough Housings representative to the Community Preservation Committee. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectwoman Coughlin to appoint John Pelletier as the Tyngsborough Housing Authority's Representative to the Community Preservation Committee.

Mr. DeLeo has also asked the Board to set a joint appointment with the Tyngsborough Housing Authority to appoint a member. The Board scheduled Monday, July 26 for the joint appointment.

TOWN OF TYNGSBOROUGH

Office of the Selectmen

Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes **DRAFT**

Monday July 12, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.
Staff Members Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

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1. Executive Session
   A. Collective Bargaining

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectman Lemoine to enter into Executive Session for the purpose of discussing collective bargaining and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 8:00 P.M.

The Board spoke briefly about the union contracts, two of the three unions filed a grievance, the employees feel that are entitled to their step increase as referenced in the budget. The Contracts have expired and everything is on hold until a new contract is negotiated. The Board found that there was no basis for the grievances. Timing is not an issue. The Board denied the grievances.

The board also discussed the overtime pay for the police and the petition for the Quinn Bill.

The Board of Selectmen voted on a motion by Selectman Jackson, second by Selectwoman Coughlin to exit Executive Session and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 9:45 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: _____

TOWN OF TYNGSBOROUGH

Office of the Selectmen

Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Meeting
AGENDA

Monday July 12, 2010	6:00 P.M.	Town Offices

1. 6:00 P. M. Open Meeting
2. 6:05 P.M Citizen/Business Time
3. Sign Westford Road Development Special Permit
4. Other Business
   A. Selectmen's Appointments
   B. Sign Election Warrant for September 14th Primary and Capital Exclusion Question
   C. Review of Minutes – Monday, March 1, 2010; Monday, March 22, 2010; Tuesday, March 30, 2010; Monday, June 7, 2010; Monday, June 14, 2010; Monday, June 21, 2010; Monday, June 28, 2010.
5. Correspondence
6. Selectmen's Notes
7. Town Administrator's Notes
8. Executive Session
   A. Collective Bargaining
9. Work Session (if needed)
10. Adjournment

Future Meetings
Selectmen's Meeting Monday, July 26, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, August 16, 2010 at 6:00 P.M. at Town Hall Offices

June 17, 2010

Animal Inspector
Stanley Shaw
Kendall Road
Tyngsborough, MA 01879

To: Board of Selectmen

Pleased let this letter be a notice that I want to continue in my role of Animal Inspector for the Town of Tyngsborough.

Thank you for your consideration.

Sincerely,

Stanley Shaw

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE OFFICE OF ENERGY AND
ENVIRONMENTAL AFFAIRS
Department of Agricultural Resources
251 Causeway Street, Suite 500, Boston, MA 02114
617-626-1700 fax 617-626-1850 www.Mass.gov/AGR

Massachusetts Department of Agricultural Resources

DEVAL L. PATRICK
Governor

MOTHY P. MURRAY
Lieutenant Governor

IAN A. BOWLES
Secretary

DOUGLAS W. PETERSEN
Commissioner

March 6, 2010

RE: NOMINATION OF INSPECTOR OF ANIMALS

Nominating Authority:

Enclosed is the nomination form for the Inspector of Animals for your city or town. **This form is due back to the Division of Animal Health by April 1,** 2010 The appointment will run from May 1,2010 until April 30, 2011 If more than one inspector was appointed for your city or town, there is a separate form for each. If you are nominating the same inspector(s) this year, **be sure that all of the contact information is complete and still correct.** Any corrections should be made in the space provided on the right. If you will be nominating a new inspector, that person's information should be entered in the space provided on the right. Submit a separate form for each inspector nominated. Also, be sure that all of your (nominating authority) information is complete and correct. Any changes to your information should be made in the space provided to the right.

Once all of the contact information is confirmed to be correct, all that is needed is to **have the nominee sign the form**, accepting the nomination and swearing to faithfully perform the duties of that office. **The nominee's signature must be notarized**. In many cases the city or town clerk is a notary.

After the nominee's signature has been notarized, simply **return the form to the Division of Animal Health at the address listed at the top of the form**. The Division of Animal Health will send back confirmation of the inspector's appointment. **Please note that regardless of when the most recent appointment was made, it is only valid through April 30,** 2010 This nomination will cover the year starting May 2010 and run until April 30, 2011.

If you have any questions, please call me at (617) 626-1794.

Thank you,

Michael Cahill, Director
Division of Animal Health

The Commonwealth of Massachusetts
Department of Agricultural Resources
Division of Animal Health
251 Causeway Street, Suite 500
Boston, MA 02114-2151

Nomination of Inspector of Animals

In accordance with the Massachusetts General Laws Chapter 129, sections 15 and 16, nominating authorities of each city and town are required to nominate one or more inspectors of animals by April 1, 2010 Please complete or make necessary changes and return this form to the above address. The Director will review your nomination and, assuming appointment is confirmed, will return to you a Certificate of Appointment. Please submit one form for each person nominated. Any city or town not in compliance is subject to a penalty of $500.

City or Town of Tyngsborough 3/6/2010

To the Director, Division of Animal Health, Department of Agricultural Resources

In accordance with the provisions of section 15 of Chapter 129, General Laws, as amended, the following nomination of inspector of animals for the year ending April 30, 2010 is sent for your approval:

Inspector of Animals
Name: Stanley Shaw
Mail Address:25 Bryants Ln.
Tyngsborough, MA - 01879
Phone: (978) 649-2314 Fax:(978) 649-2320
Email:

Inspector: (Note all changes here)
Name:_____
Mail:_____
_____
Phone:_____ Fax:_____
Email:_____

Nominating Authority
Contact: Therese Gay
Office: Board of Selectmen
Mail: 25 Bryants Ln.
Tyngsborough, MA - 01879
P: 9786492314 F: 9786492320
Email: tgay@tyngsboroughma.gov

Nominating Authority: (Note all changes here)
Contact:_____
Office:_____
Mail:_____
_____
Phone:_____ Fax:_____
Email:_____

Acceptance of Nomination of Inspector of Animals (must be notarized)

I hereby accept my nomination as Inspector of Animals for the City or Town of Tyngsborough, and if and when I am appointed, I solemnly swear to faithfully perform the duties of that office, all of which are listed in General Laws Chapter 129, and Massachusetts Regulations 330 CMR 10.00-10.10 (rabies regulations)

Name (print) _____ Signed _____

COMMONWEALTH OF MASSACHUSETTS

Middlesex,ss Date

Then personally appeared the above-named _____ and acknowledged the foregoing instrument to be his or her free act and deed, before me.

_____
Notary Public

My commission Expires. _____

Appointment of Inspector of Animals (Division of Animal Health use only)

Notice is hereby given that I, Michael Cahill acting under authority of sections 15 and 16 of Chapter 129 of the General Laws, as amended, hereby approve the nomination of _____ as Inspector of Animals for the City or Town of Tyngsborough, Massachusetts.

Date Approved:_____

_____
Director, Division of Animal Health

Division of Animal Health and Dairy Services

Animal Health home

- Animal Imports/Exports
- Animal Inspectors in Massachusetts Towns
- Equine Activities
- Pet Shops
- Rabies
- Reportable Diseases
- Legal Resources
  - Laws
  - Regulations

Bureau of Animal Health

Municipal Inspectors

Qualifications/Duties

I. QUALIFICATIONS

A municipal animal inspector should be reasonably experienced in the care and handling of domestic livestock animals, be generally experienced in their husbandry and be knowledgeable in the handling and care of other domestic animals such as dogs and cats. Knowledge and experience with common "urban wildlife" such as raccoons, skunks and bats that expose domestic animals and come under the jurisdiction of the MA Division of Fisheries and Wildlife will prove beneficial in the collection of specimens for submission to the State Rabies Laboratory.

Municipal Animal Inspectors should familiarize themselves with domestic animal import requirements. They should also understand local ordinances (sanitary codes, zoning laws, etc.) which may form part of their duties to their primary nominating body at the municipal level.

There are no scholastic, professional (ie: Veterinarians) or farm experience requirements for the position of Animal Inspector. A generalized knowledge of domestic animals will prove very useful.

II. DUTIES

A. The primary duty of the Animal Inspector has recently become rabies control in the domestic animal population. There are several angles which must be covered to accomplish this.

1. Domestic mammals which come in contact with, or are otherwise exposed to the rabies virus must first be assessed to determine severity of risk. Depending on the vaccination status of the domestic mammal involved, it will be either quarantined or destroyed. Be sure to send in the Notice of Exposure forms that are used for this type of quarantine at least once a month.

2. The Animal Inspector will be contacted by local

veterinarians when a client presents an animal which may have had an encounter with a potentially rabid animal. Again, the severity of the situation must be assessed before determining the proper course of action.

3. Any domestic mammal which bites a human or another domestic mammal must be quarantined for a period of ten days to determine the risk of rabies transmission. Be sure to send in the duplicate copies of the Order of Quarantine form at least once a month. If you do not have any animal bites in a six-month period, please send in a letter to that effect.

4. The Animal Inspector must ensure that all animals (wild or domestic) which must be tested for rabies are captured and euthanized. The head must be removed, packaged properly and submitted to the State Rabies Lab for testing. (Any questions, call the Rabies Lab at (617) 983-6385 for copy of protocol.)This is not to say that the Animal Inspector must perform these tasks personally, but he/she must ensure that they are completed.

B. Municipal Animal Inspectors are also responsible for barn inspections. Depending on the city/town, this may be a light task or a lengthy one. Barn inspections are designed to:

1. get a good census of the domestic animal population of the town

2. be sure that all of the animals appear to be in good health and free from disease, and

3. observe animal housing and ensure ample food and water are supplied.

Permission to inspect any premise upon which animals are kept is assured to Municipal Animal Inspectors under Section 7 of Chapter 129 of the MGL. Visits should be scheduled for normal business hours. If a conflict between the animal owner and the Inspector occurs, the Inspector may have a local police officer accompany him or her. If the problem persists, please call the Bureau of Animal Health (617) 626-1792 ,1795, or 1791.

C. The third duty of the Animal Inspector is to check ear tag numbers and date of arrival of cattle from out of state and to report this information on the Animal Inspector's copy of the Cattle and Llama Permit which is furnished to the Animal Inspector by the Department of Food and Agriculture.

D. Municipal Animal Inspectors may also be called to assist with other domestic animal disease quarantines in the event of an outbreak.

Statutes
Regulations
Disclaimer
Notices
Legal

Legal - Statutes
Chapter 129: Section 15.
Inspector of animals; appointment.

The city manager in cities having a plan D or plan E charter, the mayor in all other cities, except Boston, the town manager in towns having a town manager form of government and the selectmen in all other towns shall annually, in March, nominate one or more inspectors of animals, and before April first shall send to the director the name, address and occupation of each nominee. Such nominee shall not be appointed until approved by the director.

In a town which has a board of health and accepts this paragraph, the nomination of such inspectors shall be made by the board of health and not by the selectmen or town manager.

Legal - Statutes
MGL Chapter 129: Livestock Disease Control
Section 25. Records of inspectors of animals; returns.

Section 25. Each inspector shall keep a record of all inspections made by him and of his doings therein, and shall make regular returns thereof to the division, but such returns need not be retained for more than two years, and may then be destroyed or disposed of by their lawful custodian, and any proceeds received in the course of their disposal shall be paid to the commonwealth. The director shall prescribe the form in which and the times as which such records and returns shall be made, and may at any time inspect them and make copies thereof.

Legal - Statutes
MGL Chapter 129: Livestock Disease Control
Section 38. Annual report.

Section 38. The commissioner of food and agriculture shall make an annual report of the acts of the director, including therein the information obtained from inspectors under section twenty-three.

Legal - Statutes MGL Chapter 129: Livestock Disease Prevention

Section 16.

Refusal or neglect of town to appoint inspector; appointment by director.

Section 16. A town shall, for each refusal or neglect of its officers to comply with the requirements of the preceding section, forfeit not more than five hundred dollars. The director may appoint one or more inspectors for such town, and may remove an inspector who refuses or neglects to be sworn or who, in the opinion of the director, does not properly perform the duties of his office and may appoint another inspector for the residue of his term.

Fwd: School Committee appointments

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov> **Tue, Jul 13, 2010 at 1:00 PM**
To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com
Cc: Therese Gay <tgay@tyngsboroughma.gov>

BoS;

FYI.

Michael

---------- Forwarded message ----------
From: <burt.buchman@tyngsboroughps.org>
Date: Tue, Jul 13, 2010 at 12:57 PM
Subject: School Committee appointments
To: "\"Michael P. Gilleberto\"" <mgilleberto@tyngsboroughma.gov>

Michael:
Was watching the BOS meeting from home last night. At the last School Committee meeting in June, Collin Manzo & I were reappointed to SFPC and Jeff Hunt was reappointed to Capital Assets.

Burt

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail.
Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

ARTICLE XXXIX MUNICIPAL SERVICES FOR CONDOMINIUMS

The Town of Tyngsborough shall provide the following services to residential condominiums organized under M.G.L.c. 183A, whether owner occupied or rental, and regardless of the number of units in the building, or buildings, comprising the Condominium in the same fashion as the Town of Tyngsborough provides to single family residences:

1. Collection of recyclable materials and garbage.

ARTICLE XL CAPITAL ASSET MANAGEMENT COMMITTEE

Section 1. Purpose and Authority: (Footnote 1.)

To provide a policy and systematic approach for creating and maintaining a capital asset and improvement program and to establish criteria for establishing priority and scheduling of significant costly projects, improvements, or equipment included in the program.

Section 2.

The Capital asset management committee (the "Committee") shall be composed of five members, consisting of one member of the Board of Selectmen, one member of the Finance Committee, one member of the School Committee, the Town Treasurer, and the Town Accountant. The members representing the Board of Selectmen, the Finance Committee, and the School Committee shall be selected by their respective Committees. The Committee shall choose its own officers.

Section 3.

A. The Committee shall study proposed capital projects and improvements involving major, non-recurring tangible assets and projects which:

1. Are purchased or undertaken at intervals of not less than five years;
2. Have a useful life of at least five years, and
3. Cost over $50,000.

B. All officers, boards, committees, commissioners, or other Town governmental bodies, including the Board of Selectmen and the School Committee, shall submit, by December first of each year on forms prepared by the Committee, information concerning all Committee requests requiring Town Meeting action during the ensuing five years.

C. All private citizen requests shall use the same forms as such Town governmental bodies and shall submit such forms to the Committee by December first of each year.

D. The Committee shall consider the relative need, impact, timing, public health and safety, and cost of these expenditures and the effect each will have on the financial position of the Town. The Committee shall establish a ranking procedure concerning the priority of all capital requests.

E. No appropriation shall be voted for by Town Meeting for a capital improvement item requested by a governmental unit or private citizen petition unless the proposed capital improvement item: a) has been considered in the Committee's report, or the Committee shall first have submitted a report to the Board of Selectmen explaining the omission, and b) has been approved by the Board of Selectmen.

Section 4.

The Committee shall, after consultation with the Finance Committee, prepare an annual report recommending a capital improvement budget for the next fiscal year, and a capital improvement program, including recommended capital improvements for the following five fiscal years. The final report, after consultation with the Finance Committee, shall be submitted to the Board of Selectmen for its consideration and approval. The Selectmen shall submit its recommended capital improvement items at any town Meeting for action by the Town.

Section 5.

Such capital improvement program, after its adoption, shall permit the expenditure on projects therein of sums from departmental budgets for surveys, architectural or engineering advice, options or appraisals; but no such expenditure shall be incurred on projects which have not been so approved by the Town through the appropriation of sums in the current year or in prior years, or for preliminary planning for projects to be undertaken more than five years in the future.

Section 6.

The Committee's report and the Selectmen's recommended capital improvement budget shall be published and made available at the annual Town elections held in May. The Committee shall file its original report with the Town Clerk.

The invalidity of any section or provision of this By-Law shall not invalidate any other section or provision thereof, nor shall it invalidate any action which previously had been taken, or to take any other action relative thereto.

1.Footnote – This By-Law is adopted from a form presented in the Massachusetts Finance Committee Handbook, Stuart DeBard, Association of Town Finance Committees, with revisions. The intent of the By-law is to plan development as recommended by the Massachusetts Department of Revenue, Division of Social Services, Manual for Massachusetts Communities Developing a Capital Improvement Program, March 1997.

ARTICLE XLI BOARD OF HEALTH

The Board of Health shall be elected by popular vote during the spring annual elections. The Board shall consist of five persons serving three-year terms, with two persons elected one year, two persons elected the second year, and one person elected the third year. For the purpose of implementation, the three seated members shall serve out their individual terms, with the two open seats being filled at the next general election, one seat for three years, the second for two years.

ARTICLE XLII MANDATORY RECYCLING BY-LAW

Section 1. PURPOSE

In order to protect the environment, promote recycling and be in compliance with Massachusetts mandated waste bans; the Town of Tyngsborough (the Town) hereby establishes a program for mandatory separation of recyclable and compostable yard waste from the solid waste stream. This program applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, municipal, and institutional structures and properties in the Town. Massachusetts General Laws Chapter 40 Section 8H authorizes this program.

Section 2. APPLICABILITY

The following regulations shall apply to owners, tenants, and property managers acting on behalf of owners or tenants of all residential, multifamily, commercial, municipal, and institutional

7/7/10

To the Board of Selectmen

I Richard DeLeo Am Interested In Continuing to Be A Member of the Taxation Aid Committee As I have Been the Chairman Since It Started.

Thank you for your Faith

PAULINE KNIGHT

43 Maplewood Ave
Tyngsboro, Ma 01879
978-649-6639
Psknight1@comcast.net

2010 JUL 20 AM 9:51

TOWN CLERK TYNGSBOROUGH, MA.

July 19, 2010

Tyngsboro Board of Selectman
25 Bryants Lane
Tyngsboro. Ma 01879

Dear Board Members.

This letter is to let you know that I am still interested in continuing my position on the Citizen's Taxation Aid Committee.

Thank you

Sincerely,

Pauline Knight

Pauline Knight

Charlotte B. Chafe
8 Canter Road
Tyngsborough, MA 01879

2010 JUL 19 AM 11:25
SELECTMEN
TYNGSBOROUGH, MA.

July 15 2010

Office of the Town Administrator
25 Bryant Lane
Tyngsborough, MA 01879

To Whom It May Concern:

I am interested in becoming a member of the Citizens' Taxation Aid Committee. I have been a commissioner on the Tyngsboro Housing Authority for the last seven years and am interested in becoming a member of this committee.

Thank you very much for your consideration.

Sincerely,

Charlotte B Chafe
Charlotte B. Chafe

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

2005 OCT 20 PM 1:13
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

October 18, 2005

Ms. Jacqueline Schnackertz, Chairperson
Board of Selectmen
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Tyngsborough

Re: Taxation Aid Committee

In response to your telephone call of October 12, 2005, concerning the above, note that M.G.L. c. 60, § 3D, reads in part:

> In any … town establishing an aid to the elderly and disabled taxation fund, there shall be a taxation aid committee to consist of the chairman of the board of assessors, the … town treasurer **and three residents of the … town to be appointed by the … board of selectmen. …** (My emphasis)

I construe the word "shall" to mean "mandatory." Therefore, the committee must consist of, along with the Chairman of the Board of Assessors and Town Treasurer, three (3) residents of the Town. Under certain circumstances, the three (3) residents may be certain officials or employees of the Town, provided there is compliance with the state Conflict of Interest Law.

Please call me if you have any questions or to discuss.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ/jrz

July 8, 2010

Mr. Rich Lemoine
15 Oak Street
Tyngsborough, MA 01879

To: The Board of Selectmen,

Please let this letter be a notice that I want to serve as the Member at Large on the Community Preservation Committee.

Thank you for your consideration.

Sincerely,

Rich Lemoine

Therese Gay <tgay@tyngsboroughma.gov>

Terry

gdenommee@comcast.net <gdenommee@comcast.net> **Tue, May 25, 2010 at 9:31 PM**
Reply-To: gdenommee@comcast.net
To: tgay@tyngsboroughma.gov

Hi Terry, I would like you to know that I'd like to be reappointed to the CPC for another term.
Could you please confirm that you received this message, I just want to be sure it doesn't get missed. I tried e-mailing Lynda Geyer and it doesn't seem to go through.
Thanks, Guy Denommee
Sent from my Verizon Wireless BlackBerry

2010 MAY 26 PM 3:25
TOWN CLERK
TYNGSBOROUGH, MA

RECEIVED
2010 MAY 24 PM 12: 57
TOWN CLERK
TYNGSBOROUGH, MA

Tyngsborough Housing Authority
Board of Commissioners

Mr. John R. Pelletier
Commissioner
186 Frost Road Unit 11
Tyngsborough, MA 01879

Dear Mr. Pelletier:

You are invited to serve as a Representative Member from the Tyngsborough Housing Authority on the Community Preservation Committee for a term to begin on upon acceptance of this invitation and to end May 2011 or upon being relieved of your appointment.

As an appointed Representative Member of the Community Preservation Committee, you are asked to represent the viewpoints of the Board of Commissioners of the Tyngsborough Housing Authority in all respected areas pertaining to the Tyngsborough Housing Authority's residents, staff and members in regards to doing business with the Community Preservation Committee.

Thank you for agreeing to serve as a Representative Member of the Community Preservation Committee for the Tyngsborough Housing Authority.

Please contact Linda Geyer, Chairman, of The Community Preservation Committee through the Board of Selectmen Office at (978) 649-2300 x 100 to confirm acceptance of this appointment. She may also be reached via e-mail at lgeyer@tyngsboroughma.gov

Cordially,

Richard J. DeLeo Jr.
Chairman

Tyngsborough Housing Authority
4 Canter Road
Tyngsborough, MA 01879

ARTICLE XXXVIII COMMUNITY PRESERVATION COMMITTEE

SECTION 1. With the acceptance of the Community Preservation Act Sections 3 to 7, inclusive, there shall be a Community Preservation Committee consisting of nine (9) citizens of the town. The Community Preservation Committee shall include the following: one member of the Conservation Commission, one member of the Planning Board, one member of the Historical Commission, one member of the Tyngsborough Housing Authority, one member of the Recreation Committee, and one member of the Finance Committee. These boards, commissions and the Housing Authority shall recommend members to the Board of Selectmen for appointment to the Committee. The remaining three (3) members shall be at large citizens appointed by the Board of Selectmen. These appointments shall be for a term of three (3) years staggered such that the members of Tyngsborough Housing Authority, Recreation Committee, and one (1) at large member shall serve an initial one (1) year appointment. The Planning Board, Historical Commission and one (1) at large member shall serve an initial two (2) year appointment. All remaining members shall have initial three (3) year appointments. All subsequent appointments shall be for three (3) years.

SECTION 2. The Community Preservation Committee shall study the needs, possibilities and resources of the town regarding community preservation. The Committee shall consult with existing municipal boards, including the Conservation Commission, the Historical Commission, the Planning Board, the Recreation Committee and the Housing Authority, or persons acting in those capacities or performing those duties, in conducting such studies. As part of its study, the committee shall hold at least one public hearing on the needs, possibilities and resources of the town regarding community preservation possibilities and resources. Notice of such public hearings shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. Such notice shall also be sent to the following: Board of Selectmen, Planning Board, Conservation Commission, Housing Authority, Historical Commission, Recreation Committee.

SECTION 3. The Community Preservation Committee shall make recommendations to Town Meeting as the town's legislative body, for the acquisition, creation and preservation of open space, for the acquisition and preservation of historic resources, for the acquisition, creation and preservation of land for recreational use, for the creation, preservation and support of community housing and for rehabilitation or restoration of such open space, historic resources, land for recreational use and community housing that is acquired or created as provided in this section. With respect to community housing, the Committee shall recommend wherever possible the reuse of existing buildings or construction of new buildings on previously developed sites.

SECTION 4. The Community Preservation Committee may include in its recommendation to Town Meeting a recommendation to set aside for later spending, funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or to set aside for later spending funds for general purposes that are consistent with community preservation.

SECTION 5. The Community Preservation Committee shall not meet or conduct business without the presence of a quorum. A majority of the members of the Committee shall constitute a quorum. The Committee shall approve its actions by majority vote. Recommendations to Town Meeting shall include their anticipated costs.

SECTION 6. Town Meeting as the town's legislative body, shall then take such action on the recommendations and expenditures from the Community Preservation Fund as set forth in accordance with Massachusetts General Law c.44B section 6.

Town of Tyngsborough
Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

2010 JUN -9 PM 1:37
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

June 9, 2010

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

Honorary Board,

The Tyngsborough Conservation Commission has voted to recommend Brian Martin for re-appointment to the Commission as soon as possible.

Brian Martin
29 Elm Street
Tyngsborough, MA 01879

Matthew S. Marro

Matthew S. Marro
Conservation Director

2010 JUN 21 AM 9:37
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

June 15, 2010

Dear Members of the Board of Selectmen,

I am writing today to express my sincere interest in continuing to serve on the Conservation Commission. I have enjoyed serving the town in this capacity and would like to continue to do so.

I respectfully request your consideration for reappointment to the Conservation Commission.

Thank you for your time and consideration,

Brian Martin

10 JUN 21 AM 8:34
CONSERVATION COMMISSION

2010 JUN 18 AM 10: 29
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

June 15, 2010

Dear Members of the Board of Selectmen,

I am writing today to express my sincere interest in continuing to serve on the Conservation Commission. I have enjoyed serving the town in this capacity and would like to continue to do so.

I respectfully request your consideration for reappointment to the Conservation Commission.

Thank you for your time and consideration,

Brian Martin

Town of Tyngsborough
Conservation Commission

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

'10 JUN -9 PM 1:37
SELECTMEN
TYNGSBOROUGH, MA.

June 9, 2010

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

Honorary Board,

The Tyngsborough Conservation Commission has received a request to join the Commission. After interviewing her, we find that she would be a valuable addition to the Commission. We recommend her appointment to the Commission as soon as possible.

Linda Bown
10 Glendale Ave.
Tyngsborough, MA 01879

Matthew S. Marro
Conservation Director

CONSERVATION COMMISSION

10 APR 12 AM 7:02

10 Glendale Ave.
Tyngsboro, MA 01879
March 1, 2010

Tyngsborough Conservation Commission
Tyngsborough Town Hall
25 Byrant's Lane
Tyngsborough, MA 01879

TO WHOM IT MAY CONCERN:

Recently I read that there is an opening on the Conservation Commission. At this time in my life I find I would have the time to participate actively on this Committee. As a life long resident of Tyngsborough I have been active within the community over the years, including serving several terms on the Finance Committee. I own property on both sides of the river.

Please accept my application for appointment to the Conservation Commission. It would be an honor and a pleasure for me to serve my community at this time.

Yours sincerely,

Linda M. Bown

978-649-

Richard Tessier
8 Rock Road
Tyngsboro, MA 01879

2010 JUL 15 8:11:17
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Mr. Michael Gilleberto
Town Administrator
Town of Tyngsboro
25 Bryant's Lane
Tyngsboro, MA 01879

July 13, 2010

Dear Mr. Gilleberto,

Greetings; I'm submitting this **Letter of Interest** in participating in the **Tyngsboro Cultural Council** (TCC) for a three year period. I understand the purpose(s) of the Council, and believe that I have the expertise necessary to evaluate grant proposals, and to award funds initially furnished by the state, to those institutions and organizations within our town that promote arts and sciences initiatives. (To substantiate my qualifications, I've attached my resume for your review.)

I'm sincerely interested in further serving our town, and in providing its children and citizens with opportunities for personal enrichment and enjoyment. I respectfully request your consideration of my offer to serve on the TCC, and am available to discuss an appointment at your convenience. I will monitor the town's committee appointments, but in the interim welcome you to contact me, at (978) 835-0345 or at RickTessier@Comcast.net, if you have any questions or comments.

Sincerely,

Rick Tessier

Richard "Rick" Tessier
Encl.

Richard P. Tessier
8 Rock Road
Tyngsboro, MA 01879
(978) 649-1025; RickTessier@Comcast.net

Summary of Individual:

I'm a seasoned proposal writer/manager, earning a Certificate in Paralegal Studies, and intent on growing and expanding my career.

Experience:

U.S. Census Bureau Lowell, MA

Census Enumerator
Apr. 2010 – Present; (Temp. employment)

Support Non Response Follow Up operations by visiting/contacting citizens who have not completed their census forms, and working with them to do so. Position requires excellent communications and clerical skills, and a strong, independent work ethic.

***Lowell Sun* newspaper** Lowell, MA
Correspondent, Reporter
Nov. 2009 – Present; (P/T, eves.)

Attend town meetings across the region, and write meeting summaries for publication in newspaper.

Philips Healthcare Andover, MA
Proposal Developer (4)
Sept. 2003 – Jan. 2010

- Managed proposal/RFP response projects focused on company's various medical system solutions, and to customers including the federal government, e.g. Department of Veterans Affairs
- Served as informal *Lead* Proposal Developer and team supervisor
- Served as Contracts Liaison between Proposal Center and Contracts organizations
- Helped to revise the Proposals/Legal/Contracts Management (Autotext) Database on ongoing basis
- Completed Philips Management Internship Program, Summer `07
- Helped to recruit new staff
- Represented the Proposal Center at various functions
- Received excellent annual performance reviews

New England Land Design (NELD) Westford, MA
Business Manager and Foreman
Apr. 2001 – Dec. 2002

- Managed and marketed new business entitled *Christmas Decor*, through means including writing advertising copy and press releases; sold $35,000 in product/service in first two seasons, leaving business with base of 20 commercial and residential customers, combined.
- Wrote company *Business Profile and Overview* document for submission to the Small Business Administration, and its SCORE (Service Corps of Retired Executives) arm
- Edited and re-wrote the company's *Landscaper's Apprentice* and *Landscape Technician Manuals*
- Managed customer data via ACT! contact management software
- General and project reconciliation accounting, via Excel and QuickBooks
- Supervised landscape construction crews, and interpreted landscape designs/prints

Getronics/Wang Global Billerica, MA
Senior Proposal Specialist
Jan. 1999 – Apr. 2001

Wrote unsolicited and solicited proposals, the latter in response to formal Requests for Proposals (RFPs) issued by private companies, Original Equipment Manufacturers (OEMs), and governments for Information and Communications Technology services and solutions.

- Wrote and produced proposals
- Wrote consulting project final reports
- Developed and maintained proposal "boilerplate," for use by proposal, sales, and other internal staff
- Wrote contract award announcements and alliance overviews, for placement on Intranet and Internet
- Attended bidders' conferences

GENESYS Software Systems Methuen, MA
Senior Proposal Specialist
Oct. 1994 - Dec. 1998

Wrote proposals in response to formal RFPs for Payroll and Human Resource Management System software, and outsourcing and consulting services.

- Qualified RFPs, and wrote and produced proposals
- Trained new Proposal Specialists
- Updated/maintained proposal schedule and various databases
- Used RFP Machine application software (by Pragmatech Software)
- Wrote product/service "white papers"
- Wrote and edited newsletter stories

Education:

BA, English - Concentration in Writing, Minor in Business, 1988
University of Lowell; Lowell, MA

Currently enrolled in Paralegal Studies Certificate Program at UMass, Lowell (6 course program); Jan. '08-

Memberships/Affiliations:

- Association of Proposal Management Professionals (APMP); Foundation Level Accreditation, 2009
- Toastmasters International
- Cubmaster, Boy Scouts of America
- Sports Coach (Basketball and Baseball)

Software Proficiencies:

Microsoft Office Suite Adobe Acrobat 9.0 PMAPS proposal automation software

Therese Gay <tgay@tyngsboroughma.gov>

Economic Development Committee

Walter Eriksen <awc.walter@comcast.net> **Mon, Jul 12, 2010 at 3:27 PM**
To: Tgay@tyngsboroughma.gov

Hi Terry. Would you please express to the Selectmen that I would like to be reappointed to the EDC again?

Thanks.

Walter

Town Of Tyngsborough
Economic Development Committee

Mission Statement

The Economic Develop Committee is dedicated to assisting in sustaining businesses currently operating within Tyngsborough and actively pursue suitable new business opportunities which work harmoniously within the realm of the 2004 Tyngsborough Master Plan through aggressive solicitations and active communications with existing and potential businesses and town government entities.

The Economic Development Committee will utilize and participate in local and regional business and planning groups such as the Greater Lowell Chamber of Commerce, Tyngsborough/Dunstable Rotary Club, and the Northern Middlesex Council of Governments in order to achieve business enhancement within Tyngsborough.

Approved by:

_____

Chairman, Tyngsborough Board of Selectmen

November _____, 2004

Town of Tyngsborough
Economic Development Committee By-Laws

25 Bryants Lane,
Tyngsborough, Massachusetts 01879

The following By-Laws shall govern the operation of the Economic Development Committee (EDC).

Economic Development Committee

Authority:

The Economic Development (EDC) is responsible for sustaining existing businesses within Tyngsborough and actively pursuing new business opportunities which work harmoniously within the realm of the 2004 Tyngsborough Master Plan. The EDC will work directly with town departments, committees, consultants, local and regional business and planning groups, and other authorities to develop streamlined procedures for business approvals.

The EDC shall have access to approved funding and grants for the purpose of assessing information, marketing, obtaining statistical data, and other such tasks as deemed necessary for implementation.

The Economic Development Committee shall implement programs, policies, procedures and bylaws as determined by the Board of Selectmen or as directed by town meeting.

Committee Membership:

Membership: The board of Selectmen will appoint at least five members annually. There will be no maximum membership set unless determined necessary at a later date. The Board of Selectmen will appoint members based on their skill set in the area of economic development which may include, but will not be limited to the following: Town Administration, legal representation, marketing, commercial banking, real estate & development, architect, entrepreneurs, designers, technical writers, land use experts, & infrastructure experts. All members will have equal voting rights.

Officers and Duties:

Chairman: Shall call meetings, formulate agenda, post meetings, appoint sub-committees, represent the Economic Development Committee for presentations to Boards and Public Hearings (unless otherwise determined), and sign correspondence in the name of Economic Development Committee.

Vice-Chairman: Shall perform duties of the Chairman in his/her absence.

Recording Secretary: Shall record the business of meetings and business associates with the board. Shall keep minutes of meetings, file minutes with the Town Clerk, perform the duties of the Chairman in the absence of the Chairman and Vice-Chairman, and sign correspondence in the name of the Economic Development Committee.

Treasurer: Shall coordinate finances & ledger sheets as determined necessary for committee business.

Members: Shall participate in meetings, vote for motions, place matters on the agenda, propose motions, and serve on subcommittees as required.

Committee Structure:

1) A minimum of 1/3 of the appointed membership shall be required as a quorum for a meeting.

2) The officers of the Economic Development Committee shall be appointed by a majority vote of the committee members. Officers shall be elected for a term of one year at an annual January board meeting.

3) The committee should establish an annual calendar, during the reorganization meeting in January. The calendar should minimally recognize the dates and times that the committee will meet to conduct business. These dates and times will be recorded with the Town Clerk a minimum of 48 hours in advance as required by law.

4) The Economic Development Committee should solicit new members based on needed skills to perform the given functions of the Committee. Recommendations for new members should be made in writing to the Board of Selectmen. The Board of Selectmen must approve new members prior to their ability to take part in voting on Committee business.

5) Upon three unexcused absences by any member of the committee, the Committee, upon notification to the individual of the concern and placing as a scheduled agenda item, may, by a 2/3 majority vote, remove majority

any member from the committee prior to the completion of his/her term. The Committee will respect an individual's health, family obligation and unforeseen circumstances as a consideration to be excused from a specific meeting. As a courtesy to the committee, all members should notify the Chairman, Vice Chairman, Secretary or designee when they are unable to attend a meeting. Notification of the removal of a Committee member shall be sent in writing to the Board of Selectmen.

6) Any Member may place an item on the agenda at least 48 hours prior to the opening of the meeting upon approval of the Chairman. Items on the agenda shall take precedence over any non-agenda item, except for procedural questions.

7) Any Member may bring up a matter for discussion.

8) Only a "voting" member may make a motion. The motion shall be seconded by any other voting member. A motion without a second fails. Discussion on a motion only occurs after a second. All motions shall be passed by a majority vote, unless the law provides otherwise.

9) The Chairman or any other officer may be removed by a two-thirds vote of the voting Committee Members present at a meeting called for that purpose.

10) For guidance concerning any procedural matters not specifically mentioned in this By-Law, the Committee shall use Roberts Rules of Order.

11) The committee will have access to the Town's attorney for legal advice and determination(s) as required.

12) These by laws may be amended by a two thirds vote of the Economic Development Committee members.

Committee Considerations:

1) The Economic Development Committee shall identify parcels of land for re-zoning opportunities, development by new businesses and industries, enhancement of business stimulation within the realm of the Master Plan.

2) The EDC shall prepare an annual report of their activities to be presented in the Town of Tyngsborough Annual Report. The report shall be submitted to the Board of Selectmen for its consideration and approval.

3) The EDC shall update the Board of Selectman on a quarterly basis of their findings and activities.

4) The Committee shall work closely with Town officials, boards, committees and other entities to ensure proper adherence to Town By-Laws and regulations. While doing so the EDC shall develop a plan for fast track approvals of business expansion or development.

5) The EDC shall develop marketing tools and materials to be used to attract new businesses and industries to the Town.

Approved by:

_____

Tyngsborough Board of Selectmen, Chairman

November _____, 2004

Town of Tyngsborough

Energy and Environmental Affairs Committee
By-Laws

1. Mission

The Town of Tyngsborough, Massachusetts shall have an Energy and Environmental Affairs Committee to initiate, develop and establish a "green" revenue stream and other resources allowing implementation of *Best Local Practices* for the Town of Tyngsborough relative to the following policies and programs, which shall include but not be limited to:

- Energy conservation and efficiency
- Renewable/alternative energy and fuels
- Clean technologies and green business development
- Climate change and sustainability strategies.

Town of Tyngsborough

Energy and Environmental Affairs Committee
By-Laws

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Town of Tyngsborough

Energy and Environmental Affairs Committee

POLICY

2. Mission

The Town of Tyngsborough, Massachusetts shall have an Energy and Environmental Affairs Committee to initiate, develop and establish a "green" revenue stream and other resources allowing implementation of *Best Local Practices* for the Town of Tyngsborough relative to the following policies and programs, which shall include but not be limited to:

- Energy conservation and efficiency
- Renewable/alternative energy and fuels
- Clean technologies and green business development
- Climate change and sustainability strategies.

3. Goals

To accomplish this by establishing the following activities which shall include but not be limited to:

- The designation of Tyngsborough as a Commonwealth of Massachusetts "Green Community"
- Partnering with Massachusetts Green Communities and other Government and Industry Program Partners
- Increased participation with the Northern Middlesex Regional Council of Governments (regional planning agency) as well as establishing other regional partnerships
- Participation in resource sharing with the University of Massachusetts Lowell, Middlesex Community College, Greater Lowell Technical High School and other entities
- A grant writing function capable of timely and competent response to funding opportunities

2. Goals (continued)

To move forward with implementation of these *Best Local Practices* by means of the following activities which may include but not be limited to:

- Public education and outreach
- Joint deliberations with other town boards, committees, departments and personnel
- Municipal energy management, energy management services, energy reporting systems, energy audit programs
- As-of-Right Siting of renewable or alternative energy generating facilities, renewable or alternative energy research and development (R&D) facilities, or renewable or alternative energy manufacturing facilities in designated locations
- An expedited application and permitting process under which these energy facilities may be sited
- Establishment of an energy use baseline inventory for municipal buildings, vehicles, street and traffic lighting and a corresponding reduction-in-use program.
- Fuel efficiency program for town vehicles
- Adopting the new BBRS Stretch Code, the new appendix to the Massachusetts State Building Code or a code that uses an alternative standard that minimizes the life cycle energy costs for all new construction and is enforced by the community.

4. Committee Structure

The Committee shall be composed of seven (7) members, appointed by the Board of Selectmen. These members' terms shall run concurrent with their qualifying board terms. The members shall be appointed as follows:

- One member with appropriate energy and environment skill set from the Board of Selectmen to serve as Chair

- One member representative to regional planning agency (NMCOG) from the Board of Selectmen to serve as Co-Chair
- One member, Chair or Chair's designee from the Conservation Commission to serve as Deputy Chair
- One member, Chair or Chair's designee from the Planning Board to serve as Secretary
- One member, representative to regional planning agency (NMCOG) to serve as Deputy Secretary
- One member, Conservation Director, to serve as On-Site Coordinator.

5. Committee Member Duties and Responsibilities

- **Chair:** Shall call meetings, prepare agendas, post meetings, represent the Committee at public hearings and other meetings (unless otherwise determined), sign correspondence, issue press releases, conduct meetings under Robert's Rules of Order (except when rules waived), and provide executive managerial decision-making and action when needed

- **Co-Chair:** Shall perform the duties of the Chair in his/her absence and shall lead in those matters concerning the regional planning agency (NMCOG), University of Massachusetts Lowell as well as the grant-writing function capability and any other matter that the Chair or the Committee see fit

4. Committee Member Duties and Responsibilities (continued)

- **Deputy Chair:** shall perform the duties of the Chair in his/her absence and in the absence of the Co-Chair, and shall lead in those matters concerning Community Preservation, Conservation Resources and Environmental Impact and any other matter that the Chair or the Committee see fit

- **Secretary:** shall perform the duties of the Chair in his/her absence and in the absence of the Co-Chair and the Deputy Chair; shall manage and control all documents and plans in both hard copy and electronic format regarding the matters of the committee including minutes, grant applications, submissions, specifications,

plans for siting, zoning, special districts and all other geographical and symbolic representations, correspondence and other materials and shall lead in matters concerning Green Communities Program Partners and other industrial/business partnerships and any other matter that the Chair or the Committee see fit

- **Deputy Secretary:** shall perform the duties of the Secretary in his/her absence and shall lead in the matters concerning the regional planning agency (NMCOG) in association with the Co-Chair and in matters concerning Greater Lowell Technical High School and in any other matter that the Chair or the Committee see fit

- **Treasurer:** shall co-ordinate finances relative to the committee and its operation, its grant and other economic resources, strategic financial planning, all financial analyses and evaluations of sustainability and shall lead in matters concerning the United States Department of Agriculture (USDA) and the Massachusetts Department of Agriculture and any other matter that the Chair or the Committee see fit

- **On-Site Coordinator:** shall be aware of all events, situations and matters relative to the scope and operation of the Committee and shall interface with other municipal departments as is appropriate and as the Chair or the Committee see fit

4. Committee Member Duties and Responsibilities (continued)

- **Members:** shall participate in meetings, on-site reviews, evaluation of all matters before the Committee, propose motions, vote and any other activity that the Chair or the Committee see fit.

6. Operational Structure

- The Committee shall meet regularly and as necessary and shall abide by all laws and regulations of the Commonwealth of Massachusetts and the United States of America

- The Committee may meet in work sessions not requiring a quorum; however, all matters requiring a vote of the Committee shall require the presence of a quorum, which is the majority of the members of the Committee

- Minutes of meetings shall be taken: the Chair and/or the Secretary may assign recording responsibilities to an administrative assistant or other individual. Copies of the minutes shall be provided to the Board of Selectmen, the Conservation Commission, the Planning Board and any other that the Chair or the Committee see fit.

- The Committee may work with legal staff and consultants to accomplish its mission and goals, contingent on available economic resources and appropriations.

- Any operating funds approved, appropriated or awarded to the Committee may be expended by the Committee by a majority vote of members present.

- The Committee may recommend modification of these by-laws to the Board of Selectmen by a majority approval vote of members present. The Board of Selectmen may modify these by-laws at any time.

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

2003 AUG 21 PM 1:00
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

August 20, 2003

Mr. Paul G. Boushell, Town Administrator
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Real Estate Tax
Voluntary Check-Off for Contribution to Recreation and Parks Fund

Dear Paul:

Regarding your fax of August 8, 2003, please note that M.G.L. c. 60, § 3C, provides for a voluntary check-off for donations to a scholarship fund and a Town education fund if the Town accepts M.G.L. c. 60, § 3C or previously accepted Chapter 194 of the Acts of 1986. Also, M.G.L. c. 60, § 3D similarly provides a voluntary check-off for an elderly and disabled tax fund. Copies of said sections are attached.

I do not find any statutory authority for a voluntary check-off for a recreation and parks fund.

Please call me if you have any questions or to discuss.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ/jrz
cc: Opinions File 2003

Tyngs/Real Estate Tax Letter

Office of the
Tax Collector
375 Merrimack Street
LOWELL MA 01852-5998
G. R. Garabedian

ending June 30, 2004 on the parcel of real estate described below is as follows:

7/01/03 | 000120

PROPERTY DESCRIPTION

LOCATION: [redacted]

ACCOUNT: [redacted]

Property class: [redacted]

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

qc#20697 T63 P1******AUTO**5-DIGIT 01879

[redacted]

Total Preliminary
Real Estate Tax
1ST INSTALLMENT AMT
TOTAL DUE 08/01/03 [redacted]

0109208200400001207660000433763

TAXPAYER'S COPY - THIS TOP PORTION TO BE RETAINED AS YOUR RECEIPT IF PAYING IN PERSON - PLEASE BRING THIS COPY WITH YOU

See back of bill for additional details.

Payment is due on or before 8/01/2003.

VOLUNTARY CHECKOFF FOR CONTRIBUTION TO LOCAL FUNDS

1. ~~SCHOLARSHIP FUND~~ Recreation + Parks fund (841901) $_____.
2. EDUCATION FUND (842001) $_____.
3. SENIOR/DISABLED FUND (842101) $_____. TOTAL CONTRIBUTION $_____.

PLEASE ENTER THE AMOUNT YOU WISH TO CONTRIBUTE. YOUR CONTRIBUTION IS IN ADDITION TO THE TAX AMOUNT SHOWN ABOVE. RETURN THIS PORTION ALONG WITH THE BOTTOM PORTION LABELED 'PAYMENT COUPON' IN THE WINDOWN ENVELOPE PROVIDED.

MAKE CHECK PAYABLE TO "CITY OF LOWELL"

Reminder: Statutory exemption applications are now available in the Assessor's Office for FY 2004.

Questions regarding this bill should be addressed to the Assessor's Office at 978-970-4200.

Questions regarding payments should be addressed to the Tax Collector's Office at 978-970-4222.

To remit payment by mail: fold and tear at perforation and insert with payee's address showing in window of return envelope

Owner of Record:

[redacted]

FY 2004 PRELIMINARY REAL ESTATE TAX BILL Based on assessments as of January 1, 2003, your Real Estate Tax for fiscal year beginning July 1, 2003 and ending June 30, 2004 on the parcel of real estate described below is as follows:

This form is approved by the Department of Revenue
THE COMMONWEALTH OF MASSACHUSETTS

BILL DATE	BILL NUMBER
7/01/03	[redacted]

PROPERTY DESCRIPTION

LOCATION: [redacted]

ACCOUNT: [redacted]

Property class: [redacted]

Interest at the rate of 14% per annum will accrue on overdue payments from the due date until payment is made.

CITY OF LOWELL
Treasurer's Office
PO BOX 368
LOWELL MA 01853-0368

Total Preliminary
Real Estate Tax
1ST INSTALLMENT AMT
TOTAL DUE 8/01/03 [redacted]

0109208200400001207660000433763

GHK 2

PRELIMINARY TAX: This bill shows the amount of preliminary tax you owe for fiscal year 2004 (July 1, 2003 - June 30, 2004).

PRELIMINARY TAX AMOUNT: As a general rule, your preliminary tax will not exceed 50% of your adjusted fiscal year 2003 tax (including any betterments, spec assessments and other charges added to the tax). Adjustments are made for abatements or exemptions granted for fiscal year 2003, and tax increases allowed und Proposition 2 1/2 in fiscal year 2004. Under certain circumstances, your preliminary tax may exceed 50% of the adjusted amount.

PAYMENT DUE DATES / INTEREST CHARGES: If preliminary bills were mailed on or before August 1, 2003, your preliminary tax is payable in two equal installments. You first payment is due August 1, 2003, or 30 days after the bills were mailed, whichever is later. Your second payment is due November 1,2003. However, if preliminary bil mailed after August 1, 2003, your preliminary tax is due as a single installment on November 1, 2003, or 30 days after the bills were mailed, whichever is later. payments are not made by their due dates, interest at the rate of 14% per annum will be charged on the unpaid and overdue amount. If preliminary bills were maile on or before August 1, 2003, interest will be computed on overdue first payments from August 1, 2003, or the payment due date, whichever is later, and on overdue secon payments from November 1, 2003, to the date payment is made. If preliminary bills were mailed after August 1, 2003, interest will be computed on overdue payment from November 1, 2003, or the payment due date, whichever is later, to the date payment is made. You will also be required to pay charges and fees incurred for collectio if payments are not made when due. Payments are considered made when received by the Collector. To obtain a receipted bill, enclose a self-addressed stamped envelope and both copies of the bill with your payment.

FISCAL YEAR 2004 ACTUAL TAX BILLS: You will receive your actual fiscal year 2004 tax bill based on January 1, 2003 assessments after the tax rate is set. Any preliminary tax payments made will be credited toward payment of your fiscal year 2004 tax. Your actual tax bill will provide you with more detailed information on payment due dates.

ABATEMENT / EXEMPTION APPLICATIONS: Your right to seek an abatement of or exemption from your fiscal year 2004 tax is not prejudiced by the issuance of preliminary tax bills. Once the actual tax bills are issued, you will be able to apply for an abatement or exemption. The deadline for filing your abatement or exemption application will be measured from the date the actual tax bills are mailed, not the date preliminary tax bills were mailed. Your actual tax bill will provide you with more detailed information on application procedures and deadlines.

INQUIRIES: If you have questions on how your preliminary tax was determined, you should contact the Board of Assessors. If you have questions on payments, you should contact the Collector's Office.

rev 6/03 re/pp prel.qrtly.

CITY OF LOWELL LOCAL FUNDS

~~SCHOLARSHIP FUND~~: ~~Your contribution to the Scholarship Fund will provide assistance to worthy and deserving Lowell residents in furthering their post secondary or college education.~~

EDUCATION FUND: Your contribution to the Education Fund will supplement the educational budget for the City of Lowell public schools.

SENIOR / DISABLED FUND: Your contribution to the Senior / Disabled Fund will provide assistance to defray the real estate taxes of seniors and disabled persons of low income.

YOUR VOLUNTARY CONTRIBUTION IS **IN ADDITION TO** YOUR TAX

add - Recreation + Parks: Your contribution To This ....

.L.c. 60, § 3D. Aid to elderly and disabled taxation fund; donations; axation aid committee.

Section 3D. A city or town which accepts the provisions of his section is hereby authorized, subject to the approval of the om sioner, to design and designate a place on its municipal ax ls, or the motor vehicle excise tax bills, or to mail with ich tax bills a separate form, whereby the taxpayers of said ity or town may voluntarily check off, donate and pledge an nount not less than $1 or such other designated amount which hall increase the amount otherwise due, and to establish a city town aid to the elderly and disabled taxation fund for the rpose of defraying the real estate taxes of elderly and isabled persons of low income.

Any amounts donated to said fund shall be deposited into a ecial account in the general treasury and shall be in the ustody of the treasurer. The treasurer shall invest said funds the direction of the officer, board, commission, committee or her agency of the city or town who or which is otherwise thorized and required to invest trust funds of the city or town d subject to the same limitations applicable to trust fund vestments, except as otherwise specified herein. The fund, gether with the interest earned thereon shall be used for the rpose specified in this section without further appropriation.

In any city or town establishing an aid to the elderly and sabled taxation fund, there shall be a taxation aid committee consist of the chairman of the board of assessors, the city or wn treasurer and three residents of the city or town to be pointed by the mayor or board of selectmen as the case may be. id board shall adopt rules and regulations to carry out the ovisions of this section and to identify the recipients of such d.

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.L.c. 60, § 3C. City or town scholarship und; donation; deposits; distribution.

Section 3C. Any city or town which accepts the provisions of his section or has previously accepted chapter one hundred and in four of the acts of nineteen hundred and eighty-six is er authorized, subject to the approval of the commissioner, o design and designate a place on its municipal tax bills, or he motor vehicle excise tax bills, or to mail with such tax ills a separate form, whereby the taxpayers of said city or town an voluntarily check off, donate and pledge an amount not less han one dollar or such other designated amount which shall ncrease the amount otherwise due, and to establish a city or own scholarship fund, the purpose of which shall be to provide ducational financial aid to deserving city and town residents in ccordance with this section and to establish a city or town ducational fund, the purpose of which shall be to provide upplemental educational funding for local educational needs or o provide funding for existing adult literacy programs.

Any amounts donated to the scholarship fund or educational und shall be deposited into a special account in the general reasury and shall be in the custody of the treasurer. The reasurer shall invest said funds at the direction of the fficer, board, commission, committee or other agency of the city r town who or which is otherwise authorized and required to nvest trust funds of the city or town and subject to the same imitations applicable to trust fund investments, except as therwise specified herein. Interest earned upon such fund shall emain therewith and shall be used for the purpose of said fund ithout further appropriation.

In any city or town establishing a scholarship fund, there ha be a scholarship committee and educational fund committee o sist of the superintendent of the city or town schools or esignee thereof, and no fewer than four residents of the city or own appointed by the board of selectmen to a term of three ears. The scholarship committee or educational fund committee hall select the recipients of and amounts of financial aid from he scholarship fund and educational fund and shall be guided by y criteria established by the scholarship committee or ducational fund committee subject to any ordinance or by-law and rther subject to the following criteria:

(a) The recipients of financial aid must be residents of the ity or town at the time the financial aid is first awarded and ave been accepted to pursue education beyond the secondary chool level at an institution deemed accredited by the ommittee.

(b) The committee shall take into consideration each ecipients financial need, character, scholastic record and nvolvement in community work as well as extracurricular school ctivities.

The scholarship committee may distribute financial aid from oth interest and principal of the fund, without further opropriation. The scholarship committee shall establish a rocedure for determining at least on an annual basis the amounts r percentage of the funds that shall be authorized for istribution and for notifying the investing officer or agency so hat the funds may be made available in a timely manner and with m um of penalties.

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CHARLES C. CHRONOPOULOS

5D Merrimac Way
Tyngsborough, MA 01879

Mailing address: PO Box 168
Tyngsborough, MA 01879

Cell: 978.375.6846
E-mail : chuck1623@comcast.net

CAREER FOCUS: PUBLIC SAFETY/LAW ENFORCEMENT

Supervision – Public Relations –Coaching

PROFILE

Confident, articulate, and innovative professional with the ability to plan, develop, and complete projects efficiently as well as a solid understanding of the state/corporate/federal arena. Effective interpersonal skills with adeptness to meet and collaborate with people at any level. Consistently proven ability to be effective in positions requiring tact, diplomacy, ethics, integrity and collaborative management skills and possesses a strong understanding in regards to the protection of life and property through the enforcement of laws and ordinances.

- Fiscal/Scheduling Planning
- Microsoft Office Suite
- Needs Assessment Analysis
- Negotiating/Bargaining
- Operations Management
- Problem Resolution
- Grant Writing
- Training and Development
- Commander/Operations

PROFESSIONAL EXPERIENCE

Tyngsborough Police Department – Tyngsborough, MA
Supervisor of Day Shift Operations, Firearms Licensing Authority, May 2006 to Present

Over Twenty Five years of experience in a partnership with the public and promoted the front line in the fight against crime and the fear of crime. Citizen-focused and consistently responding to the needs of individuals and the surrounding communities. Adapted to the latest technology, and trained to manage information and intelligence in order to secure successful prosecutions and precise judgment. Major priorities include: tackling antisocial behavior, reducing theft, robbery and street-related crime, combating organized crime, countering terrorism, supporting victims and providing a reassuring presence in the surrounding communities.

Selected Accomplishments

- Established the Tyngsborough Police Departments first Criminal Investigation Bureau.
- Supervised daily operations of police/dispatch personnel including maintaining schedule of all shifts.
- Supervised budget of overtime expenses and money expenditures in criminal investigations and Full Scale Training Exercise.
- Certified in ICS-400, Critical Incident/Emergency Management.
- Certified in Counter-Terrorism, Homeland security.
- Certified in Narcotics Investigation with the Office of the District Attorney, MCJTC, Drug Enforcement Administration and the Massachusetts State Police.
- Implemented and oversaw planning and budgeting of a multi-jurisdictional full scale exercise under the Department of Homeland Security (Operations Unified Response).
- Successfully completed Session #217, Advanced Management Practices/Command Training Program at the New England Institute for Law Enforcement Management at Babson College.
- Supervised major criminal investigations and surveillance operations
- Managed sex offender registry program for Tyngsborough with the Sex Offender Registry Board of Massachusetts
- Conducted numerous investigations involving major crimes against the person's and properties within Tyngsborough that lead to the arrest/seizure/convictions of suspects.

Tyngsborough Police Department – Tyngsborough, MA
Detective/Sergeant OIC of the Criminal Investigative Bureau, June 2000 to May 2006

Managed and directed personnel to meet established performance goals/objectives of company and departmental policies and procedures; ensured compliance with all local, state, and federal regulations. Evaluated the immediate and overall job performance of employees. Facilitated training programs for new and seasoned employees.

Tyngsborough Police Department – Tyngsborough, MA
Patrol Sergeant, Tyngsboro Police Department, January 1989 to June 2000

Communicates effectively with people of diverse socioeconomic backgrounds and cultures; provided assurance and direction to the public during both nonemergency and emergency situations, utilized outstanding judgment and professionalism at all times.

Education

Western New England College, Springfield, Massachusetts
Bachelor of Science, Criminal Justice, October, 1999
Masters Degree, Criminal Justice Administration, March, 2002

Warren W Allgrove Jr
288 Massapoag Rd
Tyngsboro, MA 01879
978-649-7200

June 24, 2010

2010 JUN 24 PM 2:53
SELECTMEN
TYNGSBOROUGH, MA.

Board of Selectmen
Tyngsboro, MA 01879

Dear Members of the Board,

I would like to continue with my appointment to the Historical Commission. Please take this note as my desire to continue to serve.

Sincerely,

Warren W Allgrove Jr

2010 JUN 15 11:10:02
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

June 22, 2010

Herbert Morton
177 Kendall Rd.
Tyngsboro, Mass. 01879

Board of Selectmen;

My appointment to the Tyngsborough Historical Commission is soon to expire. Having been a member of the Historical Commission for a number of terms, I would like my appointment to be extended for another term.

Respectfully,

Herbert Morton

2010 JUL 15 PM 2:07
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

July 1,2010

Ms. Ashley O'Neill, Chair
Tyngsborough Board of Selectmen
25 Bryants Lane Road
Tyngsborough, MA 01879

Dear Ms. O'Neill,

I would like to continue to serving as a member of the Tyngsborough's Historical Commission.

The strength of our Town is derived from committed citizens volunteering their time, talent and energies to promote the common good. I continue to have a strong personal commitment to Tyngsborough and my civic duty. Tyngsborough has a rich history of volunteer support. I wish to, also, continue to be a part of that tradition.

I have a personal interest in Tyngsborough's history and the histories of its families, their properties and artifacts. I believe we have an obligation to our ancestors and to future generations, to know our ancestors, and to learn of their history, which created the world in which we live. Privately, I research the ancestry of families, identifying individuals and where they lived, using local and National archive assets. My family, also, has a long tradition of working to record history and preserve items of significance, and they support me, as I pursue these worthy objectives.

I wish to continue to participate in the Town's efforts to preserve knowledge of Tyngsborough's history, properties and artifacts. I would appreciate your consideration of my candidacy for re-appointment to the Tyngsborough Historical Commission.

Sincerely,

Marie Lambert

cc: Tyngsborough Historical Commission

June 10, 2010

Dear BOS members,

I would like to officially make my desire to serve on the Recreation and Parks Committee known. I have lived in Tyngsborough since 1994. Throughout the years, I have been an active residents volunteering in various activities and groups.

I now find myself wanting to be part of the decision making process and I find myself drawn to the Recreation and Parks committee. With four children ages 10-14, I have a vested interest in what Tyngsborough has to offer. I would like the ability to make positive changes in town.
Please consider me as you make your decision for the new committee members.

Respectfully yours,

Brenda Babcock
10 Jefferson Drive
978/649-7170
Babcocktribe@live.com

Therese Gay <tgay@tyngsboroughma.gov>

Fwd: letter of intent

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov> **Fri, Jun 11, 2010 at 7:23 AM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Please include with other letters of inquiry.

---------- Forwarded message ----------
From: **Brenda Babcock** <babcocktribe@live.com>
Date: Thu, Jun 10, 2010 at 7:47 PM
Subject: letter of intent
To: aoneill@tyngsboroughma.gov, ecoughlin@tyngsboroughma.gov, rreault@tyngsboroughma.gov, rlemoine@tyngsboroughma.gov, rjackson@tyngsboroughma.gov, mgilleberto@tyngsboroughma.gov

Please see attached letter of interest regarding the Recreation and Parks committee opening.

Thank you!

Brenda Babcock

Hotmail has tools for the New Busy. Search, chat and e-mail from your inbox. Learn more.

--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

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com apt letter.wps
11K

To: Town Administrator
From: Bob Bursey
RE: Letter of Interest

6/03/2010

2010 JUN -4 AM 1:30
TYNGSBORO, MA.

Dear Sir,

I am writing this letter of interest in regards to the open position with the Recreation and Parks Commission. My wife and I and our two children have been residents in this town for 11 years. I have been a coach in the Youth Baseball Program for 9 years and I have been involved with Tyngsboro Youth Baseball board for the past four years. I currently serve as the director for Babe Ruth Baseball here in Tyngsboro.

As for my background, I work in Tyngsboro with the EL Harvey Company. I devote much of my time to the sports here in town. Including Baseball, Softball, Basketball and Football. My reputation in Tyngsboro is that of a fair and equitable coach, parent and neighbor. I have some new and fresh ideas for the Recreation and Parks Commission and I would like the opportunity to help do the right thing for the good people of Tyngsboro.

In closing, let me say that given the opportunity, I can make a positive difference in this great town. Thank you.

Sincerely,

Robert Bursey

Robert Bursey
5 Willowdale Rd.
Tyngsboro, MA. 01879
H 978-649-0010
C 508-735-6252

Town of Tyngsborough Massachusetts

Therese Gay <tgay@tyngsboroughma.gov>

Fwd: School Committee appointments

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov> **Tue, Jul 13, 2010 at 1:00 PM**
To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com
Cc: Therese Gay <tgay@tyngsboroughma.gov>

BoS;

FYI.

Michael

---------- Forwarded message ----------
From: <burt.buchman@tyngsboroughps.org>
Date: Tue, Jul 13, 2010 at 12:57 PM
Subject: School Committee appointments
To: "\"Michael P. Gilleberto\"" <mgilleberto@tyngsboroughma.gov>

Burt Buchman

Michael:
Was watching the BOS meeting from home last night. At the last School Committee meeting in June Collin Manzo & I were reappointed to SFPC and Jeff Hunt was reappointed to Capital Assets.

Burt

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--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

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Therese Gay <tgay@tyngsboroughma.gov>

Fwd: SFPC appointment

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov> **Wed, Jul 14, 2010 at 11:45 AM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Can you please add this to the list of requests for consideration? Thank you.

---------- Forwarded message ----------
From: **Robert Jackson** <rjackson@tyngsboroughma.gov>
Date: Wed, Jul 14, 2010 at 11:08 AM
Subject: SFPC appointment
To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

Greetings Tyngsborough BOS and Town Administrator,

I am requesting re-appointment to the SFPC as one of the BOS representatives.

Best,

Bob
--
Robert Jackson
Tyngsborough Board of Selectmen
Town Hall: 978-649-2300
Mobile: 978-697-9315

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--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

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Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

strategic financial planning committee

Casey, Christopher <Christopher_Casey@dfci.harvard.edu> Mon, Jun 21, 2010 at 11:49 AM
To: mgilleberto@tyngsboroughma.gov

Hi Michael,

I was speaking with Bob Jackson over the weekend and we were discussing the town's insurance products and other issues related to the budget. He mentioned that you may have a couple of openings on the Strategic Financial Planning Committee for a town resident. I live in the town and have been working in the insurance and retirement fields for over ten years. I would like the opportunity to help the committee understand the ever changing world of health insurance and other related cost saving products on the market.

Let me know if the committee still has openings for a town resident or if you have any further questions.

Thanks,

Chris

Christopher Casey

Dana-Farber Cancer Institute

Department Of Human Resources

617-632-5488 P

The information in this e-mail is intended only for the person to whom it is addressed. If you believe this e-mail was sent to you in error and the e-mail contains patient information, please contact the Partners Compliance HelpLine at http://www.partners.org/complianceline . If the e-mail was sent to you in error but does not contain patient information, please contact the sender and properly dispose of the e-mail.

Town of Tyngsborough

Tyngsborough Strategic Financial Planning Committee
Mission Statement

As a committee recognized and charged by the Board of Selectmen, the Tyngsborough Strategic Financial Planning Committee has been established to review, evaluate, and provide a written report with recommendations on the financial sustainability of town and school operations for three fiscal years (Fiscal Years 2010, 2011, 2012). The Committee's focus will include providing a review and written recommendations for improvements that shall enhance the total overall efficiency for each department's organizational structure, services, programs, costs, and best management practices.

Areas that streamline town-wide programs and services through reductions in operating expenses, enhancing new revenues, regionalization of services, privatization of services, and assuring quality of services are deemed important.

The Committee shall further provide written information and recommendations on: a) annual budgetary development criteria and b) projected expenses and revenues for Fiscal Years 2010, 2011, and 2012, based on the budget for Fiscal Year 2009.

Approved on: August 11, 2008

Town of Tyngsborough

Tyngsborough Strategic Financial Planning Committee
By-laws

1. The Town of Tyngsborough, Massachusetts shall have a Strategic Financial Planning Committee to review, evaluate, and provide a written report with recommendations on the financial sustainability of town and school operations for three fiscal years (Fiscal Years 2010, 2011, 2012), including any possible improvements. The Committee shall provide written information in such areas as: the projected expenses and revenues for Fiscal Years 2010, 2011, and 2012 based on the budget for Fiscal Year 2009, departmental requests for increases in expenses, possible reductions in expenses, possible new revenues, regionalization of services, privatization of services, quality of services, and sustainability of balanced budgets. See Committee Mission Statement.

   The Committee will gather data from various sources, including town and school officials, employees, citizens, State officials, consultants, and others. The Committee will analyze the information and provide a preliminary annual written report by December 15th to the Finance Committee, Selectmen, and School Committee, and a final written report by January 30th.

   Specific areas for review include, but are not limited to, the following:

   Efficiency of government
   - Labor
   - Costs
   - Equipment
   - Programs

   Review Organizational Structures:
   - All town departments
   - All school departments
   - Policies and procedures
   - Work shifts and work schedules
   - Culture (Customer service, ownership of employees)
   - Identification of and communication to our stakeholders

   Identify Master Plan Resources/Needs

   Capital Projects
   - Program Review
   - Debt service Review

Approved on: August 11, 2008

Procurement
- Consolidation
- Purchase Orders
- Invoice Processing

Sustainability
- Recycling
- Greening
- Energy

2. The Committee shall be composed of 7 members.

3. The Committee members shall be appointed as follows:

   2 members by the Finance Committee
   2 members by the Board of Selectmen
   2 members by the School Committee
   1 member community at large by the Board of Selectmen

4. A Chairman, Vice-Chairman, and Recording Clerk shall be appointed by majority vote of the Committee members present.

   Chairman: Shall call meetings, prepare agendas, post meetings, represent the Committee at Public Hearings or other meetings (unless otherwise determined), and conduct meetings under Robert's Rules of Order.

   Vice-Chairman: Shall perform the duties of the Chairman in his/her absence and assist as requested by the Chairman.

   Recording Clerk: Shall be responsible for recording accurate and timely minutes of all meetings held by the Committee. Shall file said minutes with the Town Clerk and shall perform the duties of the Chairman in the absence of the Chairman and Vice-Chairman. In the absence of the Recording Clerk, the Chairman may assign recording responsibilities to another individual.

5. The Committee shall ordinarily meet at least monthly, and shall abide by the Open Meeting Law of Massachusetts.

6. The Committee shall not meet or conduct business without the presence of a quorum. A majority of members of the Committee shall constitute a quorum.

7. Any public hearings shall be posted publicly and published at least one week preceding the hearing in a newspaper of general circulation in the town, on cable TV, and on the town web site.

8. Minutes of the meetings and hearings shall be taken and copies shall be provided to the Town Clerk, Finance Committee, Selectmen, and School Committee.

9. Written monthly reports shall be made by the Committee and provided to the Finance Committee, Board of Selectmen, and School Committee.

10. The Committee may work with legal staff and consultants to accomplish its mission, contingent on the approval of the Board of Selectmen and available appropriations.

11. Any operating funds that are approved for the Committee may be expended by the Committee by a majority approval vote of members present.

12. The Committee may recommend modifications to these by-laws to the Board of Selectmen by a majority approval vote of members present.

13. The Board of Selectmen reserves the right to modify these by-laws at any time.

14. The Committee shall serve as an ad hoc committee for such time as seen fit by the Board of Selectmen and may be dissolved at any time.

Approved on: August 11, 2008

Board of Selectmen Correspondence - Week of July 23, 2010

Date	Author	Subject	In Packet?
22-Jul-10	Conservation Commission	Hearing Notice	7/23/2010
22-Jul-10	MassHousing and EEA	Meeting Notice	7/23/2010
22-Jul-10	NMCOG	Meeting Notice	7/23/2010
22-Jul-10	Amercan Legion	Meeting Notice	7/23/2010
7/12/2010	Town Counsel	Open meeting Law Notice	7/23/2010
12-Jul-10	Town Clerk	Open meeting Law Notice	7/23/2010
22-Jul-10	Town Counsel	Westford Rd Agreement	7/23/2010
22-Jul-10	Town Treasurer	Publioc Employee Disclosure	7/23/2010
22-Jul-10	Mass Dept of Publioc Safety	Tyngsboro Sportman's Club Decision	7/23/2010
20-Jul-10	Chief of Police	Monthly Report	7/20/2010
16-Jul-10	Building Commissioner	Vacation Status	7/23/2010
23-Jul-10	Building Commissioner	Complaint	7/23/2010
23-Jul-10	Building Commissioner	Complaint	7/23/2010
23-Jul-10	Building Commissioner	Complaint	7/23/2019
23-Jul-10	Building Commissioner	Complaint	7/23/2010
19-Jul-10	Building Commissioner	Complaint	7/23/2010
21-Jul-10	School Dept	Minutes Executive and Regular	7/23/2010
14-Jul-10	Allied Waste Services	Contract Adjustment	7/23/2010
19-Jul-10	Comcast	Customer Notice	7/23/2010
22-Jul-10	Constellation Evergy	Green Community	7/23/2010
22-Ju-10	Community Teamwork	Nomination for Local Heroes	7/23/2010
23-Jul-10	Planning Board	Permit Applications for Sherburne Ave and Cobu	7/23/2010

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

2010 JUL 22 PM 1:03
TYNGSBOROUGH, MA.

AGENDA
July 27, 2010

7:00pm **50 Middlesex Road (M21, P23-1) – Notice of Intent** with Stormwater Management Run-off analysis for the proposed installation of solar modules to develop a 37± acre solar energy generation facility within a bordering vegetated wetland involving the following: concrete pads, retaining walls, clearing trees, culvert, 1244 s.f. alteration, 2205 s.f. replication, and (2) limited project crossings as defined in 310 CMR 10.53(3)(e), with erosion controls. Continued from July 13, 2010.

Discussion:

Lake Massapoag Weed Treatment Update

dministrative:

1. Director's Determinations and Report
   - 270 Pawtucket Blvd. – Remove 6 dead Blue Spruce trees.
2. Minutes/Bills/Other Business:
   - Approve the minutes from the 7/13/10 meeting.
3. Sign the following forms:

Please Join the Massachusetts Executive Offices of Housing and Economic Development and Energy and Environmental Affairs, in concert with our partners Senator Karen Spilka and Representative Michael Rodrigues

in a celebration to mark the great strides Massachusetts has made in streamlining and expediting state and local permitting

WHEN: Tuesday, July 27th, 2010

TIME: 10:00a.m - noon

WHERE: Massachusetts State House Grand Staircase

WHAT: The event will celebrate the state and local streamlined permitting achievements of the past four years. We will recognize the 80 communities who have adopted Chapter 43D Expedited Permitting, the accomplishments of the Executive Office of Energy and Environmental Affairs in reducing permitting timelines and reforming appeals while maintaining high environmental standards, the achievements of the State Permit Ombudsman and the efforts of our many other partners. The event will also feature an opportunity to talk one on one with our partners to learn more about the many programs and assistance they provide to Massachusetts communities and businesses.

The Massachusetts Association of Regional Planning Agencies (MARPA)
The Massachusetts Alliance for Economic Development (MassEcon)
The Massachusetts Development Finance Agency (MDFA),
The Massachusetts Office of Business Development (MOBD), and
The Massachusetts Permit Regulatory Office (MPRO)

Please call: 617-788-3652 with any questions

-PLEASE NOTE THE CHANGE IN LOCATION FOR EACH DATE!-

Northern Middlesex Council of Governments

PUBLIC MEETING NOTICE

***Correction**

The Northern Middlesex Council of Governments (NMCOG) will be conducting two **public input sessions regarding the Regional Transportation Plan Update,** on behalf of the Metropolitan Planning Organization. The sessions will be held on:

- **Tuesday, July 27, 2010**
  6:00 to 8:00 P.M.
  ***Tewksbury Public Library Meeting Room**
  300 Chandler Street, Tewksbury, MA, 01876

- **Wednesday, July 28, 2010**
  6:00 to 8:00 P.M.
  ***Tyngsborough Town Hall Community Room**
  25 Bryants Lane, Tyngsborough, MA, 01879

The meeting agenda is as follows:

AGENDA

I. Welcome and Introductions

II. Presentation on the Regional Transportation Plan Update

III. Request for Input on Transportation Issues Affecting the Region

IV. Distribution of Transportation Survey

V. Additional Opportunities for Public Input

Town Clerks: Please post pursuant to Massachusetts opening meeting law.

A Multi-Disciplinary Regional Planning Agency Serving:

Billerica
Chelmsford
Dracut
Dunstable
Lowell
Pepperell
Tewksbury
Tyngsborough
Westford

James G. Silva
Chair

Beverly A. Woods
Executive Director

40 Church Street
Suite 200
Lowell, MA
01852-2686
TEL: (978) 454-8021

FAX: (978) 454-8023

www.nmcog.org

The American Legion

Robert D. Pelletier, American Legion Post #247, Inc.
90 Pawtucket Blvd. Tyngsborough, MA 01879 978-649-7540

WE THE NEWLY ELECTED OFFICERS OF
AMERICAN LEGION POST #247
CORDIALLY INVITE YOU,
YOUR FAMILY AND FRIENDS
TO THE INSTALLATION OF OFFICERS
SUNDAY AUG 1, 2010 AT 2PM

WE HOPE YOU CAN ATTEND

COMMANDER	**ROBERT DESROSIERS**
SR VICE COMDR	**RON RUSSELL**
JR VICE COMDR	**ZEN MORRISSETTE**
FINANCE OFFICER	**THEODORE THING**
JUDGE ADVOCATE	**ROLAND MILLARD**
EXECUTIVE BOARD	**DAVID COLES**
	MARTIN McCANN
	MARTIN BLOOMGREN
CHAPLAIN	**ZEN MORRISSETTE**
SARGENT AT ARMS	**DENNIS BOUDREAU**

PLEASE RSVP BY JULY 25TH **978-649-7540**
978-459-4260

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

July 1, 2010

Mr. Michael Gilleberto,
Town Administrator
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Tyngsborough

Re: New Ethics Law

Open Meeting Law
Public Records Law
Conflict of Interest Law
Lobbying Restrictions

Dear Michael:

I enclose training materials prepare by James Lampke, Esq., Executive Director of the Massachusetts City Solicitors and Town Counsel Association for your use.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ:ksz
Enclosure

OPEN MEETING LAW CHANGES OF NOTE

- STARTING JULY 1, 2010-
- New law affects your ability to appear before other boards and committees
- New notice and posting requirements
- Changes to conduct of meeting-
  - New Duties of Chairman
  - Executive Session
- Minutes and documents- Also impacts Public Records Law

c. 28 of the Acts of 2009, the New Ethics Law, so called

- New Law Affects-

Open Meeting Law- Now under c. 30A
Public Records Law
Conflict of Interest Law
Lobbying

Important to read through the law as there are many changes, some subtle and some not.

- copy of the full text of the law can be found at http://www.mass.gov/legis/laws/seslaw09/sl090028.htm .

KEY DEFINITION CHANGES

New Definition of "Deliberate"	Compare to Old Definition of "Deliberate"
"Deliberation", an **oral or written** communication **through any medium, including electronic mail**, between or among a quorum of a public body on any public business within its jurisdiction.	"Deliberation", a **verbal** exchange between a quorum of members of a governmental body attempting to arrive at a decision on any public business within its jurisdiction.

DELIBERATION CONT.

- Exceptions- Not "Deliberation":

- provided, however, that "deliberation" shall not include
- the **distribution of a meeting agenda, scheduling information or distribution of other procedural meeting or the distribution of reports or documents** that may be discussed at a meeting,
- **provided that no opinion of a member is expressed**

"MEETING" DEFINITION

- OLD LAW-

- "Meeting", any corporal convening and deliberation of a governmental body for which a quorum is required in order to make a decision at which any public business or public policy matter over which the governmental body has supervision, control, jurisdiction or advisory power is discussed or considered; but shall not include any on-site inspection of any project or program.

"MEETING" DEFINITION

- New Law-

- "Meeting", a deliberation by a public body with respect to any matter within the body's jurisdiction; provided, however, "meeting" shall not include:

EXCEPTIONS- I.E. NOT A MEETING:

(a) an on-site inspection of a project or program, so long as the members **do not deliberate**;

(b) attendance by a quorum of a public body at a public or private gathering, including a conference or training program or a media, social or other event, so long as the members **do not deliberate**;

"MEETING" EXCEPTIONS cont.

(c) attendance by a quorum of a public body at a meeting of another public body that has complied with the notice requirements of the open meeting law, so long as the visiting members communicate only by open participation in the meeting on those matters under discussion by the host body and **do not deliberate**;

(d) a meeting of a quasi--judicial board or commission held for the sole purpose of making a decision required in an adjudicatory proceeding brought before it; or

(e) a session of a town meeting convened under section 10 of chapter 39 *which would include the attendance by a quorum of a public body at any such session*.

PUBLIC BODY DEFINITION

- "Public body"
  - ***a multiple-member board, commission, committee or subcommittee***
  - within the executive or legislative branch or within any county, district, city, region or town,
  - ***however created, elected, appointed or otherwise constituted,***
  - established to serve a public purpose;
  - provided, however, that the governing board of a local housing, redevelopment or other similar authority shall be deemed a local public body;
  - provided, further, that the governing board or body of any other authority established by the general court to serve a public purpose in the commonwealth or any part thereof shall be deemed a state public body;
  - provided, further, that "public body" shall not include the general court or the committees or recess commissions thereof, bodies of the judicial branch or bodies appointed by a constitutional officer solely for the purpose of advising a constitutional officer
  - and shall not include the board of bank incorporation or the policyholders protective board;
  - and provided further, that ***a subcommittee shall include any multiple-member body created to advise or make recommendations to a public body.***

New law affects your ability to appear before other boards and committees exception "(c)" to meeting definition

- Under prior law- ***majority*** of a board could not appear, whether by plan or happenstance by individual members, at another board's meeting and speak, unless posted.
- Under new law- it is not a "meeting" if a quorum of a board appears at another board's properly posted meeting, so long as visiting members communicate only by "open participation" on matters discussed "and do not **deliberate**".

NEW NOTICE AND POSTING REQUIREMENTS

- Still 48 hours- but now can not include Saturdays- Saturday, Sunday and holidays not included in count
- Chair must list in notice matters chair "reasonably anticipates will be discussed at meeting"
- Notice is not same as agenda, but now much closer to being an agenda- Notice and Agenda- is there now a difference??????
- Emergency meetings- post as soon as possible prior to the meeting

NEW POSTING REQUIREMENTS cont.

- Posting must be "conspicuously visible to the public at all hours in or on the municipal building"
- Options being considered by AG
  - Bulleting board
  - Other location
  - Computer monitor
  - Telephone message

CONDUCT OF MEETING

- Announce at beginning if anyone is making a video or audio recording
- Person can "transmit" meeting through any medium, subject to reasonable requirements of the chair; Person needs to notify Chair re: recording
- Still need permission of chair to speak
- Pending approval of AG, may be able to have electronic remote participation (Physical quorum must still be present)

CONDUCT OF MEETING, cont.

- Executive Sessions-
- Still same exemptions from Open Session, but:
  - Exemptions No. 1 (discuss health, reputation, character) and No. 2 now combined and new right provided for subject of meeting to make :an independent record" of the ES
- Chair needs to state the purpose of the ES **and** "all subjects which may be revealed without compromising the purpose for which the ES was called"
- For ES for litigation/collective bargaining, real estate, and interviewing applicants Chair must state that OS will be detrimental
- Important to be sure Chair does this- include reminder in motion for ES
- Practice Tip- ***Move to go into Executive Session <u>to</u> discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to reconvene in Open Session. [NOTE: CHAIR MUST SEPARATELY DECLARE THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING POSITION OF THE BODY.]***

NEW DUTIES OF CHAIR

- Chair must list in notice matters chair "reasonably anticipates will be discussed at meeting";

- Practice Tip-
  - Include in "notice" phrase "The listing of matters are those reasonably anticipated by the chair which may be discussed at the meeting. Not all items listed may in fact be discussed and other items not listed may also be brought up for discussion to the extent permitted by law."

NEW DUTIES OF CHAIR cont.

- Announce at beginning if anyone is making a video or audio recording
- Chair needs to state the purpose of the ES **and** "all subjects which may be revealed without compromising the purpose for which the ES was called"
- Must state whether body is returning to Open Session or not (If you fail to so state, can not go back to OS)
- Important to be sure Chair does this- include reminder in motion for ES-

NEW DUTIES OF CHAIR cont.

- Practice Tip- "… and that the Chair state along with the reason all subjects which may be revealed without compromising the purpose for which the Executive Session was called"

- For reasons 3, 6 and 8 Practice Tip- example- *Move to go into Executive Session to discuss strategy with respect to collective bargaining and that the Chair declare that an open meeting may have a detrimental effect on the bargaining position of the body, and to reconvene in Open Session. [NOTE: CHAIR MUST SEPARATELY DECLARE THAT AN OPEN MEETING MAY HAVE A DETRIMENTAL EFFECT ON THE BARGAINING POSITION OF THE BODY.]*

NEW DUTIES OF CHAIR cont.

- Although tasks can be done by others, Chair should be sure that someone is keeping track of documents used at meeting; likely to be Clerk member of staff member-
  - List of documents
  - Copies of documents

NEW DUTIES OF CHAIR cont.

- Chair or designee reviews ES minutes at reasonable intervals
- To see if continued non-disclosure is still warranted under the exemptions

LIST OF DOCUMENTS

- Practice Tips-
  - Exhibit labels-
    - Write date
    - Agenda item
  - List of Documents-
    - **Meeting Date**
    - **Agenda item**
    - **Exhibit List**
    - **Number** **Description**

MINUTES AND DOCUMENTS OPEN MEETING LAW AND PUBLIC RECORDS LAW

- Still important part of Open Meeting Law
- Minutes remain key public record of meeting
- Minutes now must:
  - Provide "summary of the discussion on each subject"
  - Include list of document and exhibits used at the meeting
  - Documents used at meeting (OS) **are not** shielded under the Public Records Law exemptions, except:
    - Evaluation material
    - Employment application materials

MINUTES AND DOCUMENTS OPEN MEETING LAW AND PUBLIC RECORDS LAW, cont.

- For Executive Sessions-
  - Documents not public until purpose of ES has expired, and documents can still remain not subject to disclosure:
    - Are covered by the attorney-client privilege; or
    - If publication will defeat lawful purpose of ES and ES was lawfully held; or
    - If one or more Public Records exemptions apply
    - If ES for collective bargaining or litigation and release would jeopardize position of body (& then only for so long as needed) (unless atty-client priv or Public Records exemption)

MINUTES AND DOCUMENTS COVERED UNDER PRESENTATION ON PUBLIC RECORDS LAW, cont.

- Any document or exhibit "used" at meeting is now part of the official record of the meeting and must be maintained as such
- What is meant by "used"?
  - Used just by board members
  - Used by public
  - Used by applicant
- Problems-
  - Preventing people from leaving with documents
  - Storage of documents

MINUTES OF MEETINGS

- All minutes- for both OS and ES- must be:
  - accurate
  - Include date, time and place
  - Members present or absent
  - *Summary of discussion on each subject*
  - *List of all document/exhibits used*
  - Decisions made
  - Actions taken

MINUTES OF MEETINGS, cont.

- Created and approved w/I timely manner
- For OS minutes, to be made available within 10 days, even if in draft form, to anyone requesting same
- Documents and exhibits used, along with minutes, now public records and part of the official record of meeting

MINUTES OF MEETINGS

- Review and Release
  - At "reasonable intervals", Chair or designee reviews minutes of ES
  - To see if continued non-disclosure is still warranted under the exemptions
  - Determination announced at next meeting and determination to be included in meeting minutes
  - 10 day response period still in effect
  - If body has not already reviewed minutes and there is a request, body is to review minutes and release non-exempt minutes no later than body's next meeting or within 30 days, which ever first; Can not assess fee for time body spent in review.

WHAT TO WATCH FOR IN THE FUTURE

- Regulations by Attorney General
- Advisory Rulings by Attorney General
  - New AG Division of Open Government
- Secretary of State Guidelines
- State Ethics Commission Guidelines
- Remedial Legislation
- More Training

- *KEEP TUNED IN FOR FURTHER DEVELOPMENTS*

- *AND CONTACT ME WITH ANY QUESTIONS OR ISSUES*

TOWN OF TYNGSBOROUGH
Office of the Town Clerk
Town Hall – 25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
(978) 649-2300, Ext. 129
jshifres@tyngsboroughma.gov

Joanne Shifres, Town Clerk

June 10, 2010

To: All Boards & Committees
From: Joanne Shifres, Town Clerk
Re: Open Meeting Law

The Open Meeting Law was revised as part of the 2009 Ethics Reform Bill and will centralize responsibility for state-wide enforcement of the law in the Office of the Attorney General. The effective date of the revised law is **July 1, 2010.**

The **major changes** to the Open Meeting Law are listed below.

1. **48 Hours notice is now required for all meetings.** The Town Clerk must receive your meeting posting, including the agenda, by 3:30 pm at least 48 hours prior to the meeting. **This notice must be available to the public at all hours. The 48 hours do not include Saturday, Sunday, or holidays.**

Meeting Day	Posting Deadline
Monday	Thursday
Tuesday	Friday*
Wednesday	Monday*
Thursday	Tuesday
Friday	Wednesday
* if there is a Monday holiday, meeting must be posted earlier	

2. **Notices** must include the date, the time and the place of the meeting as well as the **agenda,** the list of topics that the chair reasonable anticipates will be discussed.

3. **Each meeting must be on a separate form.** Because of the agenda requirement, no posting can include multiple meetings.

4. **Send Postings** by email to jshifres@tyngsboroughma.gov (if using this method please phone to confirm receipt), by fax to 978-649-2320, by mail to 25 Bryants Lane.

5. **Emails** are included in the definition of "deliberation" that is prohibited outside of open session. Distribution of agendas, scheduling information or reports to be discussed at future open meetings is permitted via email.

6. **Attendance by a quorum** at a location is not considered to be a "meeting" if members are not intending to conduct business and no deliberation occurs. Some examples: attendance at a conference, social event, or a meeting of another municipal board and on-site inspections.

7. **Audio or video recording** is allowed by anyone in attendance after notification to the Chair.

8. **The Chair** must inform all attendees at the beginning of the meeting that it is being recorded or broadcast.

9. **Meeting minutes** must contain more detailed information than previously required:
   - Date, time, place and members present
   - Summaries of discussions
   - List of documents used
   - Decisions made
   - Actions taken
   - Record of all votes (yeas, nays, and abstentions)
   - Documents and other exhibits, such as photographs, recordings, maps and presentations used by the body at the open or executive session shall be part of the official record of the session in addition to the minutes.

10. **Executive Session** can be entered only after convening in open session. The Chair must publicly state the purpose for the executive session.

Purposes for Executive Session

1. Discuss reputation, character, health, discipline, charges, complaints, but not professional competence of individual.

2. Conduct strategy sessions in preparation for negotiations, to conduct collective bargaining sessions or contract negotions with nonunion personnel.

3. Discuss stategy for collective bargaining or litigation, **if holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.**

4. Security personnel or devices.

5. Criminal misconduct.

6. Acquisition of real property, **if holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.**

7. Comply with law or grant-in-aid requirement.

8. Preliminary screening for employment, **if holding an open meeting would have a detrimental effect and the chair so declares on record beforehand.**

9. Confer with mediator on llitigation or decision.

10. Trade secrets in the course of activities conducted by a public body as an energy supplier.

11. **Executive Minutes** must be reviewed by the chair periodically to determine if they should be released, or if the purpose for the executive session is still ongoing then to keep the minutes confidential.

12. **Persons making complaints** of Open Meeting Law violations must file written complaint with the Public Body first. The Public Body then submits a reply to the complainant and to The AG's office.

Thank you for your cooperation in complying with these new regulations.

Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 JUL 15 8:10:40
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

July 14, 2010

Michael P. Gilleberto
Town Administrator
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

RE: Vacation Days

Dear Michael,

Please be advised, I plan on taking the following dates as vacation days:

- Friday, July 23, 2010
- Monday, August 2, 2010
- Tuesday, August 3, 2010

Thank you.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen

yngsborough Police Department

Selectman's Monthly Status Report

Report Start Date: **June 1, 2010** Report End Date: **June 30, 2010** **Chief William F. Mulligan**

Short-Term Action Items	Status	Outcomes/Issues
Dispatch Grant 2011	On Going	We will be looking for another dispatch grant for fiscal year 2010-11 we can use this grant for dispatcher salary as well as equipment. We believe it will be approximately $26,000
Reserve Officer Testing	On Going	Background investigations on the candidates for Reserve Officer are completed Three Reserve officers are now in Field Training on patrol, they should be trained by September 2010. We will start the next three candidates in field training at that time.
Crime Bulletin	On Going	Detective Howe has prepared a Crime Bulletin for the officers this will be done on a biweekly basic. Busy month 21 arrested listed on bulletin.
Bank Robbery DCU	On Going	The suspect for the Bank Robbery at DCU has been arrested in Maine. Sgt Howe and the FBI had identified him as a suspect before his arrest. We have DNA collected which should help identify the suspect if it is the same person.
Firing Range Improved	On Going	Sgt Chris Chronopoulos, Officer Charles Rubino and Officer Peter Kulisich have painted and improved the firing range. They have also been working with UMASS Police on firearms training.
Tasers for Patrol Officers	Complete	Tasers are working out well we have not had to deploy them since they have gone into service.
Regional Dispatch Report Due	On Going	The Regional Dispatch report was to be due this June. I and the committee have reviewed the draft report. They have extended the date for the final report to be due in September 2010
Long-Term Goals	**Progress**	**Issues**
State Accreditation	On going project	All the Policies & Procedures that are completed are reviewed at the department's monthly staff meetings and the monthly e-board meetings with the police union. They are then sent to the Town Attorneys for their review before being sent to BOS for approval.
Neighbor to Neighbor	No Article this month	
Community Service	Simon Malls	I and a Captain from the Nashua Police Department did a presentation for Simon Malls on June 29 from 4:00pm to 5:00pm in Boston on the Unified Response Exercise of 2008. There were over one hundred people representing Malls throughout the country. It was well receive.

I am on a sub-committee for the Regional Dispatch to review RFP for the study on Regional Dispatch. After this review the sub-committee recommended Winbourne & Costas, Inc a management and technology consultants. They will have their report complete by June 2010. We have continued to meet once each month Winbourne & Costas representatives have interviews dispatchers and personnel at a number of police and fire departments as well as Tyngsborough PD. This in an on going project. (The Report is due this June)

This month another sergeant was injured on duty was out for 4 weeks.

The Commonwealth of Massachusetts
Department of Public Safety
Board of Building Regulations and Standards

One Ashburton Place, Room 1301
Boston, Massachusetts 02108-1618
Phone (617) 727-3200 Fax (617) 727-5732
TTY (617) 727-0019
www.mass.gov/dps

Deval L. Patrick
Governor

Timothy P. Murray
Lieutenant Governor

Mary Elizabeth Heffernan
Secretary

Thomas G. Gatzunis, P.E.
Commissioner

Alexander MacLeod, R.A.
Chairman

Gary Moccia, P.E.
Vice Chairman

Robert Anderson
Administrator

Date: July 14, 2010

2010 JUL 22 AM 8:37
TOWN CLERK
TYNGSBORO, MA.

Name of Appellant:	Tyngsboro Sportsman's Club
Service Address:	Christopher Bertrand Tyngsboro Sportsman's Club P.O. Box 65 Tyngsboro, MA. 01879
In reference to:	90 Westford Street Tyngsboro, MA. 01879
Docket Number:	09-829
Property Address:	90 Westford Street Tyngsboro, MA. 01879
Date of Hearing:	02-04-10

Enclosed please find a copy of the decision on the matter aforementioned.

Sincerely:

BUILDING CODE APPEALS BOARD

Patricia Barry, Clerk

cc: Building Code Appeals Board
Building Official

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board

Board's Ruling on Appeal[1]

Docket No. 09-829

Appellant(s): Christopher Bertrand vs. Appellee(s):City/Town of Tyngsboro
Building Official Mark Dupell

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant a variance of M.G.L. c. 148, § 26G1/2, based on the Chapter 304 of the Acts of 2004 changes to that section. The appeal involves property at 90 Westford Street, Tyngsboro, MA, the Tyngsborough Sportsmen's Club, Inc. In accordance with M.G.L. c. 30A, §§ 10 & 11; M.G.L. c. 143, § 100; 801 CMR 1.02 *et. seq.;* and 780 CMR 122.3.4, the Board convened a public hearing on February 4, 2010 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

Christopher Bertrand, Charles Zaroulis, Pat Sands, and Mark Dupell appeared for the hearing as noted on the sign in sheet which is on file at the Department of Public Safety.

Discussion

A motion was made to support the Building Inspectors denial of Appellant's request for an increase in the occupancy load from the current 99 person limit to a 300 person limit, based on the 6th Edition of the Building Code, 780 CMR 903.1.2. Section 903.1.2 of 780 CMR requires "all fire protection system plans shall contain sufficient information to identify the occupancy, hazards, system and equipment arrangements, system and equipment sizing, systems specification, systems sequence(s) of operation and design/engineering calculations." The Appellant requested an interpretation of the law involving M.G.L. c. 148 § 26G1/2, as listed above, as Appellant believes the denial by the Building Inspector should be based on a new determination by the head of the Tyngsboro Fire Department. The initial denial by the Building Official, dated October 27, 2009, was appropriate based on the sections stated

[1] This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108.

above, as adequate information was not provided regarding the fire protection system plans and as such the Building Official was within his rights to deny the Appellant's permit application. A second denial based on a determination by the head of the Tyngsboro Fire Department is not necessary. There was a second on the motion and board vote was taken, which was unanimous.

Conclusion

The Appellant's request for a variance of M.G.L. c. 148, § 26G1/2, based on the Chapter 304 of the Acts of 2004 changes to that section is hereby **denied** as described in the discussion above and so ordered.[2]

Alexander MacLeod	Douglas Semple	Stanley Shuman

Date: July 14, 2010

[2] In accordance with M.G.L. c. 30A, § 14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the receipt of this decision.

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

VIA ELECTRONIC MAIL & USPS

July 21, 2010

Mr. Michael P. Gilleberto
Town Administrator
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

File: Tyngsborough

Re: Westford Road Development, LLC
Sycamore Networks Real Estate
Release of 1987 Development Agreement

Dear Michael:

This letter is in response to your E-mail of June 17, 2010, enclosing a letter dated September 9, 2010, from Westford Road Development, LLC, Release of Development Agreement 2010, and Development Agreement 2010. No facts or issues have been presented to me.

I have reviewed the prior Agreement dated November 31 (sic) 1987, and certain records at the Registry of Deeds concerning the subdivision definitive plan approval and covenants, as well as the Board of Selectmen and Town Meeting minutes.

I make the following comments:

1. Release of Development Agreement:

   Based on the information provided to me, I do not find any prohibition against the Board of Selectmen's and the Planning Board's signing the Release if such Boards determine that it is in the public interest to do so. However, see my comments below regarding impact fees.

2. Development Agreement:

   Paragraph 9 should provide that the Agreement run with the land.

Paragraph 8: Town of Tyngsboro should be spelled, "Tyngsborough." Add the fax number.

Also, state that notice shall be provided to the Town Administrator.

My review is as to form only and not as to substance where no facts or issues have been presented to me.

I note that the proposed agreement, unlike the previous agreement, does not set forth specifically how the monies are to be applied. I assume the intent, therefore, is for the monies to be paid into the general fund.

I bring to your attention the following regarding the legality of impact fees:

The Massachusetts courts address whether the proposed fee constitutes an impermissible tax. The leading case on point is *Emerson College v. City of Boston.* The Supreme Judicial Court reviewed Boston's attempt to impose a charge against certain large buildings that required "augmented" fire services. Where college was tax-exempt, it claimed that the charge constituted an unconstitutional tax, rather than a fee. The court announced a three-pronged test to distinguish a fee from a tax:

1. Fees are charged in exchange for a particular government service that benefits the party paying the fee in a manner not shared by other members of society.

2. Fees are paid by choice, in that the party paying the fee has the option of not utilizing the government service and thereby avoiding the charge.

3. Fees are collected not to raise revenues but to compensate the government entity providing the services for its expenses.

Since the benefits of the charge were not limited to the college but attached to the general public, the court held that this was a tax in violation of the state constitution. The court noted that the fact that "revenue obtained from a particular charge is not used exclusively to meet expenses incurred in providing the service but is destined instead for a broader

range of services or the general fund, 'while not decisive, is of weight in indicating that the charge is a tax.' "

Please call me if you have any questions and to discuss.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ/jrz
Cc: Board of Selectmen

Town of Tyngsborough

Office of the Town Treasurer

25 Bryants Lane - Tyngsborough, Massachusetts 01879-1003
Phone: (978) 649-2300, Ext. 125 – Fax: (978) 649-2327
kcolburn@tyngsboroughma.gov
Kerry L. Colburn-Dion

July 21, 2010

Tyngsborough Board of Selectmen
Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

Dear Board of Selectmen,

As an appointed public employee of the Town of Tyngsborough, I am requesting approval of the offer of free meals that will be provided to attendees at the 40th Annual School for Massachusetts Collectors and Treasurers. I have completed and attached the "Disclosure by Appointed Public Employee of free or discounted travel or admission as required by G.L. c.268A, Section 23(b)(3) and 930 C.M.R. Section 5.05", the class schedule for the MCTA's 40th Annual School, the Syllabus for the 40th Annual School and an email invitation from Bartholomew and Company for dinner on the evening of August 17, 2010.

Disclosure is required for receipt of free or discounted travel and lodging expenses, including meals, that serve legitimate public purposes and have a value of $50 or more. Although none of the meals that have been offered to attendees of the 40th Annual School are valued at $50, many of the banks and financial institutions host meals or coffee breaks at various professional educational meetings and conferences that I may attend throughout the year. Thus, over the course of the year, I may receive over $50 in meals from one firm.

I look forward to attending the 40th Annual School in August and appreciate your support in furthering my education and broadening professional networks.

Sincerely,

Kerry Colburn-Dion

Kerry Colburn-Dion
Treasurer

cc: Michael Gilleberto

DISCLOSURE BY *APPOINTED PUBLIC EMPLOYEE* OF FREE OR DISCOUNTED TRAVEL OR ADMISSION AS REQUIRED BY G.L. c. 268A, § 23(b)(3) and 930 C.M.R. § 5.05

You are an **appointed state, municipal or county employee** and you have been offered:

- Free or discounted travel and lodging expenses, including meals, that serve legitimate public purposes and have a value of $50 or more;

OR

- Travel expenses, including transportation, lodging, meals and conference fees to participate in a legitimate speaking engagement whose purpose is to provide education to conference participants;
    - These expenses may cover only the day or days on which you have participation or presentation responsibilities and the days on which you must travel to the conference and return to the Commonwealth;
    - "Legitimate speaking engagement" means giving a speech or serving on a panel where the speech or panel
        - Is formally scheduled on the agenda of a meeting or conference;
        - Is scheduled in advance of your arrival at the meeting or conference;
        - Is before an organization which normally would have outside speakers or panelists address its members at such an event;
        - Significantly contributes to the event, taking into account such factors as the length of the speech or presentation, the expected size of the audience, and the extent to which the speaker is providing substantive or unique information or viewpoints.

OR

- Free or discounted admission with a value of $50 or more.

WHAT ARE YOUR OBLIGATIONS AS AN APPOINTED PUBLIC EMPLOYEE?

Before you travel or attend an event for which free or discounted admission is offered, you must:

- Disclose the facts relating to the offer, including an itemization and explanation of the travel expenses or free or discounted admission;
- Provide any relevant itinerary or agenda;
- Submit the disclosure and itinerary or agenda to your appointing authority.

WHAT WILL YOUR APPOINTING AUTHORITY DO WITH YOUR DISCLOSURE?

Your appointing authority will make an advance determination about whether your proposed travel or attendance at an event serves a legitimate public purpose and whether the benefit to the government of your participation in the travel or event outweighs any non-work related benefit to you or the private sponsor, taking into account the extent to which such free or discounted travel or admission may convey an appearance of special benefit for any employee.

- "Legitimate public purpose" means the promotion of tourism, economic development and other activities to promote the interests of the Commonwealth, a county or a municipality; attendance at training and educational events designed to improve the efficiencies and effectiveness of public services or to enhance the knowledge and skills of public employees relative to their official duties; business travel necessary to make informed purchasing decisions, selections and inspections; and similar public purposes.

Your appointing authority should maintain your disclosure, along with the itinerary or agenda, as a public record and should provide you with a copy of any signed determination.

WHAT IF YOUR ACTUAL TRAVEL EXPENSES DIFFER FROM THE ORIGINAL PROPOSAL?

If you are offered travel expenses and your actual travel expenses differ from the original proposal by $50 or more, then within two weeks of your return, you must submit a statement of reconciliation. See the form for Reconciliation Statement as Required by G.L. c. 268A, § 23(b)(3) and 930 C.M.R. § 5.05(1)(d).

If you need advice about completing the disclosure, please call the Attorney of the Day at (617) 371-9500.

Please scroll down to the form below.

DISCLOSURE BY *APPOINTED PUBLIC EMPLOYEE*
OF FREE OR DISCOUNTED TRAVEL OR ADMISSION
AS REQUIRED BY G.L. c. 268A, § 23(b)(3) and 930 C.M.R. § 5.05

Name of employee:	Kerry Colburn-Dion
Title/ Position	Treasurer
Agency:	Town of Tyngsborough
Agency address:	25 Bryant Lane Tyngsborough, MA 01879
Office phone:	978-649-2300 x125
What was offered? (Check appropriate response.)	✓ Free or discounted travel and lodging expenses, including meals, that serve legitimate public purposes and have a value of $50 or more; meals could have a value of $50 or more ____ Travel expenses related to a legitimate speaking engagement, covering only the day(s) on which I had participation or presentation responsibilities or the day(s) I had to travel to the location of the speech and return to the Commonwealth; or ____ Free or discounted admission, having a value of $50 or more.
Identify the person or organization that made the offer.	See attached class schedule for MCTA 40th Annual school. See attached email
Address of person or organization.	See attached class schedule See attached email
Location of travel or event.	University of Massachusetts Amherst Amherst, MA
Description and purpose of event in which you will participate:	Mass Collectors + Treasurers Asso. Annual School

Provide information in as much detail as possible:	***Itemization and explanation of amounts offered:***
Transportation:	n/a
Lodging:	n/a
Meals:	see attached class schedule see attached email 8/17/10 Bartholomew + Company Dinner – $42 –
Admission:	n/a
Other (please list):	n/a
Total:	see attached. Bartholomew + Company dinner $42 –
Please acknowledge with a check mark:	✓ **I have attached the relevant itinerary.** ____ **I have attached the relevant agenda.**
Employee signature:	Kerry Colburn-Alcorn
Date:	7/21/2010

An appointed public employee should submit the completed form to his or her appointing authority for approval, as provided below.

STATEMENT BY APPOINTING AUTHORITY

Name of Appointing Authority:	Tyngsborough Board of Selectmen
Title/Position:	Board of Selectmen
Agency:	Town of Tyngsborough
Agency address:	25 Bryant Lane Tyngsborough, MA 01879
Office phone:	978-649-2300
For approval to be given, both statements must be checked:	Upon consideration of the facts disclosed by the employee above, I find ✓ that the travel expenses or attendance at the event serve a legitimate public purpose; AND ✓ that the benefit to the government of the employee's participation outweighs any non-work related benefit to the employee or the private sponsor, taking into account the extent to which the free or discounted travel or admission may convey an appearance of special benefit for any employee.
Reason that the employee's travel or attendance will serve a legitimate public purpose:	Attendance will improve the efficiencies and effectiveness of Treasurer's department and will enhance the knowledge and skills of the Treasurer.
Appointing Authority signature:	[redacted]
Date:	

"Legitimate public purpose" means the promotion of tourism, economic development and other activities to promote the interests of the Commonwealth, a county or a municipality; attendance at training and educational events designed to improve the efficiencies and effectiveness of public services or to enhance the knowledge and skills of public employees relative to their official duties; business travel necessary to make informed purchasing decisions, selections and inspections; and similar public purposes.

The appointing authority should maintain the disclosure as a public record and give a copy of any signed determination to the employee.

Attach additional pages if necessary.

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Bartholomew & Company's annual dinner - Courtyard by Marriott in Hadley on Tuesday, August 17, 2010

Inbox x

Amanda Cozzolino show details 8:58 AM (2 hours ago) Reply

Good morning,

How time flies!

The Massachusetts Collectors & Treasurers Association annual school at the University of Massachusetts in Amherst is fast approaching.

Bartholomew & Company is looking forward to returning to the Courtyard by Marriott in Hadley on Tuesday, August 17, 2010, for our annual dinner. We are excited to be featuring a brief pre-dinner "Economic Overview" presentation by our president, Tom Bartholomew.

Most of you have heard about the changes that have been put forth by the Massachusetts State Ethics Commission. As a result of these changes, we are required to inform you of the cost of the dinner in advance so that you may make the necessary decisions with regard to your attendance. Bartholomew & Company will be paying an average cost of $42.00 per person, which includes your dinner, wine on the table, non-alcoholic beverages, tax, and gratuity. A cash bar is available if you wish to purchase beverages other than those previously mentioned.

Your invitation for this event will arrive in the next couple of weeks. **Please indicate on the reply card (to be included with your invitation) whether or not you have submitted your State Ethics disclosure for this event.** If you have any questions regarding this new ruling and the associated waiver form, please visit the State Ethics commission website.

If you have any questions concerning the August 17th event, please feel free to contact Chuck Patterson or Dory Huard at 1-800-440-8807.

We look forward to seeing you for a relaxing and informative evening following a hard day of class.

Best wishes for a safe and happy summer!

From your friends at Bartholomew & Company, Inc.

Amanda M. Cozzolino
Administrative Assistant/Receptionist
508.753.8807 | 800.440.8807 | 508.753.8889 fax | Amanda@bartandco.com

Bartholomew & Company, Inc.
370 Main Street, Suite 1000, Worcester, MA 01608 | www.bartandco.com

---

Thomas J. Bartholomew has been named one of ***The Top 1,000 Financial Advisors in America***[1] and one of the ***Top 25 in Massachusetts***[2] by *Barron's* magazine. February 22, 2010

This announcement follows Tom's recognition by *Barron's* as one of the **Top 100 *Independent* Financial Advisors in America**[3]. August 31, 2009

[1,2,3] The Top 1,000, Top 25 and Top 100 lists are based on assets under management, revenues the advisors generate for their firms, and the quality of their practices.

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Inbox x

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From your friends at Bartholomew & Company, Inc.

Amanda M. Cozzolino
Administrative Assistant/Receptionist
508.753.8807 | 800.440.8807 | 508.753.8889 fax | Amanda@bartandco.com

Bartholomew & Company, Inc.
370 Main Street, Suite 1000, Worcester, MA 01608 | www.bartandco.com

Thomas J. Bartholomew has been named one of ***The Top 1,000 Financial Advisors in America***[1] and one of the ***Top 25 in Massachusetts***[2] by *Barron's* magazine. February 22, 2010

This announcement follows Tom's recognition by *Barron's* as one of the **Top 100 *Independent* Financial Advisors in America**[3]. August 31, 2009

[1,2,3] The Top 1,000, Top 25 and Top 100 lists are based on assets under management, revenues the advisors generate for their firms, and the quality of their practices.

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MASSACHUSETTS COLLECTORS AND TREASURERS ASSOCIATION

40TH ANNUAL SCHOOL - UNIVERSITY OF MASSACHUSETTS, AMHERST, MA
AUGUST 17, 18, 19, 20, 2010

Tuesday, August 17th, 2010

8:00 - 10:30	Registration - Campus Center Lower Lobby
9:30 - 12:30	Classes
12:30 - 2:00	Lunch – Campus Center Auditorium
2:00 - 3:30	Official School Opening - Auditorium
3:30 - 5:00	Classes

Wednesday, August 18th, 2010

7:00 - 8:00	Breakfast
8:30 - 11:30	Classes
11:30 - 12:30	Lunch - Campus Center Auditorium
12:30 - 2:00	**Required Course #201**
2:15 5:00	Classes

Thursday, August 19th, 2010

7:00 - 8:00	Breakfast
8:30 - 12:00	Classes
12:00 - 1:00	Lunch on your own
1:00 - 5:00	Classes

Friday, August 20th, 2010

7:00 - 8:00	Breakfast
9:00 - 12:00	Classes and Examinations
11:00	Campus Center Hotel Check-out

(If you are taking an examination, check out before 9:00)

CLASS SCHEDULES - TUESDAY, AUGUST 17th, 2010

	TREASURER			COLLECTOR			CERTIFIED	
	1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year		
8:30 to 9:30 9:30 to 10:00	**CONTINENTAL BREAKFAST – 1ST FLOOR CONCOURSE, HOSTED BY WEBSTER BANK** ********** ORIENTATION FOR NEW STUDENTS Gene Spickler, President, MCTA- Mike Hanlon, Ex. Director, MCTA Room 163							
10:00 to 12:30	*101 Duties & Responsi-bilities P. Mokrzecki Lane Kelly Room 174	*408 Ethics - Conflict of Interest D. Giannotti Room 172	*418 The Uniform Procurement Act Ch. 30B N. Read Room 101	*160 Duties & Responsi-bilities Ellen McKay Liz Craviero Room 165	*408 Ethics - Conflict of Interest D. Giannotti Room 172	*418 The Uniform Procurement Act Ch. 30B N. Read Room 101	786 Current Legal and Other Topics in Public Finance R. Manley C. Rowell Room 163	
12:30 to 2:00	**LUNCHEON – HOSTED BY UniBANK – AUDITORIUM** All School Attendees Invited							
2:00 to 3:00	GENERAL ASSEMBLY – OFFICIAL SCHOOL OPENING - LEGISLATIVE PROGRAM REVIEW CAMPUS CENTER AUDITORIUM Gene Spickler – Paul Keating --Steve Roche							
3:00 to 3:15	**COOKIE BREAK -- SPONSORED BY FIRST SOUTHWEST COMPANY**							
3:15 to 5:00	*102 Cash Control Procedures J.. Savignac R. Carmignani Room 101	*202 Investments C. Patterson J. Paul D. Javaheri Room 165	*401 Tax Rate Recap-Free Cash-Cherry Sheet Kay Reed R. Kingsley Second Floor Reading Room	*102 Cash Control Procedures J. Savignac R. Carmignani Room 101	*268 Betterments Assessments, Water, Sewer Liens Tom Connolly Room 172	401 Tax Rate Recap-Free Cash-Cherry Sheet Kay Reed R. Kingsley Second Floor Reading Room	787 Banking Safety and Soundness Mike Heller Room 103	

CLASS SCHEDULES WEDNESDAY, AUGUST 18th, 2010

	TREASURER			COLLECTOR			CERTIFIED
	1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year	
8:30 to 10:00	*103A Municipal Finance Law Jim Crowley Room 165	*203A Long Term Borrowing Comprehensive Overview P. Frazier D Eisenthall Room 174	*301 Revenue Forecasting A. Logalbo N. Holt Second Floor Reading Room	*161A Property Tax Collections B. Barry M. Roy Room 172	*260A Taxes in Litigation J. Finnegan Rob Kerwin Room 101	372 The Electronic Bill Payment Marketplace M. Altman P. Baker C. Couture D. Ross Room 162	788 Understanding Data Security Truth, Consequences and Concepts Jacob Braun Room 163

10:00 - 10:15 **MORNING BREAK - SPONSORED BY CITIZENS BANK**

10:15 to 11:30	*103B Municipal Finance Law (cont'd G. Perry W. Arrigal Room 165	*203B Long Term Borrowing (cont'd) legal factors structuring C. McNerney Room 174	752 Sale/Auction Of Tax Titles P. Costello Second Floor Reading Room	*161B Property Tax Collections (cont'd) B. Barry M. Roy Room 172	*260B Taxes in Litigation (cont'd) J. Finnegan Rob Kerwin Room 101	*364 Reconciling Tax Receivables P. Squillante Room 162	789 What is the "New Normal" Jim Fox John McKinlay Room 163

11:30 - 12:30 **LUNCHEON - HOSTED BY EASTERN BANK - AUDITORIUM**

All School Attendees Invited

12:30 to 2:00	**COURSE 201** REVIEW OF NEW LEGISLATION Garry Blau - MA DOR Campus Center Auditorium

2:00 - 2:15 **ICE CREAM BREAK - SPONSORED BY TD BANKNORTH**

2:15 to 3:30	*104A Payroll T. Sullivan L. Placzek Room 163	*203C Long Term Borrowing (cont'd) documentation; disclosure; marketing C. Rowell R. Manley Room 174	*303A Capital Budgeting & Financing C.McNerney Second Floor Reading Room	*162A Motor Vehicle Excise D. Laplante V. Garofalo Room 172	*361A Assessing Procedures R. Simmons M. Flynn Room 162	*365A Deferred Taxes P. Costello Room 165	734 The Science of Politics G. Spickler, MCTA Pres. P. Keating, MCTA 2nd VP State Sen. Jamie Eldridge Of Acton Room 101

3:30 - 3:45 BREAK

3:45 to 5:00	*104B Payroll T. Sullivan L. Placzek Room 163	*203D Long Term Borrowing (cont'd) ratings & rating agencies M. Pacella L. Lombard G. Buswick Room 174	*303B Cap. Budget & Financing (cont'd) C.McNerney Second Floor Reading Room	*162B MVE (Cont.) D. Laplante V. Garofalo Room 172	*361B Assessing Procedures (cont'd) R. Simmons M. Flynn Room 162	*365B Deferred Taxes (cont'd) P. Costello Room 165	790 PRIT Investment of Retirement Funds & Pension Reform Kevin Blanchette Room 101

CLASS SCHEDULES - THURSDAY, AUGUST 19th, 2010

	TREASURER			COLLECTOR		
	1st Year	2nd Year	3rd Year	1st Year	2nd Year	3rd Year
8:30 to 10:00	*105A Intro. To Cash Management Paul Mokrzecki Ellen McKay Room 101	*108 Trust Funds Mark Waldman Kevin Feeley Room 174	784 End of Year Letter Gerry Perry W. Arrigal Room 162	*163A Tax Takings Jim Coppola Room 172	*167 Municipal Lien Certificates Tom Connolly Room 165	784 End of Year Letter Gerry Perry W. Arrigal Room 163

10:00 - 10:15 **MORNING BREAK - SPONSORED BY BRISTOL COUNTY SAVINGS BANK**

10:15 to 12:00	*105B Intro. To Cash Management (cont'd) Paul Mokrzecki Ellen McKay Room 101	*207 Insurance – Chap. 32B Mark Waldman Kevin Feeley Room 162	206 Accounting Concepts – Practical Applications Mark Abrahams Wm. Schlosstein Room 163	*163B Tax Takings (cont'd) Jim Coppola Room 172	*710 Dep Tax Collector Function & Relationship Liz Craveiro Dot Jenkins Room 165	206 Accounting Concepts – Practical Applications Mark Abrahams Wm. Schlosstein Room 163

12:00 - 1:00 **LUNCH**

	1st Year	2nd Year	3rd Year		1st Year	2nd Year	3rd Year	
1:00 to 3:00	*107 Tax Title and Interest Calculation Workshop David Laplante Room 174	*211 Tax Foreclosure Jim Coppola Room 101	900R Treasurer Examination Review J. Ross Victor. Garofalo Room 162	110 Securing Public Deposits Tony Logalbo 2nd Floor Reading Rm	*165 Interest Calculation Workshop Barbara Barry Dot Jenkins Liz Craveiro Room 172	*775 Land Of Low Value N. Holt K. Colleary Room 163	950R Collector Examination Review B. Yasick M. Bousquet Room 103	109 General Q & A Faculty Room 178

3:00 - 3:10 **COOKIE BREAK SPONSORED BY UNITED BANK**

3:15 to 5:00	*106 Short Term Borrowing L. Lombard M. Pacella W. Arrigal Room 101	212 Management of Tax Possessions Jim Coppola Paul Zekos Room 174	900R Treasurer Examination Review (cont'd) Jayne Ross Victor Garofalo Room 162	210 Federal Tax Filing Requirement and Benefits Teri DeSilva 2nd Floor Reading Room	*164 Tax Taking Forms Workshop David Laplante Room 172	373 Bankruptcies: What a Collector Needs to Know and Do J. Finnegan R. Kerwin Room 163	950R Collector Exam Review (cont'd) B. Yasick M. Bousquet Room 103	170 The Department of Revenue Municipal Finance Law Bureau and the Tax Collector Kathleen Colleary Room 917

CLASS SCHEDULES - FRIDAY, AUGUST 20th, 2010

	TREASURER			COLLECTOR		
			3rd Year			3rd Year
9:00 to 12:00			**900** **Treasurers Examination** Room 163			**950** **Collectors Examination** Room 163

MASSACHUSETTS COLLECTORS AND TREASURERS ASSOCIATION

Officers

President	Gene Spickler, Collector, Tyngsborough
1st Vice President	Victor Garofalo, Treasurer/Collector, Bedford
2nd Vice President	Paul Keating, Jr., Treasurer/Collector, Wayland
Treasurer	Ellen Guerin, Treasurer/Collector, Boxford
Secretary	Rich Carmignani, Treasurer, Dudley

Executive Director — Michael J. Hanlon, Jr.

Education Committee for 40th Annual School

Victor Garofalo, Treasurer/Collector, Bedford, Chair, 2010-2011
Kevin Merz, Treasurer/Collector, Ipswich
Mary Day, Treasurer/Collector, Lincoln
Tracy Blais, Treasurer/Collector, West Newbury
Ginny Boutchie, Treasurer/Collector, Essex
Carol Baron, Treasurer, South Worcester RVSD
Teresa DeSilva, Treasurer/Collector, Easton
Ann Guastaferro, Treasurer/Collector, Methuen

Dean of 40th MCTA Annual School –Gene Spickler, Collector, Tyngsborough

Special thanks to our Faculty Members, Association Members, Associate Members for making the Annual School a success

Massachusetts Collectors and Treasurers Association, 510 King Street, Littleton, MA 01460
Phone: (978) 952-6644 - Fax: (978) 952-6655 - E-Mail: MassCTA@aol.com - Web Site: www.masscta.com

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The Massachusetts Collectors & Treasurers Association

SYLLABUS

40th Annual School

Campus Center
University of Massachusetts
Amherst, Massachusetts

August 17, 18, 19, 20, 2010

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TREASURERS' COURSES

First Year **Course #**

*Duties and Responsibilities 101
A review of laws assigning responsibilities and duties; description of the duties and the liabilities of the Treasurer.
Paul Mokrzecki - Vice Pres. - The Bank of Western Massachusetts
Lane Kelly - Treasurer/Collector – Greenfield

*Indicates Required Courses

*Cash Control Procedures 102
Appropriate internal procedures to track and control money as it flows through the office, from receipt until disbursement; case histories.
Joanne Savignac - Treasurer/Collector - Westborough
Richard Carmignani – Treasurer - Dudley

*Municipal Finance Law 103 A & B
The important General Laws affecting municipal finances.
James Crowley - Attorney, Property Tax Bureau - Mass. D.O.R.
Gerard D. Perry – Director, Bureau of Accounts – Mass. D.O.R
William Arrigal - Staff Accountant - Mass. D.O.R.

*Review of New Legislation 201
Explanation and discussion of new laws affecting the duties and responsibilities of Treasurers and Collectors.
Gary Blau - Attorney, Property Tax Bureau - Mass. D.O.R.

*Payroll 104 A & B
Laws affecting payroll procedures; handling and recording payroll deductions.
M. Ronald Mendes – Treasurer/Collector - Wilmington
Laurel Placzek – Treasurer/Collector - Agawam

*Introduction to Cash Management 105 A & B
Basic fundamentals, ranging from receipt through custody, manage, disbursement. Cash book procedure, reconciliation of bank statement, preparation of cash flow statement.
Paul Mokrzecki - Vice Pres. - The Bank of Western Massachusetts
F. Ellen McKay - Treasurer/Collector - Boylston

Tax Title and Interest Calculation Workshop 107
Procedures and forms for maintaining tax title accounts; how to properly calculate interest on delinquent taxes; investments, and borrowings.
David Laplante - Treasurer/Collector - Leominster

*Short Term Borrowing 106
Laws and procedures governing short term borrowing. Use of cash flow statements.
Lori Lombard - Vice President - Eastern Bank Capital Markets
Maureen Pacella - Vice President - Eastern Bank Capital Markets
William Arrigal - Staff Accountant - Mass. D.O.R.

Securing Public Deposits 110
FDIC, DIFM; other insurance; collateralization
Anthony Logalbo - Collector/Treasurer - Concord

General Q&A 109
Questions you might have but were always afraid to ask.
School Faculty

*Indicates Required Courses

Second Year **Course #**

*Ethics - Conflict of Interest 408
General laws governing these issues; study of problems and cases arising therefrom.
David Giannotti, - Chief, Public Education - Mass. Ethics Comm.

*Investments 202
Laws governing investments; investment vehicles and techniques; development of investment policy.
Thomas Bartholomew - President - Bartholomew and Company
Joshua Paul - Vice President - Bartholomew and Company
David Javaheri, CIMA – SVP – Morgan Stanley

*Long Term Borrowing
203 A, B, C and D
Bond Issues - A general overview; legal factors, structuring; documentation, disclosure, role of bond counsel, offering statement, bringing to market; ratings and rating agencies.
Peter Frazier - Senior Vice President - First Southwest Company
David Eisenthall - Vice Pres. - Unibank Fiscal Advisory Services
Allan Tosti - Vice President - First Southwest Company
Cynthia McNerney - Sr. V.P. - First Southwest Company
Clark Rowell - Vice Pres. - Unibank Fiscal Advisory Services
Richard Manley, Jr. – Partner – Edwards Angell Palmer & Dodge
Maureen Pacella - Vice President - Eastern Bank Capital Markets
Lori Lombard - Vice President - Eastern Bank Capital Markets
Geoffrey Buswick – Mng. Dir. - Standard & Poor's Ratings Group

*Review of New Legislation 201
See Course 201 under First Year Treasurers.

*Trust Funds 108
Laws governing trust funds; treasurer's responsibilities; obtaining utmost from; working with trust commissioners.
Marc Waldman - Collector/Treasurer - Wellesley
Kevin Feeley – Attorney - Collins, Loughran & Peloquin, P.C.

*Insurance Chap. 32B 207
General laws governing; some case histories.
Marc Waldman - Collector/Treasurer - Wellesley
Kevin Feeley – Attorney - Collins, Loughran & Peloquin, P.C.

*Tax Foreclosures 211
Tax title foreclosure procedures, incl. land of low value.
James E. Coppola - Attorney - Coppola & Coppola

Management of Tax Possessions 212
Maintaining properties under municipal ownership.
James E. Coppola - Attorney - Coppola & Coppola

Federal Tax Filing Requirements 210
Rules and regulations governing W-2's, 1099's, 941, etc.
Teri DeSilva - Treasurer/Collector - Easton

General Q&A 109

* Indicates Required Courses

See Course 109 under First Year Treasurers

Third Year **Course #**

*The Uniform Procurement Act - Ch. 30B 418
Law and rules governing contracting for supplies and services.
Nick Read - Dep. Gen'l Counsel - Mass. Inspector General

Tax Rate Recap- Free Cash -Cherry Sheet 401
Workshop on subjects which every finance official should be familiar with.
Kay Reed, Bureau of Accounts - Mass. D.O.R.
Frederick Kingsley - Chief, Tech Assist Bureau - Mass. D.O.R.

*Revenue Forecasting 301
Revue of techniques used to project future revenue; importance of revenue forecasting.
Anthony Logalbo - Finance Director - Concord
Nancy Holt – Treasurer/Collector - Marshfield

Sale/Auction of Tax Titles 752
Procedures for the conduct of public sale of city/town possessions; responsibilities of Collector and Treasurer.
Patrick Costello - Attorney - Merrick, Louison & Costello

*Review of New Legislation 201
See Course 201 under First Year Treasurers

*Capital Budgeting and Financing 303 A & B
Plan and finance the capital needs of your community.
Cynthia McNerney – Managing Dir. - First Southwest Company
Allan Tosti – Sr. Vice President - First Southwest Company

Accounting Concepts-Practical Applications 206
Theory and concepts of the Uniform Mass. Accounting System; practical applications; extraction of reports.
Mark Abrahams - C. P. A. - The Abrahams Group
William Schlosstein - Treasurer - Warren

Examination Review 900R
Review to prepare for Certification Exam.
Jayne Ross - Treasurer /Collector- Taunton
Victor Garofalo – Treasurer/Collector - Bedford

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 JUL 23 AM 9:32
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

July 22, 2010

Nalan Tamer
Rifath H. Tamer
7 Westland Road
Tyngsborough, MA 01879
Assessors Map 32A, Block 100C

RE: Complaint – Auto Detailing Business

Dear Sir and Madam,

Please be advised, the office has received a complaint regarding the above mentioned. This use of the property is not permitted in the residential zones.

Kindly address this matter forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto

Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 JUL 23 AM 9:35
TOWN OF TYNGSBOROUGH, MA.

July 22, 2010

Donald R. Reauchesne
Brenda G. Beauchesne
5 Woodlawn Street
Tyngsborough, MA 01879
Assessors Map 31A, Block 112

RE: Complaint – Camper / Living Quarters

Dear Sir and Madam,

Please be advised, this office has received a complaint regarding the above mentioned. It appears that the camper parked at the above mentioned property has been used as housing for a lengthy period of time. This use of the premises is not permitted at the property.

Kindly address this matter forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto
Board of Health, Kerri Oun / Karen Steeves
Fire Department, Chief Madden / Captain Sands

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 JUL 23 PM 12:38
TYNGSBOROUGH, MA.

July 22, 2010

Manuel J. Silva
84 Jacques Road
Tyngsborough, MA
Assessors Map 8, Block 7, Lot 31

RE: Pool Permit #10-095 (copy attached)

2nd Notice

Dear Sir,

Please be advised, you are required to request inspections of the above mentioned and receive approvals for same.

Kindly address this matter forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 JUL 23 9:23
TYNGSBOROUGH, MA.

July 22, 2010

Manuel J. Silva
84 Jacques Road
Tyngsborough, MA 01879
Assessors Map 8, Block 7, Lot 31

RE: Un-permitted Deck Construction

2nd Notice

Dear Sir,

Please be advised, the above mentioned requires approvals and permits issued through this office.

Kindly address this matter forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

July 19, 2010

Greenpoint Mortgage Funding, Inc.
2300 Brookstone Centre Parkway
Columbus, GA 31904

RE: 10 Richards Circle, Tyngsborough, MA 01879
Assessors Map 8, Block 63, Lot 20

Dear Greenpoint Mortgage Funding, Inc.:

Please be advised, it has come to the attention of this office that an illegal apartment was constructed in the basement area of the above mentioned property.

Please be advised, this construction and use of the premises requires approvals and permits issued through this office, which was not done.

Kindly address this matter forthwith. Thank you in advance for your cooperation.

Respectfully,

Mark E. Dupell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto
Board of Health, Kerri Oun / Karen Steeves
Fire Department, Chief Madden / Captain Sands

2010 JUL 21 PM 3:17
TYNGSBOROUGH, MA.

TYNGSBOROUGH SCHOOL DISTRICT

SCHOOL COMMITTEE MEETING

EXECUTIVE SESSION

JUNE 1, 2010

7:00 p.m.
Jeff Hunt made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing ongoing negotiations and come out to continue the business on the agenda.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. McCarty	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea		

The Committee discussed ongoing negotiations.

On a motion made by Jeff Hunt, seconded by Herb Desrosiers, it was voted to adjourn the Executive Session at 7:48 p.m. and come out only to continue the business on the agenda.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. McCarty	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea		

APPROVED: July 20, 2010

TYNGSBOROUGH SCHOOL COMMITTEE MEETING **June 1, 2010**
(Tyngsborough Town Hall Community Room)

The meeting was called to order by Superintendent Lockwood at 7:00 p.m. Those present were Jeff Hunt, Burt Buchman, Hillari Wennerstrom, Herb Desrosiers, Shaun McCarty, Collin Manzo and John Hickey.

1. Call to Order
A. Introduction of New Student Rep
-Katelyn O'Connor

Business Administrator Joe Messina was also present.

7:00 p.m.
Jeff Hunt made a motion, seconded by Herb Desrosiers, to go into Executive Session for the purpose of discussing ongoing negotiations and come out to continue the business on the agenda.

2. Executive Session

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. McCarty	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea		

The meeting reconvened at 7:50 p.m.

Burt Buchman made a motion, seconded by Shaun McCarty, to come out of Executive Session to continue the business on the agenda.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

-Mrs. Wennerstrom	-Yea	-Mr. Hickey	-Yea
-Mr. McCarty	-Yea	-Mr. Manzo	-Yea
-Mr. Desrosiers	-Yea	-Mr. Hunt	-Yea
-Mr. Buchman	-Yea		

Superintendent Lockwood noted that he will call for nominations for Chair, Vice Chair and Secretary of the School Committee. He noted that if there is more than one nominee for Chair, they will act on the first nomination, then the second and so on. Once a nominee receives four (4) votes, the process is halted and the new Chair declared.

3. Election of School Committee Officers:
A. Chair-H. Wennerstrom
B. Vice Chair-S. McCarty
C. Secretary-H. Desrosiers

Superintendent Lockwood called for nominations for Chair.

Shaun McCarty made a motion, seconded by Herb Desrosiers, to nominate Hillari Wennerstrom for Chair.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood called for nominations for Vice Chair.

Jeff Hunt made a motion, seconded by Collin Manzo, to nominate Shaun McCarty for Vice Chair.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood called for nominations for Secretary.

Burt Buchman made a motion, seconded by Collin Manzo, to nominate Herb Desrosiers for Secretary.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood acknowledged the Open Meeting Law and E-mail/Telephone.

D. Review of the Open Meeting Law and E-mail/Telephone

Superintendent Lockwood acknowledged the Executive Session Guidelines.

E. Executive Session Guidelines

Superintendent Lockwood acknowledged the sheet explaining the role of the School Committee.

F. Role of School Committee (MASC)

Superintendent Lockwood congratulated Hillari Wennerstrom, Shaun McCarty and Herb Desrosiers.

Hillari Wennerstrom thanked Jeff Hunt for his two years of service as Chair. She introduced the new Student Representative Katelyn O'Connor.

Daniel Birkhead noted that Katelyn is Secretary for the Class of 2011 and an active theater participant.

Katelyn O'Connor noted that she is honored to have been chosen as the Student Representative.

Chair Wennerstrom called for the approval of the Minutes.

4. Approval of Minutes

A. Approve the Minutes of May 10, 2010, Executive Session of May 10, 2010 and Executive Session of May 18, 2010 of the Administrator of Special Ed. Committee

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the Minutes of May 10, 2010 and Executive Session of May 10, 2010.

VOTE: 6, Yea (Chair Wennerstrom) 0, Nay 1, Abstain (Mr. McCarty)
(Mr. Desrosiers)
(Mr. Buchman)
(Mr. Hickey)
(Mr. Manzo)

The School Committee acknowledged receipt of the May 18, 2010 Minutes of the Administrator of Special Education Search Committee.

5. Correspondence
A. Superintendent's Letters
B. D.E.S.E. Memorandum Approval of Tyngsborough Technology Plan

Superintendent Lockwood acknowledged the School Newsletters and the following correspondence:

1. Letter from Commissioner of Elementary & Secondary Education-Approved Technology Plan.
2. Letter to parents authorizing their request for their child to stay in Tyngsborough as a School Choice student.
3. Letter to Daniel Birkhead thanking him for his service on the School Committee as Student Representative.
4. Letter sent to Top Ten Students.
5. Letter from Board of Selectmen noting that they have authorized the School Committee to utilize up to $10,000 in TES remediation funds for roadway design costs.
6. The 5/18/10 Minutes of the Administrator of Special Education Selection Committee.
7. Letter from Town Hall regarding the repairs to the TES access road.
8. Invitation to School Committee and Superintendent to the THS Student Academic Excellence Presentation on Monday.
9. Letter to Alyssa Phillips thanking the PTO for all of their work.
10. List of 2010 Graduates and the colleges they will be attending.
11. Memo from Town Accountant regarding fiscal year end (final payroll & final bill schedules)
12. May 1st Membership Comparison

6. Visitors' Comments and Questions

None at this time.

Shaun McCarty made a motion, seconded by Herb Desrosiers, to take the agenda out of order.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Out of Order:
9. Personnel
E. Notification of Appts:
-Steven Hall
-Michael Flanagan
-Scott Middlemiss

Out of Order: (9E)-Personnel-Notification of Appointments: Superintendent Lockwood introduced the following new staff and talked about the search committees:

- Steven Hall — Technology Director
- Michael Flanagan — TMS/THS Principal
- Scott Middlemiss — TES Assistant Principal

He also recognized John Salmon for the wonderful job he is doing while Nancy Senecal is out on medical leave.

Superintendent Lockwood talked about the screening committee. He noted that the committee recommended two (2) candidates and he and Mr. Ciampa felt strongly about Kerry Cavanaugh. He recommended the appointment of Kerry Cavanaugh as the new Special Education Administrator.

9. Personnel
C. Appointment of Special Education Administrator (Kerry Cavanaugh)

Herb Desrosiers made a motion, seconded by Shaun McCarty, to appoint Kerry Cavanaugh as the new Special Education Administrator.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Mrs. Cavanaugh was congratulated.

Superintendent Lockwood acknowledged the High School graduation handouts and noted that there are a lot of activities this week. The seniors are on a cruise today and graduation is this Friday.

7. Share the Success
A. Tyngsborough High School the Class of 2010

Daniel Birkhead noted that he went on the cruise today where seniors signed their yearbooks. They also went to the ImprovBoston.

Daniel Birkhead acknowledged the following "Students of the Month":

MAY

- Ben Martin-McDonough
- Stacy Scolastico
- Matt Godfroy
- Joseph Maloney
- Dan Ubele
-

JUNE

- Ronnie Corcoran
- Frances LeBoeuf
- Zach Foley
- Meaghan Ruane
- Stephanie Tea

B. May & June 2010 "Students of the Month"

MAY

-Ben Martin-McDonough
-Stacy Scolastico
-Matt Godfroy
-Joseph Maloney
-Dan Ubele

JUNE

-Ronnie Corcoran
-Frances LeBoeuf
-Zach Foley
-Meaghan Ruane
-Stephanie Tea

Superintendent Lockwood acknowledged the following "Top Ten Students" of 2010:

- Margaret O'Connor
- Melanie Freitas
- Daniel Birkhead
- Samuel McGrath
- Evan Mulawski
- Michael O'Neill
- Alyssa Varanoske
- Melinda Jordan
- Bhakti Patel
- Daniel Donaher

C. Top Ten Students:

-Margaret O'Connor
-Melanie Freitas
-Daniel Birkhead
-Samuel McGrath
-Evan Mulawski
-Michael O'Neill
-Alyssa Varanoske
-Melinda Jordan
-Bhakti Patel
-Daniel Donaher

Superintendent Lockwood noted that the Top Ten Breakfast went well. He gave the following sports update:

- Sam McGrath –Division 4 E Mass State Champ in the 200m
  School record in 400,800 mile and 200 & 1500 m
  Undefeated in the DCL
- Boys Lacrosse – Round 1 tonight against Abbington @ home
  DCL All Stars-Tim Lapointe, Ian Arabadjis, Christian DeBruin and Peter Latullipe
- Baseball – Round 1 Saturday in Newburyport
  DCL All Stars-Dan Ubele, Ben Durand, Dillon Brown, Jake Pugh, and Adam Byron
- Softball – Round 1 Sunday at Whittier
  DCL All Stars – Laura Milot, Melanie Freitas, Cheyenne Brown,
- Girls LaCrosse – DCL All Stars – Ashley Clement & Rebecca Wickens,

Burt Buchman noted that the Memorial Day parade was yesterday and the American Legion and Veterans' Group sponsored an essay contest "What Memorial Day Means to Me" and the winners of the essay are:

- 6th grade 1st runner up - Gabe Madonna
- 6th grade winner - Olivia Gulezian
- 7th grade 1st runner up - Katie Holzman
- 7th grade winner - Bianca Medeiros

Superintendent Lockwood recommended the following:

1. ***Transportation Advisory Board (2 volunteers)***
   Collin Manzo and John Hickey volunteered to serve on the Transportation Advisory Board.

2. ***Capital Asset Committee (1 volunteer)***
   Jeff Hunt volunteered to serve on the Capital Asset Committee.

3. ***Policy Committee (3 volunteers)***
   Herb Desrosiers, Shaun McCarty and Jeff Hunt volunteered to serve on the Policy Committee.

4. ***Technology Committee (2 volunteers)***
   Herb Desrosiers and Burt Buchman volunteered to serve on the Technology Committee.

5. ***Superintendent Evaluation Committee (3 volunteers)***
   Jeff Hunt, Shaun McCarty and John Hickey volunteered to serve on the Superintendent Evaluation Committee.

8. FY11 Committees and Policy
A. School Committee Volunteers

1. Transportation Advisory Board
-Collin Manzo & John Hickey -S.C.

2. Capital Asset Committee
-Jeff Hunt

3. Policy Committee
-Herb Desrosiers
-Shaun McCarty
-Jeff Hunt

4. Technology Committee
-Herb Desrosiers
-Burt Buchman

5. Supt. Evaluation Committee
-Jeff Hunt
-Shaun McCarty
-John Hickey

6. ***Signing of Payroll (1 volunteer/1 alternate)***
Herb Desrosiers volunteered to be the person who will sign payroll and Hillari Wennerstrom volunteered to serve as the alternate.

6. Signing of Payroll
-Herb Desrosiers
-Hillari Wennerstrom (alternate)

7. ***Sick Bank (2 volunteers)***
Collin Manzo and John Hickey volunteered to serve on the Sick Bank Committee.

7. Sick Bank
-Collin Manzo
-John Hickey

8. ***Negotiation Committee (3 volunteers)***
Herb Desrosiers, Burt Buchman and Hillari Wennerstrom volunteered to serve on the Negotiation Committee.

8. Negotiation Committee
-Herb Desrosiers
-Burt Buchman
-Hillari Wennerstrom

9. ***Field Scheduling Committee (1 volunteer)***
George Trearchis volunteered to serve on the Field Scheduling Committee.

9. Field Scheduling Committee
-George Trearchis

10. ***Statement of Assurance***
The Superintendent of Schools volunteered to assure that all grant monies are used appropriately.

10. Statement of Assurance
-Superintendent of Schools

11. ***School Choice***
The Superintendent of Schools volunteered to act in the best interest of the school system in School Choice matters.

11. School Choice
-Superintendent of Schools

12. ***Strategic Financial Planning Committee***
Collin Manzo and Burt Buchman volunteered to serve on the Strategic Financial Planning Committeee.

12. Strategic Fin. Planning Comm.
-Collin Manzo
-Burt Buchman

13. ***Joint MASS/MASC Conference***
Burt Buchman volunteered to serve as the Delegate to represent them at the Joint MASC/MASS Conference and Herb Desrosiers volunteered to serve as the Alternate.

13. Joint MASS/MASC Conference
-Burt Buchman (Delegate)
-Herb Desrosiers (Alternate)

14. ***MEC-Special Education Collaborative Board***
The Superintendent of Schools volunteered to serve on the MEC –Special Education Collaborative Board.

14. MEC-SPED Collaborative Board
-Superintendent of Schools

Shaun McCarty made a motion, seconded by Burt Buchman, to appoint all of the above mentioned volunteers.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

15. ***School Committee Gift Account*** ***15. School Committee Gift Acct.***

Superintendent Lockwood noted that each year, the School Committee donates a sum of money to purchase gifts/flowers for employees or School Committee members. Last year, the amount was $25 per person. -$25 Per Person

The Committee agreed to donate $25 each to the Gift Account.

Out or order:
Superintendent Lockwood acknowledged the School Handbooks. 11. New Business
D. School Handbooks Review

Mike Mastrullo talked about changes in the High School Handbook (discipline, under attendance). Other changes are dates, open house, user fees, etc.

Superintendent Lockwood noted that they did leave a section in there to add information on the new bullying legislation. Each handbook will have this information. He noted that it may be that the handbook gets published and an addendum added on bullying.

John Salmon noted that the changes in the TMS Handbook dealt with step 1,2, and 3 procedures at the end of the handbook. This was taken out to allow the incoming administration to have a little flexibility in dealing with discipline procedures and policies. Other changes are mostly dates and calendars. They have taken out some stuff in the code of conduct (alcohol, drugs, substance abuse) where they already have polices for that in the handbook.

Mary Alise Manley noted that the changes are they have taken the the ECC Preschool, Kindergarten and Elementary School Handbook and Code of Conduct and compiled into this one document. The newest edition is in the electronic communication section. They have put language in about cell phones.

Back to (8B)-Policy
Hillari Wennerstrom recommended approval of Policy #2.6- Fuel Efficient Vehicle and Policy #2.7-Energy Reduction Action Plan as a First Reading. B. First Reading- Policy #2.6 - Fuel Efficient Vehicle & Policy #2.7- Energy Reduction Action Plan

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve Policy #2.6-Fuel Efficient Vehicle and Policy #2.7 Energy Reduction Action Plan as a First Reading.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood acknowledged the matrix of the administrator's contracts and recommended the renewal of of those contracts.

9. Personnel
A. Administrator's Contract Renewals

Jeff Hunt made a motion, seconded by Burt Buchman, to renew the administrator's contracts

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Not on the Agenda:
Superintendent Lockwood requested permission to post the position of a Director of Curriculum Instruction and Assessment as an administrative position.

Not on the Agenda:
-Post a Director of Curriculum Instruction & Assessment

Herb Desrosiers made a motion, seconded by Jeff Hunt, to authorize the Superintendent to post the position of Director of Curriculum Instruction and Assessment.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood notified the Committee of the following staff members attaining Professional Status in FY11:

- Kaitlin Horndahl THS Math
- Lauren Eynatian THS Math
- Rebekah Ravgiala THS Science (.8)
- Elizabeth Spear THS Social Studies
- Caroline Myers THS Unified Arts
- Beth Craig THS Unified Arts
- Kim Johnson TMS Math Gr. 7
- Philip Chevalier TMS ELA/Soc.Studies Gr. 6
- Patricia Wendt TES Grade 2
- Valerie Dagley TES Grade 1
- Tracy Turner TES Special Ed.
- Kristen Luttati TES Special Ed.
- Sarah Rondeau TES Preschool
- Ellen O'Neill TES Speech & Language
- Lynne Murray TES Grade 4

B. Professional Status in FY11:
-Kaitlin Horndahl-THS Math
-Lauren Eynatian-THS Math
-Rebekah Ravgiala-Science (.8)
-Elizabeth Spears-THS Soc. Studies
-Caroline Myers-THS U.A.
-Beth Craig-THS U.A.
-Kim Johnson-TMS Math Gr. 7
-Philip Chevalier-TMS ELA/S.S. Gr. 6
-Patricia Wendt-TES Gr. 2
-Valerie Dagley-TES Gr. 1
-Tracy Turner-TES SpEd.
-Kristen Luttati-TES SpEd.
-Sarah Rondeau-TES Preschool
-Ellen O'Neill-S & L
-Lynne Murray-TES Gr. 4

Jeff Hunt thanked these staff members for their years of service.

Superintendent Lockwood noted that his request from Bridget Rocheleau has been back and forth before the Committee due to her husband's military orders. They are now set and have requested the year of absence. He noted that he has granted the extended leave for the 2010/11 school year without pay.

D. Request for Extended Leave of Absence for the 2010/11 School Year (Bridge Rocheleau)

F. Approval of FY11 AFSCME Council #93 Contract with Custodians

Burt Buchman thanked the custodial/maintenance staff, their representatives and his colleagues for successful negotiations. They have reached a tentative agreement with the custodial/ maintenance staff which was ratified today.

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the FY11 AFSCME Council #93 contract with the custodial/maintenance staff and authorize the Chair to sign the contract.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

G. Approval of FY11 Teachers' Association Unit A Contract

Superintendent Lockwood noted that typically the teachers ratify the contract before it comes to the School Committee for approval, but in the interest of time they have it here for approval before they ratify. They will be ratifying the contract on Thursday.

Burt Buchman made a motion, seconded by Herb Desrosiers, to approve the Tyngsborough Teachers' Unit A Contract for FY11 and authorize the Chair sign the contract.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Not on the Agenda: Signing of Superintendent Contract

Not on the Agenda:
Chair Wennerstrom noted that they need to approve the contract for the new Superintendent.

Burt Buchman made a motion, seconded by John Hickey, to approve the new Superintendent's contract and to authorize the Chair to sign the contract.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

10. Unfinished Business
A. Letter From Hamwey Engineering, Inc. -5/14/10

Superintendent Lockwood acknowledged the proposal for professional services necessary to fix the culverts under the access drive to TES. He noted that George Trearchis is working with the Town Administrator to look at grants to address this problem.

B. Letter of Agreement Clerical Union

Superintendent Lockwood acknowledged the letter of agreement from the clerical union and noted that the School Committee must sign off on this.

Shaun McCarty made a motion, seconded by Burt Buchman, to sign the letter of agreement.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

This item was previously discussed.

C. Update on TES Access Road

Superintendent Lockwood notified the Committee of the following Home School Programs which they received for the following families:

- Allan and Harriet Douglas
  12 Bridget Avenue
  -Female Child: DOB 2/11/97
- Maria DePenha Ferreira Costa
  6 Village Lane, Apt. 17D
  -Female Child: DOB 5/26/94

11. New Business
A. Home School Approval
-Allan & Harriet Douglas
Female Child: DOB 2/11/97
-Maria DePehna Ferreira Costa
Female Child: DOH 5/26/94

Generally during the summer, there is a reduced number of School Committee meetings. The School Committee is recommending that meetings are held on July 20, 2010 and August 17, 2010.

C. Summer School Committee Schedule:
-7/20/10 & 8/17/10

Jeff Hunt made a motion, seconded by John Hickey, to approve the above mentioned dates.

Joe Messina noted that he will need Committee members to come into the central office to sign bills.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood noted that the School Committee wanted to form a subcommittee to look at possible uses of the TECC Building. He read the following:

C. Appoint Committee to Review Uses of TECC Building

- The sub-committee will be charged with the review of the building's status and make recommendations to the School Committee for future use and/or uses of the building and the surrounding property. The sub-committee shall consist of 7 members, comprised of the following individuals:

-School Committee	2 Members
-Board of Selectmen	1 Member
-Finance Comm.or Planning Board	1 Member
-School Administration	1 Member
-At Large Community Members	2 Members

Jeff Hunt made a motion, seconded by Herb Desrosiers, to approve the charge and makeup of the TECC Building Committee and appoint Jeff Hunt and Collin Manzo to the sub-committee.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Superintendent Lockwood asked the Committee to appoint the Transportation Advisory Board.

Transportation Advisory Board Appointments:
-Joann Howell-East Side
-Frank Stasi-West Side
-Carol Gauntlett-NDA/IAC

Joe Messina noted that the Superintendent sent emails to parents requesting volunteers for the TAB and it was also put on the website. He noted that he received the names of (2) parent volunteers from the east side, (2) from NDA/IAC and no response from the west side. He approached last year's representative from the west side. He asked the Committee to appoint the following representatives:

- Joann Howell East Side
- Frank Stasi West Side
- Carl Guantlett NDA/IAC

John Hickey made a motion, seconded by Jeff Hunt, to appoint the above mentioned members to the Transportation Advisory Board.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

E. Athletic Fees, Status Report and Recommendations on Fees (Reduction of fees by $100 per season – FY11)

Superintendent Lockwood thanked John Hickey and Shaun McCarty for working with the Athletic Director on the fees. He noted that the Committee has received information regarding the fee proposal and he recommended that the Committee reduce the fees by $100 per season for FY11.

Some discussion was held.

John Hickey made a motion, seconded by Collin Manzo, to approve the reduction of the fees by $100 per season for FY11.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

F. Neighbor-to-Neighbor Article Plan for FY11

Superintendent Lockwood noted what he would like to do is send off the plan that Hillari Wennerstrom, Don Ciampa and John Hickey developed. He will ask the Committee to comment and bring back at the next meeting. The September Article is due around August 8th or 9th.

Shaun McCarty asked if they could do an article in August with important dates.

G. MASC/MASS Joint Conference (11/3-11/6/10)

Superintendent Lockwood provided information on the MASC/ MASS Joint Conference being held 11/3/10-11/6/10. He asked Committee members to allow him to register them now in order

to save them some money (savings of $115 for early registration). Please contact Sue Harvey for registration information.

Superintendent Lockwood noted that this is Kim Oliveira's last meeting and he noted that he has enjoyed working with her and he wished her the best. He acknowledged the SEPAC Update handout.

H. SEPAC Update

Ms. Oliveira noted that every six (6) years they go through a Mid-Cycle Review and they look at the Parents' Advisory Committee (PAC). During that time they looked at three (3) indicators and one of them was the use of the Special Education Parent Advisory Council members. They wanted to see more involvement. Rachel Leo, Chair of PAC, has done a phenomenal job and she thanked her for her efforts. She acknowledged the 2009/10 Accomplishments and 2010/11 Goals.

The School Committee thanked Ms. Oliveira and wished her well.

Kerry Cavanaugh thanked the Committee for the opportunity to serve as the new Special Education Administrator.

12. Finance

A. Signing of Bills

Bill Schedules were signed.

B. May 2010 Financial Package

The May 2010 Financial Package was acknowledged.

C. Food Service Renewal Option FY11

Joe Messina noted that they have currently completed the 2nd year of a potential five (5) year contract (one year with (4) one year options). Next year, should they go with Whitson's, will be their 3rd year with them. He did speak with them in terms of what sort of cost of living increase they might be looking for on their administrative fee. He went to back to them and said since they broke even, based upon them accepting some of the loss in the first year, if they would consider not getting a cost of living increase in the 2nd year. He has not heard back from them and noted that the Committee may want to put this on the July Agenda. He noted that the April numbers are looking very good. Historically, May is usually a good month based on the number of serving days and June is a bad month due to the lack of serving days.

Joe Messina noted that the School Committee has signed a letter of agreement with the clerical union and ratified a contract with the custodial/maintenance staff. By doing that, you have eliminated all weekly payrolls. Come July,

they will be a bi-weekly payroll system. By going bi-weekly there are incredible savings in time and supplies.

13. Visitors' Comments and Questions

Visitor, Cheryl Laforge, thanked the Negotiation Team and noted that they have worked well together. She thanked the Superintendent and wished him well. She welcomed Don Ciampa as the new superintendent.

14. School Committee Discussion

John Hickey thanked Jeff Hunt for chairing the Committee and congratulated Hillari Wennerstrom. He welcomed Steve Hall, Mike Flanagan, Scott Middlemiss and congratulated Kerry Cavanaugh. He thanked Kim Oliveira and noted that she will be missed. He congratulated John Salmon for doing a great job at TMS and wished Nancy Senecal well. He thanked Daniel Birkhead for a wonderful job and looks forward to working with Katelyn O'Connor. Congratulations to the Students of the Month and Top Ten. He wished all of the sports teams and Sam McGrath good luck. He thanked the teachers attaining professional status and the negotiation teams. He noted that Whitson's is doing a wonderful job. He thanked Scott Moreau for work on the fees and Superintendent Lockwood for his guidance, creativity and professionalism. He welcomed Don Ciampa.

Herb Desrosiers thanked Daniel Birkhead for serving as Student Representative. He welcomed Katelyn O'Connor and the new administrators. He congratulated the Students of the Month. He thanked Kim Oliveira and Superintendent Lockwood and wished them both good luck and welcomed Don Ciampa.

Burt Buchman thanked Jeff Hunt for serving as Chair and welcomed the new officers. He thanked Kim Oliveira for her service in Tyngsborough. Congratulated the students and noted that he looks forward to graduation. He wished Daniel Birkhead and Superintendent Lockwood the best of luck. He looks forward to working with Don Ciampa. He thanked all of his colleagues and the unions.

Daniel Birkhead congratulated all the sports teams. He congratulated Sam McGrath and Mike Flanagan. He thanked Superintendent Lockwood and congratulated Don Ciampa. He noted that the THS Theater is putting on Les Misérables on June 11,12,18, & 19. Tickets are $15. He thanked the School Committee for this past year.

Jeff Hunt congratulated the new officers and thanked the School Committee for the past few years. He also thanked Superintendent Lockwood for the last two years. He thanked the Negotiation Team and Daniel Birkhead for his service on the Committee. In regards to the budget, they were able to do more with less. He commented on the Director of Curriculum Instruction and Assessment and congratulated all of the graduates and all students for a successful year.

Collin Manzo thanked Kim Oliveira and congratulated Kerry Cavanaugh. He noted that they worked with less money and were able to bring back foreign language and health. He thanked the Superintendent and staff. He congratulated Don Ciampa. He believes the school system is stable and will flourish.

Shaun McCarty extended his thanks and congratulations to everyone.

Superintendent Lockwood noted that it has been a wonderful run. He thanked the School Committee for all of their comments. He believes the school district is in a good place, but there is work to be done. They have formed a relationship with Town Hall and the Board of Selectmen They need to come up with something as a school district, as a commonwealth, as a country, to deal with health insurance. It's killing their budgets. He noted that his door will always be open.

Hillari Wennerstrom echoed what everyone else said. She noted that graduation is Friday night. She noted that Daniel Birkhead has the starring role in Les Misérables and wished him the best of luck. She noted to the Superintendent that they are in a better place and he has left his mark. She thanked him and presented him with a basket. She also thanked Jeff Hunt for his leadership.

15. Executive Session

None at this time.

16. Adjournment

9:40 p.m. Jeff Hunt made a motion, seconded by John Hickey, to adjourn the open meeting.

VOTE: UNANIMOUS 7, Yea 0, Nay 0, Abstain

Respectfully Submitted,

Herb Desrosiers, Secretary

APPROVED: July 20, 2010

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

2010 JUL 21 PM 12:31
TYNGSBOROUGH, MA.

July 20, 2010

Mr. Leo R. Forcier
Individually and as Manager
Forescore Properties, LLC
34 Middlesex Street
North Chelmsford, MA 01863

File: Tyngsborough

Re: Forescore Properties, LLC
Owner of Property at 11 Westland Road, Tyngsborough
Zoning and Building Code Violations

Dear Mr. Forcier:

Please reference my letter of July 24, 2010, and our conversation of July 16, 2010.

I understand that you intend to file forthwith with the Zoning Board of Appeals. I wish to be notified within fourteen (14) days whether an application has been filed with the Zoning Board of Appeals and the date of the hearing.

Thank you for your anticipated cooperation.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ/jrz
Cc: Mr. Mark E. Dupell, Building Commissioner
Board of Selectmen
Mr. Michael P. Gilleberto, Town Administrator

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
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Facsimile (978) 937-0950

July 15, 2010

Ms. Kerry Colburn-Dion
Town Treasurer
Town Hall
25 Bryants Lane
Tyngsborough. MA 01879

File: Tyngsborough

Re: Town of Tyngsborough
v. Tiffany Equipment & Construction Corp.
Taunton Court Docket No.: 0931SPO818

Dear Kerry:

I enclose a check in the amount of four-hundred dollars ($400.00) as partial payment on a Judgment against Tiffany Equipment and Construction Corp. for non-payment of police road details.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ:ksz

Cc: Deputy Chief Richard Burrows
Cc: Tyngsborough Board of Selectmen

CHARLES J. ZAROULIS LAW OFFICES

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TOWN CLERK
TYNGSBOROUGH, MA.

July 19, 2010

Ms. Kelly A. Albert
76 Sequoia Drive
Tyngsborough, MA 01879

File: Tyngsborough

Re: Albert, Jeffrey R. and Kelly A.
76 Sequoia Drive
State Building Code Violation

Dear Ms. Albert:

I represent the Town of Tyngsborough regarding a state building code violation at the above property.

The Building Commissioner issued notices to you dated August 25, 2009, and September 17, October 6, and October 22, 2009, informing you that the above mentioned property requires approvals and permits ..." In addition, the Building Commissioner issued a notice to you dated November 12, 2009, finding you in violation of 780 CMR 5113 and 5115, Massachusetts State Building Code. The Building Commissioner ordered you "to cease and desist use of all structures ... and remove the same."

Now I am informed that the Building Commissioner again has issued another notice of violations, which have life safety issues. These issues need to be addressed immediately.

I am informed that you have not complied with the orders of the Building Commissioner.

I suggest that you, or your attorney if you are represented by legal counsel, communicate with me upon receipt of this letter.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ/jrz
cc: Mr. Mark E. Dupell, Building Commissioner
Mr. Michael P. Gilleberto, Town Administrator
Board of Selectmen

CHARLES J. ZAROULIS LAW OFFICES

40 Church Street, Suite 500, Lowell, Massachusetts 01852-2686
Telephone (978) 458-4583
Facsimile (978) 937-0950

July 19, 2010

Mr. Jeffrey R. Albert
76 Sequoia Drive
Tyngsborough, MA 01879

File: Tyngsborough

Re: Albert, Jeffrey R. and Kelly A.
76 Sequoia Drive
State Building Code Violation

Dear Mr. Albert:

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Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ/jrz
cc: Mr. Mark E. Dupell, Building Commissioner
Mr. Michael P. Gilleberto, Town Administrator
Board of Selectmen

THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
WESTERN MASSACHUSETTS DIVISION
1350 MAIN STREET
SPRINGFIELD, MASSACHUSETTS 01103-1629

MARTHA COAKLEY
ATTORNEY GENERAL
www.mass.gov/ago

TEL: (413) 784-1240
FAX: (413) 784-1244

July 12, 2010

Joanne Shifres, Town Clerk
25 Bryants Lane
Tyngsborough, MA 01879

RE: Tyngsborough Special Town Meeting of March 2, 2010 – Case # 5453
Warrant Articles # 6, 7, and 8 (Zoning)

Dear Ms. Shifres:

Article 8 - We return with the approval of this Office the amendment to the Town's zoning by-laws adopted under this Article on the warrant for the Tyngsborough Special Town Meeting that convened on March 2, 2010, and the map pertaining to it.

On June 14, 2010, the Attorney General and Town Counsel elected to proceed under Chapter 299 of the Acts of 2000 (which amends G.L. c. 40, § 32) by agreeing to extend the 90-day period for the Attorney General's review for Article 8 for an additional 30-day period. Therefore, our review period expires on July 12, 2010. Our comments on Article 8 are summarized below.

The proposed by-law seeks to amend the Town's zoning by-laws by inserting a new Section 2.16.00 ("Mixed-Use Village Overlay District"). The creation of an overlay district is generally an appropriate exercise of the zoning power, provided that there is "some rational relationship" to the purposes embodied in G.L. c. 40A, the Zoning Act. Tucker's Wharf Ltd. P'ship v. Moxham, 1989 WL 1182803 *4 (Mass. Land Ct. May 25, 1989). The proposed by-law seeks to create a Mixed-Use Village Overlay District (MUVOD) "to encourage a mix of business, commercial, professional, residential and recreational uses and to promote compact, village-style development that is pedestrian-oriented and incorporates traditional architectural features compatible with the Town character." Sec. 2.16.10.

Section 2.16.30 of the proposed by-law provides in pertinent part as follows (with emphasis added):

> Relationship to Existing Zoning: The underlying zoning shall remain an integral part of the Town of Tyngsborough Zoning Bylaw and shall neither be modified, repealed nor amended, except as otherwise provided in this Section. The property owners in the MUVOD shall posses all current zoning rights and be subject to the requirements applicable in the underlying zones. In the event that an owner desires to use the owner's property for Mixed-Use Development as defined in this Section, the rules and regulations

of the MUVOD shall apply and by filing an application for development subject to the rules and regulations of this Section, the owner shall be deemed to accept and agree to them . . . .

Section 2.16.60 of the proposed by-law provides as follows (with emphasis added):

Site Plan Special Permit: ***All uses and structures in the MUVOD are subject to a Special Permit and Site Plan Special Permit*** from the Town of Tyngsborough Planning Board in accordance with Sections 1.16.00 through 1.16.23 of this Bylaw. In addition to the requirements of Sections 1.16.00 through 1.16.23, all design criteria set forth in this Section shall apply. The Planning Board shall be the Special Permit Granting Authority for any Special Permit under this Section.

I. The SCIT doctrine.

In SCIT, Inc. v. Planning Board of Braintree, 19 Mass. App. Ct. 101 (1984), the court held that a by-law that required a special permit for all uses in a business district violated the uniformity requirement embodied in G.L. c. 40A, § 4. Subjecting all uses to the "discretion of local zoning authorities" impermissibly gives local zoning boards "a roving and virtually unlimited power to discriminate as to uses between landowners similarly situated." Id. at 108. To comply with the uniformity requirement, a zoning by-law must provide that "certain uses are permitted as of right within each district, without the need for a landowner or developer first to seek permission which depends upon the discretion of local zoning authorities." Id. at 107. This principle – that each zoning district must permit at least one use as of right – is known as the "SCIT doctrine."

The Supreme Judicial Court adopted the SCIT doctrine in Gage v. Town of Egremont, 409 Mass. 345 (1991). The court interpreted the uniformity requirement of G.L. c. 40A, § 4, to require "that a zoning by-law must permit at least one use in each zoning district as a matter of right." Id. at 348. Although G.L. c. 40A, § 9, allows municipalities to require special permits for specified uses, it does "not justify a by-law in which not even one use was generally authorized in a zoning district and all uses required a special permit." Id.

II. Application of the SCIT doctrine to overlay districts.

Massachusetts courts have held that the SCIT doctrine applies to overlay districts, just as it applies to traditional Euclidean zoning districts. Even when the underlying zoning allows certain uses as of right, the SCIT doctrine prohibits the application of a special permit requirement to all uses in the overlay district. See Boch v. Planning Board of Tisbury, Misc. Case No. 199441 (Mass. Land Ct. Jan. 21, 1997) (applying SCIT doctrine to invalidate overlay district). See also Stone-Ridge Assocs., LLC v. Rose, 2006 WL 453242 (Mass. Land Ct. Feb. 24, 2006) (applying SCIT doctrine to invalidate water resources protection overlay district); Lorden v. Town of Pepperell, 2003 WL 22739405 (Mass. Land. Ct. Jun. 30, 2003) (applying SCIT doctrine to hold that overlay district, which did not permit any as of right uses other than those that were de minimis or statutorily exempt, was invalid).

Where a zoning by-law violates the SCIT doctrine by subjecting all uses to a special permit requirement, disapproval of the entire by-law is often necessary to avoid engaging in policy choices that are best left to the municipality. In Boch, the court was unable to "interpret [the by-law] in a way that saves it without rewriting the entire section, something courts must remain reluctant to do." Id. at 11 (citing Trustees of Tufts College v. Medford, 415 Mass. 753, 761 (1993)). Since the special permit requirement applied to all uses within the overlay district, finding a saving interpretation would necessarily call for the court to select which uses would remain subject to the special permit requirement and which would be allowed as of right. "This is a determination . . . better left to the local governing body." Id. at 12. The Boch court noted that the invalidation of the entire by-law would not leave the underlying area unzoned. "Here, invalidation of [the by-law] does not affect the Property's underlying Euclidean zoning district, which remains intact." Id.

III. Application to the proposed by-law.

It is unclear from the text of Sections 2.16.30 and 2.16.60 whether there are uses allowed as of right in the MUVOD. According to the proponents of the proposed by-law, the proposed by-law operates as an "opt-in" provision and only applies if a person seeks to develop under the provisions of the MUVOD. (Letter from Eriken to Zaroulis of 06/16/10, at 2.) If a landowner does not wish to construct a mixed-use development or otherwise avail him or herself of the MUVOD provisions, the landowner may use the land in accordance with the applicable underlying zoning. Furthermore, according to the proponent of the proposed by-law, the proposed by-law does not does not impose a special permit requirement upon uses already allowed as of right in the underlying zoning districts. (Letter from Eriken to Zaroulis of 06/16/10, at 2.) Because the proposed by-law as construed by the Town allows uses as of right in the MUVOD, we approve the proposed by-law. However, we suggest that the Town discuss with Town Counsel whether to amend the proposed by-law to make it clear what uses are allowed as of right in the MUVOD. We offer this caution because the requirement of a special permit for "[a]ll uses and structures in the MUVOD" would be inconsistent with state law for the reasons provided in more detail above.

Articles 6 and 7 - We remind the Town that in a letter dated June 14, 2010, we returned with the approval of this Office the amendment to the Town's zoning by-laws adopted under these Articles.

Note: **Pursuant to G.L. c. 40, § 32, neither general nor zoning by-laws take effect unless the town has first satisfied the posting/publishing requirements of that statute. Once this statutory duty is fulfilled, (1) general by-laws and amendments take effect on the date that these posting and publishing requirements are satisfied unless a later effective date is prescribed in the by-law, and (2) zoning by-laws and amendments are deemed to have taken effect from the date they were voted by Town Meeting, unless a later effective date is prescribed in the by-law.**

If the Attorney General has disapproved and deleted one or more portions of any by-law or by-law amendment submitted for approval, only those portions approved are to be posted and published pursuant to G.L. c. 40, § 32. We ask that you forward to us a copy of the final text of the by-law or by-law amendments reflecting any such deletion. It will be sufficient to send us a copy of the text posted and published by the Town Clerk pursuant to this statute.

Nothing in the Attorney General's approval authorizes an exemption from any applicable state law or regulation governing the subject of the by-law submitted for approval.

Very truly yours,

MARTHA COAKLEY
ATTORNEY GENERAL

by: Kelli Gunagan, Assistant Attorney General
By-Law Coordinator, Municipal Law Unit
1350 Main Street, 4th Floor
Springfield, MA 01103
(413) 784-1240 x 7717

enc.

cc: Town Counsel (via email)

ALLIED WASTE SERVICES

2010 JUL 14 PM 1:11

TOWN ADMINISTRATOR
TYNGSBOROUGH, MA.

June 28, 2010

Mr. Michael Gilleberto, Town Administrator
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, Ma 01879

RE: FY 2011 (July 1, 2010 - June 30, 2011) Contract Adjustment

Dear Mr. Gilleberto,

Per the terms of the "Contract for Refuse, Leaf and Yard Waste, and Recyclables Collection" between the Town of Tyngsborough and Allied Waste Services of Massachusetts, LLC as amended by Amendment A, the collection fees for the period July 1, 2010 through June 30, 2011 will be as follows:

	Annual	Monthly
Base Price excluding Fuel – (basis for FY 2012 CPI)	$ 471,239.01	$ 39,269.92
Fuel at $3.27/gal	$ 63,150.24	$ 5,262.52
Total Contract Rate	$ 534,389.25	$ 44,532.44
'10-'11 Fuel Adjustment	$ -12,398.30	$ -1,033.19
Adjusted Contract Rate FY2011	$ 521,990.95	$ 43,499.25

OTHER:

	Annual	Monthly
Recycling Education	$ 3,563.70	$ 296.98
Tipping fee		

The Fuel adjustment as agreed to in Amendment A, represents the change in fuel price from the $3.27/gal rate used in the base price to the average cost for diesel fuel for the period 01/01/09 to 12/31/09 for the New England Region as reported by the United States Energy Information Administration (EIA) multiplied by 19,312 gallons of fuel. The average rate equals $2.628/gal less base $3.27/gal =$.642 x 19,312 gal = ($12,398.30).

New England (PADD 1A) No 2 Diesel Retail Sales by All Sellers (Cents per Gallon)

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2009	260.6	255.8	242.7	241.2	239.7	259.8	262.3	271.2	271.5	274.3	287.0	286.5
AVE	262.8											

Should you have any questions, or require further details, please do not hesitate to call me at 978-226-9555.

Sincerely,

Stan Walczak
General Manager

385 Dunstable Road
Tyngsboro, MA 01879
978.649.7564 / FAX 978.649.2028
www.disposal.com

comcast

July 13, 2010

2010 JUL 15 AM 11:25
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Board of Selectmen
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Dear Chairman and Members of the Board:

At Comcast, we want you to know that we are continuing to work hard to make sure our customers are amazed at the choices Comcast offers, excited by the innovation Comcast provides and thoroughly satisfied with the service and reliability of every interaction with Comcast. Our goal is to provide customers with a consistently superior customer experience. The recently introduced Comcast Customer Guarantee, the latest step in our ongoing commitment to better serve our customers, clearly outline what customers should expect from us and holds us accountable for meeting those expectations. To that end, the Comcast Customer Guarantee consists of seven promises:

1) We will give customers a 30-day, money-back guarantee on all of our services.
2) We will treat customers and their homes with courtesy and respect.
3) We will answer customers' questions at their convenience.
4) We will offer easy to understand packages and provide customers with a clear, easy to understand bill.
5) We will continually offer the best and most video choices.
6) We will quickly address any problem our customers experience.
7) We will schedule appointments at our customers' convenience and respect their time.

We are excited about the Comcast Customer Guarantee and have been telling our customers about the Comcast Customer Guarantee through a number of channels, including promotional spots on various networks, print advertisements in a variety of media, radio commercials and mailers that are sent to customers, including messages on customers' bills. The Comcast Customer Guarantee is the kind of improvement our customers have told us they want and we are proud to be the only video service provider who is offering this kind of customer guarantee.

Finally, results often speak louder than words. Since the beginning of 2010, we have seen a marked improvement in our Customer Satisfaction statistics both across the nation and here in Tyngsborough. A significant percentage of our customers who are aware of the Guarantee now have a more positive perception of Comcast.

If you have any questions about the Comcast Customer Guarantee or how we are improving our customer service, please do not hesitate to call me at 617-279-1576.

Sincerely,

Timothy Kelly
Senior Manager of Government & Community Relations

Constellation Energy

GREEN COMMUNITY

WE CAN HELP YOUR COMMUNITY MEET ITS CLEAN ENERGY GOALS

Dear Michael:

Congratulations on your recent designation as one of the Commonwealth's first official Green Communities! As you take steps towards a pursuit of climate neutrality, we're here to assist you along the way.

Constellation NewEnergy, Inc. ("CNE") is the endorsed energy supplier for the Massachusetts Municipal Association's MunEnergy program. More than one-hundred-twenty communities have chosen to be part of the MMA's MunEnergy program.

We offer energy solutions that may help your community achieve its clean energy goals.

Load Response: Our load response programs may help your community achieve economic, environmental and social goals. Load response gives eligible customers financial rewards for using less energy on days when regional power grids are under stress.

Renewable Energy Certificates (RECs): Our Green-e Energy Certified RECs from wind power offer an easy way to match energy demand with clean renewable energy. This purchase supports future development of renewable energy and lessens our dependence on fossil fuel generation.

Energy Efficiency: CNE's sister company, Constellation Energy Projects & Services Group, Inc. ("CEPS"), can thoroughly evaluate existing energy infrastructure and usage from point of procurement to final end use. Projects may include lighting upgrades, system retrofits, or new construction.

Solar Energy: CEPS provides the capital to develop solar energy projects, allowing customers to take advantage of hosting a solar energy facility while retaining capital to devote to the community. CEPS offers photovoltaic solar power that locks in long term, stable, affordable electricity rates.

My colleague, Craig Brazell, will phone you in the coming days to discuss your renewable energy options. If you have any questions in the meantime, please contact Craig Brazell at 617-512-9939 or Craig.Brazell@constellation.com.

Sincerely,

Emily A. Neill

Emily Neill
Vice President of Sales

Karen Nastasia Frederick
Executive Director

Donald Washburn
President

Thomas A. Joyce
Vice President

Germaine Vigeant Trudel
Treasurer

Glenn Goldman
Assistant Treasurer

Sheila Och
Clerk

2010 JUL 22 PM 1:13
TYNGSBOROUGH, MA.

July 17, 2010

Dear Friend,

Do you know a hero among us? Community Teamwork, Inc. is seeking nominations for our 2010 Local Heroes awards given to people, businesses and organizations that amaze and inspire us by consistently going above and beyond ordinary expectations to make our community a better place for everyone.

We ask you to look within your community and identify these heroes who feed the hungry; comfort the elderly; volunteer at hospitals, in their churches and at youth centers; who raise funds for neighbors in need, for scholarships, and for those in crisis; who help the homeless; preserve history; promote culture and the arts; and organize clean-ups, neighborhood beautification projects, community activities and so much more.

We encourage you to make a nomination using the enclosed form and return it no later than August 31, 2010. We also hope you will join us in honoring this year's Local Heroes at our 17th Annual Evening with Local Heroes to be held October 27, 2010.

To learn about past Heroes or to obtain a nomination form, please visit our website at www.comteam.org, call our Community Relations office at 978 459-0551, ext. 281 or e-mail us at sshelton@comteam.org.

Sincerely,

Karen N. Frederick
Executive Director

Donald Washburn
President

Phone: 978-459-0551

Community Teamwork, Inc.
167 Dutton Street, Lowell, MA 01852

Fax: 978-453-9128

www.comteam.org

Honoring the HEROES *Among Us*

COMMUNITY TEAMWORK INC.

Community Teamwork, Inc.'s Local Heroes Awards were established in 1994 to recognize individuals and organizations who have made extraordinary contributions to the well-being of the Greater Lowell community. Nominated by community members like you, these Heroes have amazed and inspired us by consistently reaching beyond the ordinary levels of kindess, generosity, compassion and effort to create a better quality of life for us all. Shown here are some of these heroes: Jennifer Golen, Fru Nkimbeng, Karen Bolton, Barbara and Fred Baldwin and Paul Marion.

Guidelines for 2010 Nominations. CTI is accepting nominations for its 2010 Local Heroes Awards now through August 31. We invite nominations from all sectors of our service area which includes Lowell, Billerica, Chelmsford, Dracut, Dunstable, Tewksbury, Tyngsboro and Westford and all segments of the community including faith, human services, education, culture and arts, business, government and the general public. The Awards Committee of the CTI Board of Directors will review all nominations and make final selections. Those chosen will be honored at our 17th Annual Evening with Local Heroes on Wednesday, October 27, 2010.

In preparing your nomination, be thorough in filling out the form on the reverse side. Send it along with any testimonials and other supporting documentation to Community Teamwork, Inc., 167 Dutton Street, Lowell, MA 01852, Attention: Local Heroes.

Please visit our website at www.comteam.org to learn more about CTI's Local Heroes Awards, print out additional nomination forms and review a list of our former heroes.

If you have questions, please call
CTI Community Relations at
978 459-0551, ext. 281.

NOMINATE YOUR LOCAL *Hero*

BY AUGUST 31, 2010

2010 Local Heroes *Nominations*

Deadline August 31, 2010

COMMUNITY TEAMWORK INC.

Do you know a real hero? A person, business or organization that exemplifies community heroism by reaching beyond the ordinary levels of kindness, generosity, compassion and effort to create a better quality of life for all of us. If yes, then send us your nomination (see details on other side). Those chosen will be honored at CTI's 17th Annual Evening with Local Heroes on October 27, 2010.

Name of Nominee:_____ Phone:_____
Home/Business Address:_____
City:_____ State:____ Zip:_____ Email:_____

Name of Nominator:_____ Phone:_____
Home/Business Address:_____
City:_____ State:____ Zip:_____ Email:_____

Nomination Statement
I nominate this candidate for the CTI 2010 Local Heroes Award for his/her/their outstanding contributions to our community for the following reasons:

_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____
_____

Additional Paper, if needed.

Please submit this form along with any testimonials and additional documentation no later than August 31, 2010, to Community Teamwork, Inc., 167 Dutton Street, Lowell, Massachusetts 01852, Attention: Local Heroes.

Town of Tyngsborough

Planning Board

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115
Fax: (978) 649-2301

REQUEST FOR COMMENT

Applicant: SBA Towers II, Inc.

Project Address: 180 Sherburne Ave.
Map 28 Parcel 117 Lot -

Type of Application: Cell Tower Special Permit

Department:

The Planning Board has received the above application. The Board requests your department's review of the application and any comments. Please attach a separate sheet for additional comments if necessary.

Please return by: 8/16/10

If your Department/Board must take action prior to issuance of this permit, please indicate the action below.

Comments:_____

Prepared by:_____(print) Date:_____
Signature:_____

Department Head:_____(print) Date:_____
Signature:_____

Cc:

____Assessors	____Building Insp.	____Board of Health
____Conservation	____Fire Dept.	____Police Dept.
____Sewer Dept.	____Highway Dept.	____Water Dept.
____Tax Collector	✓ Selectmen	____ZBA

Attachments/

DESCHENES & FARRELL, P.C.
Attorneys at Law
The Fiske House at Central Square
One Billerica Road
Chelmsford, MA 01824-3010
Telephone: (978) 250-8877
Facsimile: (978) 250-0057

Douglas C. Deschenes
Kathryn Lorah Farrell

Anthony J. Natola
Julie A. McNeill
Melissa E. Robbins
Kevin S. Eriksen

June 30, 2010

Town of Tyngsboro
Planning Board
25 Bryants Lane
Tyngsboro, MA 01879

RE: Special Permit Application – Telecommunications Tower

Dear Board Members,

Please be advised that this office represents SBA Towers II, Inc. regarding its application for a Special Use Permit under Section 4.16.00 of the Town of Tyngsboro Zoning Bylaws. The 160' monopole style tower is proposed to be located on a 53 acre parcel off of Sherburne Avenue. The parcel is heavily wooded and provides significant screening from all public ways and residential structures. The tower shall be sited so as to be located approximately 580 feet from the nearest residence and approximately 550 feet from Sherburne Avenue. A 70' x 70' fenced in area is proposed around the tower to house the associated carrier equipment cabinets. The climbing pegs for the tower shall also be set at approximately 10-12 feet so as to prevent unauthorized climbing of the structure.

As can be seen from the attached documentation from T-Mobile, this area represents a clear gap in coverage that will be addressed by locating a tower at this site. The parcel's size and wooded nature make this site an ideal location for a tower and allow the applicant to meet the intent of the Tyngsboro Bylaw by minimizing any "visual, economic or aesthetic impacts of the facility on abutters." Please note, it is the applicant's intention to conduct a balloon float for the purposes of creating detailed photo simulations of the tower as proposed. We request that this balloon float be scheduled in conjunction with the Planning Board at the first hearing so that the Board members, as well as any interested parties and abutters, will be aware of its scheduling.

Please accept the following cover letter, along with the completed application form, plans of the proposed wireless communication facility, consultant review form, certified abutters list, land-owner authorization letter, designer certificate, radio

frequency affidavit, T-Mobile coverage plots indicating a significant gap in coverage, affidavit from Site Acquisition Specialist Peter LaMontaigne regarding alternative site analysis, deeds indicating ownership of the property in question, a letter from Northeastern Consulting Forestry Services, T-Mobile's FCC license, tower design specifications from Sabre Towers and checks for filing. Please do not hesitate to contact this office directly if you have any questions or comments.

Sincerely
DESCHENES & FARRELL, P.C.

Kevin S. Eriksen

APPLICATION

FORM 1

RECEIVED
2010 JUL 16 AM 10:38
TOWN CLERK
TYNGSBOROUGH, MA

Town of Tyngsborough
PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Planning Office: (978) 649-2308
Fax: (978) 649-2301

APPLICATION FOR SPECIAL PERMIT

NOTICE TO APPLICANT:

File one completed form with the Planning Board and an exact copy with the Town Clerk. Ten (10) copies of the plan for which a special permit is applied for shall be included with ten (10) copies of this application. Please ensure that all information required pursuant to the Town of Tyngsborough Zoning By-Laws has been included with this application. Lack of such required information filed with the application shall be considered an incomplete/invalid application.

TO THE PLANNING BOARD, TOWN OF TYNGSBOROUGH:

1. The undersigned, being the owner of land included on the attached plan entitled Sherborne Avenue, Tyngsborough MA 01879 and dated 6/22/10, submits this plan and application for a Special Permit according to the requirements of Section 4.16.00** of the Tyngsborough Zoning By-Laws.

2. The owner's title to the land is derived under deed from Robert D. Lambert dated 10/23/95, And recorded in Middlesex North Registry of Deeds, Quitclaim, Book 7709, Page 217* **OR** under Certificate of Title No. _____ registered in Middlesex Land Registry District Book _____, Page * and deed from John H. Lambert, Jr., dated 9/27/93 and recorded at said registry at Book 06715, Page 099.
3. This application is filed in accordance with the Zoning By-Laws and the Rules and Regulations of the Planning Board regarding Special Permits.

4. This application is accompanied by the Certified List of Parties in Interest (Form 2), the Designer's Certificate (Form 3), and the application fee.

See attached authorization form
Applicant

Deschenes & Farrell, P.C., One Billerica Rd Chelmsford MA 01824
Address, Phone

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board and the Town Clerk.

Accepted this 15 day of July, 2010 as duly submitted under the Rules and Regulations for Special Permit Applications of the Tyngsborough Planning Board.

By: Joanne Shepard (Town Clerk)

By: _____ (Planning Board)

** and any other permit relief as may be required by the Tyngsborough Zoning By-laws to allow the proposed use.

CONSULTANT REVIEW FORM

FORM 5

Town of Tyngsborough
PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Planning Office: (978) 649-2300, Ext. 115 Fax: (978) 649-2301

CONSULTANT RELEASE FORM

Date: June 29, 2010

Project Name: Communications Tower

Project Location: 180 Sherborne Avenue, Tyngsborough, MA

Applicant: SBA Towers II, Inc.

I, SBA Towers II, Inc. (please print), agree to pay the cost and expense of any expert consultant deeded necessary by the Tyngsborough Planning Board to review the attached application. I understand that I may seek an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such appeals shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.

I further agree to attach a **BANK CHECK** or **MONEY ORDER** made out to the Town of Tyngsborough Planning Board for $2000.00 or such amount as determined appropriate by the Planning Board, to this form for the purpose of payment for the consultant review. If when completed, the consultant review costs are less than $2000.00, I understand that I will be reimbursed for the balance of the $2000.00. If the consultant review costs exceed $2000.00, I understand that I will be billed for the balance of the review costs.

Amount: $2000.00

Applicant's Signature: [signature] attorney for SBA Towers II, Inc.

Applicant's Company: SBA Towers II, Inc.

Applicant's Address: 5900 Broken Sound Parkway
NW Boca Raton, FL 33487

Applicant's Telephone Number: (978)250-8877 (office of applicants attorney)

Property Owner's Name: J. Clark Lambert & Corliss F. Lambert

FORM 2

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,

Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300, Ext. 115 Fax: (978) 649-2301

SPECIAL PERMIT CERTIFIED LIST OF PARTIES IN INTEREST

TO THE PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH:

The undersigned, being an applicant for approval of a special permit for the land shown on Assessor's Map No. 28 as Lot No. 117-0 submits the attached list of parties in interest, including abutters to the subject property, owners of land within 300 feet of a boundary or part thereof, of the subject property, and owners of land directly opposite on any public or private street from the subject property. All parties of interest are listed as they appear in the most recent applicable tax list of Tyngsborough and abutting town, if any party of interest is located in another town.

SBA Towers II, Inc.

Applicant

5900 Broken Sound Parkway NW Boca Raton, FL 33487

Address, Phone

Accepted by the Tyngsborough Planning Board [signature] July 15, 20 10

TO THE PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH:

This is to certify that at the time of the last taxation made by the Town of Tyngsborough, the names and addresses of the parties in interest to the subject property were as listed on the attached page(s).

_____

Board of Assessors

Town of Tyngsborough

CERTIFIED ABUTTERS LIST

COVER SHEET

ABUTTERS LIST **AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"**

TOWN BOARD: PLANNING BOARD

LOCATION: SHERBURNE AVE MAP 28-117-0

OWNER: LAMBERT JOHN H JR & J CLARK
LAMBERT ROBERT D & CORLISS F

REQUESTED BY: **ATTY DOUGLAS DESCHENES**

PREPARED BY: Jennifer Wilson, Assessors Assistant JW

DATE: May 18, 2010

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
27 45 0	176 SHERBURNE AV	CAMPBELL GILBERT G INC	ATTN: JEANNE	176 CHURCH ST	LOWELL	MA	01852
27 56 0	181 SHERBURNE AV	PINTO CHERYL A	ANTHONY A PINTO REV TRU	181 SHERBURNE AVENUE	TYNGSBOROUGH	MA	01879
27 59 0	166 SHERBURNE AV	CAMPBELL GILBERT G INC	ATTN: JEANNE	176 CHURCH ST	LOWELL	MA	01852
27 64 0	18 BRIDLE PATH WY	CAMPBELL GILBERT G		18 BRIDLE PATH WY	TYNGSBOROUGH	MA	01879
27 65 0	22 BRIDLE PATH WY	SCOTT JOHN W		22 BRIDLE PATH WY	TYNGSBOROUGH	MA	01879
27 68 0	17 BRIDLE PATH WY	PAGE DENNIS M &	CYNTHIA C	17 BRIDLE PATH WY	TYNGSBOROUGH	MA	01879
27 69 0	13 BRIDLE PATH WY	HADLAND NICHOLAS	HADLAND JAN	116 REEDY MEADOW RD	GROTON	MA	01450
27 70 0	9 BRIDLE PATH WY	CHATEL LOUIS R TRUST	CHATEL JEANNETTE T TRU	PO BOX 199	TYNGSBOROUGH	MA	01879
27 71 0	5 BRIDLE PATH WY	SHAMBLEY MT PLEASANT FAMILY	MT PLEASANT M A & SHAME	5 BRIDLE PATH WY	TYNGSBOROUGH	MA	01879
28 115 0	185 PAWTUCKET BV	VESPER COUNTRY CLUB		185 PAWTUCKET BLVD	TYNGSBOROUGH	MA	01879
28 116 0	198 SHERBURNE AV	WEBB F CHAPIN	JUSTINE	198 SHERBURNE AVE	TYNGSBOROUGH	MA	01879
28 117 0	SHERBURNE AV	LAMBERT JOHN H JR + J CLARK	LAMBERT ROBERT D + COR	P.O. BOX 4	TYNGSBOROUGH	MA	01879-0004
33 27 0	TROTTING PARK RD	COMMONWEALTH OF MASS	DEPT OF ENVIRONMENTAL	817 LOWELL RD	CARLISLE	MA	01741
33 74 0	21 BRIDLE PATH WY	HANNAFIN THOMAS G + SANDRA		21 BRIDLE PATH WY	TYNGSBOROUGH	MA	01879
34 29 0	200 SHERBURNE AV	LOISELLE DORIS M		P O BOX 225	TYNGSBOROUGH	MA	01879-0225
34 30 0	208 SHERBURNE AV	LEDUC RUDOLPH N	JEANNE A	208 SHERBURNE AV	TYNGSBOROUGH	MA	01879
34 31 0	214 SHERBURNE AV	LESCARD DONALD A	ANNE M	214 SHERBURNE AV	TYNGSBOROUGH	MA	01879

End of Report

Note: 33-27-0 includes deleted lots 33-26-0 and 33-29-0 also assessed to Commonwealth of Mass

LAND OWNER AUTHORIZATION

June 9, 2010

RE: 180 Sherburne Avenue
Tyngsboro, MA

Dear Members of the Board,

Please be advised that the undersigned, J. Clark Lambert and Corliss F. Lambert, owners of the above referenced property in Tyngsboro, MA, containing approximately fifty-three acres of land, does hereby authorize SBA Towers, Inc., of 5900 Broken Sound Parkway, Boca Raton, Fl, its agents, attorneys, representatives, parent corporations, subsidiaries, successors and assigns, to make any filings, permit applications, or submit other documents necessary in connection with one quarter acre of the above referenced property.

Thank you for your time and attention to this matter.

Sincerely,

J. Clark Lambert

Corliss F. Lambert

DESIGNER CERTIFICATE

FORM 3

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,

Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

DESIGNER'S CERTIFICATE

Aerial Spectrum, Burlington, Massachusetts

June 30th, 2010.

TO THE TYNGSBOROUGH PLANNING BOARD:

I hereby certify that the accompanying plan, entitled Site Plan - C-1 TYNGSBOROUGH, MA 11853-S and dated 6/22/10, 20__, is true and correct to the accuracy required by the Rules and Regulations of the Board regarding Special Permits and the Town of Tyngsborough Zoning By-Laws.

Registered Professional Engineer
MASS. REGISTRATION NO. 40123

Registered Land Surveyor
MASS. REGISTRATION NO. 46824

33 Morton Street - Fall River, MA 02720

Address

Note: This Certificate is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board or an authorized agent thereof:

Received and accepted this 15 day of July, 20__ as duly submitted under the Rules and Regulations of the Tyngsborough Planning Board regarding Special Permits.

TYNGSBOROUGH PLANNING BOARD

By

RADIO FREQUENCY ENGINEER'S AFFIDAVIT

AFFIDAVIT
of
RADIO FREQUENCY EXPERT

The undersigned, hereby states the following in support of the application of T-Mobile Northeast Inc. a wholly owned subsidiary of T-Mobile USA, Inc. (hereinafter referred to as "T-Mobile") to construct an antenna installation with related equipment cabinets at 180 Sherburne Ave, Tyngsboro, MA (The "Wireless Communications Facility"):

1. I am a Radio Frequency Engineer representing T-Mobile USA, Inc. and responsible for radio network design in Massachusetts.

2. As enabled under its Federal Communications Commission (FCC) license T-Mobile seeks to design its wireless network in order to provide reliable wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable service to its customers in each context is critical for T-Mobile to provide the quality of wireless service that customers demand, and to meet the objectives of Congress that a robust, competitive and low cost wireless communication capacity be developed to serve the entire nation.

3. I have thoroughly reviewed the radio frequency engineering studies, reports, and computer model prepared by T-Mobile with respect to the subject wireless communications facility. I used Asset, a propagation modeling software developed by Aircom Inc., to simulate the proposed coverage created by the facility. This software calculates frequency strength over distance taking into account geographical, and topographical land features and other contributors to signal loss. Finally, this calculation has also been adjusted by empiric data obtained from field measurement.

4. In order to meet its obligations under the radio license T-Mobile must have in place a network of base station antenna facilities to serve portable wireless communication devices and mobile telephones. These facilities consist of antennas mounted on a pole, building, or other structures that are connected by cables to a small equipment cabinet located near the antenna. These antennas transmit voice and data to subscribers within a defined area of coverage. Likewise, the antenna receives the radio signal from mobile transmitters (such as telephones) which then goes to equipment located in the cabinet and to ordinary phone lines from which the transmission may be routed anywhere in the world.

5. Wireless antenna facilities are integral to T-Mobile's network. Each facility, servicing only a limited area, must be carefully located so that it can properly interact with surrounding facilities. To maintain reliable, uninterrupted service to a wireless telephone user living and/or traveling in a given area serviced by multiple antenna facilities, T-Mobile depends on a continuous interconnected series of facilities, which in-part overlap in a grid or "cellular" pattern.

6. In compliance with its FCC license, T-Mobile is actively building its PCS network to provide service in Massachusetts. In order to meet its goal of providing reliable, seamless and uninterrupted service T-Mobile must continue to acquire interest in property for additional facilities, and is applying for and obtaining local governmental approvals to construct the facilities in order to eliminate gaps in reliable service coverage. Any delay at this point in time severely curtails T-Mobile's ability to achieve a market position that will allow it to compete for customers, which is in the public interest.

7. Using precise computer prediction model and following a thorough review of the RF engineering studies and reports prepared by T-Mobile it was determined that a new facility in proximity to Sherburne Ave and Bridal Path Way is critical to the overall engineering and technical plan for T-Mobile's network.

8. The subject location has specific characteristics, of topography, relationship to existing structures and its location within the narrow search limits specified by the above referenced computer model, makes it uniquely suitable to address T-Mobile's need for a proposed wireless telecommunications transmission facility. With the above considerations the proposed site was determined to be the most appropriate location for a facility to fill the existing gap in service coverage within the context of available land parcels provided to me for analysis.

9. Without a wireless transmission facility located at or near this location, a significant area of inadequate, unreliable coverage would remain in T-Mobile's wireless network in the vicinity of the proposed installation. This lack of service area or "gap" in coverage would adversely impact the service T-Mobile is able to provide to businesses and residents of Tyngsboro as well as travelers along Sherborn Ave, Pawtucket Blvd. & Willowdale Rd and other primary roads through and around Tyngsboro, MA.

10. The result of such a "gap" will be an inability for the T-Mobile customer to reliably initiate, receive, or maintain voice and data connections, including 911 emergency calls, from the time that subscriber leaves the service area until that subscriber reaches that point where a quality signal is available to reinitiate the communication link.

11. All proposed wireless communications equipment will be installed, erected, maintained and operated in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the 1996 Federal Communications Act, applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), and Massachusetts Department of Health. All equipment proposed is authorized by the FCC Guidelines for Evaluating the Environmental effects of Radio Frequency Emissions. The radio frequency exposure levels generated by the proposed facility are substantially below the maximum

allowable health and safety standards established by the FCC. In addition, the proposed equipment and transmission characteristics are in compliance with standards set forth by the American National Standards Institute (ANSI) and the National Council of Radiation Protection (NCRP).

Based upon the best radio frequency technology that is available to T-Mobile at this time, it is my professional opinion that the proposed project is necessary to ensure adequate PCS service to area residents and businesses in accordance with system specifications.

Signed under the penalties of perjury this 7th day of Jun, 2010.

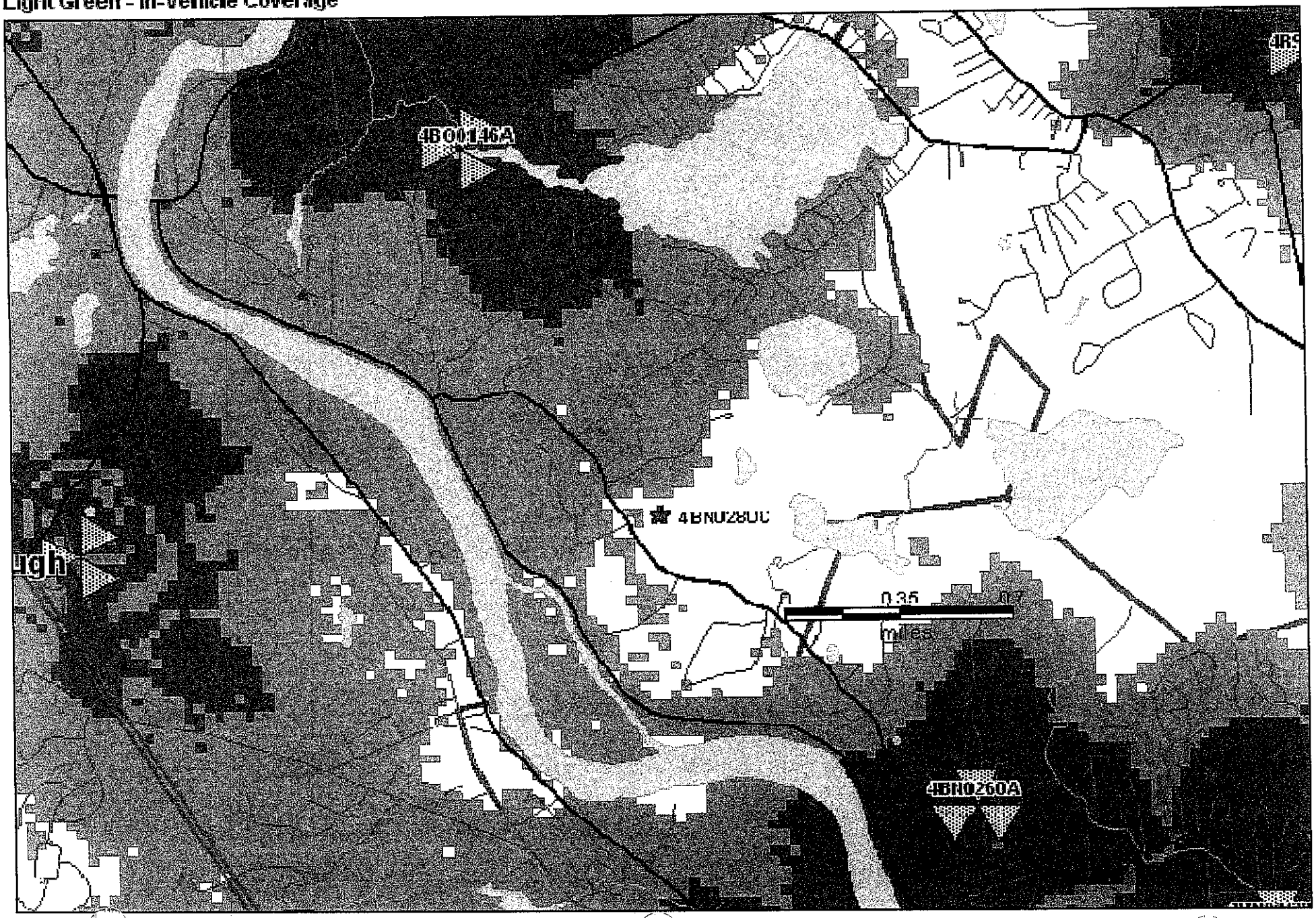
Dishant Shah, RF Engineer
T-Mobile USA, INC.
15 Commerce Way Suite B
Norton, MA 02766
(508) 286-2789
Dishant.Shah@T-Mobile.com

T-MOBILE'S COVERAGE MAPS

Green - In-Building Coverage
Light Green - In-Vehicle Coverage

Existing coverage in Tyngsboro, MA

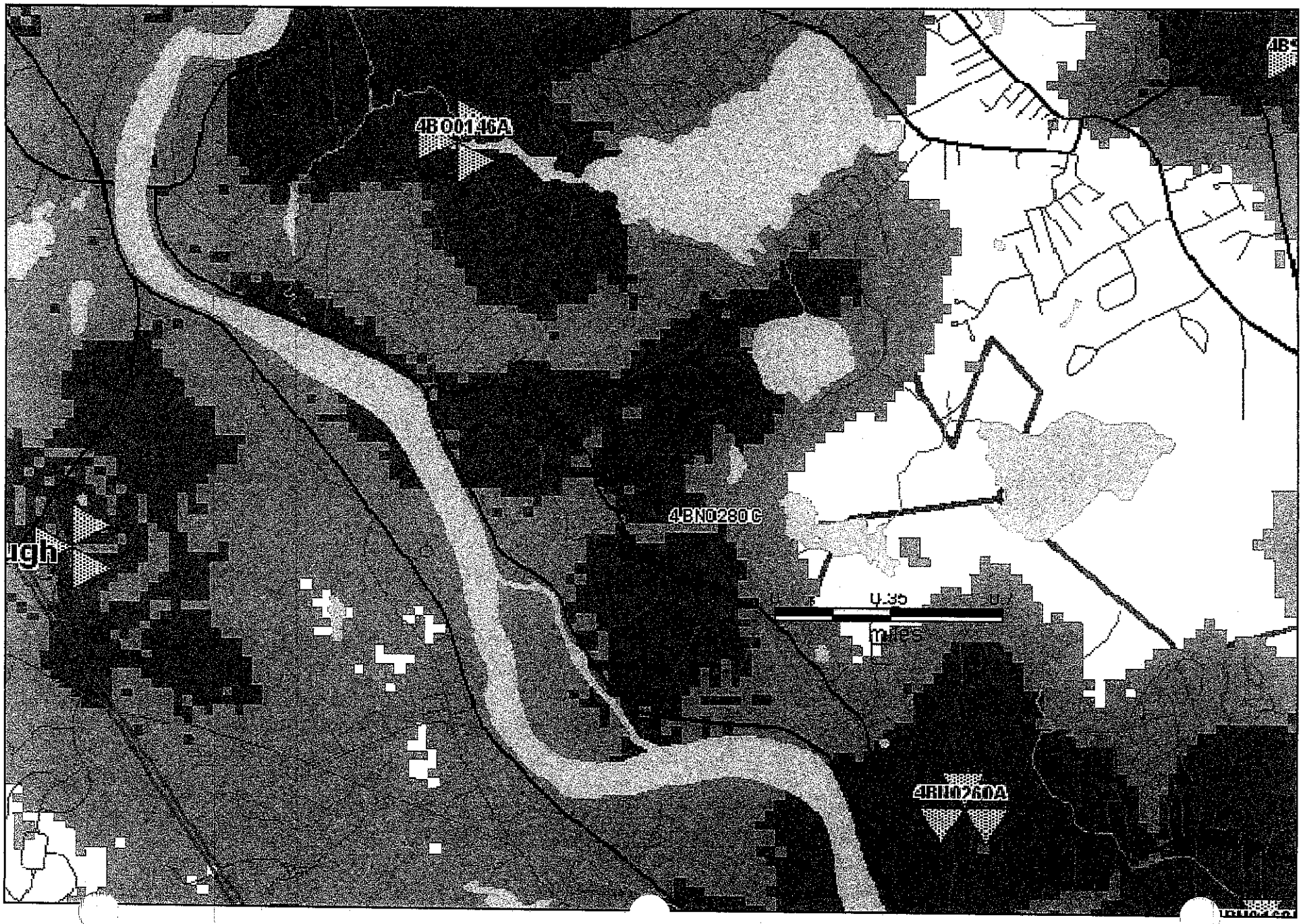
T-Mobile



Green - In-Building Coverage
Light Green - In-Vehicle Coverage

Existing and Proposed coverage With 4BN0280C at 160'

T-Mobile



AFFIDAVIT FROM SITE ACQUISITION SPECIALIST

Peter LaMontagne
Centerline Communications LLC
960 Turnpike St. Suite 28
Canton, MA 02021

Re: Affidavit of Site Acquisition Specialist

Dear Members of the Tyngsborough Planning Board:

My name is Peter LaMontagne and I am the site acquisition consultant that performed the field analysis in choosing a viable location for a wireless telecommunications facility in the area of Sherburne Ave/Pawtucket Blvd in Tyngsborough, Massachusetts.

I submit this affidavit on this day of June 23, 2010 based on my personal knowledge of the site and the surrounding area and based on my professional experience in the development of wireless communication facilities.

When SBA retained my services, they identified a search area in Tyngsborough which a wireless communications installation was necessary to fill an existing coverage gap for T-Mobile. In this instance the illustrated area is located off Sherburne Avenue/Pawtucket Blvd and has an approximate ½ - ¾ mile search radius, which is contingent on the terrain of the area and the tree coverage in a given location. The search area did not have any existing structures that would provide T-Mobile the potential for co-location. The purpose of this search area was to cover the two major routes of Sherburne Avenue and Pawtucket Blvd, keeping in consideration the existing flood hazards of the Merrimack River.

Part of my site acquisition duties include, identifying potential candidate within the search area and determining their leasing, zoning and construction viability. The main focus on this search area was to qualify property owners that had large enough parcels to meet the required zoning setbacks for a wireless facility as well as providing a large enough buffer to screen the facility.

After candidates have been identified and the property owner has expressed interest, a site visit is conducted to identify a potential lease area. During the site visit, I investigate and evaluate the property from a leasing and construction standpoint. I then submit a field report for each candidate which is called a Site Candidate Information Package (SCIP). The SCIP goes through an internal review process with SBA Towers, which includes reviewing the local zoning ordinance, reviewing various maps to evaluate terrain, flood plains, possible wetlands, and street and aerial views of the property.

For this search area, we investigated nine properties; including our proposed site location owned by Clark and Corliss Lambert ("Lambert Forest). The alternate site locations were investigated and ultimately disqualified due to the reasons specified below.

Alternate Site Location A – Tatseos Property (34-34-0)

Proposed site location was at 226 Sherburne Avenue, owned by George A. Tatseos, who was interested in a ground lease with SBA Towers. The property consists of 26 acres; 22 acres

located in the Town of Tyngsborough and 4 acres in the City of Lowell. The site location was identified on the northern portion of the property, abutting a working loom yard on the property and estimated 600'+/- from a small pond. A SCIP was submitted and SBA Towers conducted and internal review. The consensus was that the site location was to close in proximity to a residential subdivision off Constance Drive. There were also additional concerns of wetlands in the area from a nearby pond. SBA decided to not move forward with a ground lease on the Tatseos property.

Alternate Site Location B – Pete's Garage (027-024)

Proposed site location was at 130 Sherburne Avenue, owned by Peter M. Silva. Property is 37 acres and is currently utilized with a small auto shop. The property owner was initially interested in a land lease and the property is large enough to house a wireless facility with adequate tree coverage. I met with Peter Silva on his property and he informed me that the wireless facility would interfere with his planned use of the property and that he was no longer interested.

Alternate Site Location C – Municipal Property

I inquired about municipal property with Caryn DeCarteret, Chairmen of the Tyngsborough Planning Board. The correspondence with Caryn was that the Town of Tyngsborough did have a permitted tower located outside of the wireless overlay district at 56 Coburn Avenue, and the special permit was granted to Metro PCS. I investigated the existing wireless facility, but it was located 1.50 miles North East of our search area and would not work for T-Mobile's coverage needs. I also inquired if there was any municipal property that would be available for a wireless facility in our search area. Caryn mentioned that she spoke with the Tax Collector, and that a list of municipal property would be generated and sent to my attention. I never received the municipal property list from the Town and there was no active Request For Proposal (RFP) to develop a wireless facility on municipal property. At the same time we received interest from Lambert Forest and our attention was directed to investigate their property.

Alternate Site Location D – American Legion Post 267 (27-10)

Proposed site location was at 90 Pawtucket Blvd, owned by American Legion Post 267. The Legion was interested in a ground lease to house a wireless facility, but after further investigation the property was too close to a residential subdivision off Lynn Avenue and would not meet the required zoning setbacks. The site location was also 1.10 miles North East from our search area and would not work for T-Mobile's Coverage.

Alternate Site Location E – Vespar County Club (28-115)

Proposed site location was at 185 Pawtucket Blvd, at the Vespar County Club property. The property has over 177.880 acres and had the potential to house a wireless facility. The Country Club was not responsive to a proposal. They property manager finally returned a phone call stating that Vespar Country Club was not interested in housing a wireless facility on their property.

Alternate Site Location F – Lighthouse Middle School (9-6)

Proposed site location was across the Merrimack River, located at 25 Wellman Avenue in North Chelmsford. We investigated this property with the potential of getting coverage across the Merrimack River and into the required target coverage area. I met with Steve Furland, Principal of the Lighthouse Middle School, after further investigation the school made a decision that this was not the appropriate place for a wireless facility and that they were no longer interested.

Alternate Site Location G – Stonehendge INN (27-56B)

Proposed site location was at the Stonehendge INN at 160 Pawtucket Blvd. Property was 33 acres and was large enough to accommodate a wireless facility. Levant Bozkurt, owner of Stonehendge INN, showed some initial interest in SBA's proposal. Levant insisted that a site visit be setup after SBA submitted a final proposal. SBA submitted a final proposal and the property owner made the decision to not move forward with a ground lease. The concern was that the tower would interfere with current use of the property and it was not worth moving forward.

Alternate Site Location H – Lescard (34-31)

Proposed site location was at 214 Sherburne Avenue, property is owned by Donald A. and Anne M. Lescard. The property was located in the search area and is approximately 16.30 acres. The property owners never responded to SBA's initial proposal.

Site Location – Lambert Forest (28-117)

As determined by an internal review process the proposed site location off Sherburne Avenue (Lambert Forest) was deemed the most viable location to develop a wireless communications facility within the search ring. Due to the residential makeup of the search area, this site was selected due to it's location and the fact that the property is a wooded lot; leaving an adequate vegetative buffer around the wireless facility. The property owners were interested in moving forward with SBA and a land lease was secured on the property. Most importantly the site fits T-Mobile's coverage need.

Regards,

Peter LaMontagne
Site Acquisition Consultant
Centerline Communications LLC as Agent for SBA Towers
(508)341-7854
plamontagne@clinellc.com

DEEDS

KNOW ALL MEN BY THESE PRESENTS

That I **JOHN H. LAMBERT, JR.**, with a mailing address of 67 Portland Avenue, Dover, Strafford County, New Hampshire 03820 grant all of my right, title and interest to **JOHN H. LAMBERT, JR.**, with a mailing address of 67 Portland Avenue, Dover, Strafford County, New Hampshire 03820 and **J. CLARK LAMBERT** of 76 Van Dyke Road, Hollis, Hillsborough County, New Hampshire, 03049 as joint tenants with rights of survivorship and not as tenants in common, for consideration of One Dollar ($1.00) paid, with quitclaim covenants:

All of the grantor's undivided right, title and interest in and to the following described parcel of property located in Tyngsboro, Middlesex County, Commonwealth of Massachusetts, and comprising all and the same premises described in a certain deed from John H. Lambert to John H. Lambert, Jr. dated November 8, 1946 and recorded in Middlesex North District Registry of Deeds, Book 1057, Page 114, to which deed reference may be had for a more particular description of the granted premises.

This parcel is situated on the northeasterly side of Sherburne Avenue, contains about 53 acres, and comprises nearly all the premises conveyed by Cyrus Butterfield to John L. Corliss dated January 2, 1866 and recorded in said Registry, Book 46, Page 300. See also record of the settlement of the Estates of said John L. Corliss, of Lydia L. Corliss and of Sarah G. Lambert (all Middlesex County Probate Records). See also deed of Josephine H. Earl to John H. Lambert dated May 10, 1929, and recorded at Book 776, Page 338.

The premises are hereby conveyed with the benefit of and subject to all rights and reservations of record.

Amy C. Burk Lambert, wife of the grantor herein, releases any and all rights of dower and any and all interest in the above described premises.

Address of Property:
East Side of Sherburne Avenue
Tyngsboro, Massachusetts

10/08/96 10:02:44 60657 25.00 65

The consideration being less than One Hundred Dollars ($100.00), no documentary stamps are required.

SIGNED this 27 day of September, 1993.

John H. Lambert, Jr.

John H. Lambert, Jr.

Amy C. Burk Lambert

Amy C. Burk Lambert

STATE OF NEW HAMPSHIRE
COUNTY OF STRAFFORD

Then personally appeared the above-named John H. Lambert, Jr. and Amy C. Burk Lambert and acknowledged the foregoing instrument to be their free act and deed, this 27th day of September, 1993.

Before me, Donna M. Benoit

Notary Public
My Commission Expires:

DONNA M. BENOIT
NOTARY PUBLIC, STATE OF NEW HAMPSHIRE
COMMISSION EXPIRES 7/26/97

KNOW ALL MEN BY THESE PRESENTS

That I, Robert D. Lambert, now of 2600 Kanner Highway, Stuart, State of Florida, grant all of my right, title and interest to Robert D. Lambert, with a mailing address of Post Office Box 777 Port Salerno, Florida 34992 and Corliss F. Lambert, with a mailing address of 204 Middlesex Road, Tyngsborough, Massachusetts 01879, as joint tenants with rights of survivorship and not as tenants in common, for consideration of One Dollar ($1.00) paid, with quitclaim covenants:

Sherburne Avenue, Tyngsborough

10/23/95 01:58:45 47657 25.32 65

All of the grantor's undivided right, title and interest in and to the following described parcel of property located in Tyngsborough, Middlesex County, Commonwealth of Massachusetts, and comprising all the same premises described in a certain deed from Catherine W. Lambert to Robert D. Lambert dated January 31, 1976, and recorded in Middlesex North District Registry of Deeds, Book 2182, Page 303, to which deed reference may be had for a more particular description of the granted premises.

This parcel is situated on the northeasterly side of Sherburne Avenue, contains about 53 acres, and comprises nearly all the premises conveyed by Cyrus Butterfield to John L. Corliss, dated January 2, 1866 and recorded in said Registry, Book 46, Page 300. See also record of the settlement of the estates of said John L. Corliss, of Lydia L. Corliss and of Sarah G. Lambert (all Middlesex County Probate Records). See also deed of Josephine H. Earl to John H. Lambert and Frederick D. Lambert dated May 10, 1929, and recorded at Book 776, Page 338.

The premises are hereby conveyed with the benefit of and subject to all rights and reservations of record.

Edna L. Lambert, wife of the grantor herein, releases any and all rights of dower and any interest in the above described premises.

The consideration being less than One Hundred Dollars ($100.00), no documentary stamps are required.

SIGNED this 23rd day of October, 1995.

Robert D. Lambert

Edna L. Lambert

The Commonwealth of Massachusetts

Middlesex County October 23, 1995

Then personally appeared the above named Robert D. Lambert and Edna L. Lambert and acknowledged the foregoing instrument to be their free act and deed.

Before me

My commission expires: 2/

LETTER FROM NORTHEASTERN CONSULTING FORESTRY SERVICES

NORTHEASTERN
CONSULTING FORESTRY SERVICES

Land & Resource Management
Wetland Site Evaluations & Delineations
P.O. Box 294 • Lowell, MA 01853-0294

Tel. (978) 453-7471 www.TeamNCFS.com • NCFS@Mindspring.com Fax (978) 453-0979

June 16, 2010

Mr. Eamon Kernan
Aerial Spectrum, Inc.
20 Blanchard Road, Suite
Burlington, MA 01803

Dear Mr. Kernan,

On May 17, 2010 I visited the property located on Sherburne Road in Tyngsborough and reviewed the area to ascertain whether or not jurisdictional wetlands existed in the area of a proposed cell tower. The area reviewed was about 300' from the proposed center of the tower.

The only wetland noted was a pond located west of one of the existing logging roads. This pond was researched with Natural Heritage and Endangered Species data review and found to be not of concern. Following survey (by others) the pond was located and found to be more than 300 feet from the proposed compound and greater than100 feet from the logging path that will be used for access. No other wetland area was observed in the area reviewed.

Should you have any question or require further assistance contact me.

Sincerely,

Leo Garneau

Leo Garneau

LEO A. GARNEAU
WETLAND SCIENTIST

KEVIN P. GARNEAU
WETLAND SCIENTIST

KAREN L. LEFEBVRE
WETLAND SCIENTIST

FCC LICENSE FOR T-MOBILE

Federal Communications Commission
Wireless Telecommunications Bureau
Radio Station Authorization

LICENSEE NAME: T-Mobile License LLC

DAN MENSER
T-MOBILE LICENSE LLC
12920 SE 38TH ST.
BELLEVUE WA 98006

FCC Registration Number (FRN)	
0001565449	
Call Sign	**File Number**
KNLF954	0002991471
Radio Service	
CW - PCS Broadband	

Grant Date	Effective Date	Expiration Date	Print Date
06-05-2007	06-05-2007	06-27-2017	06-06-2007

Market Number	Channel Block	Sub-Market Designator
BTA051	D	0

Market Name: Boston, MA

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-27-2002			

SPECIAL CONDITIONS OR WAIVERS/CONDITIONS

This authorization is subject to the condition that, in the event that systems using the same frequencies as granted herein are authorized in an adjacent foreign territory (Canada/United States), future coordination of any base station transmitters within 72 km (45 miles) of the United States/Canada border shall be required to eliminate any harmful interference to operations in the adjacent foreign territory and to ensure continuance of equal access to the frequencies by both countries.

("Special Conditions or Waivers/Conditions" continued on next page ...)

Conditions:
Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at http://wireless.fcc.gov/uls and select "License Search". Follow the instructions on how to search for license information.

nsee Name: T-Mobile License LLC

Call Sign	File Number	Print Date
KNLF954	0002991471	06-06-2007

Special Conditions or Waivers/Conditions

This authorization is subject to the condition that the remaining balance of the winning bid amount will be paid in accordance with Part 1 of the Commission's rules, 47 C.F.R. Part 1.

Federal Communications Commission
Wireless Telecommunications Bureau
Radio Station Authorization

LICENSEE NAME: T-Mobile License LLC

DAN MENSER
T-MOBILE LICENSE LLC
12920 SE 38TH ST.
BELLEVUE WA 98006

FCC Registration Number (FRN)	
0001565449	
Call Sign	**File Number**
KNLH310	0002991477
Radio Service	
CW - PCS Broadband	

Grant Date	Effective Date	Expiration Date	Print Date
06-05-2007	06-05-2007	06-27-2017	06-06-2007

Market Number	Channel Block	Sub-Market Designator
BTA051	E	0

Market Name: Boston, MA

1st Build-out Date	2nd Build-out Date	3rd Build-out Date	4th Build-out Date
06-27-2002			

SPECIAL CONDITIONS OR WAIVERS/CONDITIONS

Conditions:
Pursuant to Section 309(h) of the Communications Act of 1934, as amended, 47 U.S.C. Section 309(h), this license is subject to the following conditions: This license shall not vest in the licensee any right to operate the station nor any right in the use of the frequencies designated in the license beyond the term thereof nor in any other manner than authorized herein. Neither the license nor the right granted thereunder shall be assigned or otherwise transferred in violation of the Communications Act of 1934, as amended. See 47 U.S.C. Section 310(d). This license is subject in terms to the right of use or control conferred by Section 706 of the Communications Act of 1934, as amended. See 47 U.S.C. Section 606.

To view the geographic areas associated with the license, go to the Universal Licensing System (ULS) homepage at http://wireless.fcc.gov/uls and select "License Search". Follow the instructions on how to search for license information.

TOWER DESIGN SPECIFICATIONS

Sabre Towers

SBA Network Services Inc

Sabre Model Monopole Professional Services

Site Name: Tyngsboro

MA

Sabre Sales Order Number 30931

Site Number MA11853-S

Stamped permit package without foundation

YOUR SABRE
REPRESENTATIVE IS
James Gibson
(800) 369-6690 ext: 11482

Sabre™
Towers & Poles

A Division of Sabre Industries, Inc.

2101 Murray Street • P.O. Box 658 • Sioux City, Iowa 51102 USA
Phone: (712) 258-6690 • Fax: (712) 258-8250
www.SabreTowersandPoles.com

Sabre™ Towers & Poles

Structural Design Report

160' Monopole

located at: Tyngsboro, MA

prepared for: SBA NETWORK SERVICES INC

by: Sabre Towers and Poles™

Job Number: 30931

June 23, 2010

Monopole Profile 1

Pole Calculation C1-C10

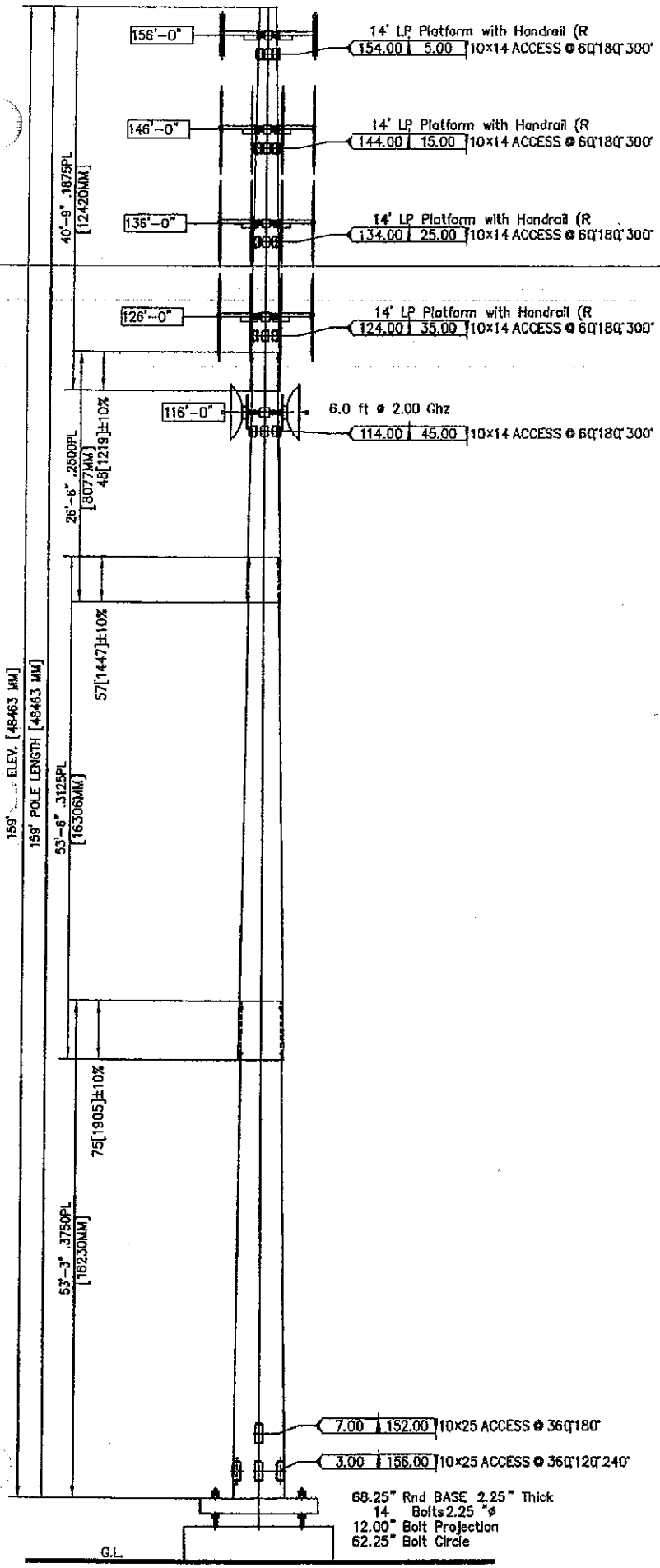
Prepared by HAC

Checked by RBB

Approved by KJT

COMMONWEALTH OF MASSACHUSETTS
KEITH J. TINDALL
CIVIL
No. 42468
REGISTERED PROFESSIONAL ENGINEER

4/23/10



POLE SPECIFICATIONS		
POLE HEIGHT	159.00	FEET
TAPER	.2410	IN/FT
POLE SHAPE	18	SIDED POLYGON
ORIENTATION	FLAT-FLAT	

Lev	Qty	Elev ft.	Future	DESCRIPTION APPURTENANCE / ANTENNA
1	1	156.00	F	14' LP Platform with Handrail (R
	6	156.00	F	APXV18-206516S-C
	6	156.00	F	TMA
	3	156.00	F	APX16DWV-16DWVL-C
2	1	146.00	F	14' LP Platform with Handrail (R
	12	146.00	F	DB848H90E-XY.
	6	146.00	F	TMA
3	1	136.00	F	14' LP Platform with Handrail (R
	12	136.00	F	DB848H90E-XY.
	6	136.00	F	TMA
4	1	126.00	F	14' LP Platform with Handrail (R
	12	126.00	F	DB848H90E-XY.
	6	126.00	F	TMA
5	2	116.00	F	Pipe Mount (up to 6' Dish)
	2	116.00	F	6' SOLID DISH W/ RAD

Load Case DESCRIPTION	Wind (mph)	OLF Vert	Rad. Ice	Factors Gust	Cf	Wind (psf)
1) 3s Gusted Wind	100.0	1.20		1.10	.65	42.8
2) 3s Gusted Wind 0.9	100.0	.90		1.10	.65	42.8
3) 3s Gusted Wind&Ice	40.0	1.20	1.00	1.10	1.20	4.3
4) Service Loads	60.0	1.00		1.10	.65	8.6

Load Case DESCRIPTION	Res. Base React Axial (kips)	Shear (kips)	Mom (ft-k)	Disp @Top DEFL. (ft)	SWAY (deg)
1) 3s Gusted Wind	53.1	37.1	4376	13.9	9.63
2) 3s Gusted Wind 0.9	40.1	37.1	4286	13.4	9.29
3) 3s Gusted Wind&Ice	85.4	6.2	736	2.4	1.64
4) Service Loads	43.3	7.5	875	2.8	1.91

Sec	LENGTH (ft)	Flat-Flat TOPø	BOTø	THICK (in)	WEIGHT (lbs)	STEEL SPEC	FINISH
1	40.75	19.00	28.82	.1875	2600	A572-65	Galv
2	26.50	27.48	33.87	.2500	2500	A572-65	Galv
3	53.50	32.22	45.12	.3125	7400	A572-65	Galv
4	53.25	42.99	55.82	.3750	13000	A572-65	Galv
				TOTAL	25500		
ABolt Cluster		Boltø	Holeø				
AB	84.00	2.25	2.625		2000	A615-75	Galv-18"

1) FULL HEIGHT STEP BOLTS
2) ANTENNA FEED LINES RUN INSIDE POLE
3) THE MONOPOLE WAS DESIGNED IN ACCORDANCE WITH ANSI/TIA-222-G, STRUCTURE CLASS II, EXPOSURE CATEGORY C, TOPOGRAPHIC CATEGORY 1.

COMMONWEALTH OF MASSACHUSETTS
KEITH J. TINDALL
CIVIL
No. 42468
REGISTERED PROFESSIONAL ENGINEER

6/23/10

SBA NETWORK SERVICES INC

Sabre Towers & Poles

Tyngsboro, MA

160.00 MONOPOLE

CONFIDENTIAL
Information contained herein is the sole property of Sabre Communications Corporation, constitutes a trade secret as defined by Iowa Code Ch. 550 and shall not be reproduced, copied or used in whole or in part for any purpose whatsoever without prior written consent of Sabre Communications Corporation.

11-30931	SIZE	DRAWING NO.	REV
DATE 23Jun10	A	11-30931-PE	_
DRAWN BY _	REFERENCE DRAWING	SCALE	PAGE
CHECKED BY HAC		N.T.S.	1

TOP	DIAMETER	19.00 in.	[19.29 in. Point-Point]
BOTTOM	DIAMETER	55.82 in.	[56.68 in. Point-Point]
POLE	HEIGHT	159.00 ft.	18 SIDED FLAT ORIENTATION
BASE	HEIGHT	1.00 ft.	ABOVE GROUND
E-MODULUS		29000 ksi	[12000 ksi SHEAR MODULUS]

APPURTENANCES

ATTACH POINTS:

NO.	X,ft	Qty	Description	Status
1	156.00	1	14' LP Platform with Handrail (R	Future Appurt
2	146.00	1	14' LP Platform with Handrail (R	Future Appurt
3	136.00	1	14' LP Platform with Handrail (R	Future Appurt
4	126.00	1	14' LP Platform with Handrail (R	Future Appurt
5	116.00	2	Pipe Mount (up to 6' Dish)	Future Appurt

Some wind forces may have been derived from full-scale wind tunnel tests.

Pole Section	Bottom X,ft.	Thick in.	Connect Type	LAP in.	Taper in/ft	Length ft.	Weight lbs	Steel Spec	Pole Finish
1	40.75	.18750	SLIP-JNT	48.	.2410	40.75	1957	A572-65	GALVANIZE
2	63.25	.25000	SLIP-JNT	57.	.2410	26.50	2176	A572-65	GALVANIZE
3	112.00	.31250	SLIP-JNT	75.	.2410	53.50	6925	A572-65	GALVANIZE
4	159.00	.37500	C-WELD		.2410	53.25	10573	A572-65	GALVANIZE

SECTION PROPERTIES

X,ft	UP,ft	D,in	T,in	Area in^2	Iz in^4	IxIy in^4	SxSy in^3	w/t	d/t	F_y(ksi)	
159.00	.00	19.00	.1875	11.20	1000	500	51.8	16.10	101.3	65.00	TOP
156.00	3.00	19.72	.1875	11.63	1120	560	55.9	16.78	105.2	65.00	P01
151.00	8.00	20.93	.1875	12.34	1340	670	63.1	17.92	111.6	65.00	
146.00	13.00	22.13	.1875	13.06	1590	795	70.7	19.05	118.0	65.00	P02
141.00	18.00	23.34	.1875	13.78	1866	933	78.7	20.18	124.5	65.00	
136.00	23.00	24.54	.1875	14.49	2172	1086	87.2	21.32	130.9	65.00	P03
131.00	28.00	25.75	.1875	15.21	2510	1255	96.0	22.45	137.3	65.00	
126.00	33.00	26.95	.1875	15.93	2882	1441	105.3	23.58	143.7	65.00	P04
122.25	36.75	27.86	.1875	16.47	3184	1592	112.6	24.43	148.6	65.00	Slip-B01
118.25	40.75	28.45	.2500	22.37	4494	2247	155.6	18.30	113.8	65.00	Slip-T02
116.00	43.00	28.99	.2500	22.80	4758	2379	161.6	18.68	116.0	65.00	P05
111.00	48.00	30.19	.2500	23.76	5382	2691	175.5	19.53	120.8	65.00	
106.00	53.00	31.40	.2500	24.72	6058	3029	190.0	20.38	125.6	65.00	
101.00	58.00	32.60	.2500	25.67	6788	3394	205.0	21.23	130.4	65.00	
100.50	58.50	32.72	.2500	25.77	6862	3431	206.5	21.32	130.9	65.00	Slip-B02
95.75	63.25	33.37	.3125	32.79	9050	4525	267.1	17.06	106.8	65.00	Slip-T03
90.75	68.25	34.57	.3125	33.98	10076	5038	287.0	17.74	110.6	65.00	
85.75	73.25	35.78	.3125	35.18	11178	5589	307.7	18.42	114.5	65.00	
80.75	78.25	36.98	.3125	36.37	12356	6178	329.0	19.10	118.3	65.00	
75.75	83.25	38.19	.3125	37.57	13614	6807	351.1	19.78	122.2	65.00	
70.75	88.25	39.39	.3125	38.76	14954	7477	373.8	20.46	126.1	65.00	
65.75	93.25	40.60	.3125	39.96	16380	8190	397.3	21.14	129.9	65.00	
60.75	98.25	41.80	.3125	41.15	17896	8948	421.6	21.82	133.8	65.00	
55.75	103.25	43.01	.3125	42.35	19500	9750	446.5	22.50	137.6	65.00	
53.25	105.75	43.61	.3125	42.94	20336	10168	459.2	22.84	139.6	65.00	Slip-B03
48.25	110.75	44.19	.3750	52.15	25290	12645	563.6	19.02	117.8	65.00	
47.00	112.00	44.49	.3750	52.51	25816	12908	571.4	19.16	118.6	65.00	Slip-T04
42.00	117.00	45.70	.3750	53.94	27990	13995	603.2	19.72	121.9	65.00	
37.00	122.00	46.90	.3750	55.38	30282	15141	635.8	20.29	125.1	65.00	
32.00	127.00	48.11	.3750	56.81	32696	16348	669.3	20.86	128.3	65.00	
27.00	132.00	49.31	.3750	58.25	35236	17618	703.7	21.42	131.5	65.00	
22.00	137.00	50.52	.3750	59.68	37904	18952	738.9	21.99	134.7	65.00	
17.00	142.00	51.72	.3750	61.11	40700	20350	774.9	22.56	137.9	65.00	
12.00	147.00	52.93	.3750	62.55	43634	21817	811.9	23.12	141.1	65.00	
7.00	152.00	54.13	.3750	63.98	46706	23353	849.7	23.69	144.4	65.00	
2.00	157.00	55.34	.3750	65.42	49918	24959	888.4	24.26	147.6	65.00	
.00	159.00	55.82	.3750	65.99	51242	25621	904.1	24.48	148.9	65.00	BASE

SABRE COMMUNICATIONS CORP	JOB: 11-30931	23-Jun-10 07:49
2101 Murray Street	SBA NETWORK SERVICES INC	Ph 712.258.6690
Sioux City, IA 51101	Tyngsboro, MA	Fx 712.258.8250

CASE - 1: 3s Gusted Wind — **ANSI-TIA-222-G**

WIND OLF		1.60	GUSTED WIND (3sec)	100.0 mph	160.9 kph
VERTICAL OLF		1.20	EXP-CAT/STRUC CLASS	C-II	
DESIGN ICE		.00 in	EXP-POWER COEFF.	.2105	
GUST FACTOR	(Gh)	1.10	REFERENCE HEIGHT	900.0 ft	
FORCE COEFF	(Cf)	.65	PRESSURE @ 32.7 ft	42.8 psf	2048.2 Pa
IMPORTANCE FAC	(I)	1.00	BASE ABOVE Grd	1.0	
DIRECTION FAC	(Kd)	.95	CREST HEIGHT	.0 ft	
TOPOGRAPHIC CAT		1			

APPURTENANCES — **Sabre Areas**

#	Qty	Description	Center Line Elev-Ft	WEIGHT each Lbs	AREA each Ft^2	Tx-CABLE Type	Tx-CABLE Qty	Tx-CABLE #/Ft	WIND Psf	FORCES Tra-Y Kips	FORCES Ax-Z Kips	MOM. Lg-X Ft-K
1	1	14' LP Platform with Handrail (R	156.0	1704	56.0				59.7	3.34	-2.0	-5.0
	6	APXV18-206516S-C	156.0	18		1 5/8"	12	1.04	59.6		-2.5	
	6	TMA	156.0	8		None	1	.00	59.6		-.1	
	3	APX16DWV-16DWVL-C	156.0	25		1 5/8"	6	1.04	59.6		-1.3	
2	1	14' LP Platform with Handrail (R	146.0	1704	86.5				58.9	5.09	-2.0	-7.6
	12	DB848H90E-XY.	146.0	28		1 5/8"	18	1.04	58.7		-3.7	
	6	TMA	146.0	8		None	1	.00	58.7		-.1	
3	1	14' LP Platform with Handrail (R	136.0	1704	86.5				58.0	5.02	-2.0	-7.5
	12	DB848H90E-XY.	136.0	28		1 5/8"	18	1.04	57.9		-3.5	
	6	TMA	136.0	8		None	1	.00	57.9		-.1	
4	1	14' LP Platform with Handrail (R	126.0	1704	86.5				57.1	4.94	-2.0	-7.4
	12	DB848H90E-XY.	126.0	28		1 5/8"	18	1.04	57.0		-3.2	
	6	TMA	126.0	8		None	1	.00	57.0		-.1	
5	2	Pipe Mount (up to 6' Dish)	116.0	49	.1				56.0	.01	-.1	.0
	2	6' SOLID DISH W/ RADOME	116.0	330	24.4	1 5/8"	12	1.04	56.0	2.73	-2.5	

RESULTS

X, ft	Kzt	WIND psf	ICE in	FORCES, kips ShearX	ShearY	AxiaZ	MOMENTS, ft-kips BendX	BendY	TorqZ	F'y ksi	Inter 4.8.2
159.00	1.00	38.87	.00	.0	.01	-.1	.0	.0	.0	82.44	.000
156.00	1.00	38.72	.00	.0	4.56	-5.5	-5.3	.0	.0	81.64	.022
151.00	1.00	38.46	.00	.0	5.02	-5.7	-28.6	.0	.0	80.31	.082
146.00	1.00	38.19	.00	.0	11.38	-10.9	-61.4	.0	.0	78.97	.159
141.00	1.00	37.91	.00	.0	11.75	-11.2	-118.3	.0	.0	77.64	.270
136.00	1.00	37.62	.00	.0	17.96	-16.2	-184.6	.0	.0	76.30	.388
131.00	1.00	37.33	.00	.0	18.32	-16.6	-274.3	.0	.0	74.97	.526
126.00	1.00	37.03	.00	.0	24.30	-21.6	-373.4	.0	.0	73.64	.665
122.25	1.00	36.80	.00	.0	24.59	-22.2	-464.5	.0	.0	72.64	.780
118.25	1.00	36.54	.00	.0	24.83	-22.8	-562.8	.0	.0	79.86	.619
116.00	1.00	36.40	.00	.0	28.17	-25.6	-618.8	.0	.0	79.41	.660
111.00	1.00	36.06	.00	.0	28.50	-26.3	-759.6	.0	.0	78.41	.753
106.00	1.00	35.72	.00	.0	28.83	-27.0	-901.7	.0	.0	77.41	.834
101.00	1.00	35.36	.00	.0	29.01	-27.4	-1045.8	.0	.0	76.41	.907
100.50	1.00	35.32	.00	.0	29.23	-28.1	-1060.8	.0	.0	76.31	.915
95.75	1.00	34.97	.00	.0	29.63	-29.4	-1199.2	.0	.0	81.31	.749
90.75	1.00	34.58	.00	.0	30.02	-30.4	-1347.5	.0	.0	80.51	.790
85.75	1.00	34.17	.00	.0	30.40	-31.3	-1497.5	.0	.0	79.71	.827
80.75	1.00	33.75	.00	.0	30.77	-32.3	-1650.0	.0	.0	78.91	.860
75.75	1.00	33.30	.00	.0	31.15	-33.3	-1803.3	.0	.0	78.11	.890
70.75	1.00	32.84	.00	.0	31.54	-34.2	-1959.2	.0	.0	77.31	.917
65.75	1.00	32.34	.00	.0	31.92	-35.3	-2116.7	.0	.0	76.51	.942
60.75	1.00	31.81	.00	.0	32.31	-36.3	-2276.7	.0	.0	75.71	.965
55.75	1.00	31.25	.00	.0	32.60	-37.2	-2438.3	-.1	.0	74.91	.986
53.25	1.00	30.96	.00	.0	32.91	-38.4	-2520.0	-.1	.0	74.51	.996
48.25	1.00	30.33	.00	.0	33.17	-39.4	-2684.2	-.1	.0	79.01	.815
47.00	1.00	30.17	.00	.0	33.44	-40.5	-2725.8	-.1	.0	78.85	.818
42.00	1.00	29.48	.00	.0	33.86	-42.1	-2893.3	-.1	.0	78.18	.829
37.00	1.00	28.72	.00	.0	34.25	-43.4	-3062.5	-.1	.0	77.51	.840
32.00	1.00	27.88	.00	.0	34.64	-44.7	-3233.3	-.1	.0	76.85	.850
27.00	1.00	26.93	.00	.0	35.03	-46.1	-3406.7	-.1	.0	76.18	.859
22.00	1.00	25.84	.00	.0	35.43	-47.4	-3581.7	-.1	.0	75.51	.868
17.00	1.00	24.54	.00	.0	35.83	-48.8	-3759.2	-.1	.0	74.85	.876
12.00	1.00	23.65	.00	.0	36.25	-50.3	-3938.3	-.1	.0	74.18	.884
7.00	1.00	23.65	.00	.0	36.67	-51.8	-4119.2	-.1	.0	73.51	.892
2.00	1.00	23.65	.00	.0	36.97	-52.8	-4302.5	-.1	.0	72.84	.899
.00	1.00	23.65	.00	.0	37.08	-53.1	4376.7	.1	.0	72.58	.902

DISPLACEMENTS

ELEV X, ft	DEFLECTION feet X	Y	Z	XY-Result	ROTATION, degrees X	Y	Z	XY-Result
159.00	.00	13.87	-.85	13.87< 8.72%>	-9.63	.00	.00	9.63

SABRE COMMUNICATIONS CORP
2101 Murray Street
Sioux City, IA 51101

JOB: 11-30931
SBA NETWORK SERVICES INC
Tyngsboro, MA

23-Jun-10 07:49
Ph 712.258.6690
Fx 712.258.8250

CASE - 2: 3s Gusted Wind 0.9 Dead — ANSI-TIA-222-G

WIND OLF		1.60	GUSTED WIND (3sec)	100.0 mph	160.9 kph
VERTICAL OLF		.90	EXP-CAT/STRUC CLASS	C-II	
DESIGN ICE		.00 in	EXP-POWER COEFF.	.2105	
GUST FACTOR	(Gh)	1.10	REFERENCE HEIGHT	900.0 ft	
FORCE COEFF	(Cf)	.65	PRESSURE @ 32.7 ft	42.8 psf	2048.2 Pa
IMPORTANCE FAC	(I)	1.00	BASE ABOVE Grd	1.0	
DIRECTION FAC	(Kd)	.95	CREST HEIGHT	.0 ft	
TOPOGRAPHIC CAT		1			

APPURTENANCES — Sabre Areas

#	Qty	Description	Center Line Elev-Ft	WEIGHT each Lbs	AREA each Ft^2	Tx-CABLE Type	Qty	#/Ft	WIND Psf	FORCES Tra-Y Kips	Ax-Z Kips	MOM. Lg-X Ft-K
1	1	14' LP Platform with Handrail (R	156.0	1704	56.0				59.7	3.34	-1.5	-5.0
	6	APXV18-206516S-C	156.0	18		1 5/8"	12	1.04	59.6		-1.9	
	6	TMA	156.0	8		None	1	.00	59.6		.0	
	3	APX16DWV-16DWVL-C	156.0	25		1 5/8"	6	1.04	59.6		-.9	
2	1	14' LP Platform with Handrail (R	146.0	1704	86.5				58.9	5.09	-1.5	-7.6
	12	DB848H90E-XY.	146.0	28		1 5/8"	18	1.04	58.7		-2.8	
	6	TMA	146.0	8		None	1	.00	58.7		.0	
3	1	14' LP Platform with Handrail (R	136.0	1704	86.5				58.0	5.02	-1.5	-7.5
	12	DB848H90E-XY.	136.0	28		1 5/8"	18	1.04	57.9		-2.6	
	6	TMA	136.0	8		None	1	.00	57.9		.0	
4	1	14' LP Platform with Handrail (R	126.0	1704	86.5				57.1	4.94	-1.5	-7.4
	12	DB848H90E-XY.	126.0	28		1 5/8"	18	1.04	57.0		-2.4	
	6	TMA	126.0	8		None	1	.00	57.0		.0	
5	2	Pipe Mount (up to 6' Dish)	116.0	49	.1				56.0	.01	-.1	.0
	2	6' SOLID DISH W/ RADOME	116.0	330	24.4	1 5/8"	12	1.04	56.0	2.73	-1.9	

RESULTS

X, ft	Kzt	WIND psf	ICE in	FORCES, kips ShearX	ShearY	AxiaZ	MOMENTS, ft-kips BendX	BendY	TorqZ	F'y ksi	Inter 4.8.2
159.00	1.00	38.87	.00	.0	.01	-.1	.0	.0	.0	82.44	.000
156.00	1.00	38.72	.00	.0	4.29	-4.0	-5.3	.0	.0	81.64	.020
151.00	1.00	38.46	.00	.0	4.74	-4.2	-27.2	.0	.0	80.31	.076
146.00	1.00	38.19	.00	.0	10.83	-7.8	-58.5	.0	.0	78.97	.149
141.00	1.00	37.91	.00	.0	11.20	-8.1	-112.7	.0	.0	77.64	.255
136.00	1.00	37.62	.00	.0	17.18	-11.7	-176.3	.0	.0	76.30	.366
131.00	1.00	37.33	.00	.0	17.55	-12.0	-262.1	.0	.0	74.97	.498
126.00	1.00	37.03	.00	.0	23.34	-15.7	-357.3	.0	.0	73.64	.631
122.25	1.00	36.80	.00	.0	23.64	-16.1	-444.8	.0	.0	72.64	.742
118.25	1.00	36.54	.00	.0	23.89	-16.6	-539.3	.0	.0	79.86	.590
116.00	1.00	36.40	.00	.0	27.15	-18.6	-593.1	.0	.0	79.41	.629
111.00	1.00	36.06	.00	.0	27.52	-19.2	-728.8	.0	.0	78.41	.719
106.00	1.00	35.72	.00	.0	27.90	-19.7	-866.7	.0	.0	77.41	.798
101.00	1.00	35.36	.00	.0	28.10	-20.1	-1005.8	.0	.0	76.41	.868
100.50	1.00	35.32	.00	.0	28.34	-20.6	-1020.0	.0	.0	76.31	.876
95.75	1.00	34.97	.00	.0	28.76	-21.6	-1155.0	.0	.0	81.31	.719
90.75	1.00	34.58	.00	.0	29.18	-22.4	-1298.3	.0	.0	80.51	.759
85.75	1.00	34.17	.00	.0	29.60	-23.2	-1444.2	.0	.0	79.71	.795
80.75	1.00	33.75	.00	.0	30.02	-23.9	-1592.5	.0	.0	78.91	.828
75.75	1.00	33.30	.00	.0	30.45	-24.7	-1742.5	.0	.0	78.11	.857
70.75	1.00	32.84	.00	.0	30.88	-25.4	-1895.0	.0	.0	77.31	.884
65.75	1.00	32.34	.00	.0	31.31	-26.3	-2049.2	.0	.0	76.51	.909
60.75	1.00	31.81	.00	.0	31.74	-27.1	-2205.8	.0	.0	75.71	.932
55.75	1.00	31.25	.00	.0	32.07	-27.8	-2364.2	.0	.0	74.91	.953
53.25	1.00	30.96	.00	.0	32.42	-28.7	-2444.2	-.1	.0	74.51	.963
48.25	1.00	30.33	.00	.0	32.70	-29.5	-2606.7	-.1	.0	79.01	.789
47.00	1.00	30.17	.00	.0	33.00	-30.3	-2647.5	-.1	.0	78.85	.792
42.00	1.00	29.48	.00	.0	33.45	-31.5	-2812.5	-.1	.0	78.18	.804
37.00	1.00	28.72	.00	.0	33.89	-32.5	-2980.0	-.1	.0	77.51	.815
32.00	1.00	27.88	.00	.0	34.33	-33.6	-3149.2	-.1	.0	76.85	.825
27.00	1.00	26.93	.00	.0	34.77	-34.6	-3320.8	-.1	.0	76.18	.835
22.00	1.00	25.84	.00	.0	35.22	-35.7	-3495.0	-.1	.0	75.51	.844
17.00	1.00	24.54	.00	.0	35.68	-36.8	-3670.8	-.1	.0	74.85	.853
12.00	1.00	23.65	.00	.0	36.15	-37.9	-3849.2	-.1	.0	74.18	.862
7.00	1.00	23.65	.00	.0	36.63	-39.1	-4030.0	-.1	.0	73.51	.870
2.00	1.00	23.65	.00	.0	36.97	-39.9	-4213.3	-.1	.0	72.84	.878
.00	1.00	23.65	.00	.0	37.08	-40.1	4286.7	.1	.0	72.58	.881

DISPLACEMENTS

ELEV X, ft	DEFLECTION feet X	Y	Z	XY-Result	ROTATION, degrees X	Y	Z	XY-Result
159.00	.00	13.44	-.80	13.44< 8.45%>	-9.29	.00	.00	9.29

CASE - 3: 3s Gusted Wind&Ice — ANSI-TIA-222-G

WIND OLF	1.00		GUSTED WIND (3sec)	40.0 mph	64.4 kph
VERTICAL OLF	1.20		EXP-CAT/STRUC CLASS	C-II	
DESIGN ICE	1.00	in	EXP-POWER COEFF.	.2105	
GUST FACTOR (Gh)	1.10		REFERENCE HEIGHT	900.0 ft	
FORCE COEFF (Cf)	1.20		PRESSURE @ 32.7 ft	4.3 psf	204.8 Pa
IMPORTANCE FAC (I)	1.00		BASE ABOVE Grd	1.0	
DIRECTION FAC (Kd)	.95		CREST HEIGHT	.0 ft	
TOPOGRAPHIC CAT	1				

APPURTENANCES — Sabre Areas

#	Qty	Description	Center Line Elev-Ft	WEIGHT each Lbs	AREA each Ft^2	Tx-CABLE Type	Qty	#/Ft	WIND Psf	FORCES Tra-Y Kips	Ax-Z Kips	MOM. Lg-X Ft-K
1	1	14' LP Platform with Handrail (R	156.0	1874	74.2				6.0	.44	-9.4	-.7
	6	APXV18-206516S-C	156.0	38		1 5/8"	12	1.04	6.0		-4.0	
	6	TMA	156.0	11		None	1	.00	6.0		-.4	
	3	APX16DWV-16DWVL-C	156.0	56		1 5/8"	6	1.04	6.0		-2.2	
2	1	14' LP Platform with Handrail (R	146.0	1874	121.7				5.9	.72	-9.3	-1.1
	12	DB848H90E-XY.	146.0	55		1 5/8"	18	1.04	5.9		-8.0	
	6	TMA	146.0	11		None	1	.00	5.9		-.4	
3	1	14' LP Platform with Handrail (R	136.0	1874	121.5				5.8	.70	-9.3	-1.1
	12	DB848H90E-XY.	136.0	55		1 5/8"	18	1.04	5.8		-7.8	
	6	TMA	136.0	11		None	1	.00	5.8		-.4	
4	1	14' LP Platform with Handrail (R	126.0	1874	121.2				5.7	.69	-9.2	-1.0
	12	DB848H90E-XY.	126.0	55		1 5/8"	18	1.04	5.7		-7.5	
	6	TMA	126.0	11		None	1	.00	5.7		-.4	
5	2	Pipe Mount (up to 6' Dish)	116.0	53	.1				5.6	.00	-.1	.0
	2	6' SOLID DISH W/ RADOME	116.0	838	25.1	1 5/8"	12	1.04	5.6	.28	-2.5	

RESULTS

X, ft	Kzt	WIND psf	ICE in	FORCES, kips ShearX	ShearY	AxiaZ	MOMENTS, ft-kips BendX	BendY	TorqZ	F'y ksi	Inter 4.8.2
159.00	1.00	7.18	2.34	.0	.01	-.2	.0	.0	.0	82.44	.000
156.00	1.00	7.15	2.34	.0	.77	-9.4	-.7	.0	.0	81.64	.013
151.00	1.00	7.10	2.33	.0	.88	-10.0	-4.7	.0	.0	80.31	.024
146.00	1.00	7.05	2.32	.0	1.99	-21.2	-10.2	.0	.0	78.97	.047
141.00	1.00	7.00	2.31	.0	2.08	-21.9	-20.2	.0	.0	77.64	.067
136.00	1.00	6.95	2.31	.0	3.15	-32.9	-31.6	.0	.0	76.30	.096
131.00	1.00	6.89	2.30	.0	3.23	-33.6	-47.4	.0	.0	74.97	.121
126.00	1.00	6.84	2.29	.0	4.24	-44.4	-64.6	.0	.0	73.64	.153
122.25	1.00	6.79	2.28	.0	4.29	-45.2	-80.5	.0	.0	72.64	.173
118.25	1.00	6.75	2.27	.0	4.33	-46.0	-97.6	.0	.0	79.86	.133
116.00	1.00	6.72	2.27	.0	4.72	-49.3	-107.3	.0	.0	79.41	.142
111.00	1.00	6.66	2.26	.0	4.78	-50.3	-131.0	.0	.0	78.41	.157
106.00	1.00	6.59	2.25	.0	4.84	-51.2	-154.8	.0	.0	77.41	.170
101.00	1.00	6.53	2.24	.0	4.86	-51.8	-179.0	.0	.0	76.41	.182
100.50	1.00	6.52	2.24	.0	4.90	-52.7	-181.5	.0	.0	76.31	.183
95.75	1.00	6.46	2.23	.0	4.97	-54.2	-204.8	.0	.0	81.31	.148
90.75	1.00	6.38	2.22	.0	5.04	-55.6	-229.6	.0	.0	80.51	.155
85.75	1.00	6.31	2.20	.0	5.10	-56.8	-254.8	.0	.0	79.71	.161
80.75	1.00	6.23	2.19	.0	5.16	-58.1	-280.3	.0	.0	78.91	.166
75.75	1.00	6.15	2.18	.0	5.22	-59.4	-306.1	.0	.0	78.11	.171
70.75	1.00	6.06	2.16	.0	5.29	-60.8	-332.2	.0	.0	77.31	.176
65.75	1.00	5.97	2.15	.0	5.35	-62.2	-358.6	.0	.0	76.51	.180
60.75	1.00	5.87	2.13	.0	5.41	-63.6	-385.3	.0	.0	75.71	.184
55.75	1.00	5.77	2.11	.0	5.46	-64.8	-412.4	.0	.0	74.91	.187
53.25	1.00	5.72	2.10	.0	5.51	-66.3	-426.1	.0	.0	74.51	.189
48.25	1.00	5.60	2.08	.0	5.55	-67.5	-453.6	.0	.0	79.01	.154
47.00	1.00	5.57	2.08	.0	5.59	-68.9	-460.5	.0	.0	78.85	.155
42.00	1.00	5.44	2.05	.0	5.66	-70.9	-488.5	.0	.0	78.18	.157
37.00	1.00	5.30	2.03	.0	5.73	-72.7	-516.8	.0	.0	77.51	.159
32.00	1.00	5.15	2.00	.0	5.79	-74.4	-545.4	.0	.0	76.85	.160
27.00	1.00	4.97	1.97	.0	5.85	-76.3	-574.3	.0	.0	76.18	.162
22.00	1.00	4.77	1.93	.0	5.91	-78.1	-603.6	.0	.0	75.51	.163
17.00	1.00	4.53	1.88	.0	5.98	-80.0	-633.2	.0	.0	74.85	.165
12.00	1.00	4.37	1.82	.0	6.04	-81.9	-663.0	.0	.0	74.18	.166
7.00	1.00	4.37	1.74	.0	6.11	-83.8	-693.3	.0	.0	73.51	.168
2.00	1.00	4.37	1.57	.0	6.15	-85.2	-723.8	.0	.0	72.84	.169
.00	1.00	4.37	1.41	.0	6.17	-85.4	736.1	.0	.0	72.58	.169

DISPLACEMENTS

ELEV X, ft	DEFLECTION feet X	Y	Z	XY-Result	ROTATION, degrees X	Y	Z	XY-Result
159.00	.00	2.36	-.03	2.36< 1.48%>	-1.64	.00	.00	1.64

SABRE COMMUNICATIONS CORP
2101 Murray Street
Sioux City, IA 51101

JOB: 11-30931
SBA NETWORK SERVICES INC
Tyngsboro, MA

23-Jun-10 07:49
Ph 712.258.6690
Fx 712.258.8250

ANSI-TIA-222-G

CASE - 4: Service Loads

WIND OLF	1.00	GUSTED WIND (3sec)	60.0 mph	96.6 kph	
VERTICAL OLF	1.00	EXP-CAT/STRUC CLASS	C-II		
DESIGN ICE	.00 in	EXP-POWER COEFF.	.2105		
GUST FACTOR (Gh)	1.10	REFERENCE HEIGHT	900.0 ft		
FORCE COEFF (Cf)	.65	PRESSURE @ 32.7 ft	8.6 psf	412.3 Pa	
IMPORTANCE FAC (I)	1.00	BASE ABOVE Grd	1.0		
DIRECTION FAC (Kd)	.85	CREST HEIGHT	.0 ft		
TOPOGRAPHIC CAT	1				

APPURTENANCES

Sabre Areas

#	Qty	Description	Center Line Elev-Ft	WEIGHT each Lbs	AREA each Ft^2	Tx-CABLE Type	Qty	#/Ft	WIND Psf	FORCES Tra-Y Kips	Ax-Z Kips	MOM. Lg-X Ft-K
1	1	14' LP Platform with Handrail (R	156.0	1704	56.0				12.0	.67	-1.7	-1.0
	6	APXV18-206516S-C	156.0	18		1 5/8"	12	1.04	12.0		-2.1	
	6	TMA	156.0	8		None	1	.00	12.0		.0	
	3	APX16DWV-16DWVL-C	156.0	25		1 5/8"	6	1.04	12.0		-1.0	
2	1	14' LP Platform with Handrail (R	146.0	1704	86.5				11.9	1.03	-1.7	-1.5
	12	DB848H90E-XY.	146.0	28		1 5/8"	18	1.04	11.8		-3.1	
	6	TMA	146.0	8		None	1	.00	11.8		.0	
3	1	14' LP Platform with Handrail (R	136.0	1704	86.5				11.7	1.01	-1.7	-1.5
	12	DB848H90E-XY.	136.0	28		1 5/8"	18	1.04	11.7		-2.9	
	6	TMA	136.0	8		None	1	.00	11.7		.0	
4	1	14' LP Platform with Handrail (R	126.0	1704	86.5				11.5	.99	-1.7	-1.5
	12	DB848H90E-XY.	126.0	28		1 5/8"	18	1.04	11.5		-2.7	
	6	TMA	126.0	8		None	1	.00	11.5		.0	
5	2	Pipe Mount (up to 6' Dish)	116.0	49	.1				11.3	.00	-.1	.0
	2	6' SOLID DISH W/ RADOME	116.0	330	24.4	1 5/8"	12	1.04	11.3	.55	-2.1	

RESULTS

X, ft	Kzt	WIND psf	ICE in	FORCES, kips ShearX	ShearY	AxiaZ	MOMENTS, ft-kips BendX	BendY	TorqZ	F'y ksi	Inter 4.8.2
159.00	1.00	7.83	.00	.0	.00	-.1	.0	.0	.0	82.44	.000
156.00	1.00	7.79	.00	.0	.89	-5.1	-1.1	.0	.0	81.64	.009
151.00	1.00	7.74	.00	.0	.99	-5.3	-5.6	.0	.0	80.31	.021
146.00	1.00	7.69	.00	.0	2.25	-10.3	-12.1	.0	.0	78.97	.040
141.00	1.00	7.63	.00	.0	2.32	-10.5	-23.3	.0	.0	77.64	.062
136.00	1.00	7.57	.00	.0	3.56	-15.4	-36.5	.0	.0	76.30	.089
131.00	1.00	7.52	.00	.0	3.63	-15.6	-54.3	.0	.0	74.97	.116
126.00	1.00	7.45	.00	.0	4.82	-20.3	-73.9	.0	.0	73.64	.146
122.25	1.00	7.41	.00	.0	4.88	-20.8	-92.0	.0	.0	72.64	.169
118.25	1.00	7.36	.00	.0	4.93	-21.2	-111.5	.0	.0	79.86	.133
116.00	1.00	7.33	.00	.0	5.59	-23.7	-122.6	.0	.0	79.41	.142
111.00	1.00	7.26	.00	.0	5.66	-24.1	-150.5	.0	.0	78.41	.160
106.00	1.00	7.19	.00	.0	5.73	-24.5	-178.8	.0	.0	77.41	.176
101.00	1.00	7.12	.00	.0	5.77	-24.8	-207.4	.0	.0	76.41	.191
100.50	1.00	7.11	.00	.0	5.81	-25.3	-210.3	.0	.0	76.31	.192
95.75	1.00	7.04	.00	.0	5.90	-26.2	-237.9	.0	.0	81.31	.157
90.75	1.00	6.96	.00	.0	5.98	-26.9	-267.4	.0	.0	80.51	.165
85.75	1.00	6.88	.00	.0	6.06	-27.5	-297.3	.0	.0	79.71	.173
80.75	1.00	6.79	.00	.0	6.14	-28.1	-327.6	.0	.0	78.91	.179
75.75	1.00	6.70	.00	.0	6.22	-28.8	-358.3	.0	.0	78.11	.185
70.75	1.00	6.61	.00	.0	6.30	-29.5	-389.3	.0	.0	77.31	.191
65.75	1.00	6.51	.00	.0	6.38	-30.1	-420.8	.0	.0	76.51	.196
60.75	1.00	6.40	.00	.0	6.47	-30.9	-452.8	.0	.0	75.71	.200
55.75	1.00	6.29	.00	.0	6.53	-31.5	-485.1	.0	.0	74.91	.204
53.25	1.00	6.23	.00	.0	6.60	-32.4	-501.4	.0	.0	74.51	.207
48.25	1.00	6.11	.00	.0	6.65	-33.1	-534.4	.0	.0	79.01	.169
47.00	1.00	6.07	.00	.0	6.71	-34.0	-542.7	.0	.0	78.85	.170
42.00	1.00	5.93	.00	.0	6.80	-35.1	-576.3	.0	.0	78.18	.172
37.00	1.00	5.78	.00	.0	6.88	-36.1	-610.3	.0	.0	77.51	.174
32.00	1.00	5.61	.00	.0	6.97	-37.0	-644.7	.0	.0	76.85	.177
27.00	1.00	5.42	.00	.0	7.05	-38.0	-679.5	.0	.0	76.18	.179
22.00	1.00	5.20	.00	.0	7.14	-39.0	-714.8	.0	.0	75.51	.180
17.00	1.00	4.94	.00	.0	7.23	-40.1	-750.5	.0	.0	74.85	.182
12.00	1.00	4.76	.00	.0	7.32	-41.2	-786.7	.0	.0	74.18	.184
7.00	1.00	4.76	.00	.0	7.42	-42.3	-823.3	.0	.0	73.51	.186
2.00	1.00	4.76	.00	.0	7.48	-43.0	-860.0	.0	.0	72.84	.187
.00	1.00	4.76	.00	.0	7.50	-43.3	875.0	.0	.0	72.58	.188

DISPLACEMENTS

ELEV X, ft	DEFLECTION feet X	Y	Z	XY-Result	ROTATION, degrees X	Y	Z	XY-Result	MicroW AlloW
159.00	.00	2.77	-.04	2.77< 1.74%>	-1.91	.00	.00	1.91	

SABRE COMMUNICATIONS CORP
2101 Murray Street
Sioux City, IA 51101

JOB: 11-30931
SBA NETWORK SERVICES INC
Tyngsboro, MA

23-Jun-10 07:49
Ph 712.258.6690
Fx 712.258.8250

SHAPE: 18 SIDED POLYGON with FLAT-FLAT ORIENTATION
BOLTS: EVENLY SPACED BOLTS 13.85 in. ON CENTER
LOCATE:

POLE DATA

DIAMETER =	55.82 in.	BASE ACTIONS	AXIAL FORCE=	-53.1 kips	Vert
PLATE =	.3750 in.		SHEAR X =	37.1 kips	Long
TAPER =	.2410 in/ft		SHEAR Y =	.0 kips	Tran
POLE Fy =	65.00 ksi		X-AXIS MOM =	3094.3 ft-kips	Tran
			Y-Axis MOM =	3094.3 ft-kips	Long
			Z-Axis MOM =	.0 ft-kips	Vert

DESIGN CASE = 1 3s Gusted Wind

Design: ANY Orientation Reactions at 45.00 deg to X-AXIS

BOLT LOADS

	AXIAL - COMPRESSION		= 244.85 kips	
	AXIAL - TENSION		= 237.27 kips	
	SHEAR		= 2.65 kips	
AXIAL	STRESS		= 75.34 ksi	
SHEAR	STRESS		= .86 ksi	
YIELD	STRENGTH Fy		= 75.00 ksi	
ULT.	STRENGTH Fu		= 100.00 ksi	Interaction
ALLOW	STRESS	Fa [.80 x 1.00]	= 80.00 ksi	.963 TIA-G
	SHEAR	Fv [.80 x .40]	= 32.00 ksi	
	TENSION AREA REQUIRED		= 3.06 in^2	
	TENSION AREA FURNISHED		= 3.25 in^2	
	ROOT AREA FURNISHED		= 3.07 in^2	

A615 ::: ANCHOR BOLT DESIGN USED

14	Bolts on a	62.250	in.	Bolt Circle	SHIP
2.250	in. Diameter	67.13	in.	Embedded	(lbs)
12.00	in. Exposed	84.00	in.	Total Length	1937

CONCRETE - Fc= 4000 psi

ANCHOR BOLTS are STRAIGHT w\ UPLIFT NUT

BASE PLATE

[Bend Model: 1/4 Circ]
YIELD STRENGTH = 50.0 ksi
BEND LINE WIDTH = 38.0 in.
PLATE MOMENT = 2140.1 in-k
THICKNESS REQD = 2.238 in.
BENDING STRESS = 44.5 ksi
ALLOWABLE STRESS = 45.0 ksi
[Fy x .90 x 1.00]

BASE PLATE USED

2.25	in.	THICK	SHIP
68.25	in.	ROUND	(lbs)
43.50	in.	CENTER HOLE	1331

LOAD CASE SUMMARY

	FORCES-(kips)			MOMENTS-(ft-k)			ABolt-Str		Plate-Str		
								Allow	Actual	Allow	Design
LC	Axial	ShearX	ShearY	X-axis	Y-axis	TorQ	CSR	ksi	ksi	ksi	Code
1	53.1	37.1	.0	4376	0	0	.963	75.00	44.54	45.00	TIA-G
2	40.1	37.1	.0	4286	0	0	.941	75.00	43.46	45.00	TIA-G
3	85.4	6.2	.0	736	0	0	.183	75.00	8.55	45.00	TIA-G
4	43.3	7.5	.0	875	0	0	.202	75.00	9.36	45.00	TIA-G

Alactronics
192 Worcester Street Wellesley MA 02481 781-239-0000

Acoustical Report

July 12, 2010

Aerial Spectrum, Inc.
Attn: Mr. Eamon Kernan
20 Blanchard Road, Suite 4
Burlington, MA 01803

Phone: 781 272 6200 x 201
Cell: 617 877 8453
ekernan@AerialSpectrum.com

Dear Mr. Kernan,

Here is our acoustical analysis for the proposed SBA Wireless Service Facility, reference MA-11853-S to be installed off of Sherburne Avenue in Tyngsboro, Massachusetts. The proposed site will contain T-Mobile wireless equipment that will generate acoustical noise primarily from ventilation fans located inside the Andrew Micro-3 booster cabinets. These cabinets generate noise similar in level and character to that of a typical home central air conditioning unit. The generated noise levels are published by the equipment manufacturer and can be used to calculate estimates of the noise levels at different locations.

The Town of Tyngsborough Zoning Board specifies as detailed in Section 3.14, Subsections 40, 41, 42, and 43 that the noise generated from this equipment shall not exceed 50 dBA at the lot line of an adjacent or nearby residence or institutional use, weekdays during the hours between 6 PM to 7 AM weekdays.

The nearest lot line for this project is approximately 470 feet from the proposed equipment site. The proposed equipment will measure approximately 33 dBA at that location which is 17 dB below the most stringent noise levels required in the Tyngsborough Zoning Bylaws, Section 3.14, Subsection 41(b).

With reference to Subsections 42 and 43, the generated noise is not intermittent or of an impulsive nature.

Under these conditions, I certify that proposed SBA Wireless Service Facility meets the noise level criteria as specified in Section 3.14, Subsections 40, 41, 42, and 43 of the Tyngsborough Zoning Board.

Please feel free to contact me directly if you need clarification or if I can be further assistance.

Sincerely,

Robert Alach
President,
Alactronics, Inc.

Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2010-ANE-595-OE

Issued Date: 07/07/2010

Clinton Papenfuss
SBA Towers
5900 Broken Sound Parkway NW
Boca Raton, FL 33487

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Antenna Tower (MA 11853-S)
Location:	Tyngsborough, MA
Latitude:	42-39-39.70N NAD 83
Longitude:	71-23-23.29W
Heights:	170 feet above ground level (AGL)
	367 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

It is required that FAA Form 7460-2, Notice of Actual Construction or Alteration, be completed and returned to this office any time the project is abandoned or:

_____ At least 10 days prior to start of construction (7460-2, Part I)
__X__ Within 5 days after the construction reaches its greatest height (7460-2, Part II)

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory circular 70/7460-1 K Change 2.

This determination expires on 01/07/2012 unless:

(a) extended, revised or terminated by the issuing office.
(b) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO

SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates , heights, frequency(ies) and power . Any changes in coordinates , heights, and frequencies or use of greater power will void this determination. Any future construction or alteration , including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission (FCC) because the structure is subject to their licensing authority.

If we can be of further assistance, please contact our office at (781) 238-7522. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2010-ANE-595-OE.

(DNE)

Signature Control No: 712851-128014601
Suzanne Dempsey
Technician

Attachment(s)
Frequency Data

cc: FCC

Frequency Data for ASN 2010-ANE-595-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

Town of Tyngsborough

Planning Board

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115
Fax: (978) 649-2301

REQUEST FOR COMMENT

Applicant: New Cingular Wireless PCS

Project Address: 56 Coburn Rd

Map 26 Parcel 33 Lot 0

Type of Application: Co-Location on existing Cell Tower

Department:

The Planning Board has received the above application. The Board requests your department's review of the application and any comments. Please attach a separate sheet for additional comments if necessary.

Please return by: 8/16/10

If your Department/Board must take action prior to issuance of this permit, please indicate the action below.

Comments: _____

Prepared by: _____ (print) Date: _____
Signature: _____

Department Head: _____ (print) Date: _____
Signature: _____

Cc:

____Assessors	____Building Insp.	____Board of Health
____Conservation	____Fire Dept.	____Police Dept.
____Sewer Dept.	____Highway Dept.	____Water Dept.
____Tax Collector	✓ Selectmen	____ZBA

Attachments/

FORM 1

RECEIVED
2010 JUL 16 AM 10: 37
TOWN CLERK
TYNGSBOROUGH, MA

Town of Tyngsborough
PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

APPLICATION FOR SPECIAL PERMIT

NOTICE TO APPLICANT:

File one completed form with the Planning Board and an exact copy with the Town Clerk. Ten (10) copies of the plan for which a special permit is applied for shall be included with ten (10) copies of this application. Please ensure that all information required pursuant to the Town of Tyngsborough Zoning By-Laws has been included with this application. Lack of such required information filed with the application shall be considered an incomplete/invalid application.

TO THE PLANNING BOARD, TOWN OF TYNGSBOROUGH:

1. The undersigned, being the owner of land included on the attached plan entitled MA2780 ICE Tyngsborough and dated 5/6/10, submits this plan and application for a Special Permit according to the requirements of Section 4.16.00 of the Tyngsborough Zoning By-Laws.

2. The owner's title to the land is derived under deed from Henry E. Paul, Trustee dated December 21, 2000, and recorded in Middlesex North Registry of Deeds, Book 11296, Page 124 or under Certificate of Title No. _____ registered in Middlesex Land Registry District Book _____, Page _____.

3. This application is filed in accordance with the Zoning By-Laws and the Rules and Regulations of the Planning Board regarding Special Permits.

4. This application is accompanied by the Certified List of Parties in Interest (Form 2), the Designer's Certificate (Form 3), and the application fee.

(Agent) *See attached Letter of Authorization
Applicant
550 Cochituate Road, Suite 13 & 14, 2nd Fl., Framingham, MA 01701 978.846.4954
Address, Phone

NOTE: This application is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board and the Town Clerk.

Accepted this 15 day of July, 2010 as duly submitted under the Rules and Regulations for Special Permit Applications of the Tyngsborough Planning Board.

By: Joanne Shufres (Town Clerk)

By: _____ (Planning Board)

FORM 2

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,

Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

SPECIAL PERMIT CERTIFIED LIST OF PARTIES IN INTEREST

TO THE PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH:

The undersigned, being an applicant for approval of a special permit for the land shown on Assessor's Map No. 26 as Lot No. 33 submits the attached list of parties in interest, including abutters to the subject property, owners of land within 300 feet of a boundary or part thereof, of the subject property, and owners of land directly opposite on any public or private street from the subject property. All parties of interest are listed as they appear in the most recent applicable tax list of Tyngsborough and abutting Town, if any party of interest is located in another Town.

New Cingular Wireless PCS, LLC / Gin Vilante 978.846.4954 (Agent)

Applicant

550 Cochituate Road, Suite 13 & 14 - 2nd Floor, Framingham, MA 01701

Address, Phone

Accepted by the Tyngsborough Planning Board July 15, 2010

TO THE PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH:

This is to certify that at the time of the last taxation made by the Town of Tyngsborough, the names and addresses of the parties in interest to the subject property were as listed on the attached page(s).

Board of Assessors
Town of Tyngsborough

FORM 3

Town of Tyngsborough

PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

DESIGNER'S CERTIFICATE

North Andover, Massachusetts
June 7, 2010

TO THE TYNGSBOROUGH PLANNING BOARD:

I hereby certify that the accompanying plan, entitled MA2780 I.C.E. Tyngsborough and dated May 7, 2010, is true and correct to the accuracy required by the Rules and Regulations of the Board regarding Special Permits and the Town of Tyngsborough Zoning By-Laws.

Registered Professional Engineer
MASS. REGISTRATION NO. 40720
Registered Land Surveyor
MASS. REGISTRATION NO. _____

COMMONWEALTH OF MASSACHUSETTS
DANIEL P. HAMM
CIVIL
No. 40720
REGISTERED PROFESSIONAL ENGINEER

Address 1600 Osgood St., Suite 2-101, Building 20N, North Andover MA 01845

Note: This Certificate is not deemed to have been submitted until the following endorsement has been completed by the Tyngsborough Planning Board or an authorized agent thereof:

Received and accepted this 15 day of July, 2010 as duly submitted under the Rules and Regulations of the Tyngsborough Planning Board regarding Special Permits.

TYNGSBOROUGH PLANNING BOARD

By _____

Rev. A (1 July 2002)

FORM 4

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,

Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

NOTICE OF DECISION SPECIAL PERMIT

Notice is hereby given that a Special Permit has (has not) been granted for New Cingular Wireless PCS, LLC

to collocate on the existing wireless communications facility at 56 Coburn Rd. by the Town of Tyngsborough Planning Board. The reasons for approval/disapproval, or approval with conditions, are outlined below.

REASONS FOR APPROVAL/DISAPPROVAL OR CONDITIONS OF APPROVAL

In accordance with section 1.16.14 of the Zoning By-Law the Planning Board finds that this proposed use:

1) Is (Is NOT) in harmony with the purpose and intent of this By-Law.

2) Will not (Will) be detrimental or injurious to the neighborhood in which it is to take place.

3) Is (Is NOT) appropriate for the site in question.

4) Complies (Does NOT comply) with all applicable requirements of this By-Law.

FORM 4

The application is attached and the decision of the Planning Board is on file with a detailed record of the proceedings of the Board on this Special Permit application.

Planning Board

_____ _____ _____

_____ _____

TO BE FILED WITH THE TOWN CLERK

Then personally appeared _____ one of the above named members of the Planning Board of the Town of Tyngsborough, Massachusetts, and acknowledged the foregoing instrument to be the free act and deed of said Planning Board before me to be recorded with the Town Clerk.

_____ Notary Public

_____ Commission Expires

TOWN CLERK

I hereby certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal has been filed, that it has been dismissed or denied.

_____ Town Clerk

_____, 20__

APPLICANT RECORD DECISION

Having received certification from the Town Clerk, it shall be the responsibility of the applicant to have recorded both the Notice of Decision with conditions, as required, along with an approved site plan for the special permit at the North Middlesex Registry of Deeds and indexed under the name of the owner of record. Fee for recording shall be the owner/applicant's responsibility.

FORM 4

NOTICE TO BUILDING INSPECTOR

No building permits or certificates of occupancy shall be issued until the attestation below is made.

Received and entered with the North Middlesex Registry of Deeds, Book 1129 Page 124

Registry of Deeds Signature

Date of Recording

FORM 5

Town of Tyngsborough
PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 x-115
Fax: (978) 649-2301

CONSULTANT RELEASE FORM

Date: July 1, 2010

Project Name: ICE Tyngsborough

Project Location: 56 Coburn Road

Applicant: New Cingular Wireless PCS, LLC

I, Robert W Donaum RECON Mgr AT&T (please print), agree to pay the cost and expense of any expert consultant deeded necessary by the Tyngsborough Planning Board to review the attached application. I understand that I may seek an administrative appeal from the selection of the outside consultant to the Board of Selectmen. The grounds for such appeals shall be limited to claims that the consultant selected has a conflict of interest or does not possess the minimum required qualifications.

I further agree to attach a bank check or money order made out to Tyngsborough Planning Board for $2000.00, or such amount as determined appropriate by the Planning Board, to this form for the purpose of payment for the consultant review. If when completed, the consultant review costs are less than $2000.00, I understand that I will be reimbursed for the balance of the $2000.00. If the consultant review costs exceed $2000.00, I understand that I will be billed for the balance of the review costs.

Amount: _____

Applicant's Signature: Robt W Donaum

Applicant's Company Name: New Cingular Wireless PCS, LLC

Applicant's Address: 550 Cochituate Road

Applicant's Telephone Number: _____

Property Owner's Name: Coburn Realty, LLC

For Planning Board Use Only

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Planning Office: (978) 649-2300 x-115 Fax: (978) 649-2301

SPECIAL PERMIT TRACKING FORM

1. Application #: _____ By-Law Section: _____

2. Date Filed: _____ Type: _____

3. Applicant: New Cingular Wireless PCS, LLC
   Address: 550 Cochituate Road, Suite 13 & 14, 2nd Fl., Framingham, MA

4. Owner: Coburn Realty, LLC

5. Location of Property: 56 Coburn Road
   Map 26 Lot 33 Book 11296 Page 124

6. Submission Checklist: Certified list of parties in interest_____ Filing Fee_____
   Plot Plan & Description_____ Supporting Information _____

7. Application referred on _____ to the following:
   _____Planning Board Engineer _____Conservation Commission _____Police Chief
   _____Board of Selectmen _____Building Inspector _____Fire Chief
   _____Board of Health _____Town Planner _____Other (specify)

8. Date of Public Hearing (2. + 65 days max., 2. + 35 days min.): _____

9. Date of withdrawal by applicant without prejudice (10. – 2 days): _____

10. Date of newspaper notices (8. – 14 days): _____

11. Date of notification for parties in interest (8. – 7 days): _____

12. Date of public hearing closing: _____

13. Date of decision approval/approval with conditions/disapproval (12. + 90 days): _____

14. Town Clerks receipt of decision (13. +14 days max.): _____

15. Date decision mailed to applicant, owner, Building Inspector, and Town Clerk: _____
    Notice of Decisions as requested: _____

16. Appeal deadline (14. + 20 days): _____

17. Registry recording date: _____ Book _____ Page _____

18. Commencement limitation (14. + 2 years): _____

19. Renewal date: _____

WELLMAN ASSOCIATES, INC.

70 BROADWAY STREET
P.O. BOX 738
WESTFORD, MA 01886

July 1, 2010

Town of Tyngsborough
Planning Board
23 Bryants Lane
Tyngsborough, MA 01879

RE: New Cingular Wireless PCS, LLC (the "Applicant")
Application for Special Use Permit
56 Coburn Road (Assessor's Map 26, Lot 33)

Dear Members of the Planning Board:

On behalf of New Cingular Wireless PCS, LLC, the accompanying application and related materials are submitted in support of our request for a Special Use Permit to collocate on the existing wireless communications facility at the above referenced location pursuant to Sections 1.16.00, 1.16.20 and 4.16.00 of the Town of Tyngsborough Zoning Bylaw (the "Bylaw"). Additionally, the Applicant seeks any other relief deemed by the Board to be required under applicable provisions of the Bylaw.

This letter is submitted in support of the attached application, together with various other supporting materials enclosed herewith.

Description of the Proposed Installation

The Applicant proposes to install a total of six (6) panel antennas concealed inside the existing internal mount monopole. Three (3) antennas each will be installed at a centerline of 127' and 117', with the top of the antennas at 130' and 120' respectively. The antennas will be connected via coaxial cables to radio cabinets located inside the proposed 11'-6"W x 20'L equipment shelter to be installed on a concrete pad. Additionally, a 4'W x 11'L concrete pad is proposed on which an emergency back up generator will be installed. All proposed equipment will be installed within the existing monopole and fenced-in compound.

Pursuant to the FCC mandate requiring E911 capabilities, one (1) 5"H x 3.2"D GPS antenna will be installed on the ice bridge.

The installation requires only electric and telephone utilities and, once completed, will require, on average, one to two monthly maintenance visits by qualified company technicians. No water, sewer or other municipal services are required.

4.16.00. Special Permit – Telecommunications Tower (TC-1)

B. General Requirements:

1. No wireless communications facility, which shall include monopoles, satellite dish(es) over three (3) feet in diameter or antenna, shall be erected or installed except in compliance with the provisions of this Section. In all cases, a Special Use Permit (SUP) is required from the Planning Board (the "Board"). Any proposed extension in the height, addition of cells, antenna or panels, or construction of a new or replacement of a facility shall be subject to a new application for a Special Use Permit.

Please find enclosed completed Form 1, Application for Special Permit.

2. Only free-standing monopoles, with associated antenna and/or panels are allowed as specified in Paragraph D below. Lattice style towers and similar facilities requiring three or more legs and/or guy wires for support are not allowed unless the Board determines that based on specific findings of fact that a monopole is not suitable for the location and that the best interest of the Town will be served by the construction of a lattice style tower. Any lattice style tower previously constructed on premises of the Tyngsborough Water District or the Town of Tyngsborough prior to the enactment of this by-law will be allowed.

The Applicant is not proposing a new tower and will be collocating inside the existing internal mount monopole and within the existing compound. There will be no expansion of the existing facilities.

3. Wireless communications facilities shall be located in telecommunication zoning districts and shall be suitably screened from abutters and residential neighbor-hoods.

The existing monopole and compound previously approved by the Board are located in the Residential 2 (R-1) zoning district.

4. Structures shall be removed within one (1) year of cessation of use. Certification demonstrating continuing compliance with the standards of the Federal Communications Commission, Federal Aviation Administration and the American National Standards Institute and required maintenance shall be filed with the Building Commissioner by the Special Use Permit holder if requested by the Building Commissioner.

Please find enclosed certification of compliance from the FCC and FAA. Additionally, a copy of the original structural is enclosed. The Applicant with comply with any required maintenance request should the Building Commissioner require such as applicable to its installation.

5. The Board shall require the applicant to post a bond acceptable to the Town in an amount sufficient to pay the cost for the removal of the facility.

The Applicant will comply with this requirement. Please find enclosed an estimate for removal of the proposed facility.

C. Application Process: All applications for wireless communications facilities, antenna or satellite dishes shall be made and filed on the applicable application form in compliance with the Planning Board Application Instructions. For an application to be considered complete, ten (10) copies of the following information must be submitted:

> *1. A locus plan at a scale of 1" = 1000' which shall show all property lines, the exact location of the proposed structure(s), streets, landscape features, residential dwellings and neighborhoods and all buildings within five hundred (500) feet of the facility.*

The Applicant respectfully requests a waiver from this requirement. Please see the Statement of Waivers enclosed in the application package. A locus plan is enclosed with the required scale, but for clearer readability, the Applicant has enclosed a site plan with a scale of 1" = 100'.

> *2. A color photograph or rendition of the proposed monopole or tower with its antenna and/or panels. A rendition shall also-be prepared illustrating a view of the monopole, tower, dish and antenna from the nearest street or streets with a visual impact analysis statement.*

The Applicant respectfully requests a waiver from this requirement. Please see the Statement of Waivers enclosed in the application package. The proposed facility will be concealed within an existing internal mount monopole and within the existing fenced-in compound that has been previously approved by the Board.

> *3. The following information prepared by one or more professional engineers:*
> *a description of the monopole and the technical, economic and other reasons for the proposed location, height and design;*

Please find enclosed a statement from the Applicant's radio frequency engineer, Jose Mariano.

> *confirmation that the monopole complies with all applicable Federal and State standards;*

Pleases find enclosed the original structural analysis of the monopole that was previously approved by the Board, and which is certified by an engineer.

> *a description of the capacity of the monopole including the number and type of panels, antenna, and/or transmitter receivers that it can accommodate and the basis for these calculations.*

Pleases find enclosed the original structural analysis of the monopole that was previously approved by the Board, and which states the capacity of the tower.

4. If applicable, a written statement that the proposed facility complies with, or is exempt from applicable regulations administered by the Federal Aviation Administration (FAA), Federal Communications Commission (FCC), Massachusetts Aeronautics Commission and the Massachusetts Department of Public Health.

Please find enclosed certification demonstrating compliance with the FAA and FCC, in addition to the Applicant's FCC licenses. Additionally enclosed is a statement prepared by the Massachusetts Department of Public Health.

5. The applicable review and advertising fees as noted in the application guide-lines.

Included with this application is a check in the amount of $500.00 as required.

D. Design Guidelines: The following guidelines shall be used when preparing plans for the siting and construction of all wireless communications facilities.

1. All monopoles shall be designed to be constructed at the minimum height necessary to accommodate the anticipated and future use. The setback of a monopole from the property line of the lot on which it is located shall be at least one fourth to the height of the monopole.

The Applicant will be collocating within an internal mount monopole previously approved by the Board, and is not proposing a new structure.

a. No monopole, or attached accessory antenna on a monopole, shall exceed 200 feet in height as measured from ground level at the base of the pole. No monopole shall be constructed which requires guy wires. Monopoles shall not be located on buildings unless the Board makes a determination with specific findings of fact that such location on a building is in the best interest of the Town.

The Applicant will be collocating within an internal mount monopole previously approved by the Board, and the height of the internal antennas will be less than 200 feet.

2. All wireless communications facilities shall be sited in such a manner that the view of the facility from adjacent abutters, residential neighborhoods and other areas of Town shall be as limited as possible. All monopoles and dishes shall be painted or otherwise colored so they will blend in with the landscape or the structure on which they are located. A different coloring scheme shall be used to blend the structure with the landscape below and above the tree or building line.

The Applicant will be collocating within an internal mount monopole previously approved by the Board and will not be extending or expanding the existing facility. The concealment enclosing the proposed antennas will be of the same color of the existing monopole.

3. Satellite dishes and/or antenna shall be situated on or attached to a structure in such a manner that they are screened, preferably not being visible from abutting streets. Free standing dishes or antenna shall be located on the landscape in such a manner so as to minimize visibility from abutting streets and residences and to limit the need to remove existing vegetation. All equipment shall be colored, molded and or installed to blend into ~~the structure and/or the landscape.~~

The Applicant will be collocating within an internal mount monopole previously approved by the Board and will not be extending or expanding the existing facility. There will be no satellite dishes installed. The concealment enclosing the proposed antennas will be painted to match the existing monopole. The Applicant's equipment shelter façade is constructed of dark crushed stone panels.

4. Wireless communications facilities shall be designated to accommodate the maximum number of users technologically practical. The intent of this requirement is to reduce the number of facilities, which will be required to be located within the community. Require co-use.

The Applicant is proposing to collocate on an existing monopole and will not be proposing a new structure.

5. An applicant proposing a wireless communications facilities Telecommunications District shall prove to the satisfaction of the board that the visual, economic and aesthetic impacts of the facility on abutters will be minimal. And, that the facility must be located at the proposed site due to technical, topographical or other unique circumstances. Further, the monopole shall be located at a minimum of 500 feet from the nearest residential structure unless waived by the owner(s) of said residential structure.

The Applicant is proposing to collocate and conceal its antennas inside the existing monopole previously approved by the Board and will not be proposing a new structure. The Applicant's proposed equipment shelter will be installed within the existing fenced-in compound, and the visual impact will be minimal. Additionally, please find enclosed the statement from AT&T's RF engineer Jose Mariano stating the need for the proposed facility in this location.

6. Fencing shall be provided to control access to wireless communications facilities and shall be compatible with the scenic character of the Town and shall not be razor wire.

The Applicant will be installing its facility within in the existing fenced-in compound that is currently secured and is not proposing any extension or alteration of such.

7. There shall be no signs, except for announcement signs, no trespassing signs and a required sign giving a phone number where the owner can be reached on a twenty-four (24) hour basis. All signs shall conform with the Town Zoning Sign By-Law.

The Applicant will comply with this standard.

8. Night lighting of towers shall be prohibited unless required by the Federal Aviation Administration. Lighting shall be limited to that needed for emergencies and/or as required by the FAA.

The Applicant is proposing to collocate on an existing monopole previously approved by the Board and will not be proposing a new structure. The existing monopole does not require lighting.

9. There shall be a minimum of one (1) parking space for each facility, to be used in connection with the maintenance of the site, and not to be used for the permanent storage of vehicles or other equipment.

The Applicant has a lease agreement with the owners of the existing facility and compound, and there is adequate parking to accommodate the existing carriers as well as future collocation.

Additionally, in support of our request for a Special Use Permit, please find the following enclosed information:

1) Special Use Permit Application;
2) Certified abutters list;
3) Completed and signed Designer's Certificate
4) Form 5 – Consultant Release Form
5) Applicant's FCC licenses;
6) Coverage plots of the depicting the Applicant's existing coverage and proposed coverage from the facility.
7) Request for Waivers Statement
8) Application Fee in the amount of $500.00; and
9) Consultant Fee in the amount of $2,000.00

We look forward to meeting with the Board at its next available meeting. Should there be questions concerning this application in the meantime, please call me at (978) 846-4954. We thank you for your consideration.

Sincerely,

Gin Vilante
Authorized Agent

Applicant: New Cingular Wireless PCS, LLC
Site Address: 56 Coburn Road
Tower Owner: Industrial Communications & Electronics
Property Owner: Coburn Realty, LLC

TELECOMMUNICATIONS TOWER SPECIAL USE PERMIT

REQUEST FOR WAIVERS STATEMENT

A. Overview

The Applicant, New Cingular Wireless PCS, LLC, requests the Planning board of the Town of Tyngsborough approve the application of New Cingular Wireless PCS, LL C for a Telecommunications Special Use Permit request pursuant to Section 1.16.00, 1.16.20, and 4.16.00.

The Applicant requested waivers pursuant to Section 1.16.23 of the Tyngsborough Zoning By-Laws entitled Site Plan Special Use Permit Waiver of Application Contents because of the nature of the telecommunications application, the existing site conditions, its co-location on an existing internal mount monopole and the fact that the Applicant's equipment would be placed into an existing fenced compound.

The Applicant requested waivers because of the zoning drawings which are titled and dated 5/6/10 entitled MA2780 I.C.E. Tyngsborough prepared by Hudson Design Group, LLC are sufficient for the Planning Board to review and approve the Applicant's Special Use Permit application for telecommunications installation pursuant to Section 4.16.00.

The Applicant requests waivers which, when granted, allow the Applicant to also comply with the Special Use Permit which was granted for the original application regarding the installation of the telecommunications facility. a copy of the original Special Use Permit issued by the Planning Board is attached for reference.

B. Waivers Requested and Brief Explanation

1. Section 1.16.21(1)
The Applicant is not proposing initial development of land.

2. Section 1.16.21(2)
The Applicant is not increasing the gross floor area of an existing building.

3. Section 1.16.21(3)
The Applicant's use is not expanding any ground area by 1,200 square feet or more for any reason.

4. Section 1.16.22(1)
The Applicant has prepared a written statement which was submitted with its application which explained the telecommunications nature of the installation.

5. Section 1.16.22(2)
The Applicant has prepared plans which accurately depict the property, location of the Applicant's equipment upon the monopole and property, lot lines and setbacks, adjacent parcels, residential and other parcels located within 300 feet of the installation; a locus plan and elevation plans.

6. Section 1.16.22(3)
The Applicant requests a waiver of the landscape plan requirement as the applicant's installation will not expand or modify the existing monopole or compound area or perimeter of the underlying Special Use permit. The applicant's facility is not 7,500 square feet or more and does not require 40 or more parking spaces. The installation is on an existing monopole and inside a fenced compound area that already exists and no alteration to the look of the existing fenced area or perimeter are proposed. Also, the applicant will not affect or change the existing parking area or public access areas in any manner.

7. Section 1.16.22(4)
The Applicant requests a waiver of the building elevation plan as the applicant's Special Use Permit for telecommunications does not contain any building installation greater than 7,500 square feet or more of gross floor area, and the applicant accurately depicted the equipment to be installed in the existing telecommunications compound by the applicant.

8. Section 4.16.00 subsection entitled
Special Permit – Telecommunications Tower (TC-1).

   a. Section 4.16.00 C
      (1) Applicant used a plan scale of 1" = 100' for clearer readability of the plans by the Planning Board.

   b. Section 4.16.00 C
      (2) Applicant has presented photos of the existing facility and the Applicant's equipment shelter is to be located below existing carriers on the monopole covered by the underlying Special Use Permit.

9. Section 2 entitled Plan of Land of the Rules and Regulations which govern Special Permits

The Applicant has complied with the requirements of the sections contained in this number 2 but requests waivers of the following numbers due to the telecommunications nature of the Applicant's Special Permit and Site Plan filing:

- (17) Existing topography
- (18) Proposed topography
- (19) Total lot areas and net dry lot areas
- (21) Location of wetlands
- (22) Location of base flood elevation
- (23) Proposed buildings and wells
- (24) Major site features
- (26) Storm water drainage
- (27) Detailed profiles of storm water drainage
- (29) Location and dimensions of parking spaces
- (30) Soil types
- (31) Detailed profiles of public ways
- (32) Detailed profiles of proposed parking and driveway areas
- (33) Delineation of site buffer/screening areas
- (34) Details of underground municipal systems
- (35) Location of proposed stump and boulder burial areas
- (37) Location dimensions and type of proposed signs for the site
- (38) Location of proposed waste storage containment area
- (39) Location of fire lanes
- (40) Building elevation plan (see waiver pursuant to Section 1.16.22)

C. Summary

The Applicant's plans as submitted are sufficient for review by the Planning Board to determine whether to grant the Applicant's Special Use Permit for Telecommunications Facilities and all Site Plan Waivers requested by the Applicant and contained herein.

Dated: July 1, 2010

COVER SHEET

ABUTTERS LIST **AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"**

TOWN BOARD: PLANNING BOARD

LOCATION: 56 COLBURN ROAD MAP 26-33-0

OWNER: COBURN REALTY LLC

REQUESTED BY: **GIN VILANTE**

PREPARED BY: Jennifer Wilson, Assessors Assistant JW

DATE: June 1, 2010

Town of Tyngsborough

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
26 138 0	43 COBURN RD	SEQUOIA DR DEV CORP		33 WAGONWHEEL DR	DRACUT	MA	01826
26 33 0	56 COBURN RD	COBURN REALTY LLC		56 COBURN RD	TYNGSBOROUGH	MA	01879
26 33A 0	COBURN RD	TOWN OF TYNGSBOROUGH		25 BRYANTS LN	TYNGSBOROUGH	MA	01879
26 33D 0	60 COBURN RD	SHERBURNE ROBERT W	ROBERT W JR	PO BOX 685	TYNGSBOROUGH	MA	01879
26 34 0	54 COBURN RD	GREMM ERIC	JEAN GREMM	54 COBURN RD	TYNGSBOROUGH	MA	01879
26 41 0	63 COBURN RD	DOWDY STEPHEN		63 COBURN RD	TYNGSBOROUGH	MA	01879
26 41A 0	61 COBURN RD	DESTROIMAISON EMILE R +	WENDY E	61 COBURN RD	TYNGSBOROUGH	MA	01879

End of Report

June 30, 2010

This Letter of Authorization dated June 30, 2010 provides written authorization for Wellman Associates, Inc. to apply for any necessary zoning petitions, permits or any other approvals, including, but not limited to the filing of a building permit application which are necessary for the placement of a wireless communications facility at 56 Coburn Road in the Town of Tyngsborough on behalf of New Cingular Wireless PCS, LLC.

If you have any questions regarding this authorized agency, please feel free to contact me.

Sincerely,

Robert W. Donavan
AT&T
Real Estate & Construction Manger

AT&T Mobility • 550 Cochituate Road • Suites 13 &14 • Framingham, MA 01701
T: 508-271-8328

Industrial Communications®

Industrial Communications & Electronics, Inc.
Industrial Tower and Wireless, LLC
Industrial Communications, LLC

40 Lone Street
Marshfield, Massachusetts 02050
781-319-1111 • Fax 781-837-4000
www.industrialcommunications.com

LETTER OF AUTHORIZATION

This Letter of Authorization dated May 15, 2010 provides written authorization for New Cingular Wireless PCS, LLC its attorney, agents or representatives, to apply for any necessary zoning petitions, permits or any other approvals, including, but not limited to the filing of building permit application (upon completion of the required permitting process), which are necessary for Lesse's placement of a wireless communications facility within a portion of the Lessor's real property, commonly known as 56 Coburn Street, Tyngsborough, MA, legally described as Map 26 Block 33 recorded in the Middlesex Registry of Deeds in book 11296 page 124.

Lessor: Industrial Tower and Wireless, LLC

Thomas Lennon

Thomas Lennon
Vice President

AT&T Mobility
550 Cochituate Road
Suite 13&14
Framingham, MA 01701

REPORT OF

RADIO FREQUENCY ENGINEER

The undersigned hereby states the following in support of the application by New Cingular Wireless PCS, LLC, by and through its manager, AT&T Mobility Corporation ("***AT&T***") to install nine (9) panel antennas to the existing flagpole, together with related amplifiers, cables and other associated equipment (the "Facility") located at 56 Coburn Road, Tyngsborough, Massachusetts (the "Site").

1. I am a Radio Frequency Engineer employed by AT&T, with an office located at 550 Cochituate Road, Framingham, Massachusetts.

2. My primary responsibilities include radio frequency design and planning in the Commonwealth of Massachusetts, including the Town of Tyngsborough and surrounding communities.

3. As enabled under its Federal Communications Commission ("FCC") License, AT&T seeks to design its wireless network to provide reliable and adequate wireless services to its customers, whether those customers are on the street, in a vehicle, or in a building. Providing reliable and adequate service to its customers in each context is critical for AT&T to provide the quality of wireless service that customers demand, and to meet the objectives of Congress that a robust, competitive and low cost wireless communications capacity be developed to serve the entire nation.

4. I have thoroughly reviewed the radio frequency engineering studies, reports and computer models prepared by AT&T with respect to the Facility.

5. In order to build out its network and meet customer demand for voice and data services, AT&T must have in place a system of low power 'cell sites' to serve portable wireless communication handsets and mobile telephones. A typical cell site, such as the one proposed, consists of antennas mounted to a building, tower, church or other structure. The antennas are connected to radio operating equipment housed at or near the structure.

6. To maintain effective, reliable and uninterrupted service, there must be a continuous series of cell sites located within close proximity to each other so as to overlap in a system comparable to a honeycomb pattern. If there is no cell site available to accept/receive the signal, network service to the mobile telephone/data service will terminate involuntarily. Accordingly, the overlap of coverage is necessary for the signal to transfer from one cell site to another cell site seamlessly and without involuntary termination.

7. A number of factors determine the distance between cell sites, including, but not limited to, topography, physical obstructions, foliage, antenna height, operating frequency and line-of-sight.

8. Based on the radio frequency studies, reports and computer models prepared in connection with this project, it is my professional assertion that there are is inadequate network service available to AT&T customers within the Town of Tyngsborough, especially along Coburn Road, Lawndale Road, Route 3A, Route 113 , Sherburne Avenue and surrounding areas.

at&t

AT&T Mobility
550 Cochituate Road
Suite 11&14
Framingham, MA 01701

9. Based on the radio frequency studies, reports and computer models prepared in connection with this Facility, it is my further professional opinion that AT&T would be able to achieve the coverage objective by filling these significant gaps in coverage through the construction of the Facility at the Site with quad band antennas which send and receive both 850, 1900, 700 and 2100 MHz frequencies.

10. The Facility will enhance AT&T's ability to provide adequate coverage in the area and will increase its capacity to better serve the residents and businesses around these areas of Tyngsborough, MA and to individuals traveling through these areas.

11. The Facility will be in compliance with the FCC Guidelines for Evaluating the Environmental Effects of Radio Frequency Radiation. It is the responsibility of AT&T to make radio frequency field measurements once the Facility is in service to determine compliance with the FCC guidelines.

12. The Facility will be installed, erected, maintained and used in compliance with all applicable Federal, State and local regulations, including, but not limited to: the radio frequency emissions regulations set forth in the federal Telecommunications Act of 1996, and applicable regulations administered by the Federal Aviation Administration and the FCC.

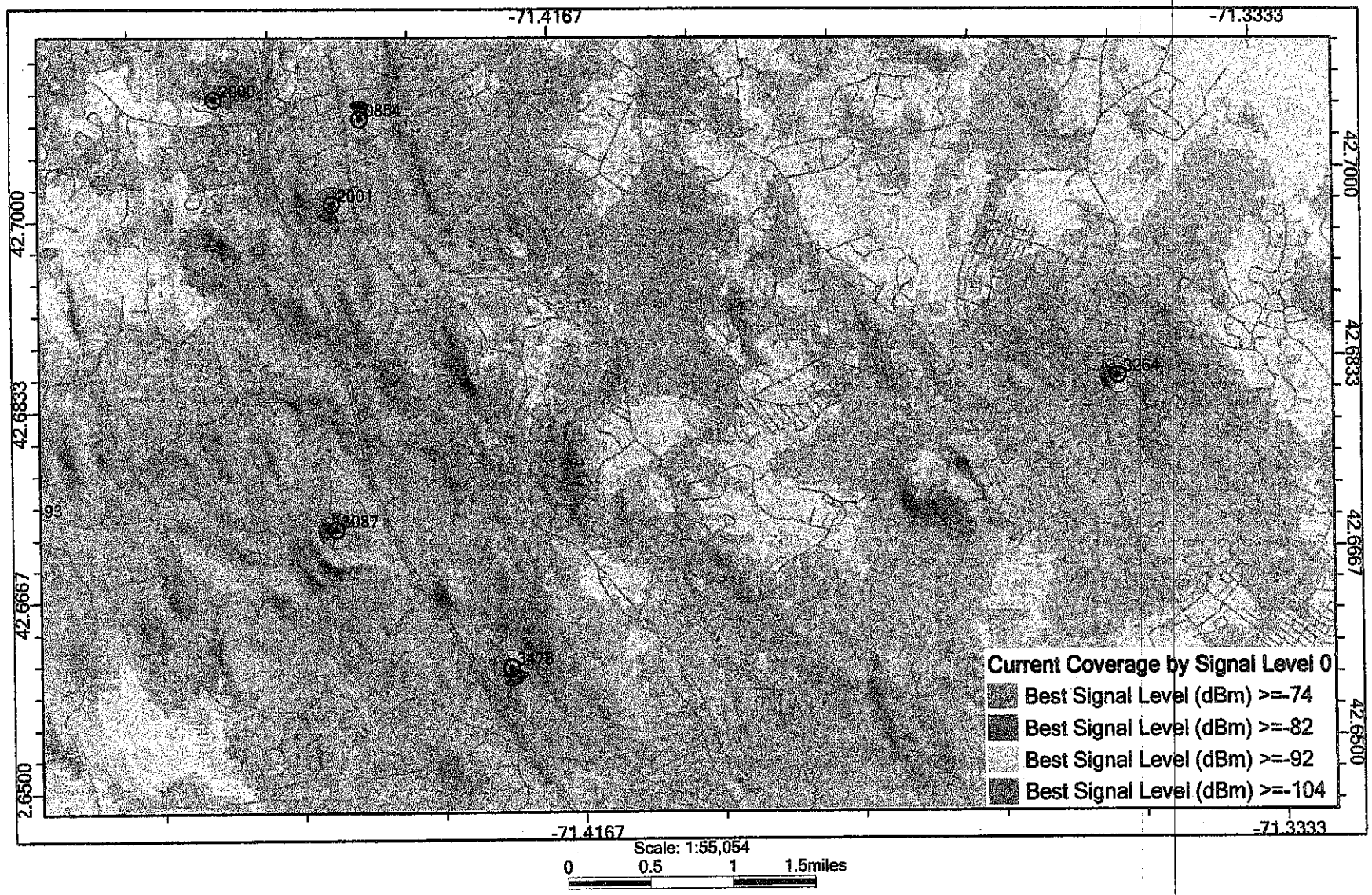
13. Based upon the best radio frequency technology available at this time, it is my professional opinion that the Facility is at the minimum height that is needed to ensure adequate service to area residents and businesses within the geographic area described above.

Executed this 25th day of May, 2010.

Jobet Mariano
RF ENGINEER, AT&T

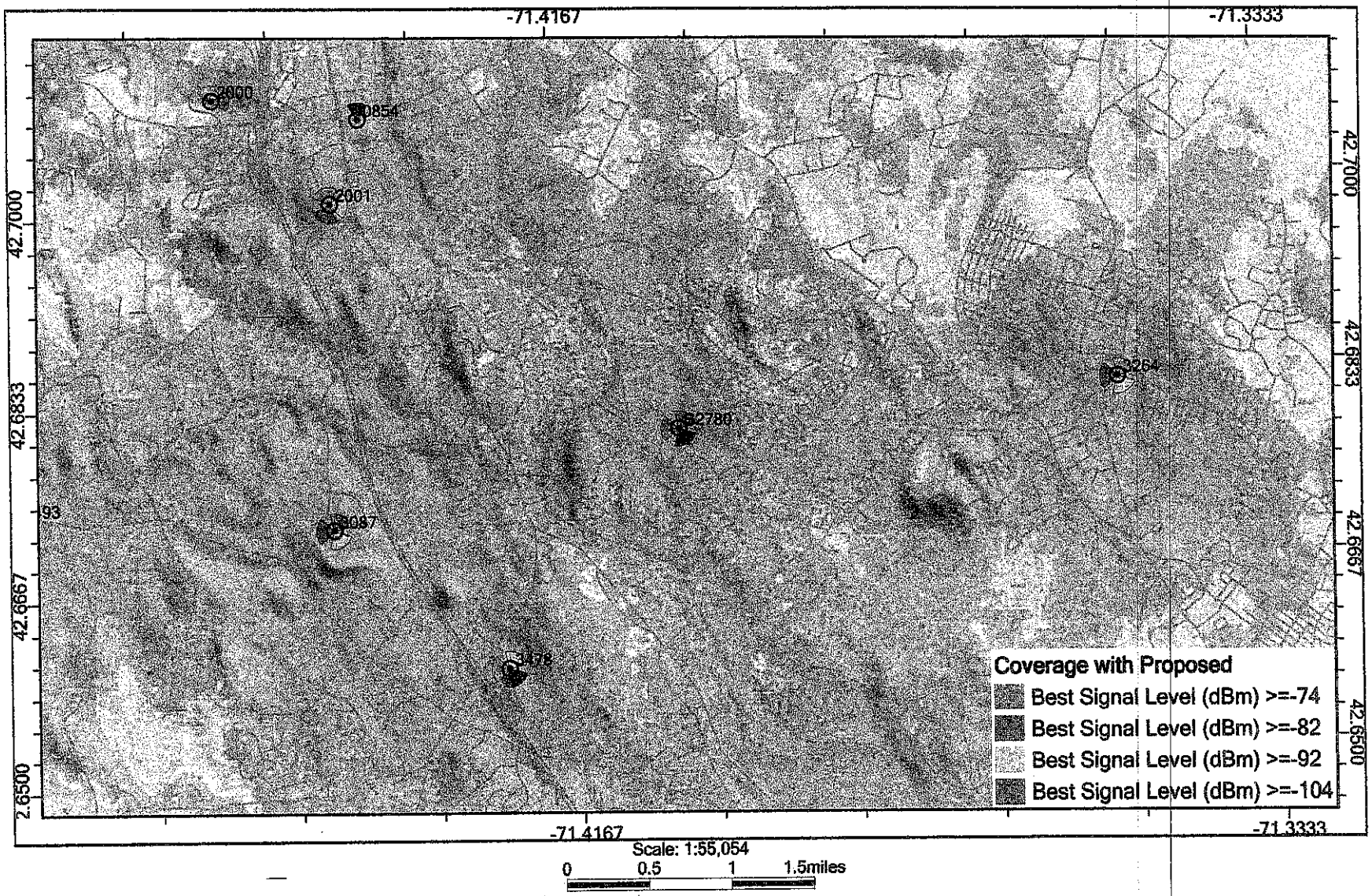
at&t

Current Coverage in Tyngsborough,MA



at&t

Coverage in Tyngsborough,MA With Proposed S2780



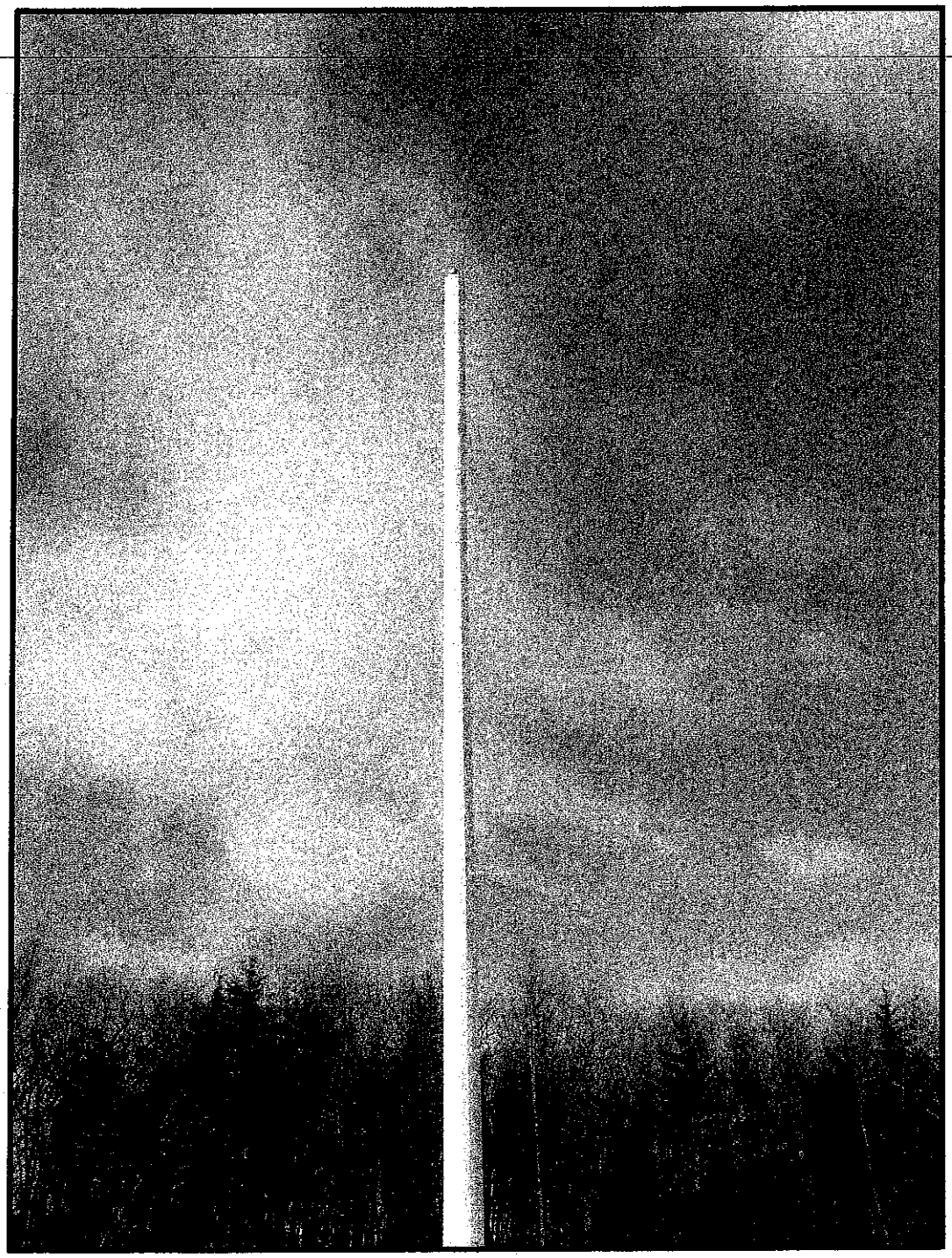
Scale: 1:55,054

0 0.5 1 1.5miles

Applicant: New Cingular Wireless PCS, LLC
Site Address: 56 Coburn Road

View of Existing Conditions

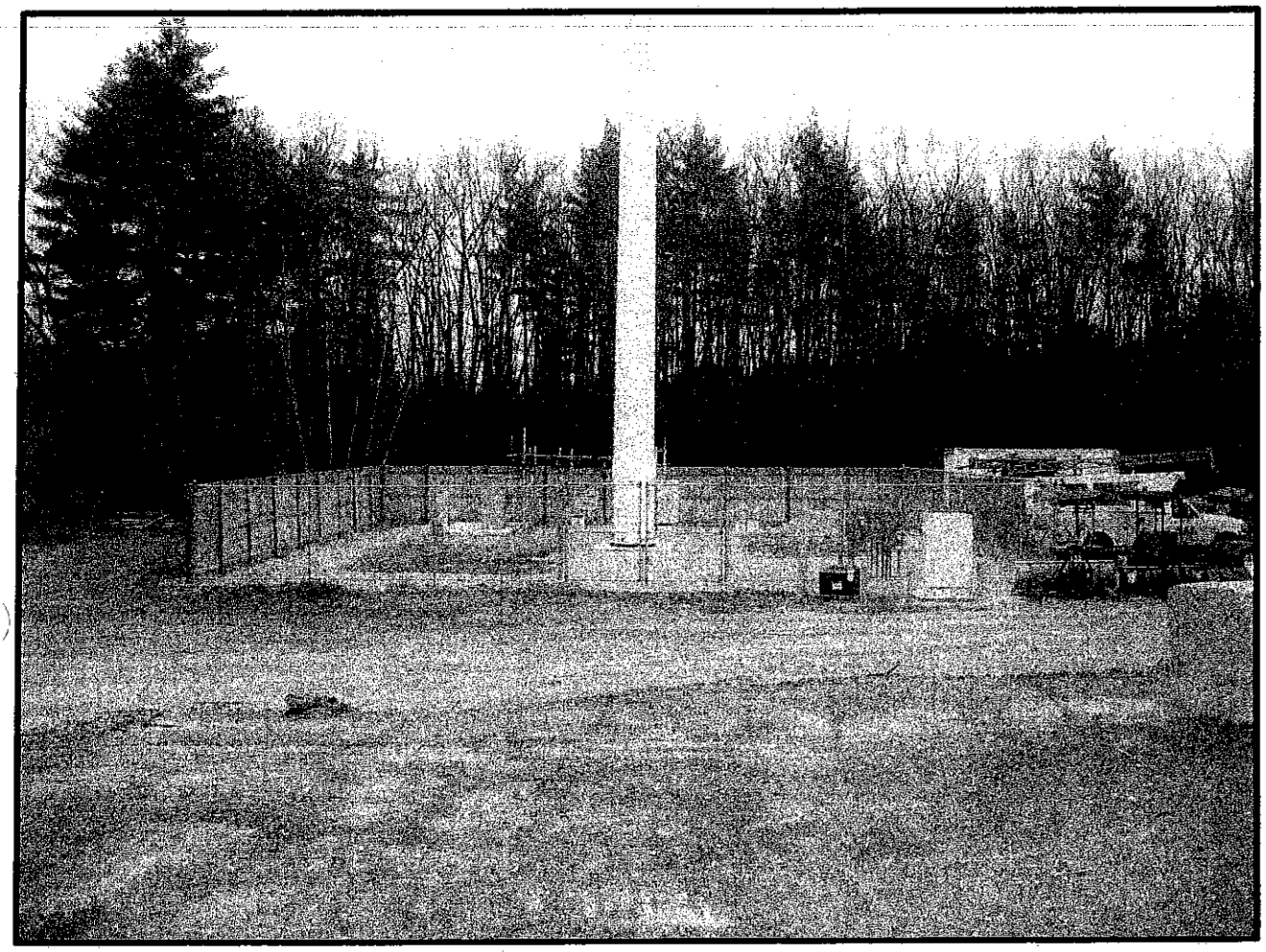
Existing Internal-Mount Monopole



Applicant: New Cingular Wireless PCS, LLC
Site Address: 56 Coburn Road

View of Existing Conditions

Existing Compound



Universal Licensing System

ULS License

PCS Broadband License - KNLF216 - New Cingular Wireless PCS, LLC

MAIN | ADMIN | MARKET | LOCATIONS | LEASES

This license has pending applications: 0004078789

Call Sign	KNLF216	Radio Service	CW - PCS Broadband
Status	Active	Auth Type	Regular

Market

Market	MTA008 - Boston-Providence	Channel Block	A
Submarket	17	Associated Frequencies (MHz)	001850.00000000-001865.00000000 001930.00000000-001945.00000000

Dates

Grant	07/07/2005	Expiration	06/23/2015
Effective	02/26/2009	Cancellation	

Buildout Deadlines

1st	06/23/2000	2nd	06/23/2005

Notification Dates

1st	06/28/2000	2nd	03/08/2005

Licensee

FRN	0003291192 (View Ownership Filing)	Type	Corporation

Licensee

New Cingular Wireless PCS, LLC
5601 LEGACY DRIVE, MS: A-3
PLANO, TX 75024
ATTN FCC GROUP

P:(469)229-7422
F:(469)229-7297
E:KELLYE.E.ABERNATHY@CINGULAR.COM

Contact

Cingular Wireless LLC
Kellye E Abernathy Esq
5601 LEGACY DRIVE, MS: A-3
PLANO, TX 75024

P:(469)229-7422
F:(469)229-7297
E:KELLYE.E.ABERNATHY@CINGULAR.COM

Ownership and Qualifications

Radio Service Type	*Mobile*		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Tribal Land Bidding Credits
This license did not have tribal land bidding credits.

Demographics

Race

Ethnicity

Gender

ULS Help	ULS Glossary - FAQ - Online Help - Technical Support - Licensing Support
ULS Online Systems	CORES - ULS Online Filing - License Search - Application Search - Archive License Search
About ULS	Privacy Statement - About ULS - ULS Home
Basic Search	By Call Sign = SEARCH

ECC | Wireless | ULS | CORES

Help | Tech Support

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
Submit Help Request

Universal Licensing System

ULS License

Cellular License - KNKA226 - NEW CINGULAR WIRELESS PCS, LLC

HELP

New Search | Printable Page | Reference Copy | Map License

MAIN | ADMIN | LOCATIONS

This license has pending applications: 0004078789

Call Sign	KNKA226	Radio Service	CL - Cellular
Status	Active	Auth Type	Regular

Market

Market	CMA006 - Boston-Lowell-Brockton-Lawrence-Haverhill, MA-NH	Channel Block	A (View Frequencies)
Submarket	0	Phase	2

Dates

Grant	10/05/2004	Expiration	10/01/2014
Effective	02/08/2007	Cancellation	

Five Year Buildout Date

06/28/1999

Control Points

2	100 LOWDER BROOK DR, NORFOLK, WESTWOOD, MA P: (617)462-7094

Licensee

FRN	0003291192 (View Ownership Filing)	Type	Limited Liability Company

Licensee

NEW CINGULAR WIRELESS PCS, LLC
5601 LEGACY DRIVE, MS: A-3
PLANO, TX 75024
ATTN KELLYE E. ABERNATHY

P:(469)229-7422
F:(469)229-7297
E:KELLYE.E.ABERNATHY@CINGULAR.COM

Contact

AT&T MOBILITY LLC
DAVID C JATLOW
11760 US HIGHWAY 1
NORTH PALM BEACH, FL 33408

P:(202)255-1679
F:(561)279-2097
E:DAVID.JATLOW@CINGULAR.COM

Ownership and Qualifications

Radio Service Type	Mobile		
Regulatory Status	Common Carrier	Interconnected	Yes

Alien Ownership
The Applicant answered "No" to each of the Alien Ownership questions.

Basic Qualifications
The Applicant answered "No" to each of the Basic Qualification questions.

Demographics

Race

Ethnicity

Gender

ULS Help ULS Glossary - FAQ - Online Help - Technical Support - Licensing Support

ULS Online Systems CORES - ULS Online Filing - License Search - Application Search - Archive License Search

About ULS Privacy Statement - About ULS - ULS Home

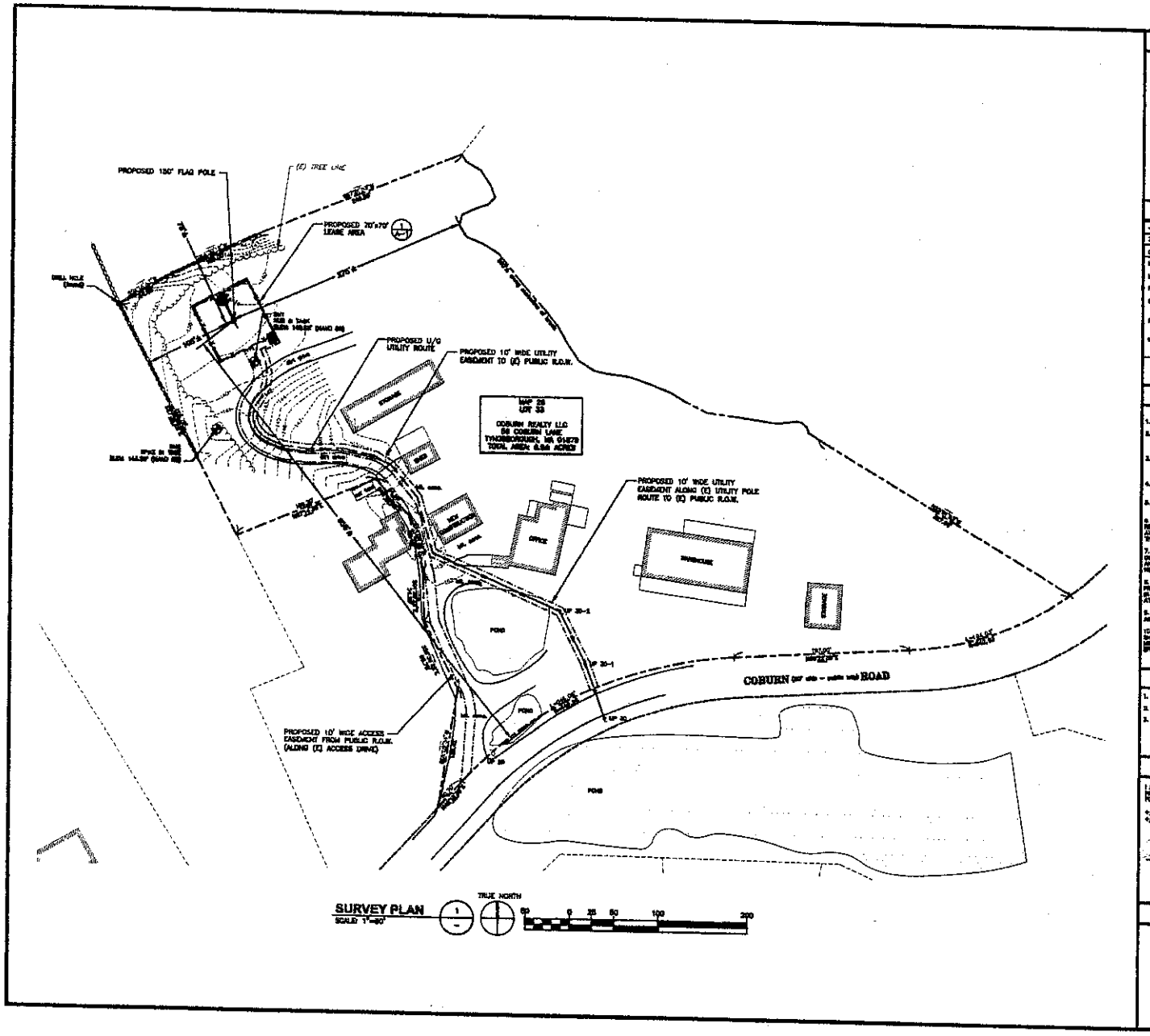
Basic Search By Call Sign = SEARCH

FCC | Wireless | ULS | CORES

Help | Tech Support

Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Phone: 1-877-480-3201
TTY: 1-717-338-2824
Submit Help Request



LEGEND

- PROPERTY LINE – SUBJECT PARCEL
- PROPERTY LINE – ABUTTERS
- RIGHT-OF-WAY
- STONEWALL
- CHAIN LINK FENCE
- SECURITY FENCE

ZONING INFORMATION

JURISDICTION	TOWN OF TYNGSBOROUGH, MA – MIDDLESEX COUNTY
ZONING DISTRICT TYPE:	RESIDENTIAL 1 (R-1)

DIMENSION REQUIREMENTS	REQUIRED	PROPOSED/A
MINIMUM LOT AREA	84,000 SQ. FT.	263,000 SQ.FT.
MINIMUM ROAD FRONTAGE	200	777.39
FRONT YARD SETBACK	30	595
SIDE YARD SETBACK	20	125
REAR YARD SETBACK	30	75
MAXIMUM BUILDING HEIGHT	35	N/A

(ALL MEASUREMENTS ARE IN FEET & UNLESS OTHERWISE NOTED)
DISTANCE TO EXISTING TOWER UNLESS OTHERWISE NOTED

SURVEY INFORMATION

1. DATE OF SURVEY: DECEMBER 12, 2005
2. SITE OWNER & ADDRESS: COBURN REALTY LLC, 58 COBURN LANE, TYNGSBOROUGH, MA 01879
3. CENTER OF TOWER: LATITUDE 42°42'41.0N" (NAD 83); LONGITUDE 071°21'11.73" (NAD 83); ELEVATION 185'± AMSL (NAVD 88)
4. VERTICAL DATUM: NORTH AMERICAN VERTICAL DATUM OF 1988 FOR TOPOGRAPHIC SURVEY PLAN GPS SEARCHES
5. HORIZONTAL DATUM: NORTH AMERICAN DATUM OF 1983 (NAD 83) FOR TOPOGRAPHIC SURVEY PLAN GPS SEARCHES
6. THIS PLAN IS NOT THE RESULT OF A FULL BOUNDARY SURVEY. IT IS THE RESULT OF COMPILATION OF EXISTING INFORMATION AND LOCATIONS OF AVAILABLE MONUMENTS/MARKS. THIS PLAN IS SUBJECT TO ANY DEVIATIONS THAT A FULL BOUNDARY SURVEY MAY REVEAL.
7. THE PROPERTY LINES SHOWN HEREON ARE THE LINES DIVIDING EXISTING OWNERSHIPS. WE USED THE STREET OR WAYS ALREADY ESTABLISHED AND THAT NO NEW LINES FOR THE DIVISION OF EXISTING OWNERSHIP WE FOR THIS MAP WERE MADE.
8. ALL UNDERGROUND UTILITY INFORMATION SHOWN HEREON WAS DETERMINED FROM SURFACE EVIDENCE. ALL UNDERGROUND UTILITIES SHOULD BE LOCATED BY THE POLE PARTY IN CONJUNCTION OF ALL SITE WORK. CALL DIGSAFE AT 1-800-322-4844 A MINIMUM OF 72 HOURS PRIOR TO PLANNED ACTIVITY.
9. ALL ABUTTERS WITHIN 300 FEET OF LEASE ARE SHOWN FROM AVAILABLE OWNERSHIP INFORMATION.
10. NO PART OF THE LEASE AREA LIES WITHIN 100 YEAR FLOOD ZONE AS SHOWN OF FLOOD INSURANCE RATE MAP – TOWN OF TYNGSBOROUGH, MA MIDDLESEX COUNTY – COMMUNITY PANEL NUMBER 250230 0010 B EFFECTIVE DATE: SEPTEMBER 2, 1980

PLAN REFERENCES

1. BEARINGS BASED ON:	TRUE NORTH (GPS)
2. DEED REFERENCE:	DEED BOOK 11896, PAGE 154
3. PLAN REFERENCE:	PLAN BOOK 124, PLAN 50

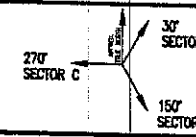
FAA 2C CERTIFICATION

I HEREBY CERTIFY THAT THE LATITUDE, LONGITUDE AND ELEVATIONS PROVIDED HEREON MEET THE REQUIREMENTS OF THE FAA WITH THE FOLLOWING ACCURACY:

+/- TWENTY (20) FEET VERTICALLY
+/- FIFTY (50) FEET HORIZONTALLY

11-30-05
DATE

ANTENNA ORIENTATION KEY



OMNIPOINT COMMUNICATIONS, INC.
A WHOLLY OWNED SUBSIDIARY OF T-MOBILE USA, INC.
19 COMMERCE WAY, SUITE 2
NORTON, MA 02766
OFFICE: (401) 506-5600
FAX: (401) 506-5605

1 Colonial Way
Peaslee Sq., MA 01867
Tel. (781) 942 0224
Fax (781) 942 0881
e-mail: aerial@

APPROVALS

LANDLORD _____
LEASING _____
R.F. _____
ZONING _____
CONSTRUCTION _____
A/E _____

PROJECT NO: 4SO-0146-A
DRAWN BY: BS
CHECKED BY: PLM

SUBMITTALS

4	11/29/06	CONST. REVISED
3	10/03/06	CONST. REVISED
2	09/21/06	CONST. REVISED
1	09/13/06	CONST. FINAL
0	08/30/06	CONSTRUCTION

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4SO-0146-A

SHERBURNE LUMBER

58 COBURN ROAD
TYNGSBOROUGH, MA 01879

SHEET TITLE

SURVEY PLAN

SHEET NUMBER

C-2

Federal Aviation Administration
Air Traffic Airspace Branch, ASW-520
2601 Meacham Blvd.
Fort Worth, TX 76137-0520

Aeronautical Study No.
2006-ANE-866-OE

Issued Date: 08/31/2006

Maren Bordewieck
Omnipoint Communications, Inc. (New England)
15 Commerce Way
Norton, MA 02766

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has completed an aeronautical study under the provisions of 49 U.S.C., Section 44718 and, if applicable, Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	unipole w/ internal antennas
Location:	Tyngsborough, MA
Latitude:	42-40-45.98 N NAD 83
Longitude:	71-24-11.77 W
Heights:	150 feet above ground level (AGL)
	288 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking and/or lighting are accomplished on a voluntary basis, we recommend it be installed and maintained in accordance with FAA Advisory Circular 70/7460-1 AC 70/7460-1K.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

A copy of this determination will be forwarded to the Federal Communications Commission if the structure is subject to their licensing authority.

Frequency Data for ASN 2006-ANE-866-OE

LOW FREQUENCY	HIGH FREQUENCY	FREQUENCY UNIT	ERP	ERP UNIT
806	824	MHz	500	W
824	849	MHz	500	W
851	866	MHz	500	W
869	894	MHz	500	W
896	901	MHz	500	W
901	902	MHz	7	W
930	931	MHz	3500	W
931	932	MHz	3500	W
932	932.5	MHz	17	dBW
935	940	MHz	1000	W
940	941	MHz	3500	W
1850	1910	MHz	1640	W
1930	1990	MHz	1640	W
2305	2310	MHz	2000	W
2345	2360	MHz	2000	W

UNITED STATES OF AMERICA
FEDERAL COMMUNICATIONS COMMISSION
ANTENNA STRUCTURE REGISTRATION

OWNER: INDUSTRIAL TOWER AND WIRELESS, LLC

FCC Registration Number (FRN): 0015315880

ATTN: ENGINEERING DEPT. INDUSTRIAL TOWER AND WIRELESS, LLC 40 LONE STREET MARSHFIELD, MA 02050	**Antenna Structure Registration Number** 1263199 **Issue Date** 05-02-2008
Location of Antenna Structure *56 Coburn Road* Tyngsborough, MA	**Ground Elevation (AMSL)** 42.0 *meters* **Overall Height Above Ground (AGL)** 45.7 **meters**
Latitude 42-40-45.9 N **Longitude** 071-24-11.7 W ***NAD83***	**Overall Height Above Mean Sea Level (AMSL)** 87.7 *meters*

Painting and Lighting Requirements:
NONE

Conditions:

This registration is effective upon completion of the described antenna structure and notification to the Commission. **YOU MUST NOTIFY THE COMMISSION WITHIN 24 HOURS OF COMPLETION OF CONSTRUCTION OR CANCELLATION OF YOUR PROJECT, please file FCC Form 854.** To file electronically, connect to the antenna structure registration system by pointing your web browser to http://wireless.fcc.gov/antenna. Electronic filing is recommended. You may also file manually by submitting a paper copy of FCC Form 854. Use purpose code "NT" for notification of completion of construction; use purpose code "CA" to cancel your registration.

The Antenna Structure Registration is not an authorization to construct radio facilities or transmit radio signals. It is necessary that all radio equipment on this structure be covered by a valid FCC license or construction permit.

You must immediately provide a copy of this Registration to all tenant licensees and permittees sited on the structure described on this Registration (although not required, you may want to use Certified Mail to obtain proof of receipt), and *display* your Registration Number at the site. See reverse for important *information about the Commission's Antenna Structure Registration rules.*

FCC 854R
August 2007

The Commonwealth of Massachusetts
Executive Office of Health and Human Services
Department of Public Health
Radiation Control Program
174 Portland Street, 5th Floor, Boston, MA 02114
(617) 727-6214 (617) 727-2098 - Fax

JANE SWIFT
GOVERNOR

ROBERT P. GITTENS
SECRETARY

HOWARD K. KOH, MD, MPH
COMMISSIONER

NEW POLICY REGARDING RADIOFREQUENCY FACILITY INSTALLATION APPROVAL

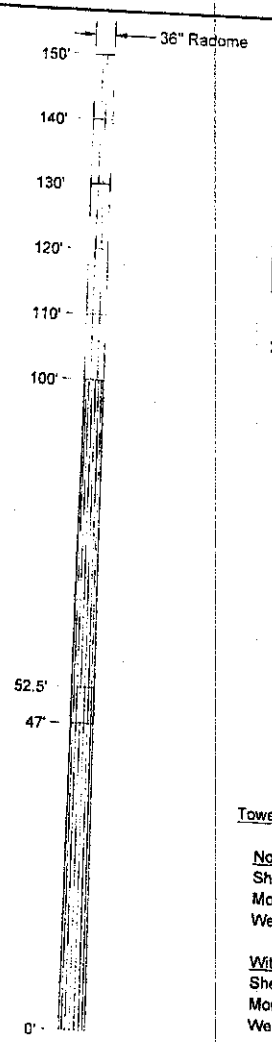
Due to personnel and budget reductions imposed upon the Radiation Control Program, we are no longer requiring notification and approval from companies that install radiofrequency antennas or facilities as outlined under 105 CMR 122.021. Companies installing radiofrequency antennas should ensure that they are meeting the FCC requirements for the installation.

A guide for local government officials (June 2, 2000) concerning the FCC requirements which complements the FCC's OET Bulletin 65, "Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields", August 1997 is available along with Bulletin 65. To obtain this information, please contact the FCC's Office of Engineering and Technology (phone: 202-418-2464 or e-mail: rfsafety@fcc.gov). Bulletin 65 can also be accessed and downloaded from the FCC's "RF Safety" website: http://www.fcc.gov/oet/rfsafety.

Since the FCC requirements are now identical to the requirements under 105 CMR 122.021, reporting to the Massachusetts Department of Public Health is no longer necessary. The citation in the regulations will be changed during the next revision of the Radiation Control Program's regulations.

If there are any questions concerning health effects regarding radiofrequency antennas, individuals may contact the Bureau of Environmental Health Assessment of the Massachusetts Department of Public Health at 617-624-5757.

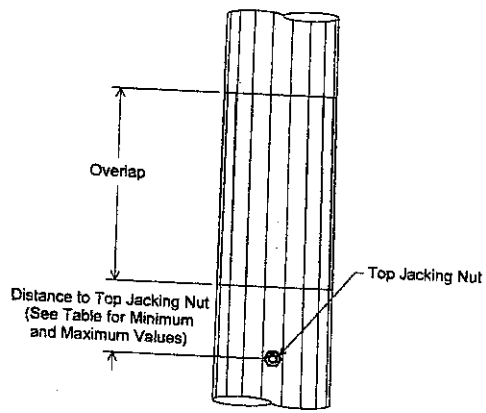
3/15/02



Pole Section Data

Section	Bottom Height (ft)	Top Height (ft)	Length (ft)	Number of Sides	Bottom OD (in)	Top OD (in)	Wall Thickness (in)	Material	Approximate Weight (lb)	Design Overlap (in)	Minimum Overlap (in)	Maximum Overlap (in)	Design Distance to Top Jacking Nut (in)	Maximum Distance to Top Jacking Nut (in)	Minimum Distance to Top Jacking Nut (in)
1	140	150	10	Round	8.6250	8.6250	0.2800	A500-50	270						
2	130	140	10	Round	8.6250	8.6250	0.3220	A500-50	310						
3	120	130	10	Round	10.7500	8.6250	0.3650	A500-50	400						
4	110	120	10	Round	12.7500	12.7500	0.5000	A500-50	720						
5	100	110	10	Round	12.7500	12.7500	0.5000	A572-65	720						
6	47	100	53	18	44.0994	36.0000	0.1875	A572-65	4910	66	58 7/8	72 5/8	15	22 1/8	8 3/8
7	0	52.5	52.5	18	50.7193	42.6964	0.2500	A572-65	8260						

Notes:
1. The round pole spine sections shown above may be supplied in 10 or 20 foot long sections.
2. Reference drawing 110172 for radome installation instructions.



A jacking nut is placed near the top of each section which will have another section placed on top. The distance from this nut to the bottom of the next section must not exceed the value given in the column labeled "Maximum Distance to Top Jacking Nut."

Pole Splice Detail

Tower Reactions

No Ice
Shear: 16.2 kips
Moment: 1265.8 ft-kips
Weight: 20.2 kips

With Ice
Shear: 3.2 kips
Moment: 241.3 ft-kips
Weight: 32.0 kips

COMMONWEALTH OF MASSACHUSETTS
DENNIS D. ABEL
STRUCTURAL
No. 45978
REGISTERED PROFESSIONAL ENGINEER

JUL 30 2007

REV	BY	DATE	DESCRIPTION

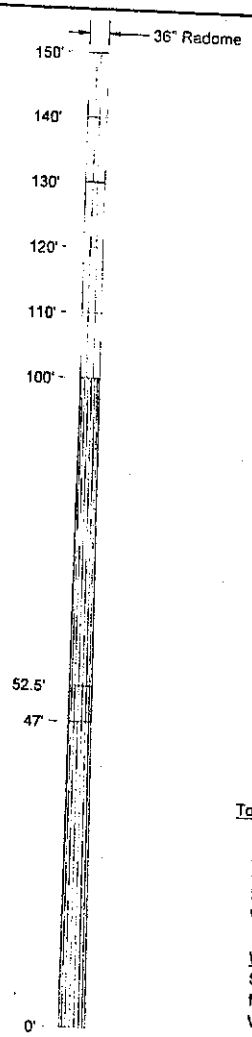
COPYRIGHT NOTICE:
This drawing is the property of Nello Inc. It is not to be reproduced, copied or traced in whole or in part without our written consent.

DRAWN BY: RCH
CHECKED: AJK
ENG. APP: DDA

TITLE:
Industrial Communications
NTP 51 x 150'
4BO-0146-A, Sherburne Lumber, Tyngsborough, MA

NELLO CORPORATION
1301 Stahly Drive
Nappanee, IN 46550
Bus: (574)773-4927
Fax: (574)773-5840

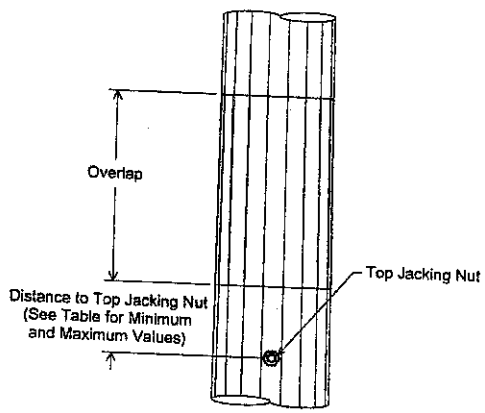
ORIG DATE: 7/30/2007
DWG. PROG: v2.05
DWG NO: 113128
SHEET: 1 OF 5



Pole Section Data

Section	Bottom Height (ft)	Top Height (ft)	Length (ft)	Number of Sides	Bottom OD (in)	Top OD (in)	Wall Thickness (in)	Material	Approximate Weight (lb)	Design Overlap (in)	Minimum Overlap (in)	Maximum Overlap (in)	Design Distance to Top Jacking Nut (in)	Maximum Distance to Top Jacking Nut (in)	Minimum Distance to Top Jacking Nut (in)
1	140	150	10	Round	8.6250	8.6250	0.2800	A500-50	270						
2	130	140	10	Round	8.6250	8.6250	0.3220	A500-50	310						
3	120	130	10	Round	10.7500	8.6250	0.3650	A500-50	400						
4	110	120	10	Round	12.7500	12.7500	0.5000	A500-50	720						
5	100	110	10	Round	12.7500	12.7500	0.5000	A572-65	720						
6	47	100	53	18	44.0994	36.0000	0.1875	A572-65	4910	66	58 7/8	72 5/8	15	22 1/8	8 3/8
7	0	52.5	52.5	18	50.7193	42.6964	0.2500	A572-65	8260						

Notes:
1. The round pole spine sections shown above may be supplied in 10 or 20 foot long sections.
2. Reference drawing 110172 for radome installation instructions.



A jacking nut is placed near the top of each section which will have another section placed on top. The distance from this nut to the bottom of the next section must not exceed the value given in the column labeled "Maximum Distance to Top Jacking Nut."

Pole Splice Detail

Tower Reactions

No Ice
Shear: 16.2 kips
Moment: 1265.8 ft-kips
Weight: 20.2 kips

With Ice
Shear: 3.2 kips
Moment: 241.3 ft-kips
Weight: 32.0 kips

COMMONWEALTH OF MASSACHUSETTS
DENNIS D. ABEL
STRUCTURAL
No. 45978
REGISTERED PROFESSIONAL ENGINEER

JUL 30 2007

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TITLE:
Industrial Communications
NTP 51 x 150'
4BO-0146-A, Sherburne
Lumber, Tyngsborough, MA

NELLO CORPORATION
1301 Stehly Drive
Nappanee, IN 46550
Bus: (574)773-4827
Fax: (574)773-5840

ORIG DATE: 7/30/2007
DWG. PROG: v2.05
DWG NO: 113128
SHEET: 1 OF 5

Portholes

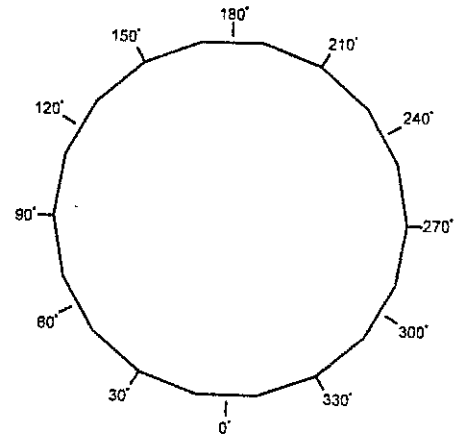
Elevation (ft)	Qty	Size (in)	Azimuth (deg)
7.5	1	9 x 24	0
7.5	1	9 x 24	90
7.5	1	9 x 24	180
7.5	1	9 x 24	270
3.5	1	9 x 24	0

Antenna Loading

Height	Qty.	Description
150'	1	4' Lightning Rod
140' - 150'	1	36" x 10' Radome w/ 8.625" OD Spine - Rev. G
138' - 150'	1	12' x 18'
130' - 140'	1	36" x 10' Radome w/ 8.625" OD Spine - Rev. G
120' - 130'	1	36" x 10' Radome w/ 10.75" OD Spine - Rev. G
110' - 120'	1	36" x 10' Radome w/ 12.75" OD Spine - Rev. G
100' - 110'	1	36" x 10' Radome w/ 12.75" OD Spine - Rev. G

Feedline Loading

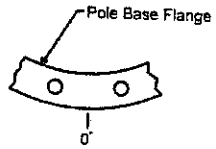
Height	Qty.	Description
0' - 145'	3	LDF7-50A (1-5/8 FOAM)
0' - 135'	3	LDF7-50A (1-5/8 FOAM)
0' - 125'	3	LDF7-50A (1-5/8 FOAM)
0' - 115'	3	LDF7-50A (1-5/8 FOAM)
0' - 105'	3	LDF7-50A (1-5/8 FOAM)



Step Bolts on This Side of Pole

Note:
The azimuths referenced here are only to illustrate where the pole features are in relation to each other. The azimuths are not to indicate which cardinal direction the anchor bolts or the pole should be positioned.

Pole Reference Azimuths



Anchor Bolt Holes Are on Either Side of the 0 Degree Azimuth

Anchor Bolt Azimuth

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TITLE:
Industrial Communications
NTP 51 x 150'
4BO-0146-A, Sherburne Lumber, Tyngsborough, MA

NELLO CORPORATION
1301 Stahly Drive
Nappanee, IN 46550
Bus: (574)773-4627
Fax: (574)773-5840

ORIG. DATE: 7/30/2007
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DWG NO: 113128
SHEET: 2 OF 5

Tower Notes:

1. Tower is designed per TIA-222-G, "Structural Standard for Antenna Supporting Structures and Antennas," for the following loading conditions:
   100 mph 3-second gust basic wind speed with no ice
   40 mph 3-second gust basic wind speed with 1-1/4 inch basic ice thickness
   Structure Class: II
   Exposure Category: C
   Topographic Category: 1
2. Tower design loading is assumed to be based on site-specific data and must be verified by others prior to installation.
3. Tower design includes the antennas, dishes, and/or lines listed in the appurtenance loading tables on sheet 2.
4. Antenna mounting pipes may need to be field cut to match the lengths listed in the appurtenance loading tables on sheet 2.
5. Tower member design does not include stresses due to erection since erection equipment and procedures are unknown. Tower installation shall be performed by competent and qualified erectors in accordance with TIA-222-G and OSHA standards and all applicable building codes.
6. Field connections shall be bolted. No field welds shall be allowed unless otherwise noted.
7. Structural bolts shall conform to ASTM A325, except for 1/2 inch diameter and smaller bolts, which shall conform to ASTM A449 or SAE J429 Grade 5.
8. Structural steel and connection bolts shall be galvanized after fabrication in accordance with TIA-222-G.
9. All high strength bolts shall be tightened to a "snug tight" condition as defined in the November 13, 1985, AISC "Specification for Structural Joints Using ASTM A325 or A490 Bolts."
10. Tower shall be marked and lighted in conformance with local building codes, FAA regulations, and TIA-222-G.
11. Tower shall be grounded in conformance with local building codes and TIA-222-G.
12. Allowable tolerance on as-built tower steel height is plus 1% or minus 1/2%.
13. Maintenance and inspection shall be performed over the life of the structure in accordance with TIA-222-G.
14. Material specifications:
    NTP 18-Sided Pole - ASTM A572 Grade 65
    NTP Round Pole - ASTM A53 Grade B or ASTM A500 Grade 50
    Pole Flange - ASTM A572 Grade 50
    Pole Porthole Rim - ASTM A572 Grade 50
15. A jacking nut is placed near the top of each section which will have another section placed on top. The distance from this top jacking nut to the bottom of the next section must not exceed the value given in the column labeled "Maximum Distance to Top Jacking Nut." Jacking may be required to achieve the proper overlap.
16. The horizontal distance between the vertical centerlines at any two elevations shall not exceed 0.25 percent of the vertical distance between the two elevations. Measure early in the morning before the sunward side of the pole expands.
17. Sections must be erected with the 0 degree azimuth lined up to ensure proper fit.
18. Remove anchor bolt template before erecting pole. Non-shrink grout may be placed under base flange after leveling pole. Drain holes must be provided if grouting.
19. Concrete contractor shall be responsible for properly aligning anchor bolts and materials before and after placing concrete, regardless of whether an anchor bolt template is provided.

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480-0146-A, Sherburne Lumber, Tyngsborough, MA

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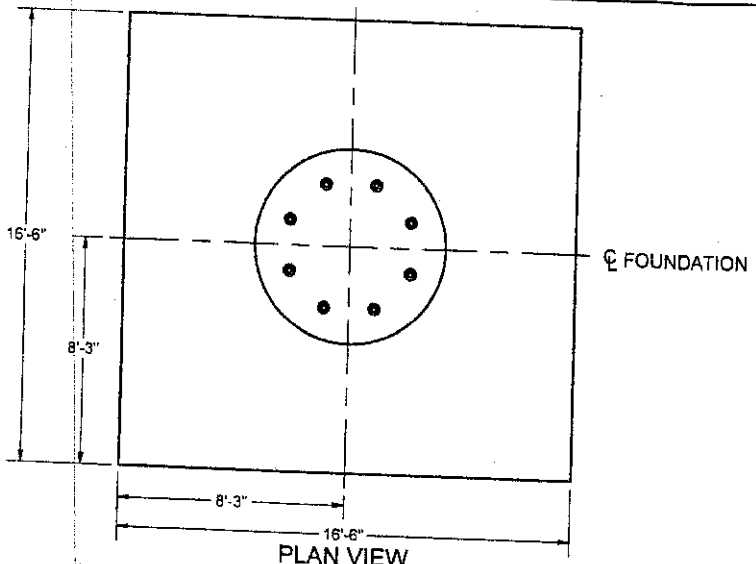
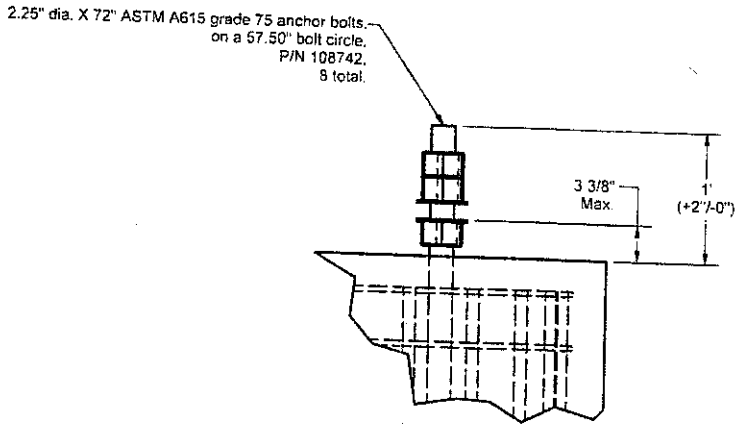
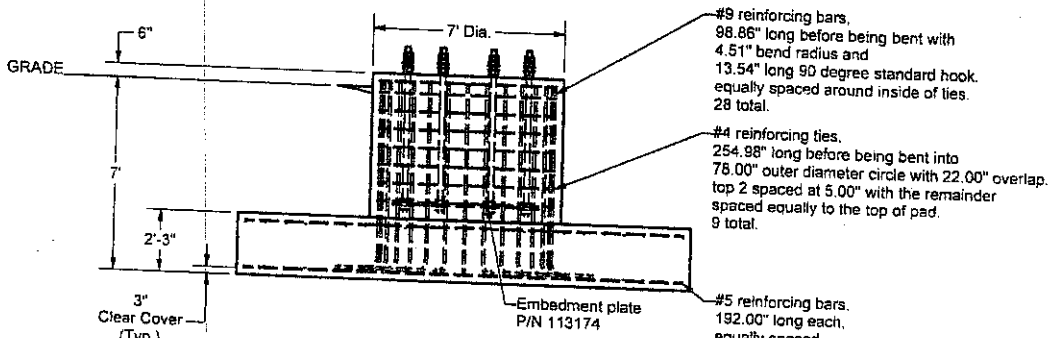
SHEET: 3 OF 5



PLAN VIEW
(REINFORCEMENT NOT SHOWN FOR CLARITY)



ANCHOR BOLT DETAIL



MID-SECTION VIEW

PIER AND PAD FOUNDATION
(CONCRETE VOLUME: 30.2 CU. YD.)

COMMONWEALTH OF MASSACHUSETTS
DENNIS D. ABEL
STRUCTURAL
No. 43377

3 0 2007

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4BO-0146-A, Sherburne
Lumber, Tyngsborough, MA

NELLO CORPORATION
1301 Stahly Drive
Nappanee, IN 46550
Bus: (574)773-4827
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ORIG DATE:	7/30/2007	DWG NO:	113128
DWG. PROG:	v2.05	SHEET:	4 OF 5

Foundation Notes

1. This foundation has been designed for the following reactions.
   Shear: 17.1 kips
   Moment: 1333.9 ft-kips
   Weight: 21.4 kips

2. Foundation design assumes normal soil conditions as defined by ANSI/EIA/TIA-222-F. Normal soil is defined as dry, cohesive soil with an allowable net vertical bearing capacity of 4000 psf and an allowable net horizontal pressure of 400 psf per lineal foot of depth to a maximum of 4000 psf.

3. A field inspection shall be performed in order to verify that the actual site soil parameters meet or exceed the assumed soil parameters and that the depth of standard foundations are adequate based on the frost penetration and groundwater depth. Local frost depth must be no deeper than the bottom of the base foundation.

4. Reinforcement shall be deformed and conform to the requirements of ASTM A615 Grade 60 unless otherwise noted. Splices in reinforcement shall not be allowed unless otherwise noted.

5. Welding is prohibited on reinforcing steel and anchorage.

6. Structural backfill must be compacted in 8" loose lifts to a 95% of maximum dry density at optimum moisture content in accordance with ASTM D1557. Backfill must be clean and free of organic and frozen soils and foreign materials. Fill should be compacted at water content within 2 percent of optimum.

7. Foundation designs assume level ground at tower site.

8. Loose material shall be removed from bottom of excavation prior to concrete placement.

9. Concrete cover from exposed surface of concrete to surface of reinforcement shall not be less than 3".

10. Concrete and reinforcement installation must conform to ACI 318, "Building Code Requirements for Structual Concrete."

11. Concrete shall develop a minimum compressive strength of 4000 psi in 28 days.

12. Concrete shall be placed as soon as practical after excavating to avoid disturbance of bearing and side wall surfaces.

13. Concrete contractor shall be responsible for properly aligning anchor bolts and materials before and after placing concrete, regardless of whether an anchor bolt template is provided.

14. Positive drainage shall be maintained during construction and throughout the life of the facility to minimize the potential for surface water infiltration.

15. Difficulties during excavation operation may arise due to the presence of boulders or cobbles. The boulders and cobbles must be removed from the excavation prior the rebar and concrete placement

16. The foundation should be backfilled at least 4 ft in depth a minimum lateral distance of 15 ft measured around the top of the foundation perimeter.

17. The bottom of the excavation should be proofrolled with at least six passes of a 750 pound (static weight) vibratory compactor operating at peak energy. Areas exhibiting instability should be removed and replaced with compacted structural fill. Proofrolling should not be performed near or below the groundwater table.

18. The groundwater table, if encountered, should be continuously maintained at least one foot below construction grade until the foundation is backfilled. A lift of 3/4-inch minus crushed stone may be considered atop the bearing subgrade in wet conditions.

COMMONWEALTH OF MASSACHUSETTS
DENNIS D. ABEL
STRUCTURAL
No. 45976
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JUL 3 0 2007

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CHECKED: AJK	ORIG DATE: 7/30/2007	DWG NO: 113128	
ENG APP: DDA	DWG. PROG: v2.05	SHEET: 5 OF 5	

Hudson Design Group LLC

May 20, 2010

Site Number: MA2780
Site Name: Tyngsborough RT. 113
Site Address: 56 Coburn Rd Tyngsborough MA.

To Whom It May Concern:

The following estimate has been prepared to summarize the take down and removal costs that would be associated with the proposed AT&T wireless communication facility at the above-referenced location. These costs are based on data compiled in the 2009 Building Construction Cost Data, 67th Annual Edition published by RS Means and from industry-specific data.

RS MEANS REF	DESCRIPTION	UNIT	QTY	UNIT COST	TOTAL COST
N/A	MOBILIZATION AND DEMOBILIZATION	EA	2	$500.00	$1,000.00
015433.60-1500	CRANE RENTAL	DAY	1	$2,450	$2,450.00
Labor Crew B-20	REMOVE EQUI[MENT SHELTER, REMOVE ANTENNAS AND COAX REMOVE POWER AND TELCO	DAY	3	$848.409	$2,545.23
260505.10-0140	REMOVE CONDUITS	LF	100	$3.71	$371.00
N/A	REMOVE ICE BRIDGE AND POSTS	EA	4	$250.00	$1,000.00
024119.18-0020	HAUL AND DISPOSE MATERIALS	CY	20	$13.00	$260.00
N/A	FINAL CLEAN-UP	EA	1	$1,000.00	$1,000.00
	SUBTOTAL				$8,626.23
	CONTINGENCY			10%	$862.62
	REGIONAL ADJUSTMENT			-3%	($284.66)
	TOTAL COST				**$9204.19**

Based on the cost estimate provided in this report, it is my professional opinion that an appropriate surety amount to secure the removal of the facility would not exceed $10,000.00.

Very truly yours,

COMMONWEALTH OF MASSACHUSETTS
DANIEL P. HAMM
CIVIL
No. 40720
REGISTERED PROFESSIONAL ENGINEER

Daniel P. Hamm, P.E.
Hudson Design Group LLC

p: 978.557.5553 f: 978.336.5586 a: 1600 Osgood Street, Building 20 North, Suite 2-101, N. Andover, MA 01845
p: 413.588.8139 f: 413.517.0590 a: 116 Pleasant Street, Ste 302, Easthampton, MA 01027