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

Monday December 06, 2010 6:00 P.M. Town Offices
Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Richard Reault, Selectman Richard Lemoine and Selectman Robert Jackson.
Staff Present: Town Administrator Michael Gilleberto and Admin Assistant Therese Gay

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The listing of matters are those reasonable anticipated by the Chairman 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.

1. 6:05 P.M Open Meeting

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

2. Old Business

- **6:05 P.M. National Grid Hearing – Underground Conduit at 6 Progress Avenue**

The Board received a petition from National Grid for permission to construct a line of underground conduit at 6 Progress Avenue for service at 6 Progress Avenue.

The Clerk read the legal notice sent to the abutters of Cummings Road and Progress Avenue. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Lemoine to open the hearing. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to waive the reading of the abutters. The Chair invited the representative to come forward. Mr. Butler introduced himself and presented the petition. National Grid will construct an underground conduit from a pole located on Cummings Road to a service at 6 Progress Avenue. There is no need for a street opening permit as the pole is located at the side of the road and the service can be accessed from the sidewalk to the property. A question was asked about the load capacity of poles on Kendall Road. Mr. Butler said to contact Mr. Brian Sweeney he is the designer. Hearing no further comments the Chair asked for a motion to close the hearing. The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to close the hearing. The Board voted unanimously to approve the request to construct an underground conduit on Progress as submitted.

- **6:30 P.M. The Tyngsborough Sports Center Hearing - Entertainment License**

Mr. Wickens was present with Attorney Nicosia and Town Counsel was present. The Building Commissioner is reviewing with Town Counsel. Mr. Wickens has an indoor sports center; he has an all alcoholic beverages general on premise license. Mr. Wickens is before the Board to amend his entertainment license to include dancing by patrons, charitable tournaments, charitable fundraising events, non-gambling and charity poker tournaments, flea markets, trade shows, mixed martial arts event, wrestling events, birthdays, sleep-ins and other public amusement events. The issue with the amended entertainment is the mixed martial arts and wrestling promotional. The center is not zoned for certain types of promotions and there is the issue of adequate parking spaces. Town Counsel and the Building Commissioner are still reviewing the plans and the special permit that was issued. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Lemoine to continue the hearing to Monday, January

3, 2011 at 6:00 P.M. at the Town Hall, 25 Bryant Lane. The petitioner Mr. Wickens is in agreement with the continued hearing.

- **7:00 P.M. Westford Road Development Agreement Approval**

The Board has discussions with Mr. Walter Eriksen and Attorney Scott Eriksen on the release of a development agreement that was in place on the property known as Vesper Properties in 1987. The land was never developed and was sold to Sycamore Development and is now being sold to Westford Road Development. In reviewing the agreement Mr. Eriksen feels that the agreement no longer works for the type of development that he is proposing. He has formulated a new agreement and presented it to the Board for approval. Town Counsel has reviewed it and has made some changes. There was some discussion on the impact fees.

- **Cultural Council Appointments**

The Board received three letters of interest to serve on the Cultural Council, Tammy Adams, Christina Dugas, and Sujatha Meyyappan. Since there are three vacancies the Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to appoint Tammy Adams, Christina Dugas, and Sujatha Meyyappan to the Cultural Council.

- **Community Preservation Committee Appointments**

The Board has three letters of interest to serve on the Community Preservation Committee, Rich Lemoine, Pam Berman and Joelyn Riley. There is only one vacancy on the Committee. The Committee was formed by Town Meeting Vote with the specific openings. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to appoint Joelyn Riley to the Community Preservation Committee.

3. New Business

- **Sewer Designing Construction Committee**

The Sewer Department has completed the Comprehensive Wastewater Management Plan and Final Environmental Impact Report and realized that the Town need to investigate options relative to developing and implementing the future sewer infrastructure within the Town. While the Sewer Department has jurisdiction in many areas, it would be in the best interest of the Town to form a group with multiple public interests so that all decisions can be thoroughly vetted through a public process so that a final plan reflects a consensus-building in preparation for Town Meeting presentation and acceptance. The committee should be made up of a member from the Sewer Commission, member of the Board of Selectmen, a member of the Finance Committee, a member of the of the Assessor's department, a member of the Economic Development Committee, a representative from the NMCOG and three member at large to represent the various needs areas. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Lemoine to form the committee.

4. Citizen/Business Time – No citizen or businessman came forward.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

5. Approve Minutes

- **Monday October 25, 2010, Monday November 1, 2010, Monday November 8, 2010 And the Executive Session Minutes, of Monday October 25, 2010, and Monday November 1, 2010**

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the minutes of Monday November 8, 2010 and Exec Session Minutes of Monday, October 25 and November 1, 2010.

6. **Selectmen's Annual License Renewals**
   - **Common Victualler's License**
   - **Class I, Class II and Class III Licenses**
   - **General Licenses**
   - **All Alcohol Licenses, Wine & Malt Licenses**
   - **Entertainment Licenses**

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Reault to approve the annual licenses as printed. Discussion: The Board has asked how to handle any issues the Board may have with a licensee. Town Counsel has sent an opinion to the Board stating that if the Board had an issue with a licensee they could grant the license for 2to3 months and then schedule a show cause hearing. At this time the licensees have submitted and paid for the renewal of their license, therefore there is an anticipation that the license would be renew this evening.

7. **Correspondence**

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as printed. Comments: the Board received a bimonthly report from the Conservation Commission, a reminder should be sent out to the Merrimack Landing Association reminding them of the agreement between the developer and the town on trash pick up for the condos.

8. **Selectmen's Reports**
   - Selectman O'Neill – Strategic Financial Planning

The Strategic Financial Planning Committee was rapping up their financial plan.

   - Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections

An update on the collaboration with National Grid and the City of Lowell, there will be a seminar for contractors on the new Stretch Code; the Green Community has received half of the funds for the insulation project at the town hall and middle school. I would like to send a letter to the Tech school to see if the students would be able to help restore the historic barn in the center of town. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Reault to ask the Chair to send a letter to the Tech school about the barn. Working with National Grid on the street lights, a center for electrical cars and wind mills. The Council on Aging, the Recreation Building and the Littlefield Library will be audited for energy efficiency. There is a grant for a charging station for electric cars and we are partnering with Lowell and Chelmsford. The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to authorize the Board to go forward with the regional application for a charging station.

   - Selectman Reault – Northern Middlesex Council Of Government

The NMCOG is moving forward to update the affordable housing plan. The Administrator and myself will meet with members of NMCOG to discuss. The Town has received a donation of a bucket truck from a local contractor. There will be some maintenance to do but the Highway employees will be able to do the repairs. The Board voted 4-1 on a motion by Selectman Reault, second by Selectman Lemoine to accept the vehicle as a gift and to thank Mr. Patierno for the donation. Discussion: It is a great gift, but would like to have a certified mechanic look at it and pass the inspection.

   - Selectman Lemoine – Economic Development Committee

Announced that there is a vacancy on the Economic Development Committee and suggest that a member of Historical Commission be appointed. The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to place the Historical Commission Member on the EDC's charter.

   - Selectman Jackson – The Early Childhood Center/Insurance Committee and
     - Discussion on providing the public with information on contract negotiations

The public information discuss will be deferred to the next meeting. The mission statement for the Insurance Committee was circulated the language was approved by Labor Counsel. The Board voted unanimously to form the Insurance Committee. The Committee is to have five members, members should be 1 selectman, 1 finance committee member, 1 school committee member and 2 citizens at large appointed by the Board of Selectmen. The Insurance Committee is tasked to take a look at our present insurance and see if there are other alternatives. This will include health, liability and compensation. There was a great response to the Festival of trees and the tree lighting at the town common. The event at the Sherburne House was also well attended.

8. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

Response to Selectmen's Requests

- Information regarding the Tyngsborough Sports enter is in your packets. This includes: operational plan for the Sports Center, the pending entertainment license, Police report from the November 6 event, report from the Building Commissioner concerning occupancy, current entertainment license in effect, opinion from Town Counsel, application from January that was deemed unnecessary, the liquor license, the special permit review and approval process. The petitioner has agreed to extend the deadline for a decision on his pending application to January 3, 2011 while associated questions are researched. He will be in attendance on Monday night to answer any questions and to hear any concerns.
- The Westford Road agreement, along with comment from Town Counsel, is in your packets. My understanding is that the Planning Board is also consulting with Town Counsel prior to approval.
- The agreement with NMCOG to extend the deadline for completing the affordable housing study to March 31st has been signed and returned to NMCOG. A copy is attached.
- The Director and Counsel for the Dracut Water Supply District will attend the December 20th meeting.
- New Building Commissioner Paul Welcome starts today; his updated appointment letter (with correct start date) is attached. Don Crowell will work alongside him for a few days this week.
- A copy of my letter responding to an inquiry about Verizon franchise fees is attached.
- Approval memo sent to the Recreation Committee for the Festival of Trees is attached.

Budget Status

- An update of the five year plan is nearly complete. A Tri-Board meeting is tentatively scheduled for Thursday, December 6th at 6:30 pm to review the plan and kick off the FY2012 budget process.
- The Capital Asset Management Committee has begun the process for updating the Five year Capital Plan. We await the school request and are also evaluating how much money might be available for expenditure this FY or next.
- Attached please find final state Recapitulation docs as approved by the Dept. of Revenue.

Departmental Information

- Highway Clerk: we have completed interviews. After meeting with approximately 10 candidates, and bringing two back for final interviews at the Highway garage, the Highway Director and I recommend the appointment of Ms. Kristine Hartwell to the position. Her resume is attached, as well as all who were interviewed.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectwoman Coughlin to appoint Kristine Hartwell as the Highway Clerk.

- A memorandum concerning salary adjustments associated with the recent Special Town meeting is attached.
- With the recent generous gift of a flat screen television to the Senior Center, we now have a surplus television. A request has gone out to departments to see if this property can be

utilized elsewhere. Otherwise, we will surplus it off to the highest bidder via an advertisement on Channel 8 and the Town Website.

Other

- Response to a Freedom of Information Act request from an Attorney concerning Thirsty's is attached.

9. Executive Session – There was no executive session this evening.

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

10. Adjournment

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 9:50 P.M.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on Monday January 24, 2011

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 December 06, 2010 6:00 P.M. Town Offices

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2. **Old Business**
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   - **6:30 P.M. The Tyngsborough Sports Center Hearing - Entertainment License**
   - **7:00 P.M. Westford Road Development Agreement Approval**
   - **Cultural Council Appointments**
   - **Community Preservation Committee Appointments**

3. **New Business**
   - **Sewer Designing Construction Committee**

4. **Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

5. **Approve Minutes**
   - **Monday October 25, 2010,**
   - **Monday November 1, 2010,**
   - **Monday November 8, 2010**
     - **Executive Session Minutes,**
       - **Monday October 25, 2010,**
       - **Monday November 1, 2010**

6. **Selectmen's Annual License Renewals**
   - **Common Victualler's License**
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7. **Correspondence**

8. **Selectmen's Reports**
   - Selectman O'Neill – Strategic Financial Planning
   - Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections

- Selectman Reault – Northern Middlesex Council Of Government
- Selectman Lemoine – Economic Development
- Selectman Jackson – The Early Childhood Center/Insurance Committee and
    - Discussion on providing the public with information on contract negotiations

9. Town Administrator's Reports

Report is available online at www.tyngsboroughma.gov

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

10. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

11. Adjournment

Future Meetings

Selectmen's Meeting Monday, December 20, 2010 at 6:00 P.M. at Town Hall Offices

* The Town Offices will be closed on Friday December 24 and Friday December 31- for the Christmas/New Year Holidays.

Selectmen's Meeting Monday, January 10, 2011 at 6:00 P.M. at Town Hall Offices

The Town Offices will be closed on Monday January 17 for the Martin Luther King Holiday.

Selectmen's Meeting Monday, January 24, 2011 at 6:00 P.M. at Town Hall Offices

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

November 29, 2010
Town Of Tyngsborough
Meeting Notice

The Board of Selectmen will hold a public meeting on Monday, December 6, 2010 at 6:05 p.m. at the Town Hall Meeting Room, 25 Bryants Lane, Tyngsborough, MA the meeting is at the request of National Grid of North Andover, Massachusetts to construct a line of underground conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked - Progress Avenue - Tyngsborough, Massachusetts.

The following are the streets and highways referred to: 8804822 - Progress Avenue 2-4" conduits for the service at 6 Progress Avenue.

Location approximately as shown on plan attached.

Questions contact – Brian Sweeney 781-907-3296

Petition of the NATIONAL GRID
Of NORTH ANDOVER, MASSACHUSETTS
For Electric conduit Location:

To The Board of Selectman of Tyngsboro ,Massachusetts

Respectfully represents the NATIONAL GRID of North Andover, Massachusetts, that it desires to construct a line of underground electric conduits, including the necessary sustaining and protecting fixtures, under and across the public way or ways hereinafter named.

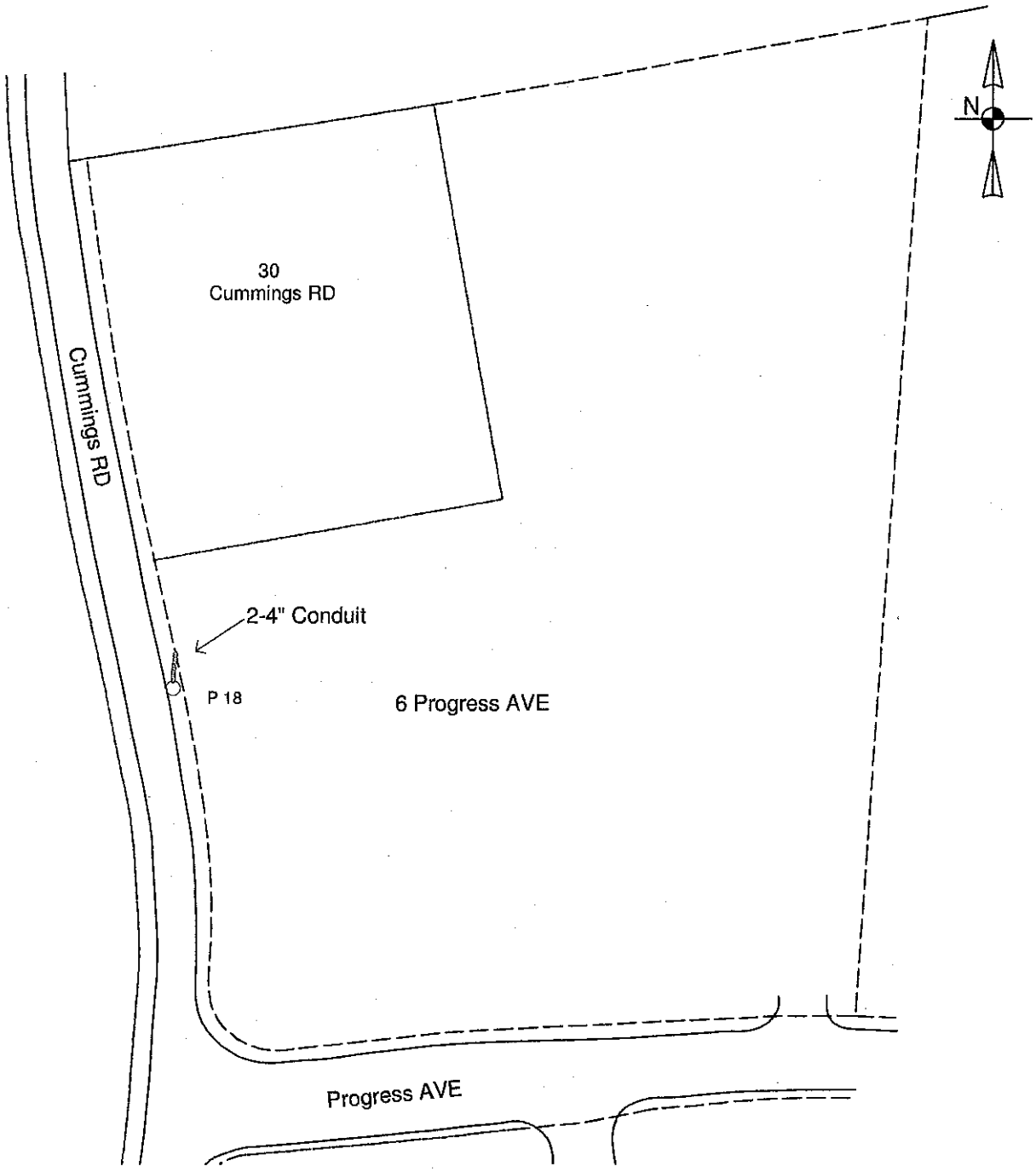
Wherefore it prays that after due notice and hearing as provided by law, it be granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as it may find necessary for the transmission of electricity, said underground conduits to be located substantially in accordance with the plan filed herewith marked – Progress Ave- Tyngsboro Massachusetts

The following are the streets and highways referred to: 8804822 -Progress Ave 2-4" conduits for the service of 6 Progress Ave

Location approximately as shown on plan attached

NATIONAL GRID
BY Joseph Albandoni
Engineering Department

Dated: October 15, 2010



ELECTRIC DISTRIBUTION CONSTRUCTION PETITION

LEGEND

○ Existing J/O Pole

2-4" conduit

DRAWING NOT TO SCALE. DISTACES ARE APPROXIMATE.

nationalgrid Tyngsborough, MA
WR #8804822

Date: 10/14/2010 **Drawn By: B. Sweeney**

To the Town of Tyngsborough, MA

Sketch to Accompany Petition for:
2-4" conduits for the service of 6 Progress AVE, Tyngsborough, MA.

Town of Tyngsborough

Abutters List

ParcelID	Location	Owner	Co-Owner	Mailing Address	City	State	Zip
13 15 0	26 CUMMINGS RD	CYBER REALTY TRUST	C/O PICONICS INC	26 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 18 0	44 CUMMINGS RD	TWINING JAMES S &	FAITH E	44 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 18A 0	30 CUMMINGS RD	CONNELL W G & L G TRUSTEES C	CONNELL FAMILY TRUST	30 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 20 0	40 CUMMINGS RD	BCH NOMINEE TRUST	HUNTER B E A A BOUR S TF	40 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 23 0	33 CUMMINGS RD	TYSON CHARLOTTE	HUNTER ALLAN M	41 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 23A 0	39 CUMMINGS RD	MCPADDEN TRACIE &	JAMES	39 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 24 0	41 CUMMINGS RD	TYSON CHARLOTTE		41 CUMMINGS RD	TYNGSBOROUGH	MA	01879
13 25 0	11 CUMMINGS RD	GRM REALTY TR	H E + G R MCGOVERN	82 KEMP STREET	DUNSTABLE	MA	01827
13 35 0	6 PROGRESS AV	PREFERRED BUSINESS SOLU LLC		90 PROGRESS AVENUE	TYNGSBOROUGH	MA	01879
13 36 0	12 PROGRESS AV	12 PROGRESS AVENUE LLC		12 PROGRESS AV	TYNGSBOROUGH	MA	01879
13 37A 0	PROGRESS AV	PROGRESS PROPERTIES LLC		315 MIDDLESEX RD, UN 3	TYNGSBOROUGH	MA	01879
13 55 0	11 PROGRESS AV	IDEAL PROPERTIES LLC		P O BOX 289	TYNGSBOROUGH	MA	01879-0289
13 56 0	5 PROGRESS AV	PROGRESS PROPERTIES LLC		315 MIDDLESEX RD, UN 3	TYNGSBOROUGH	MA	01879

End of Report

COVER SHEET

2010 NOV 22 11 01 34
TOWN SELECTMEN
TYNGSBOROUGH, MA.

ABUTTERS LIST **AS PER CH 40A, SEC 11 "PARTIES OF INTEREST"**

TOWN BOARD: BOARD OF SELECTMEN

LOCATION: 6 PROGRESS AVE MAP 13-35-0

OWNER: PREFERRED BUSINESS SOLU LLC

REQUESTED BY: **THERESE GAY**

PREPARED BY: Jennifer Wilson, Assessors Assistant JW

DATE: November 19, 2010

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 19 / 10
Re: Request for Comment

TYPE OF LICENSE: To Construct underground Conduit

APPLICANT(S) NAME: National Grid

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

~~BUSINESS ADDRESS~~: Streets & Highways RE: 6 Progress Ave

Department:
The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.
Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No comment

Prepared by: William F. Mullign (Print) Date: 10 / 21 / 10
Signature: _____

Department Head: William F. Mullign (Print) Date: 10 / 21 / 10
Signature: William F. Mullign

Cc:
__ ACO
__ Assessors
__ ZBA
__ Health
__ Bldg. Comm.
__ Collector
__ Conservation
__ DPW
__ Historical
__ Planning Bd.
__ Planner
__ Sewer Comm.
__ TFD
X TPD
__ Town Clerk
__ Other (_____)

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To: All Departments, Boards, and Committees
From: Board of Selectmen
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Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: OK

Prepared by: _____ (Print) Date: ___ / ___ / ___
Signature: _____

Department Head: Dale Thompson (Print) Date: 10 / 26 / 10
Signature: [signature]

Cc:
- __ ACO
- __ Assessors
- __ ZBA
- __ Health
- __ Bldg. Comm.
- __ Collector
- __ Conservation
- __ DPW
- __ Historical
- __ Planning Bd.
- __ Planner
- __ Sewer Comm.
- __ TFD
- __ TPD
- __ Town Clerk
- X Other (Water Dept)

REQUEST FOR COMMENT FORM

2010 OCT 21 PM 11:23

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 19 / 10
Re: Request for Comment

TYPE OF LICENSE: To Construct underground Conduit

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Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No Comment

Prepared by: Allen J. Cyr (Print) Date: 10 / 20 / 10
Signature: [signature]

Department Head: Same (Print) Date: __ / __ / __
Signature: _____

Cc:
- __ ACO
- __ Assessors
- __ ZBA
- __ Health
- __ Bldg. Comm.
- __ Collector
- __ Conservation
- __ DPW
- __ Historical
- __ Planning Bd.
- __ Planner
- X Sewer Comm.
- __ TFD
- __ TPD
- __ Town Clerk
- __ Other (_____)

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Please return by: 10 / 28 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: TFD TO BE NOTIFIED if ROAD HAS TO BE CLOSED.

Prepared by: P. SANDS (Print) Date: 10 / 19 / 10
Signature: [signature]

Department Head: [signature] (Print) Date: 10 / 19 / 10
Signature: [signature]

Cc:
__ ACO
__ Assessors
__ ZBA
__ Health
__ Bldg. Comm.
__ Collector
__ Conservation
__ DPW
__ Historical
__ Planning Bd.
__ Planner
__ Sewer Comm.
X TFD
__ TPD
__ Town Clerk
__ Other (_____)

I, Darrel Wickens, on behalf of Tyngsboro Sports Center, agree to extend the deadline for a decision on the entertainment license request dated October 27, 2010 to January 3rd, 2011.

Signed: _____ Dated: 12-1-10

Darrel Wickens

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 DEC -2 PM 2:22
TYNGSBOROUGH, MA

December 2, 2010

Post-it® Fax Note 7671	Date 12/2/10	# of pages ▸ 8
To Charles J Zavales	From Therese Gay	
Co./Dept.	Co.	
Phone #	Phone # 978 649-2314	
Fax # 978 937-0950	Fax #	

Michael Gilleberto
Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879

Re: Tyngsborough Sports Center
18 Progress Avenue

I have reviewed the files pertaining to the yearly certificate for this property. I found the following:

1. Certificates from 1/1/2007 to 12/31/2009 show a total occupancy load of 650 with a total of 114 parking spaces provided.
2. On March 13, 2008 the Building Department received a stamped letter from Paul Davies Assoc. Architects, calculating a new occupancy load of 1200, at that time a new certificate was issued showing the new capacity.
3. Parking spaces of 114 provided has not changed.

It is my opinion Mr. Davies has not used the parking requirements section 3.10.24 and occupancy load ratio to get this figure.

I would require the owners to have this re-certified.

Respectfully,

Donald A. Crowell

Donald A. Crowell
Building Commissioner

DAC/dlm

Enclosure

4. TOTAL PARCEL AREA = 4.76 AC.
5. TOTAL UPLAND AREA = 4.11 AC.
6. TOTAL NET PARCEL AREA = 4.01 AC.±

ZONING DIMENSIONAL REQUIREMENT TABLE

DESCRIPTION	REQUIRED	PROVIDED
LOT AREA	80,000 SF	207,550 SF
LOT FRONTAGE	200 FT	407.20 FT
LOT WIDTH	100 FT	> 100 FT
BLDG. FRONT YARD SETBACK	100 FT	> 100 FT
BLDG. SIDE YARD SETBACK	40 FT	> 40 FT
BLDG. REAR YARD SETBACK	40 FT	> 40 FT
MIN. OPEN SPACE	25 %	> 25 %
MAX. BUILDING HEIGHT	45' (3.5 STORIES)	<45' (3 STORIES)

PARKING & LOADING TABLE

DESCRIPTION	REQUIRED	PROVIDED
TOTAL PARKING SPACES	*	114
COMPACT PARKING SPACES	0	0
HANDICAP SPACES	5	5
HANDICAP VAN SPACES	1	1
LOADING BERTH	0	0

* TO BE DETERMINED BY THE TYNGSBOROUGH BOARD OF SELECTMAN

ESTIMATED PARKING DEMAND

DESCRIPTION	REQUIRED
EMPLOYEES	5
ARENA 1	44
ARENA 2	26
BATTING CAGE	2
GOLF SIMULATOR	4
BIRTHDAY ROOMS	30
TOTAL	111

GENERAL NOTES

1. PROPERTY LINE INFORMATION FROM PLAN ENTILTED; DEFINITIVE SUBDIVISION PLAN APPLEWOOD CONSTRUCTION PARK, DATED; MARCH 25, 1997, PREPARED BY; DIVERSIFIED CIVIL ENGINEERING
2. WETLAND INFORMATION FROM PLAN ENTILTED; DEFINITIVE SUBDIVISION PLAN APPLEWOOD CONSTRUCTION PARK, DATED; MARCH 25, 1997, PREPARED BY; DIVERSIFIED CIVIL ENGINEERING
3. TOPOGRAPHY FROM FIELD SURVEY PERFORMED BY MARCHIONDA & ASSOC. L.P. BETWEEN 6/00 & 7/00 AND WAS BASED ON VERTICAL DATUM ESTABLISHED ON THE APPROVED SEWER EXTENSION PLANS FOR THE APPLEWOOD CONSTRUCTION PARK DATED; DEC. 2, 1997, PREPARED BY DIVERSIFIED CIVIL ENGINEERING.
4. OWNER OF RECORD; APPLEWOOD CONSTRUCTION CORP.
   215 MIDDLESEX ROAD
   TYNGSBOROUGH, MA 01879
5. DEED REFERENCE; DEED BK. 8610 PAGE 304
6. ASSESSORS MAP 13 PARCELS 37 & 38
7. STREET ADDRESS; 18 & 24 PROGRESS AVENUE
8. THE PROPERTY IS NOT LOCATED WITH IN THE F.E.M.A. 100 FLOOD ZONE. (COMM. PANEL NO. 250220 0010 B, DATED; 9/2/82)

© 2000 MARCHIONDA AND ASSOCIATES L.P.

FORM SBCC-5-74

The Commonwealth of Massachusetts

TOWN OF TYNGSBOROUGH

In accordance with the Massachusetts State Building Code, Section 108.15, this

CERTIFICATE OF INSPECTION

is issued to Tyngsborough Sports Center A-3

I Certify *that I have inspected the* premises *known as* Tyngsborough Sports Center *located at* 18 Progress Ave. *in the* Town *of* Tyngsborough *County of* Middlesex *Commonwealth of Massachusetts. The means of egress are sufficient for the following number of persons:*

BY STORY

Story	Capacity	Story	Capacity	Story	Capacity	Story	Capacity
1	500						
2nd	150						

BY PLACE OF ASSEMBLY OR STRUCTURE

Place of Assembly or Structure	Capacity	Location	Place of Assembly or Structure	Capacity	Location

70	1/1/07	12/31/07	
Certificate Number	*Date Certificate Issued*	*Date Certificate Expires*	*Building Official*

The building official shall be notified within (10) days of any changes in the above information.

FORM SBCC-5-74

The Commonwealth of Massachusetts

POST ON SITE

TOWN OF TYNGSBOROUGH

In accordance with the Massachusetts State Building Code, Section 108.15, this

CERTIFICATE OF INSPECTION

is issued to Tyngsborough Sports Center A-3

I Certify *that I have inspected the* premises *known as* Tyngsborough Sports Center

located at 18 Progress Ave. *in the* Town *of* Tyngsborough

County of MIddlesex *Commonwealth of Massachusetts. The means of egress are sufficient for the following number of persons:*

BY STORY

Story	Capacity	Story	Capacity	Story	Capacity	Story	Capacity
1	500						
2nd	150						

BY PLACE OF ASSEMBLY OR STRUCTURE

Place of Assembly or Structure	Capacity	Location	Place of Assembly or Structure	Capacity	Location

70
Certificate Number

1/1/08
Date Certificate Issued

12/31/08
Date Certificate Expires

Building Official

[illegible] notified within (10) days of any changes in the above information.

FORM BBCC-5-74

The Commonwealth of Massachusetts

TOWN OF TYNGSBOROUGH

In accordance with the Massachusetts State Building Code, Section 108.15, this

CERTIFICATE OF INSPECTION

is issued to Tyngsborough Sports Center A-3

I Certify *that I have inspected the* premises *known as* Tyngsborough Sports Center *located at* 18 Progress Ave. *in the* Town *of* Tyngsborough *County of* MIddlesex *Commonwealth of Massachusetts. The means of egress are sufficient for the following number of persons:*

BY STORY

Story	Capacity	Story	Capacity	Story	Capacity	Story	Capacity
1st	500						
2nd	150						

BY PLACE OF ASSEMBLY OR STRUCTURE

Place of Assembly or Structure	Capacity	Location	Place of Assembly or Structure	Capacity	Location

70	1/1/09	12/31/09	
Certificate Number	*Date Certificate Issued*	*Date Certificate Expires*	*Building Official*

The building official shall be notified within (10) days of any changes in the above information.

The Commonwealth of Massachusetts

FORM BBCC-5-74

TOWN OF TYNGSBOROUGH

POST ON SITE

In accordance with the Massachusetts State Building Code, Section 108.15, this

CERTIFICATE OF INSPECTION

is issued to Tyngsborough Sports Center

I Certify *that I have inspected the* premises *known as* Tyngsborough Sports Center *located at* Progress Ave *in the* Town *of* Tyngsborough *County of* Middlesex *Commonwealth of Massachusetts. The means of egress are sufficient for the following number of persons:*

BY STORY

Story	Capacity	Story	Capacity	Story	Capacity	Story	Capacity
1	1,200						

BY PLACE OF ASSEMBLY OR STRUCTURE

Place of Assembly or Structure	Capacity	Location	Place of Assembly or Structure	Capacity	Location

54	1/1/09	12/31/09	
Certificate Number	*Date Certificate Issued*	*Date Certificate Expires*	*Building Official*

The building official shall be notified within (10) days of any changes in the above information.

Paul Davies Assoc., Architects

March 13, 2008

Tyngsborough Sports Center
Progress Ave
Tyngsborough, MA

First Floor: 200' x 200' = 40,000 Sq Ft
Mezz Level: 50' x 100' = 5,000 Sq Ft

Use Group A-3 Assembly

Occupancy Requested: 1200 occupants

Table 1009.2 Egress Width Per Occupant

With Sprinklers:	Stairways:	0.20
	Doors:	0.15

Egress in place – First Floor – 4 – 36" wide doors (4 x 36 = 144"), 1 – 4'-0" wide stair (48"/0.20 = 240) leading to 1- 36" wide door at Mezz Level. Total Egress Inches = 180". 180/0.15 = 1200 occupants.

1 additional 36" wide door at Mezz Level would allow for (36/0.15 = 240) occupants at this level.

Paul L Davies, AIA
MA Registration 3280

REGISTERED ARCHITECT
PAUL L. DAVIES
No. 3280
WESTFORD
MASS.
COMMONWEALTH OF MASSACHUSETTS

of 4 PENDING APPLICATION

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 10/27/10

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro Sports Center

Address: 18 Progress Ave
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

✓	Dancing by patrons
	Vocalists
	Disc Jockey
	Jukebox
	Orchestra (please state number of pieces)
✓ (5)	Bands (please state number of pieces)
	Floor Show (please describe)
	Television
	Radio/Stereo
	Piped in Music
	OTHER: (please describe fully)

~~See Attached~~

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	9A	to	2A
Tuesday	9A	to	2A
Wednesday	9A	to	2A
Thursday	9A	to	2A
Friday	9A	to	2A
Saturday	9A	to	2A

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: _____

2 of 4 PENDING APPLICATION

1. Charitable Tournaments
2. Charitable Fundraising Events (Socials, Dances, etc)
3. Non-gambling and Charity Poker Tournaments
4. Flea Markets
5. Trade Shows
6. Mixed Martial Arts events
7. Wrestling events
8. Birthdays (Children and Adult)
9. Other Public Amusement events
10. Sleep-ins

3 of 4 PENDING APPLICATION

TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

Date: 10/27/10

2010 OCT 27 PM 1:44
TOWN CLERK
TYNGSBOROUGH, MA.

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro - Sports Center

Address: 18 Progress Ave
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

✓	Dancing by patrons
	Vocalists
	Disc Jockey
	Jukebox
	Orchestra (please state number of pieces)
✓ (5)	Bands (please state number of pieces)
	Floor Show (please describe)
	Television
	Radio/Stereo
	Piped in Music
	OTHER: (please describe fully)

See attached

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday ~~1:00 P.M.~~ to
9AM to 2AM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee:

1 of 4 PENDING APPLICATION

1. Charitable Tournaments
2. Charitable Fundraising Events (Socials, Dances, etc)
3. Non-gambling and Charity Poker Tournaments
4. Flea Markets
5. Trade Shows
6. Mixed Martial Arts events
7. Wrestling events
8. Birthdays (Children and Adult)
9. Other Public Amusement events
10. Sleep-ins

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

November 1, 2010

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

File: Tyngsborough

Re: Tyngsboro Sports Center

Dear Michael:

This letter is a preliminary response to your E-mail of October 8, 2010, presenting the following questions:

First: "Is the conducting of a mixed martial arts event for entertainment purposes consistent with the Special Permit approval?"

Second: "Is such an event consistent with the entertainment license? Particularly, the variation in the size of the audience."

Third: "What options are available to the Town to recoup additional revenue (fees or otherwise) for this type of event?"

I. FACTS

No facts have been presented except that the State Athletic Commission issued a Special License for a Sanctioned Event dated August 25, 2010, for an event held on September 25, 2010.

The Board of Selectmen took no action regarding this Special License.

Tyngsboro Sports Center has an alcoholic beverages license.

Ms. Therese Gay subsequently informed me by facsimile of October 18, 2010, that Tyngsboro Sports Center applied for an amendment to its entertainment licenses to authorize mixed martial arts; but the Selectmen informed Tyngsboro Sports Center on January 21, 2010, that it had an entertainment license and the application to amend was not necessary; and consequently, Tyngsboro Sports Center withdrew its application. See the application and minutes, attached.

II. DOCUMENTS PROVIDED

1. Special Permit to Tyngsboro Sports Center;

2. Weekday and Sunday entertainment licenses; and

3. Special License from the state

III. MASSACHUSETTS GENERAL LAWS

M.G.L. c. 147 was recently amended by the Acts of 2009, Chapter 169, Sections 1 to 16, a copy of which is attached.

M.G.L. c. 147, § 32, reads in part:

> "Mixed martial arts", any form of unarmed combat involving the use of a combination of techniques including, but not limited to, grappling, kicking and striking, commonly associated with boxing, kickboxing, wrestling and various disciplines of the martial arts including, but not limited to karate, kung fu, tae kwon-do, Jiu-Jitsu or any combination thereof.
>
> Section 32(b): No ... mixed martial arts at which an admission fee is charged ... shall take place ... except in accordance with a license granted ... by the commission. ... In the case of exhibitions or bouts held in accordance with the rules and regulations of amateur organizations ... the commission may issue a special license. ...
>
> Section 33: The commission may, **subject to Sections 32 to 47,** inclusive, issue licenses to conduct ... mixed martial arts. ... (My emphasis.)

Section 40: "Every license shall, before the commencement of the final feature bout ... pay to the commission a sum equal to 4 per cent of the total gross receipts ... [and] ... an additional 2 per cent ... [for] ... broadcast rights. ..."

Section 40A: " ... pay to the state treasurer ... one per cent of the total gross receipts. ..."

Section 47A: "The commission shall notify a municipality in writing of the issuance of a license ... within 24 hours of its issuance. At its option a [town] may prohibit an event licensed by the commission under Section 33 ... by a majority vote of the board of selectmen. ... The ... option shall be exercised within 7 days of the issuance of the license ... and the [board] ... shall notify the commission within 24 hours of any such action. ..."

IV. ZONING BYLAWS

Section 2.11.44, reads:

> Commercial Recreation – Indoor or outdoor facilities, operated as a business and open to the public for a fee such as facilities for ice skating, roller skating, racquet sports, bowling, horseback riding, swimming and miniature golf.
>
> Amusement Facility Indoor – Facilities open to the public for a fee or admission charge such as a theater, cinema or video arcade.

V. TOWN REGULATIONS

No regulations have been provided to me concerning these types of events; and, therefore, I assume none exist.

VI. DISCUSSION

Tyngsboro Sports Center received a special permit under the Zoning Bylaws, Section 4.10.00, dated August 31, 2004, from the Board of Selectmen. The only conditions concerned a sewer easement, "Parking spaces have been set at 114," and a sign facing Route 3.

The application for a special permit use states, "Commercial Recreation – Indoor Sports Complex."

First Question:

Neither definition in the Zoning Bylaws recited above appears to specifically apply to the Tyngsboro Sports Center ("TSC") ; but without more facts or information concerning the history of this facility and other facilities in Tyngsborough such as Skate 3, Vesper Country Club tournaments, and the like and with the limited number of conditions imposed on TSC's special permit, I am not at present prepared to hold that mixed martial arts is not consistent with the special permit or with the definition of "Commercial Recreation."

Second Question:

In my view, putting on a mixed martial arts performance is not consistent with the entertainment license which was provided to me. However, I note that I was informed that the Selectmen advised the Tyngsboro Sports Center that it did not need to amend its license to provide for mixed martial arts. I recommend that this omission be corrected.

Third Question:

1. I provided you with a Memorandum of Municipal Law dated September 22, 2010, addressing the Statutory Entertainment Licensing System.

2. Under M.G.L. c. 140, S 183A, the fee for entertainment licenses for premises which serve alcoholic beverages licenses and conduct concerts, dance, exhibitions, cabaret or public shows is $100.

3. M.G.L. c. 140, § 181, applies to licenses to hold theatrical exhibitions, public shows, public amusements and exhibitions on weekdays only, and the maximum fee for such license $100.

4. M.G.L. c. 136, § 4, addresses any game or sport held on Sundays and "may be granted upon such reasonable terms as the licensing authority may provide." The "selectmen may determine [licensing] fees ... but in no event shall any such fee be greater than 20 dollars per event and 400 dollars per year. ..."

5. Finally, as you know, fees must be reasonable; and regulatory fees such as licenses are charged in exchange for a particular governmental service which benefits the party paying the fee. Such fees should represent the cost to the Town for expenses imposed upon the Town by the license. Such fees cannot exceed the maximum imposed by the state.

6. To increase a fee beyond the statutory maximum, the Town would probably need to explore a special act by the legislature.

VII. CONCLUSION

After you and the Board have reviewed this opinion, please provide me with any additional information and whether the Board is opposed to mixed martial arts events and whether the Town wishes to further explore the issue of fees.

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

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ/jrz
Attachment
cc: Board of Selectmen
Opinion File 2010

William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department

20 Westford Road
Tyngsborough, Massachusetts 01879-0549

TEL: (978) 649 – 7504
FAX: (978) 649 – 2324

To: Michael Gilberto, Board of Selectmen

From: Chief William F. Mulligan

Re: Tyngsborough Sports Center

Date: November 8, 2010

On Saturday November 6, 2010 The Tyngsborough Sport Center held the Tournament of Champions. This was a MMA fighting event. The department had two officers assigned to this detail. This was the second event of this kind the first which was uneventful.

During one of the fights one groups of males started to argue with another group of males. Both groups were in support of their fighter. This lead to one subject punching another subject, there were approximately 1000 people attending this event. One of the officers working the detail stepped in to control the group. There were approximately 10-15 people being disorderly yelling and pushing.

The detail Officers requested assistances at 11:02P.M., the department requested mutual aid from the area police departments. Both the Nashua and Dunstable Police Department responded to the area.

The two groups made their way outside where four individuals enter a vehicle, one of these four individual was involved in the fight. This vehicle left the area at a high rate of speed a Tyngsborough Police Officer followed the vehicle. The officer was able to stop the vehicle he was able to charge the operator with a number of motor vehicle violations.

There were no major injuries. This case is still being investigated for any additional charges.

I wanted to bring this to you and the Board of Selectmen attention. I have spoken to the owner of the Tyngsborough Sport Center. I have advised him if there are to be future events I would request a minimum of 4 officers working the detail.

of 3

CURRENTLY IN EFFECT

COMMONWEALTH OF MASSACHUSETTS
Town of Tyngsborough

This is to certify that Tyngsboro Sports Center, 18 Progress Ave, Tyngsborough, MA

IS HEREBY GRANTED
AWEEKDAY/SUNDAY ENTERTAINMENT LICENSE

For the following purposes: Indoor Sports Facility .

At the following described premises: Two story indoor sport center

in said Town of Tyngsborough and at that place only and expires December 31, 2010, unless sooner suspended or revoked for violation of the laws of the Commonwealth. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.
Licensing Authorities

Ashley O'Neill

License: WE73
Date Issued: 11/30/2009

2 of 3 (SEE 1)

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT $100.00

Date: 12/2/09

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: TYNGSBORO SPORTS CENTER

Address: 18 PROGRESS AVE
TYNGSBORO, MA

Weekday Entertainment at the above mentioned establishment will include the following:

- ✓ Dancing by patrons
- ✓ Vocalists
- ✓ Disc Jockey
- ___ Jukebox
- ___ Orchestra (please state number of pieces)
- ✓ (5) Bands (please state number of pieces)
- ___ Floor Show (please describe)

- ✓ Television
- ___ Radio/Stereo
- ___ Piped in Music
- ___ OTHER: (please describe fully) COMMERCIAL RECREATION

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	9A	to	2A
Tuesday	9A	to	2A
Wednesday	9A	to	2A
Thursday	9A	to	2A
Friday	9A	to	2A
Saturday	9A	to	2A

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: _____

1 of 3 (see 1)

TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

$100.00

Date: 12/2/09

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: TYNGSBORO SPORTS CENTER

Address: _____

Weekday Entertainment at the above mentioned establishment will include the following:

- ✓ Dancing by patrons
- ✓ Vocalists
- ✓ Disc Jockey
- ___ Jukebox
- ___ Orchestra (please state number of pieces)
- ✓ (5) Bands (please state number of pieces)
- ___ Floor Show (please describe)

- ✓ Television
- ___ Radio/Stereo
- ___ Piped in Music
- ___ OTHER: (please describe fully)
  Community Rec Room

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday 1:00 P.M. to 11 PM

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the ~~Local Licensing~~ Authority.

Signature of Licensee: _____

of 3 (APPLICATION THAT WAS REQUESTED TO BE WITHDRAWN AS UNNECESSARY BY BOS IN FEB. 2010)

TOWN OF TYNGSBOROUGH
APPLICATION FOR WEEKDAY ENTERTAINMENT

Date: 1/21/10

2010 JAN 21 PM 3:20
TYNGSBOROUGH, MA.

In accordance with Massachusetts General law, Chapter 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro Sports Center, Inc.

Address: 18 Progress Avenue
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

- ____ Dancing by patrons
- ____ Vocalists
- ____ Disc Jockey
- ____ Jukebox
- ____ Orchestra (please state number of pieces)
- ____ Bands (please state number of pieces)
- ____ Floor Show (please describe)
- ____ Television
- ____ Radio/Stereo
- ____ Piped in Music
- ✓ OTHER: (please describe fully)
  mixed martial arts; wrestling; comedy; flea markets; fund raisers; charitable tournaments and other public amusement events.

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Monday	11 am	to	2 am
Tuesday	11 am	to	2 am
Wednesday	11 am	to	2 am
Thursday	11 am	to	2 am
Friday	11 am	to	2 am
Saturday	9 am	to	2 am

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: Darryl Wickens by [illegible]

- of 3

TOWN OF TYNGSBOROUGH
APPLICATION FOR SUNDAY ENTERTAINMENT

Date: 1/21/10

In accordance with Massachusetts General law, Chapter 136 and 140, section 183A, hereby requests a weekday entertain license for:

Establishment: Tyngsboro Sports Center, Inc.

Address: 18 Progress Avenue
Tyngsboro, MA 01879

Weekday Entertainment at the above mentioned establishment will include the following:

- ____ Dancing by patrons
- ____ Vocalists
- ____ Disc Jockey
- ____ Jukebox
- ____ Orchestra (please state number of pieces)
- ____ Bands (please state number of pieces)
- ____ Floor Show (please describe)
- ____ Television
- ____ Radio/Stereo
- ____ Piped in Music
- ✓ OTHER: (please describe fully)
  mixed martial arts, wrestling, comedy, flea markets, fund raisers, charitable tournaments and other public amusement events.

Please use additional pages as needed to fully describe the type and scope of the proposed entertainment. **PLEASE NOTE:** Should you be granted a license, only those activities specifically identified in this application form will be deemed licensed, and that any activity not specifically identified or described will not be deemed to be licensed.

HOURS WHICH ENTERTAINMENT WILL BE CONDUCTED

Sunday ~~1:00 P.M. to 12:00 A.M.~~ 9 am to 2 am

I agree not to change the type of entertainment provided in my establishment without the prior written permission of the Local Licensing Authority.

Signature of Licensee: Darcy Wilkens (by PM)

5 of 3

TOWN OF TYNGSBOROUGH

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

APPROVED

Board of Selectmen Meeting Minutes

Monday February 8, 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: Interim Town Administrator Norman Thidemann and Admin Assistant Therese Gay.

Finance Committee Members Present: John Griffin, Kenneth Times III, Jacqueline Schnackertz, and Robert Mullin. Member Absent: Colleen Gabriel

Chairman Lemoine called the meeting to order. The Finance Committee voted 4-0 to open their meeting on a motion by Member Times, second by Member Mullin. The Board of Selectmen and the Finance Committee were introduced. Selectwoman O'Neill read the agenda.

1. 6:00 P.M. Entertainment License Request – Tyngsboro Sports Center, 18 Progress Ave. In reviewing the documents it was discovered that the Center already has a Weekday and Sunday Entertainment Licenses. Their Attorney withdrew the application.

2. 6:15 P.M. Review of the Town Department Budget Requests – Selectmen Finance Committee Members:

6:15 P.M.	Accountant	7:05 P.M.	Police
6:25 P.M.	Planning Board	7:35 P.M.	Fire
6:35 P.M.	Recreation Department	8:05 P.M.	Highway
6:45 P.M.	Library	8:35 P.M.	Sewer
6:55 P.M.	Council on Aging	9:05 P.M.	Capital Asset Management Committee

The Board of Selectmen and the Finance Committee Members met with the various Department Managers to discuss their budget. Each Department Manager presented a level funded budget. Because of the uncertainty of the State's financial woes the Board will be working with the various departments about budget cuts as needed. The Board of Selectmen and the Finance Committee Members thanked the Department Managers for their presentation. The Finance Committee adjourned their meeting at 8:05 P.M. on a motion by Member Kenneth Times, second by Member Robert Mullin.

3. Citizen/Business Time

Town of Tyngsborough

25 Bryants Lane
Tyngsborough, MA 01879-1003

Board of Selectmen
Town Administrator
Assistant Town Administrator

Tel: 978 649-2300 Ext. 100
Fax: 978 649-2320

File No. 04-005
Date Filed 08/31/04

RECORD OF PROCEEDINGS
ON APPLICATION FOR A SPECIAL PERMIT

Copies of this Record of Proceedings with all attachments must be filed within fourteen (14) days of a decision by the Board of Selectmen in the Office of the Town Clerk.

I, Jacqueline M. Schnackertz, Clerk of the Tyngsborough Board of Selectmen hereby certify that the following is a detailed record of all its proceedings relative to the application of

Name and Address of the Applicant
Tyngsboro Sports Center, Inc.

P. O. Box 81, Tyngsborough, MA 01879

for a special permit under Section 4.10.00 of the Zoning Bylaw.

The Applicant desires to:
Operate a Indoor Sports Center/Commercial Recreation.

The premises affected are located at 18 Progress Avenue being in the I-1 District, in which the above-mentioned use requires a Special Permit from the Board of Selectmen.

1. On June 03, 2004 an application of which a true copy marked "A" is made a part of this record, was presented to the Tyngsborough Board of Selectmen.

2. Thereupon, an advertisement, a true copy of which marked "B" is made a part of this record, was published in the Lowell Sun a newspaper published in Lowell on June 28, 2004 (Date) and on July 06, 2004 (Date).

3. Notices of the hearing, a copy of which marked "C" is made a part of this record, were mailed postpaid to petitioner, parties in interest as specified in Section 11, Chapter 40A as amended.

4. On Monday, August 31, 2004, a hearing was held at the Town Hall 25 Bryants Lane at which opportunity was given to all those interested to be heard in favor or opposition to said petition, application at which hearing members were present: Selectwoman Karyn Puleo, Selectman Rich Lemoine, Selectwoman Jacqueline Schnackertz, Selectman Kevin O'Connor, Selectman Peter Nicosia, recused.

5. Following the hearing and based on the presentations during the hearing by the applicant and abutters, with regards to the Zoning Bylaw 2.11.50 the Board of Selectmen made the following specific findings regarding the land in question and the proposed use:

a. Is in harmony with the purpose and intent of this Bylaw. This business as described is located in an I-1 district;

b. The proposed business should not be detrimental or injurious to the neighborhood in which it is to take place. The Tyngsboro Sports Center is located within a district along with other businesses;

c. The business is appropriate for the site in question. The business will conform with other businesses;

Complies with all applicable requirements of this bylaw. The applicants have followed the bylaw has all necessary permits as required by the bylaw.

6. The Board voted at its meeting on Monday, August 31, 2004. As detailed below to

_____ DENY the application based on findings as recorded under item 5 herein for the following reasons:

__X__ GRANT the application and the requested waivers subject to the following conditions that the sewer easement be redefined and reviewed by our Engineering Consultant Howe Surveying, Inc. Also, parking spaces have been set at 114. A bldg. sign facing Rte 3 is approved pending Building Commissioner's permit.

Members present and voting: Selectwoman Karyn Puleo, yes; Selectman Rich Lemoine, yes; Selectwoman Jacqueline Schnackertz, yes; Selectman Kevin O'Connor, yes; Selectman Peter Nicosia, recused. Vote – 4 in favor 1 recused 0 opposed the motion to grant passes.

Signature _____
Clerk

Town of Tyngsborough

25 Bryants Lane
Tyngsborough, MA 01879-1003

Board of Selectmen
Town Administrator
Assistant Town Administrator

Tel: 978 649-2300 Ext. 100
Fax: 978 649-2320

File No. 00-005

NOTICE OF DECISION – SPECIAL PERMIT

Notice is hereby given that Special Permit has been granted

To: Tyngsboro Sports Center, Inc.

by the Town of Tyngsborough Board of Selectmen, affecting the rights of the owner with respect to the use of premises on 18 Progress Avenue shown on Assessors Map 13 as Lot(s) 37 & 38, the record title standing in the name of Tyngsboro Sports Center, Inc.

whose address is P. O. Box 81, Tyngsborough, MA 01879.

by a deed duly recorded in the North Middlesex Registry of Deeds

in Book _____ Page _____ or North Middlesex Register District of the land

Court Certificate No. _____ Book _____ Page _____

The application is attached and the decision of said Board is on file with the papers on this matter in the office of the Town Clerk.

Certified this 31 day of August 31, 20 04.

Board of Selectmen: [signature], Chairman

[signature], Clerk

Appeals of this decision under Chapter 40A, Section 17 must be taken within twenty (20) days of the filing of this decision with the Town Clerk

I certify no appeal has been received within twenty (20) days of the filing of this notice in my office, or that if an appeal haws been filed, that it has been dismissed or denied.

Town Clerk: _____

Date: _____

Having received certification from the Town Clerk, it shall be the responsibility of the APPLICANT to have recorded both the Special Permit Decision and Notice of Decision at the Registry of Deeds for the North Middlesex District and indexed in the grantor index under the name of the owner or record or recorded and noted on the owner's certificate of title. Fee for recording shall be paid by the owner or applicant.

No building permits or certificate of occupancy shall be issued until this attestation is made.

Received and entered with the Register of Deeds in the County of Middlesex, North, Book _____, Page _____.

_____, 20_____, at _____o'clock and _____ minutes.

Attest _____

Darryl would supply this page completed

APPLICATION FOR SPECIAL PERMIT BY THE
TYNGSBOROUGH BOARD OF SELECTMEN
ACTING AS
SPECIAL PERMIT GRANTING AUTHORITY

2004 JUN -3 AM 10: 03
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Name of Applicant Tyngsboro Sports Center, Inc

Address of Applicant P.O Box 81, Tyngsboro, MA 01879

Tel # of Applicant 508-259-5247

Address/Location of Subject Property 18 Progress Ave (Lots 3+4)

Assessors Map #(s) 13 Lot #(s) 37 + 38

Present Zoning District(s) of Subject Property I-1

Type of Use Applied For Commercial Recreation - Indoor Sports Complex
(be specific)

Under Section 4.10.00 of the Zoning By-laws

Characteristics of Subject Property # of Lots 2

Area of Lot(s) 201,550 in Square Feet

Present Use Vacant

Is Applicant the Owner of the Property? No, P+S attached in package

Is Applicant the Operator, Proprietor, or Manager of the Proposed Activity?
✓ Yes ____ No ____ Not Applicable

If Applicant is not the owner and operator (if no is checked on item 6 and/or 7) evidence of authority by affidavit or other legal instrument must be attached. Is such evidence attached? ✓ Yes ____ No.

I, the applicant, have reviewed the applicable section(s) of the Town's Zoning By-law as most recently amended? ✓ Yes ____ No.

I, the applicant, have reviewed the Rules and Regulations of the Special Permit Granting Authority as most recently amended? ✓ Yes ____ No.

Signature of Applicant

I hereby certify that the information given above and included with the application pursuant to the Rules and Regulations so promulgated by the Board of Selectmen acting a Special Permit Granting Authority is correct and to the best of my knowledge complete and accurate.

I hereby request a hearing before the Special Permit Granting Authority pursuant to the matter of and disposition of the application and agree to pay all fees so required.

Name [signature]
Date 6-3-04. Treasurer, Tyngsboro Sports

Signature of the Town Clerk

As Town Clerk, I hereby certify that I have received this application for a Special Permit.

Name [signature]
Date 6/3/04

Application received in Selectmen's Office

Name [signature]
Date 6-3-04

****

Fourteen copies (14) of the Application packet Received by SPGA

Date 6/3/04 by [signature]

Application Fee(s) Received
Date 6/3/04 by [signature]

Postage Fees Received
Date ________ by ____________________

Project Review Fee(s) Received

Date 6/3/04 by [signature]

Amount $4,200.00

FORM L – 2

REQUEST FOR COMMENT FORM

To: Inspectional Department
From: Board of Selectmen
Date: 6 / 17 / 04
Re: Request for Comment

TYPE OF LICENSE: Special Permit

APPLICANT(S) NAME: Tyngsborough Sports Center Inc. (by Darryl Wickon

OWNER(S) NAME: Applewood Construction Corp. (Owns Property)

NAME OF BUSINESS: Tyngsboro Sports Center, Inc

BUSINESS ADDRESS: 18 Progress Ave.

Department: Commercial Recreation – Indoor Sports Complex

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 6 / 24 / 04.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: Will need to file with Conservation

Prepared by: Lori Capone (Print) Date: 6/17/04
Signature: Lori Capone

Department Head: _____ (Print) Date: 6/17/04
Signature: Lori Capone

Cc:

__ ACO	✓ Conservation	__ TFD
__ Assessors	__ DPW	__ TPD
__ ZBA	__ Historical	__ Town Clerk
__ Health	__ Planning Bd.	__ Other (_____)
__ Bldg. Comm.	__ Planner	
__ Collector	__ Sewer Comm.	

Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

JUL 23 PM 12: 06
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

July 23, 2004

Board of Selectmen
25 Bryants Lane
Tyngs. MA 01879

RE: Special Permit- 18 Progress Ave., Tyngsborough

Dear Board Members:

As requested, I have reviewed the submitted documents regarding the above-mentioned project.

Let me point out that, I have not been provided with all required information to make all conclusions, opinions and or compliance with Zoning By-laws.

The documents lack- floor plans and building elevations drawings.

Item #1-Parking Spaces:

A. Zoning By-laws 3.10.24- Table of Off Street Parking Requirement
" The number of spaces will be determined by the special permit granting authority."
B. 3.10.43- Compact Spaces

The proposed use of building does not get this allowance of 30% which the applicant requests or has designed.

Item#1-1-Why are handicap spaces in two different locations?

Respectfully,

Mark E. Dupell
Building Commissioner

Howe Surveying Associates, Inc.

Civil Engineers • Land Planners • Land Surveyors

2004 AUG 13 AM 10: 53

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

12 August 2004

Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: 18 Progress Road

Dear Board Members:

Howe Surveying has received the following information regarding the above referenced project:

- A set of drawings titled *SITE PLAN LOTS 3 & 4 PROGRESS AVENUE APPLEWOOD COMMERCIAL PARK TYNGSBOROUGH, MASSACHUSETTS* containing six sheets last revised on 7/21/04.
- E-mail from Darryl Wickens dated July 15, 204.
- Memo from Marchionda & Associates, L.P. dated 8/9/05 regarding the soil testing.

Based on a review of the information submitted, several items listed in the initial review have been adequately addressed. The following comments are offered for the Board's consideration.

1. Cut/fill calculations were not submitted.

2. Sheet 5, the landscaping plan must be prepared by a Landscape Architect, not a Civil Engineer.

3. The building floor plan and elevations were not submitted.
A copy of the floor plan was submitted but not the building elevations.

4. The parking table addressing the various uses in the building should be shown on the plan.
The table showing the breakdown of uses contained in the e-mail from Mr. Wickens should be included on the drawing.

5. The application does not address the impact on surface water quality, groundwater levels, stream flows, vegetation removal, or wildlife habitat.

6. A traffic study addressing the current and anticipated traffic at intersections 1,000 feet and one mile from the site was not submitted.

7. The sight distance for the proposed driveway should be shown.

73 Princeton Street, Suite 303 • No. Chelmsford, MA 01863 • (978) 251-3132 • Fax (978) 251-0509 • www.howesurveying.com

The information contained in the letter from the engineer should be shown on the plan.

8. Information should be submitted regarding the proposed lighting showing that it meets requirements of the by-law.

The e-mail states that the lighting information would be submitted to the Building Inspector with the building plans.

9. The proposed contours should be shown on the east side of the site between the parking and Route 3.

The existing contours shown on the plan do not accurately show the current conditions in the field. There are portions of the existing slope that are nearly vertical. The plans should call for regarding of this area and aggressive measures of slope stabilization if the design is steeper than 3:1.

The revised plans show that the sewer line on the lot is outside the existing sewer easement. The easement location should be revised to encompass the line.

There are provisions in the regulations and the Zoning By-law that allow the Board to waive some of the requirements, if requested by the applicant.

If the Board has any questions regarding these comments, please do not hesitate to contact us.

If you have any questions concerning these comments, please call us.

Sincerely,
Howe Surveying Associates, Inc.

Jeffrey S. Rider
Chief of Engineering

CC: Machionda & Associates, L.P., Darryl Wickens
\\Howesurveying01\projects\TyngEng-BOS-18Prog\12 August 2004.doc

2004 AUG 26 AM 11:43

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

**** Tyngsboro Sports 8/26/04 comments in bold**

12 August 200404

Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: 18 Progress Road

Dear Board Members:

Howe Surveying has received the following information regarding the above referenced project:

- A set of drawings titled *SITE PLAN LOTS 3 & 4 PROGRESS AVENUE APPLEWOOD COMMERCIAL PARK TYNGSBOROUGH, MASSACHUSETTS* containing six sheets last revised on 7/21/04.
- E-mail from Darryl Wickens dated July 15, 204.
- Memo from Marchionda & Associates, L.P. dated 8/9/05 regarding the soil testing.

Based on a review of the information submitted, several items listed in the initial review have been adequately addressed. The following comments are offered for the Board's consideration.

1. Cut/fill calculations were not submitted. **Waiver Requested**

2. Sheet 5, the landscaping plan must be prepared by a Landscape Architect, not a Civil Engineer. **Waiver Requested**

3. The building floor plan and elevations were not submitted.
A copy of the floor plan was submitted but not the building elevations. **Conceptual Drawing to be supplied Tuesday evening**

4. The parking table addressing the various uses in the building should be shown on the plan.
The table showing the breakdown of uses contained in the e-mail from Mr. Wickens should be included on the drawing. **Completed**

5. The application does not address the impact on surface water quality, groundwater levels, stream flows, vegetation removal, or wildlife habitat. **Waiver Request**

6. A traffic study addressing the current and anticipated traffic at intersections 1,000 feet and one mile from the site was not submitted. **Waiver Request**

7. The sight distance for the proposed driveway should be shown.
The information contained in the letter from the engineer should be shown on the plan. **Completed**

8. Information should be submitted regarding the proposed lighting showing that it meets requirements of the by-law.
The e-mail states that the lighting information would be submitted to the Building Inspector with the building plans. **To be supplied to the Board on Tuesday evening**

9. The proposed contours should be shown on the east side of the site between the parking and Route 3.
The existing contours shown on the plan do not accurately show the current conditions in the field. There are portions of the existing slope that are nearly vertical. The plans should call for regarding of this area and aggressive measures of slope stabilization if the design is steeper than 3:1.
The Town's consulting engineer is satisfied with Marchionda's change on plan

The revised plans show that the sewer line on the lot is outside the existing sewer easement. The easement location should be revised to encompass the line.

An Easement is being redrawn by Applewood Construction to reflect actual location of sewer line. Every attempt is being made to refine that easement before the August 31st hearing but in the event that is not accomplished the Board may entertain approval conditioned on this being completed.

There are provisions in the regulations and the Zoning By-law that allow the Board to waive some of the requirements, if requested by the applicant.

If the Board has any questions regarding these comments, please do not hesitate to contact us.

If you have any questions concerning these comments, please call us.

Sincerely,
Howe Surveying Associates, Inc.

Jeffrey S. Rider
Chief of Engineering

A traffic study for the entire industrial park was done for Applewood Construction while the site was originally in front of the Planning Board. The town approved the project with those projections and with a fully developed park. We believe our traffic will be a small percentage of the overall estimated number in the traffic study and, furthermore, the traffic entering and exiting from our business will be during opposite hours from all other businesses in the park causing much less congestion.

Thank you for your consideration and we will be pleased to answer any questions you may have regarding any of these items.

Best Regards,

Darryl Wickens
Tyngsboro Sports Center, Inc.

Tyngsboro Sports Center
II D. 7PM

Howe Surveying Associates, Inc.

Civil Engineers • Land Planners • Land Surveyors

2004 JUL 19 PM 2:37

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

15 July 2004

Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: Lots 3& 4 Applewood Commercial Park, 18 Progress Road

Dear Board Members:

Howe Surveying Associates, Inc. (HSA) has reviewed the following revised documents related to the above referenced site:

- A set of drawings titled *SITE PLAN LOTS 3 & 4 PROGRESS AVENUE APPLEWOOD COMMERCIAL PARK TYNGSBOROUGH, MASSACHUSETTS* containing seven sheets last revised 8 July 2004.
- Letter from Marchionda & Associates, L. P. to HSA dated 9 July 2004.

The following comments are the same as contained in the original letter of 2 July 2004. Updated comments based on the revised submittal are noted in italics.

1. The letter and drawings state that there are 128 parking spaces proposed, page five of the narrative states 130. There are 128 spaces shown on the plan, however three of them do not meet the minimum dimensions for regular spaces. The plans also show that 38 of the spaces are for compact cars, which is the maximum percentage allowed.

Two of the spaces have been revised to meet the size requirement one remains undersized. The Board may want to consider allowing the space to remain but not count it since it does not meet the regulations.

2. The narrative states that there will be a 30 minutes between sessions on the main areas. HSA has a concern that this would not be enough time for one group the clear the area, change and leave the parking lot before the next group starts arriving.

No response from the engineer.

3. Additional information needs to be submitted regarding the parking needs for the staff at the center, those using the using the bating cages and golf facilities.

No response from the engineer.

4. The applicant plans to use the site for parties, corporate meetings, clinics, tournaments, camps, and rentals for fundraising activities. Information should be submitted the expected scheduling and parking needs for these activities as well.

No response from the engineer.

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5. The narrative states that a floor plan was submitted; however, it was not included in the package for review.
No response from the engineer.

6. The plan does not show the name and address of the applicant or the address of the owner.
Resolved.

7. The plan does not show the full lot or the stamp and signature of the surveyor that prepared the plan.
Resolved.

8. The plan should show the current abutters.
Resolved.

9. A plan showing the abutters within 300 feet was not submitted, a certified abutters list was include with the application.
Resolved.

10. A plan showing all buildings, wells, septic systems or public or common areas within 300 feet was not submitted.
Resolved.

11. The wording of the existing easement and any deed restrictions on the property were not submitted.
No response from the engineer.

12. The registry of deeds certification was not included on the drawings.
Resolved.

13. Cut/fill calculations were not submitted.
No response from the engineer.

14. The plan should show the proposed sign locations, fire lane designation, and loading or delivery areas.
Resolved.

15. Sheet 5, the landscaping plan must be prepared by a Landscape Architect, not a Civil Engineer.
No response from the engineer.

16. The building floor plan and elevations were not submitted.
No response from the engineer.

17. The parking table addressing the various uses in the building should be shown on the plan.
No response from the engineer.

18. The application does not address the impact on surface water quality, groundwater levels, stream flows, vegetation removal, or wildlife habitat.
No response from the engineer.

19. A traffic study addressing the current and anticipated traffic at intersections 1,000 feet and one mile from the site was not submitted.
No response from the engineer.

20. The distance from the edge of the parking in front of the building to the front property line should be shown on the plan.
Resolved.

21. The sight distance for the proposed driveway should be shown.
The information contained in the letter from the engineer should be shown on the plan.

22. The three short parking spaces behind the building do not meet the size required for regular spaces and exceed the allowable number of compact spaces.
See comment one.

23. The engineer should review the turning radii used. It does not appear that a single unit design vehicle can enter or exit the site or turn into the area in front of the building.
The single unit design vehicle cannot enter or exit the site without crossing into the other lane on the street or using most of the width of the driveway. It also cannot turn right from the entrance to the aisle in front of the building without crossing over some of the parking spaces adjacent to the front of the building.

24. It appears that two additional trees are needed around the site within 30 feet of the parking.
The number of trees now meet the regulations, however they may be better utilized if placed in front of the lot as opposed to being adjacent to the heavily wooded Route 3 area.

25. The landscaped island at the end of the parking lanes need three trees per island.
Resolved.

26. Information should be submitted regarding the proposed lighting showing that it meets requirements of the by-law.
No response from the engineer.

27. The symbol for riprap should be added to the legend.
Resolved.

28. The west end of the hay bale line should be turned up hill to help contain the sediment.
Resolved.

29. Temporary sediment controls should be shown around the catchbasins and the entrance to the site.
Resolved.

30. Information on the proposed sewer manhole should be shown on the plan.
Resolved.

31. Temporary erosion controls should be installed to protect the Route 3 right- of-way and the abutter.
Resolved.

32. The plan shows one of the proposed snow storage areas to be on the hill adjacent to Route 3, however there is a question as to useful this area be given the steep slope of the hill.
Resolved.

33. The proposed contours should be shown on the east side of the site between the parking and Route 3.
The existing contours shown on the plan do not accurately show the current conditions in the field. There are portions of the existing slope that are nearly vertical. The plans should call for regarding of this area and aggressive measures of slope stabilization if the design is steeper than 3:1.

34. The scale shown on Figure 2 (Post-Development Subcatchment Plan) should be corrected.
Resolved.

35. The soil test pit locations should be shown on the plan.
Resolved.

36. The plan shows a pipe from the fore bay to the retention pond but no information regarding the size, material slope, or invert elevations. The pipes are not included in the calculations nor shown in the details.
Resolved.

37. Provisions should be shown for accessing the fore bay, retention pond and infiltration system for maintenance.
Resolved.

38. It appears that there is less than two feet from the bottom of the infiltration system and the groundwater based on the information provided.
Based on the location of the test pits shown on the plan and the depth to the water table listed in the soil logs it appears that the bottom of the infiltration system is at or below the water table.

39. The locations of the roof drain connections to the drain system should be shown.
Resolved.

The revised plans show that the sewer line on the lot is outside the existing sewer easement. The easement location should be revised to encompass the line.

If the Board has any questions regarding these comments, please do not hesitate to contact us.

Sincerely,
Howe Surveying Associates, Inc.

Jeffrey S. Rider
Chief of Engineering

CC: Marchionda & Associates, Inc.

Howe Surveying Associates, Inc.

Civil Engineers • Land Planners • Land Surveyors

2004 JUL -8 PM 12: 14

2 July 2004

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: Lots 3& 4 Applewood Commercial Park, 18 Progress Road

Dear Board Members:

Howe Surveying Associates, Inc. (HSA) has reviewed the following documents related to the above referenced site:

- Drainage report titled *HYDROLOGIC ANALYSIS LOTS 3 & 4 APPLEWOOD COMMERCIAL PARK TYNGSBOROUGH, MASSACHUSETTS* prepared by Marchionda & Associates, L.P., last revised 1 June 2004.
- A set of drawings titled *SITE PLAN LOTS 3 & 4 PROGRESS AVENUE APPLEWOOD COMMERCIAL PARK TYNGSBOROUGH, MASSACHUSETTS* containing six sheets.
- APPLICATION FOR SPECIAL PERMIT BY THE TYNGSBOROUGH BOARD OF SELECTMEN ACTING AS SPECIAL PERMIT GRANTING AUTHORITY
- Letter from Darryl Wickens to Mr. Peter Nicosia, Chairman Town of Tyngsborough Board of Selectmen dated June 1, 2004 and six page narrative.

HSA personnel also visited the site on 2 July 04 to observe the current conditions.

The following comments are offered for the Board's consideration:

1. The letter and drawings state that there are 128 parking spaces proposed, page five of the narrative states 130. There are 128 spaces shown on the plan, however three of them do not meet the minimum dimensions for regular spaces. The plans also show that 38 of the spaces are for compact cars, which is the maximum percentage allowed.
2. The narrative states that there will be a 30 minutes between sessions on the main areas. HSA has a concern that this would not be enough time for one group the clear the area, change and leave the parking lot before the next group starts arriving.
3. Additional information needs to be submitted regarding the parking needs for the staff at the center, those using the using the bating cages and golf facilities.
4. The applicant plans on using the site for parties, corporate meetings, clinics, tournaments, camps and rentals for fundraising activities. Information should be submitted the expected scheduling and parking needs for these activities as well.
5. The narrative states that a floor plan was submitted; however, it was not included in the package for review.

73 Princeton Street, Suite 303 • No. Chelmsford, MA 01863 • (978) 251-3132 • Fax (978) 251-0509 • www.howesurveying.com

6. The plan does not show the name and address of the applicant or the address of the owner.
7. The plan does not show the full lot or the stamp and signature of the surveyor that prepared the plan.
8. The plan should show the current abutters.
9. A plan showing the abutters within 300 feet was not submitted, a certified abutters list was include with the application.
10. A plan showing all buildings, wells, septic systems or public or common areas within 300 feet was not submitted.
11. The wording of the existing easement and any deed restrictions on the property were not submitted.
12. The registry of deeds certification was not included on the drawings.
13. Cut/fill calculations were not submitted.
14. The plan should show the proposed sign locations, fire lane designation and loading or delivery areas.
15. Sheet 5, the landscaping plan must be prepared by a Landscape Architect, not a Civil Engineer.
16. The building floor plan and elevations were not submitted.
17. The parking table addressing the various uses in the building should be shown on the plan.
18. The application does not address the impact on surface water quality, groundwater levels, stream flows, vegetation removal or wildlife habitat.
19. A traffic study addressing the current and anticipated traffic at intersections 1,000 feet and one mile from the site was not submitted.
20. The distance from the edge of the parking in front of the building to the front property line should be shown on the plan.
21. The sight distance for the proposed driveway should be shown.
22. The three short parking spaces behind the building do not meet the size required for regular spaces and exceed the allowable number of compact spaces.
23. The engineer should review the turning radii used. It does not appear that a single unit design vehicle can enter or exit the site or turn into the area in front of the building.
24. It appears that two additional trees are needed around the site within 30 feet of the parking.
25. The landscaped island at the end of the parking lanes need three trees per island.
26. Information should be submitted regarding the proposed lighting showing that it meets requirements of the by-law.
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33. The proposed contours should be shown on the east side of the site between the parking and Route 3.
34. The scale shown on Figure 2 (Post-Development Subcatchment Plan) should be corrected.
35. The soil test pit locations should be shown on the plan.
36. The plan shows a pipe from the fore bay to the retention pond but no information regarding the size, material slope, or invert elevations. The pipes are not included in the calculations nor shown in the details.
37. Provisions should be shown for accessing the fore bay, retention pond and infiltration system for maintenance.
38. It appears that there is less than two feet from the bottom of the infiltration system and the groundwater based on the information provided.
39. The locations of the roof drain connections to the drain system should be shown.

If the Board has any questions regarding these comments please do not hesitate to contact us.

Sincerely,
Howe Surveying Associates, Inc.

Jeffrey S. Rider
Chief of Engineering

CC: Marchionda & Associates, Inc.

LICENSE
ALCOHOLIC BEVERAGES

THE LICENSING BOARD OF
THE TOWN OF TYNGSBOROUGH, MASSACHUSETTS
HEREBY GRANTS A

GENERAL ON PREMISE

License to Expose, Keep for Sale, and to Sell

Alcoholic Beverages

To Be Drunk On the Premises

To: Tyngsboro Sports Center, Inc., D/B/A Tyngsboro Sports Center, 18 Progress Avenue
Manager: Darryl Wickens
on the following described premises: 45,000 square foot bldg. with two floors and five entrances.

This license is granted and accepted upon the express condition that the licensee shall, in all respects, conforms to all the provisions of the Liquor Control Act, Chapter 138 of the General Laws, as amended, and any rules or regulations made thereunder by the licensing authorities. This license expires December 31, 2010,unless earlier suspended, cancelled or revoked.

IN TESTIMONY WHEREOF, the undersigned have hereunto affixed their official signatures :

The Hours during which Alcoholic Beverages may be sold are from:
Weekdays: 8AM – 2AM
Saturday: 8AM-2AM
Sunday: 8AM-2AM

LICENSING BOARD

THIS LICENSE SHALL BE DISPLAYED IN A PLACE WHERE IT CAN BE EASILY READ

2980000 54
License Number

Tyngsborough
City/Town

01/11/10
Date

Type of Transaction (Please check all relevant transactions)

(✓) New License
( ) Transfer of License
( ) Change of Manager
( ) Transfer of Stock
( ) New Officer/Director
( ) Change of Location
( ) Alter Premises
( ) Pledge of License
( ) Pledge of Stock
( ) Other_____

Tyngsboro Sports Center, Inc.
Name of licensee

FID of Licensee

Tyngsboro Sports Center
D/B/A

Darryl Wickens
Manager

NEW LICENSE

18 Progress Avenue, Tyngsborough MA 01879
Address: Number Street Zip Code

Annual
Annual or Seasonal

All Alcohol
Category: All Alcohol, Wine & Malt

General on Premises
Type: Restaurant, Club, Package Store, Inn, General on Premise, Etc.

SPECIAL LEGISLATION

Description of Licensed Premises:
45,000 square foot building with two floors and five entrances.

Application was filed: 12/30/09
JAN 21 2010 Date & time

Advertised: Lowell Sun-12/09
Date & Publication

Abutters Notified ✓ Yes ____ No

Person to contact regarding this transaction:

Name: Attorney Peter Nicosia
Address: Nicosia & Associates, P.C., PO Box 721, Tyngsboro, MA 01879
Phone #: 978-649-4300

Quota OK

SPECIAL LEG

Remarks:
New License issued pursuant to Home Rule Petition, approved by Tyngsboro Town Meeting, the Massachusetts House of Representatives, the Massachusetts Senate and the Governor of Massachusetts.

The Local Licensing Authorities

By: [signature]

Kenyon M Pulco
Ashley O'Neill

Alcoholic Beverages Control Commission

Executive Director

Remarks:

FEB - 3 2010

COMMONWEALTH OF MASSACHUSETTS
Town of Tyngsborough

This is to certify that Tyngsboro Sports Center, 18 Progress Ave, Tyngsborough, MA

IS HEREBY GRANTED
AWEEKDAY/SUNDAY ENTERTAINMENT LICENSE

For the following purposes: Indoor Sports Facility .

At the following described premises: Two story indoor sport center

in said Town of Tyngsborough and at that place only and expires December 31, 2010, unless sooner suspended or revoked for violation of the laws of the Commonwealth. This license is issued in conformity with the authority granted to the licensing authorities by General Laws, Chapter 140, and amendments thereto.

In Testimony Whereof, the undersigned have hereunto affixed their official signatures.
Licensing Authorities

Ashley E. Neill

License: WE73
Date Issued: 11/30/2009

Timothy P. Cahill
Treasurer and Receiver General

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Kim S. Gainsboro
Chairman

TYNGSBORO
TYNGSBORO SPORTS CENTER, INC

APPROVED subject to the condition that the above named licensee deliver to this Commission a copy of the Fire Safety Certificate required by M.G.L. c. 10, § 74, as created by Chapter 304 of the Acts of 2004. before the Local Licensing Authority issues the license pursuant to M.G.L. c. 138. § 15A.

ABCC CHAIRMAN_____ DATE_____

ABCC COMMISSIONER Robert H Crowe DATE 2/2/10

ABCC COMMISSIONER Susan Corcoran DATE 2/2/10

H 4296

Chapter 188

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Nine

AN ACT AUTHORIZING THE TOWN OF TYNGSBOROUGH TO GRANT AN ADDITIONAL LICENSE FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Tyngsborough may grant an additional license for the sale of all alcoholic beverages to be drunk on the premises to Tyngsboro Sports Center, Inc. located at 18 Progress avenue in the town of Tyngsborough under section 12 of said chapter 138. The license shall be subject to all of said chapter 138 except said section 17. The licensing authority shall not approve the transfer of the license to any other location but it may grant the license to a new applicant at the same location if the applicant files with the licensing authority a letter from the department of revenue indicating that the license is in good standing with the department and that all applicable taxes have been paid.

If the license granted under this section is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the license to a new applicant at the same location under the same conditions as specified in this act.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, December 14, 2009.

Passed to be enacted, Paul J. Donato, Speaker.

In Senate, December 14, 2009.

Passed to be enacted, Therese Murray, President.

22 December 2009.

Approved,

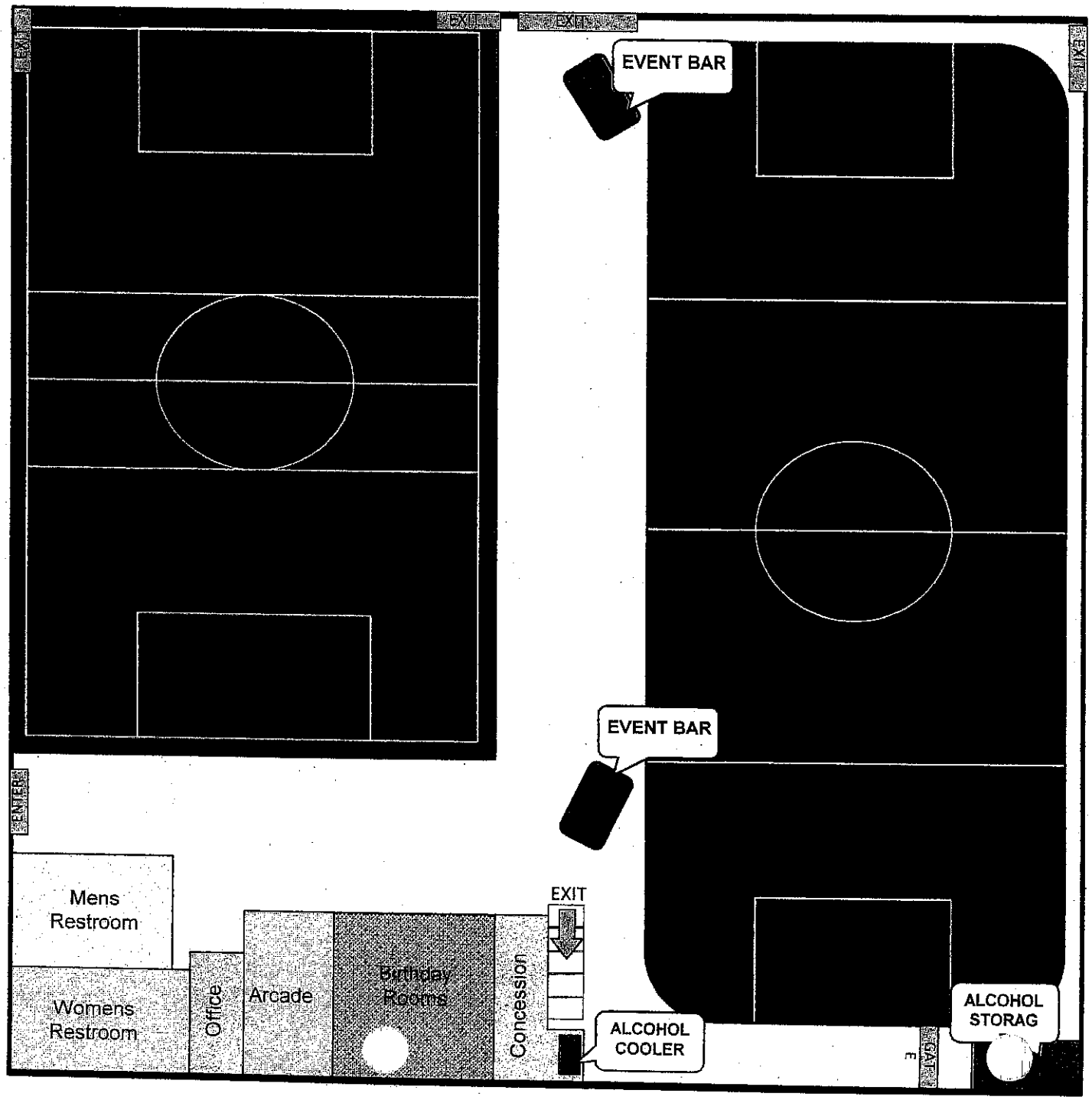
at 1 o'clock and 57 minutes, P. M.

Governor.

Tyngsboro Sports Center

Floor Plan

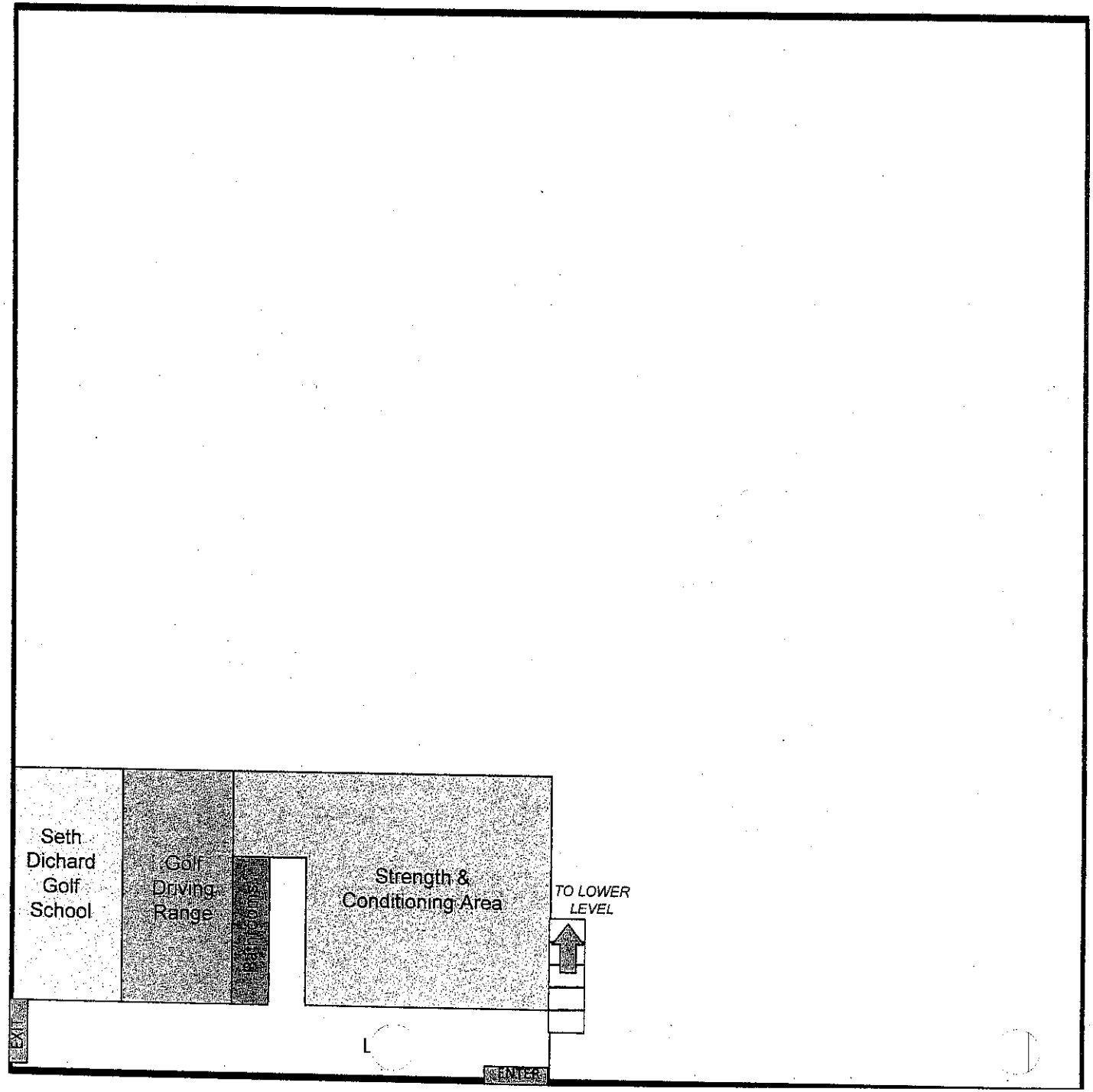
Lower Level



Tyngsboro Sports Center

Floor Plan

Mezzanine Level



Draft December 2, 2010 ksz

December 2, 2010

FAX #: 978-649-2320
TO: Michael G
FROM: Charles J. Zaroulis, Esq.
DATE: 12-2-10
COMMENT: FYI up

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

File: Tyngsborough

Re: Westford Road Development

Dear Michael:

This letter is in response to your facsimile of December 2, 2010, enclosing a letter from Westford Road Development, LLC, dated November 4, 2010, Release of Development Agreement and a Development Agreement, requesting my recommendations.

No additional facts or issues have been presented top me. If there are any, you should so advise.

The comments in my July 21, 2010, are still valid.

As to my paragraph number two, I note that the three suggested changes were made.

As to paragraph number nine, however, I recommend it specifically run "in perpetuity."

As to the revised draft dated November 4, 2010, I make the following comments:

Section 1. a and b, I have no information regarding fees and make no comment or recommendation.

As to the remaining terms of the Agreement, please note that I was not involved in the original agreement or the recent discussion and negotiations, nor have I been advised as to any facts or issues, and consequently, I do not have any specific recommendations as to substance.

If there are any concerns or issues, kindly provide me with these concerns, issues and the facts concerning these matters.

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

Sincerely yours,

Charles J. Zaroulis

Town Counsel

CJZ:ksz

Tyngs/Westford Road Development Letter to MG

Westford Road Development, LLC
315 Middlesex Road, Unit 3
Tyngsboro, Massachusetts 01879

2010 NOV -4 PM 1:10

November 4, 2010

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

Dear Members of the Board:

We are writing to update you on the status of the proposed development of the land currently owned by Sycamore Networks Real Estate, LLC ("Sycamore") located in the triangle formed by Westford and Middlesex Roads (the "Property").

As may you know, we recently received all of the permits and approvals necessary to begin construction of the proposed solar facility on a portion of the Property. We are now working with a partner in connection with the plan to finance and construct a 4-6MW solar facility in 2011. In addition, we are continuing to pursue all of the state and Town permits and approvals that we require in order to make the balance of our proposed development a reality.

Earlier this year, we sent you a letter regarding the development agreement that the Town, by its Board of Selectmen and Planning Board, and the Trustees of Vesper Properties I Trust ("Vesper Properties") entered into on November 31, 1987 in connection with the then proposed seventeen lot development plan for the Property. We asked that you consider the release of this Development Agreement as the development plan proposed in 1987 has been abandoned for over 20 years and thus, the corresponding agreement is obsolete and a considerable hindrance to improving the Property. We believe that as long as the 1987 development agreement remains on record at the Registry of Deeds, it will continue to unnecessarily encumber the Property, thereby limiting any potential development thereof. This in turn will prevent the Town from recognizing the tax and other benefits that would be associated with any improvements to the Property. Furthermore, the 1987 development agreement needlessly restricts any potential developer's ability to secure financing in connection with the Property, and will limit the lease and resale value of the same.

We understand that in a letter dated July 21, 2010, Attorney Charles Zaroulis gave his opinion that there was no prohibition "against the Board of Selectmen's and the Planning Board's signing the Release [of the 1987 development agreement] if such Boards determine that it is in the public interest to do so." For the reasons stated above, namely the undue burden that the 1987 development agreement represents to any future development of the Property, we believe that it would certainly be in the best interest of the Town and its citizens to release the 1987 development agreement. Accordingly, we

hope that this Board will act expediently to execute and deliver the Release enclosed herewith.

Also, as you know we have agreed to enter into a new development agreement and sent a proposed draft to you earlier this year for your consideration. Enclosed is a revised draft which reflects changes to the final development plan and also incorporates the edits and comments set forth in Mr. Zaroulis's July letter.

We believe the revised draft is a viable alternative to the 1987 development agreement that would not only facilitate the development of the proposed project – and thus ensure that the Town receives the tax and other benefits thereof – but would provide additional impact fees to offset the costs of increased use of Town services.

Of course, we would be happy to discuss this matter with the Board at your convenience. We look forward to continuing to work with you in conjunction with this project.

Respectfully:

WESTFORD ROAD DEVELOPMENT, LLC

Walter K. Eriksen, Jr.

Enclosures

cc: Town of Tyngsborough Planning Board
Michael P. Gilleberto, Town Administrator

RELEASE OF DEVELOPMENT AGREEMENT

This Release of Development Agreement is made as of this _____ day of _____, 2010, by the Town of Tyngsborough, acting by and through its Board of Selectmen (the "Selectmen") and Planning Board (the "Planning Board").

WHEREAS, the Town of Tyngsborough, Massachusetts, by its Selectmen and Planning Board, and Paul E. Guaraidi and Francis D. Burke, as Trustees of Vesper Properties I Trust ("Vesper Properties") entered into that certain Development Agreement dated November 31, 1987 and recorded with the Middlesex North District Registry of Deeds at Book 4499, Page 264 (the "Development Agreement") in connection with the proposed development of a certain parcel of land in Tyngsborough, Massachusetts consisting of approximately 130 acres situated on the easterly side of Westford Road and the southerly side of Middlesex Road (the "Land');

WHEREAS, the proposed development, as contemplated in the Development Agreement, was never fully completed and on October 30, 2000, Vesper Properties conveyed the unimproved portion of the Land, consisting of approximately 102 acres, more or less, to Sycamore Networks Real Estate, LLC ("Sycamore") by a deed recorded with said Registry of Deeds at Book 11142, Page 333 (the "Sycamore Parcel").

WHEREAS, as a result of the abandonment of the proposed development, as contemplated in the Development Agreement, and the subsequent conveyance of the Sycamore Parcel, the Selectmen and the Planning Board believe it is in the best interest

of the Town of Tyngsborough that the Sycamore Parcel be released from the terms, conditions and provisions of the Development Agreement.

NOW THEREFORE, the undersigned, being a majority of the Selectmen and the Planning Board, hereby release the Sycamore Parcel from all of the terms, conditions and provisions of said Development Agreement, effective immediately.

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH	PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
A Majority Thereof	A Majority Thereof

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Planning Board named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Planning Board.

_____
Notary Public
My Commission Expires:

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made as of this ___ day of _____, 2010, by and between the Town of Tyngsborough (the "Town"), acting by and through its Board of Selectmen (the "Selectmen"), and Westford Road Development, LLC (the "Developer").

RECITALS

WHEREAS, the Developer has entered into an agreement with Sycamore Networks Real Estate, LLC ("Sycamore") to acquire a certain parcel of land in Tyngsborough, Massachusetts, consisting of approximately 102 acres, more or less, situated easterly of Westford Road and southerly of Middlesex Road, said parcel being more particularly described in a deed recorded with the Middlesex North District Registry of Deeds at Book 11142, Page 333 (the "Parcel");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel a modified life-style facility known as Tyngsborough Commons, consisting of office and/or retail building space as well as two-bedroom condominium units ("Tyngsborough Commons");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel one or more industrial office buildings known as Tyngsborough Technology Park ("Tyngsborough Technology Park") (Collectively, Tyngsborough Commons and Tyngsborough Technology Park shall be referred to herein as the "Proposed Development");

WHEREAS, the Proposed Development is anticipated to significantly increase and further diversify the Town's tax base, as well as provide employment and other substantial benefits to the Town;

WHEREAS, the Developer and the Town mutually desire and have been cooperating to expedite the Proposed Development of the Parcel in order to recognize the anticipated benefits that the Proposed Development will afford the Town;

WHEREAS, in order to alleviate any burden on Town services associated with the Proposed Development, the Developer has agreed, subject to the terms and conditions set forth herein, to pay to the Town certain development fees;

WHEREAS, the Town intends to accept said development fees and apply the same to the costs and expenses resulting, directly and indirectly, from the increased burden upon Town services (including, but not limited to, the upkeep and operation of Town sewer services servicing the Proposed Development and the upkeep and operation of Town recreational facilities to be located at the Proposed Development);

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Town and the Developer hereby agree as follows:

1. The Developer shall, upon the terms and conditions set forth in this Agreement, pay to the Town a fee in connection with the completion of each component of the Proposed Development as follows:

    a. The Developer shall pay to the Town a one-time fee equal to twenty-five cents ($0.25) per square foot of office and/or retail and/or industrial building space constructed as part of the Proposed Development (the "Business Development Fee"). In no event shall the total amount of all Business Development Fees exceed the sum calculated as the total amount of square feet of all building space used solely for office and/or retail and/or industrial purposes constructed at the Parcel multiplied by twenty-five cents ($0.25).

    b. The Developer shall also pay to the Town a one-time fee equal to three hundred dollars ($300.00) per residential condominium unit constructed as part of the Proposed Development (the "Residential Development Fee"). In no event shall the total amount of all Residential Development Fees exceed the sum calculated as the amount of residential condominium units constructed at the Parcel multiplied by three hundred dollars ($300.00).

2. The Business Development Fee associated with each square foot of office and/or retail and/or industrial building space shall be due and payable by the Developer to the Town within thirty (30) business days upon the lease or sale of each such square foot of office and/or retail and/or industrial building space to a third-party lessee or purchaser.

3. The Residential Development Fee associated with each residential condominium unit shall be due and payable by the Developer to the Town within thirty (30) business days after the conveyance of each such residential condominium unit to a third-party purchaser.

4. All payments due and payable under the terms of this Agreement shall be made to the Town and delivered to the office of the Town Treasurer in lawful money of the United States of America. Each payment shall be accompanied by a certificate from the Developer stating:

    a. The amount paid therewith;
    b. The method of calculation of the payment; and
    c. The location and number of the office, retail, or industrial space or residential condominium unit for which the payment is being made.

5. For each payment made by the Developer to the Town, the Town Treasurer shall issue, within thirty (30) business days, a receipt indicating that the payment set forth

in the certificate has been made. Such receipt shall be conclusive and final evidence that such payment was timely made in accordance with the terms of this Agreement, and that no further payment shall be due in connection with said office, retail, or industrial space or residential condominium unit.

6. The Developer's obligation to pay any and all fees under this Agreement is contingent upon (i) the Developer consummating its agreement with Sycamore and taking title to the Parcel, and (ii) the Developer obtaining the necessary permits and approvals to construct the Proposed Development. In no event shall the Developer be obligated to pay any Business Development Fees, Residential Development Fees, or any other fees to the Town in the event that the Developer does not take title to the Parcel or is unable to obtain the necessary permits and approvals to construct the Proposed Development.

7. In no event shall this Agreement, or any notice or memorandum hereof, be recorded with any registry of deeds unless and until such time as (i) the Developer takes title to the Parcel, and (ii) the Developer and the Town agree, in a mutually executed written instrument, that it is in the best interests of the parties hereto to record this Agreement or a notice or memorandum hereof.

8. Any written notice, request or demand required or permitted by this Agreement shall, until either party shall notify the other in writing of a different address, be properly given if sent by certified or registered class mail, postage prepaid, and addressed as follows:

If to the Developer:	Westford Road Development, LLC c/o Walter K. Eriksen, Jr. 315 Middlesex Road, Unit 3 Tyngsboro, MA 01879 FAX (978) 649-3540
w/ a copy to:	Kevin Eriksen, Esq. Deschenes & Farrell, P.C. One Billerica Road Chelmsford, MA 01824 FAX (978) 250-0057
If to the Town:	Town of Tyngsborough Board of Selectmen and Town Administrator Town Offices 25 Bryants Lane Tyngsboro, MA 01879 FAX (978) 649-2320

9. This Agreement shall run with the land and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

10. Notwithstanding any provision of this Agreement to the contrary, it is expressly understood that this Agreement shall be non-recourse and that the extent of any and all liability on the part of the Developer hereunder is expressly limited to its interest in the Proposed Development. Furthermore, the Town expressly agrees (i) to look solely to such property and improvements making up the Proposed Development in satisfaction of the obligations of the Developer hereunder, and (ii) that no agent, employee, officer, manager or member of the Developer shall have any personal liability for any of the obligations of the Developer under this Agreement.

11. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts.

12. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original and all collectively but one and the same instrument. This Agreement may only be modified or amended by a written instrument executed by all parties hereto.

13. This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof.

[Signatures Appear on the Following Page]

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH

_____

_____

_____

_____

_____

A Majority Thereof

WESTFORD ROAD DEVELOPMENT, LLC

_____
Walter K. Eriksen, Jr., Manager

_____
James Patierno, Manager

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, Walter K. Eriksen, Jr., one of the managers of Westford Road Development, LLC who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Westford Road Development, LLC, a Massachusetts limited liability company.

_____
Notary Public
My Commission Expires:

Tax Collectors comments are as follows:

While Westford Road Development owes no delinquent taxes, several other companies with Mr. Eriksen as a principal does.

He has made recent payments (substantial amounts) and informed me he will be in with $20,000 next week if the closing goes through.

At this time I have no legal grounds or objections to this project.

RECEIVED
OCT 14 2010
TYNGSBOROUGH TOWN COLLECTOR

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 14 / 10
Re: Request for Comment

TYPE OF LICENSE: Vapor Properties Trust Agreement

APPLICANT(S) NAME: Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 20 / 10

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: While Westford Rd Devel. owes no delinquent taxes, several other companies with Mr. Erickson as a principal due. He has made recent payments (substantial amounts) & informed me he will be in with $20,000 next week if the closing goes through. At this time, I have no legal grounds or objections to this project.

Prepared by: GDS (Print) Date: 10 / 15 / 10
Signature: GDS

Department Head: Gene R. Spickler (Print) Date: 10 / 15 / 10
Signature: Gene R. Spickler

Cc:

__ ACO	__ Conservation	__ TFD
__ Assessors	__ DPW	__ TPD
__ ZBA	__ Historical	__ Town Clerk
__ Health	__ Planning Bd.	__ Other (_____)
__ Bldg. Comm.	__ Planner	
X Collector	__ Sewer Comm.	

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 11 / 24 / 10
Re: Request for Comment

TYPE OF LICENSE: Keyes Properties Trust Agreement

APPLICANT(S) NAME: Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 20 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: The Planning Board has no comments.

Prepared by: Pamela Berman (Print) Date: 10 / 22 / 10
Signature: Pamela A. Berman

Department Head: Steven A. Nocco (Print) Date: 11 / 18 / 2010
Signature: [signature]

Cc:
__ ACO
__ Assessors
__ ZBA
__ Health
__ Bldg. Comm.
__ Collector
__ Conservation
__ DPW
__ Historical
X Planning Bd.
__ Planner
__ Sewer Comm.
__ TFD
__ TPD
__ Town Clerk
__ Other (_____)

RECEIVED
Tyngsborough
Planning Board
10-15-10

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 14 / 10
Re: Request for Comment

TYPE OF LICENSE: Vapor Properties Trust Agreement

APPLICANT(S) NAME: 9 Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 20 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: NO ACTION NEEDED

Prepared by: P. Sands (Print) Date: 10 / 19 / 10
Signature: [signature]

Department Head: Tim Mosher (Print) Date: 10 / 19 / 10
Signature: [signature]

Cc:
__ ACO
__ Assessors
__ ZBA
__ Health
__ Bldg. Comm.
__ Collector
__ Conservation
__ DPW
__ Historical
__ Planning Bd.
__ Planner
__ Sewer Comm.
X TFD
__ TPD
__ Town Clerk
__ Other (_____)

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 14 / 10
Re: Request for Comment

TYPE OF LICENSE: Keyser Properties Trust Agreement

APPLICANT(S) NAME: Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 20 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: Highway Dept. Has No Comment.

Prepared by: James Hustins (Print) Date: 10 / 25 / 10
Signature: James R. Hustins

Department Head: James Hustins (Print) Date: 10 / 25 / 10
Signature: James R. Hustins

Cc:

__ ACO	__ Conservation	__ TFD
__ Assessors	X DPW	__ TPD
__ ZBA	__ Historical	__ Town Clerk
__ Health	__ Planning Bd.	__ Other (_____)
__ Bldg. Comm.	__ Planner	
__ Collector	__ Sewer Comm.	

REQUEST FOR COMMENT FORM

To: All Departments, Boards, and Committees
From: Board of Selectmen
Date: 10 / 14 / 10
Re: Request for Comment

TYPE OF LICENSE: Keeper Protection Trust Agreement

APPLICANT(S) NAME: Westford Rd Development

OWNER(S) NAME: _____

NAME OF BUSINESS: _____

BUSINESS ADDRESS: 315 Middlesex Rd

Department:

The Board of Selectmen has received an application for a(n) License/Permit. The Board requests that your Department review the application and make any comments on it below and if necessary attach a separate sheet.

Please return by: 10 / 20 / 10.

If your Agency Must take action prior to issuance of this license please so indicate action.

COMMENTS: No comment

Prepared by: William F. Mulligan (Print) Date: 10 / 21 / 10
Signature: William F. Mulligan

Department Head: William F. Mulligan (Print) Date: 10 / 21 / 10
Signature: William F. Mulligan

Cc:

__ ACO	__ Conservation	__ TFD
__ Assessors	__ DPW	X TPD
__ ZBA	__ Historical	__ Town Clerk
__ Health	__ Planning Bd.	__ Other (_____)
__ Bldg. Comm.	__ Planner	
__ Collector	__ Sewer Comm.	

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

KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

Vicki S. Marsh
vmarsh@k-plaw.com

2010 NOV 22 PM 9:12
TYNGSBOROUGH, MA.

November 19, 2010

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Paul F. Fauvel, Manager
WCF Realty, LLC
124 Lakeview Avenue
Lowell, MA 01850

Re: Tyngsborough Water District – Grant of Easement on 1 Birchmont Street

Dear Mr. Fauvel:

As you are aware from my letter to you dated February 26, 2010, the Tyngsborough Water District is requesting that you grant an easement over a portion of the property at 1 Birchmont Street, Tyngsborough for access to and maintenance of the water boosting pumping station which is partially situated on the property.

Since I did not receive a response to my earlier letter, on behalf of the Tyngsborough Water District, I again request that you review the enclosed Grant of Easement and plan of the Easement Area, and if it is acceptable to you, execute the Easement before a Notary Public and return it to me in the enclosed stamped envelope.

Please be advised that if you do not grant the easement, then the Tyngsborough Water District shall review its legal options, which pursuant to the provisions of G.L. c. 79 may include taking the easement by eminent domain.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

Vicki S. Marsh

VSM/jmm
Enc.
cc: Board of Water Commissioners
Town Administrator
413230/TYNG/0004

KOPELMAN AND PAIGE, P.C.
The Leader in Municipal Law

101 Arch Street
Boston, MA 02110
T: 617.556.0007
F: 617.654.1735
www.k-plaw.com

2010 NOV 22 PM 9:12
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

November 19, 2010

Vicki S. Marsh
vmarsh@k-plaw.com

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Lawrence M. Beane, Esq.
Nicosia & Associates, P.C.
259 Middlesex Road
P. O. Box 721
Tyngsborough, MA 01879

Re: Tyngsborough Water District – Grant of Easement on 1 Audrey Avenue

Dear Mr. Beane:

I am writing to you as you requested, in your letter to me dated March 3, 2010 with respect to a proposed Grant of Easement from your clients, James and Penelope Liacopulos to the Tyngsborough Water District over a portion of their property at 1 Audrey Avenue, Tyngsborough.

On behalf of the Tyngsborough Water District, I request that you review the enclosed Grant of Easement and plan for access to and maintenance of the water boosting pumping station which is partially situated on the property. I corrected the clerical error referencing the plan to Plan Book 170, Page 115.

If the Easement is acceptable to you and your clients, then please have your clients execute the Easement and return it to me in the enclosed stamped envelope.

Please be advised that if your clients decide not to grant the Easement, then the Tyngsborough Water District shall review its legal options, which may include taking the easement by eminent domain pursuant to G.L. c. 79.

If you have any questions concerning this matter, please do not hesitate to contact me.

Very truly yours,

Vicki S. Marsh

VSM/jmm
Enc.
cc: Board of Water Commissioners
Town Administrator
TYNG/30106/0004

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 NOV 24 PM 1:13
TYNGSBOROUGH MA.

November 10, 2010

John Wilde
Senior Project Manager, LEED
LaFreniere Architects
678 Massachusetts Avenue
Cambridge, MA 02139

Dear Mr. Wilde,

After reviewing "Info on Stretch Energy Code Adoption", I find the following:

The Town of Tyngsborough adopted this code to replace the base energy code on March 2, 2010 at Town Meeting.

Therefore, the Stretch Energy Code will go into affect on January 1, 2011.

Respectfully,

Donald A. Crowell

Donald A. Crowell
Building Commissioner

Donna
CC Selectmen
& Gilberto

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

November 22, 2010

Attorney Jeffrey T. Karp
Newman and Newman, PC
One McKinley Square
Boston, MA 02109

Dear Attorney Karp:

Attached please find a response to your request dated October 15, 2010. Where appropriate, phone numbers, social security numbers, federal identification numbers, and/or bank account/transaction information has been redacted.

While Massachusetts Public Records Law provides that cities and towns may charge for copies and staff time to review documents, you are not being charged for this response. This act should not be considered to be precedent-setting.

Thank you for your patience.

Sincerely,

MP

Michael P. Gilleberto
Town administrator

cc: Board of Selectmen (without attachment)
Charles Zaroulis, Town Counsel (without attachment)

NEWMAN & NEWMAN, P.C.
ATTORNEYS AT LAW
ONE MCKINLEY SQUARE
BOSTON, MASSACHUSETTS 02109
(617) 227-3361
FACSIMILE (617) 723-1710
WWW.NEWMANLEGAL.COM

MARSHALL F. NEWMAN
JEFFREY T. KARP*
RICHARD JOYCE
DAVID M. BRYAN**
BENJAMIN BROOKS

*ALSO ADMITTED IN NEW HAMPSHIRE
**ALSO ADMITTED IN KANSAS AND MISSOURI

ABRAHAM NEWMAN
(1915 - 1995)
SAMUEL NEWMAN
(1912 - 2008)

October 15, 2010

Via email (tgay@tyngsboroughma.gov) & reg. mail

Keeper of Records
The Office of the Town Administrator
Tyngsborough Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

Re: Dracut Food Service Corp. d/b/a Thirsty's
25 Parham Rd., Tyngsborough, MA

Dear Sir/Madam:

Please consider this letter a request under the Massachusetts Public Records Law (i.e., G.L. c. 66, § 10).

Please disclose to this office the following records which should be sent to me at the above-referenced address or may be emailed to me in "pdf" format to jkarp@newmanlegal.com.

1. Any and all documents regarding the application for, and issuance, reissuance, transfer, or renewal of Dracut Food Service Corp. d/b/a Thirsty's (hereinafter "Thirsty's") liquor license from January 1, 2008, to the present.

2. Any and all documents regarding the application for, issuance, reissuance, transfer, or renewal of Thirsty's common victualler, food service, restaurant, or similar license from January 1, 2008, to the present.

3. Any and all documents regarding alleged violations by Thirsty's of any town bylaws, town ordinances, town regulations, Zoning By-Laws, State Public Health Code, State Sanitary Code, and State Building Code from January 1, 2008, to the present.

4. Any and all documents regarding alleged violations by Thirsty's of any town bylaws, town ordinances, town regulations, and Massachusetts statutes pertaining to the sale of alcoholic beverages from January 1, 2008, to the present.

5. All documents that were submitted as exhibits at any hearings before, or meetings of, the Board of Selectmen pertaining to Thirsty's from January 1, 2008, to the present. This should include, but not be limited to, exhibits at the Liquor License Violations Hearing on June 14, 2010.

Thank you for your prompt response.

Very truly yours,

NEWMAN & NEWMAN, P.C.

BY:
JEFFREY T. KARP

cc: Tram Dang
Thien Dang

Westford Road Development, LLC
315 Middlesex Road, Unit 3
Tyngsboro, Massachusetts 01879

June 9, 2010

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

Dear Members of the Board:

We are writing to update you on the status of the proposed development of the land currently owned by Sycamore Networks Real Estate, LLC ("Sycamore") located in the triangle formed by Westford and Middlesex Roads (the "Property").

As you know, we have been expeditiously pursuing all of the state and Town permits and approvals that we require in order to make this proposed development a reality, and we are pleased that the proposal continues to be so well received by the Town's various boards, committee and residents.

We are particularly grateful for this Board's willingness to collaborate with us to ensure that this project is realized in such a way so as to provide substantial benefits to the Town of Tyngsborough.

As you may know, the Town, by its Board of Selectmen and Planning Board, and the Trustees of Vesper Properties I Trust ("Vesper Properties") entered into a development agreement on November 31, 1987 in connection with the then proposed seventeen lot development plan for the Property. A copy of the 1987 development agreement is enclosed. This proposed development plan was never fully completed (only two buildings were constructed on Potash Hill Road) and on October 30, 2000, Vesper Properties conveyed the unimproved portion of the Property to Sycamore.

The development plan proposed in 1987 has been abandoned for over 20 years and thus, the corresponding development agreement is obsolete and a considerable hindrance to improving the Property. As long as the 1987 development agreement remains on record at the Registry of Deeds, it will continue to unnecessarily encumber the Property, thereby limiting any potential development thereof. This in turn will prevent the Town from recognizing the tax and other benefits that would be associated with any improvements to the Property. Furthermore, the 1987 development agreement needlessly restricts any potential developer's ability to secure financing in connection with the Property, and will limit the lease and resale value of the same. Finally, if the 1987 development agreement is not released, we do not anticipate that it will be possible to move forward with the proposed project.

For all of these reasons, it is critical that the Property be released from the terms, conditions and provisions of the 1987 development agreement. For your convenience, we have enclosed a proposed release of the 1987 development agreement for your consideration.

Though we believe the 1987 development agreement is a significant obstacle to the development of the Property, we are offering a more appropriate development agreement to alleviate any burden on Town services associated with the proposed project. Accordingly, we would agree to execute a new development agreement and have enclosed a proposed draft for your consideration. We believe the attached draft is a viable alternative to the 1987 development agreement that would not only facilitate the development of the proposed project – and thus ensure that the Town receives the tax and other benefits thereof – but would provide additional impact fees to offset the costs of increased services.

Of course, we would be happy to discuss this matter with the Board at your convenience. We look forward to continuing to work with you in conjunction with this project.

Respectfully:

WESTFORD ROAD DEVELOPMENT, LLC

Walter K. Eriksen, Jr.

Enclosures

cc: Town of Tyngsborough Planning Board

Westford Road Development, LLC
315 Middlesex Road, Unit 3
Tyngsboro, Massachusetts 01879

June 9, 2010

Planning Board
Town Offices
25 Bryants Lane
Tyngsborough, MA 01879

Re: Westford Road Development Project

Dear Members of the Board:

We are writing to update you on the status of the proposed development of the land currently owned by Sycamore Networks Real Estate, LLC ("Sycamore") located in the triangle formed by Westford and Middlesex Roads (the "Property").

As you know, we have been expeditiously pursuing all of the state and Town permits and approvals that we require in order to make this proposed development a reality, and we are pleased that the proposal continues to be so well received by the Town's various boards, committee and residents.

We are particularly grateful for this Board's willingness to collaborate with us to ensure that this project is realized in such a way so as to provide substantial benefits to the Town of Tyngsborough.

As you may know, the Town, by its Board of Selectmen and Planning Board, and the Trustees of Vesper Properties I Trust ("Vesper Properties") entered into a development agreement on November 31, 1987 in connection with the then proposed seventeen lot development plan for the Property. A copy of the 1987 development agreement is enclosed. This proposed development plan was never fully completed (only two buildings were constructed on Potash Hill Road) and on October 30, 2000, Vesper Properties conveyed the unimproved portion of the Property to Sycamore.

The development plan proposed in 1987 has been abandoned for over 20 years and thus, the corresponding development agreement is obsolete and a considerable hindrance to improving the Property. As long as the 1987 development agreement remains on record at the Registry of Deeds, it will continue to unnecessarily encumber the Property, thereby limiting any potential development thereof. This in turn will prevent the Town from recognizing the tax and other benefits that would be associated with any improvements to the Property. Furthermore, the 1987 development agreement needlessly restricts any potential developer's ability to secure financing in connection with the Property, and will limit the lease and resale value of the same. Finally, if the 1987 development agreement

is not released, we do not anticipate that it will be possible to move forward with the proposed project.

For all of these reasons, it is critical that the Property be released from the terms, conditions and provisions of the 1987 development agreement. For your convenience, we have enclosed a proposed release of the 1987 development agreement for your consideration.

Though we believe the 1987 development agreement is a significant obstacle to the development of the Property, we are offering a more appropriate development agreement to alleviate any burden on Town services associated with the proposed project. Accordingly, we would agree to execute a new development agreement and have enclosed a proposed draft for your consideration. We believe the attached draft is a viable alternative to the 1987 development agreement that would not only facilitate the development of the proposed project – and thus ensure that the Town receives the tax and other benefits thereof – but would provide additional impact fees to offset the costs of increased services.

Of course, we would be happy to discuss this matter with the Board at your convenience. We look forward to continuing to work with you in conjunction with this project.

Respectfully:

WESTFORD ROAD DEVELOPMENT, LLC

Manager

Walter K. Eriksen, Jr.

Enclosures

cc: Town of Tyngsborough Board of Selectmen

RSN-0457N-08/12/87

DEVELOPMENT AGREEMENT

This Development Agreement is entered into as of the 31st day of November, 1987 between the Town of Tyngsborough, Massachusetts ("Town") and Paul E. Guaraldi and Francis D. Burke, as Trustees of Vesper Properties I Trust under Declaration of Trust dated January 8, 1986 and recorded with Middlesex North District Registry of Deeds in Book 3315, Page 65 (Vesper Properties).

WHEREAS, Vesper Properties has acquired a certain parcel of land in Tyngsborough, Middlesex County, Massachusetts consisting of approximately 130 acres situated easterly of Westford Road and southerly of Middlesex Road (the "Land");

WHEREAS, Vesper Properties intends to construct upon the Land an office/research and development park consisting of buildings aggregating not more than 850,000 net rentable square feet in area (the "Park").

WHEREAS, the Land was rezoned at the Special Town Meeting of September 10, 1985 from General Residence Zone and business Zone to Industrial Zone in order to facilitate and encourage the construction of the Park.

WHEREAS, the Park is anticipated to significantly increase the Town's non-residential tax base and provide employment and other benefits to the Town;

WHEREAS, Vesper Properties and the Town mutually desire to expedite an orderly and coordinated development of the Land for the protection of the character of the Town and to enhance the attractiveness of the Park; and

WHEREAS, Vesper Properties and the Town have been cooperating and intend to continue to cooperate to arrive at a mutually desirable master plan for the Park;

WHEREAS, Vesper Properties and the Town intend to cooperate in coordinating and securing necessary permits and approvals from governmental agencies having jurisdiction;

WHEREAS, Vesper Properties recognizes that the construction and operation of the Park will utilize municipal services, thereby creating a burden in the areas of public safety and traffic and will impose other burdens upon the Town by the elimination of open space and land which could be utilized for recreation purposes;

WHEREAS, Vesper Properties desires to assist the Town as to the cost of the added municipal services and other burdens imposed by the Park;

NOW THEREFORE, for sufficient and valuable consideration received, the Town and Vesper Properties hereby agree:

06/09/88 0211928 9558 11.25

RSN-0457N-08/12/87

1. Upon the completion and occupancy (as defined below) of all or any part of any building within the Park, Vesper Properties shall pay to the Town a fee (the "Development Fee") based upon net rentable building floor area in the amounts and at the times and in the manner set forth below.

2. The amount of Development Fee shall be $1.25 per net rentable square foot of building floor area for each building as to which the occupancy permit has been issued.

3. Development Fees for net rentable square feet in a building shall become due and payable within 30 days after the completion, issuance of a certificate of occupancy, and occupancy of such space. Failure to make such payments when due shall constitute a breach of this Development Agreement. For the purposes of this Development Agreement, "occupancy" shall mean actual occupancy for office, industrial, research and development, or other permitted business purposes by a tenant of Vesper Properties. The parties expressly intend that substantially equivalent development fees be imposed upon other significant non-residential developers along Westford Road between Middlesex Road and Dunstable Road.

4. Payments of Development Fees shall be made to the Town of Tyngsborough at the office of the Tyngsborough Town Treasurer in lawful money of the United States of America. Each payment shall be accompanied by a certificate of Vesper Properties stating the following with respect to such Development Fee payment: (i) the amount paid therewith; (ii) the method of calculation; (iii) the net rentable area in square feet of the building; and (iv) the location or number of the building. A receipt of the Tyngsborough Town Treasurer indicating that the payment set forth in such certificate has been made shall be conclusive evidence that such payment was timely made and no further cash payments in respect of Development Fees shall be payable thereafter with respect to the portion of the Park referred to in any such certificate.

5. Payments in respect of Development Fees shall be applied by the Town of Tyngsborough as follows: Until occupancy of net rentable building floor area within the Park reaches the 400,000 square-foot level, payments in respect of Development Fees shall be allocated as follows:

   1. 60% to the Impact Fee Fund (hereinafter defined).

2. 10% to the Town's Fund for Police and Fire purposes, and

3. 10% to the Town's Conservation/Recreation Fund.

Total 100%

After the earlier to occur of (i) the occupancy of net rentable floor area of buildings in the Park exceeding 400,000 square feet, or (ii) the completion of improvements required to widen Westford Road, payments in respect of Development Fees shall be allocated 0% to the Impact Fee Fund, 34% to the Fund for Police and Fire purposes (up to a maximum of $218,750) and 66% to the Conservation/Recreation Fund (up to a maximum of $443,750). In the event that one of the foregoing two maximums is reached, all subsequent payments in respect of Development Fees shall be allocated to the other fund until the maximum for the second fund is reached, at which time all obligations to make payments in respect of Development Fees shall cease.

All payments hereunder to the Fund for Police and Fire Purposes shall be evenly split between the Fire Department and the Police Department.

6. The "Impact Fee Fund" shall mean a separate escrow fund to be held by a commercial escrowee to be mutually designated within sixty (60) days hereafter, or if the parties are unable to so agree, Town Counsel and used only for the purpose of improvements to Westford Road between Route 3 and Middlesex Road, provided that after the completion of the required improvements to said portion of Westford Road, said funds may, with a written consent of Vesper Properties, be reallocated (subject to the maximums set forth above) to the Conservation/Recreation Fund and the Fund for Police and Fire purposes. No such reallocation of the Impact Fee Fund shall increase the maximum amounts for the Fund for Police and Fire purposes or the Conservation/Recreation Fund as set forth in paragraph 5 above.

7. In addition to the foregoing payments in respect with Development Fees, Vesper Properties shall, simultaneously with obtaining a building permit for the construction of space which would increase the net rentable square footage in the Park above the 300,000-square-foot level, Vesper Properties shall cause the traffic signals and/or lights to be installed at each Park entrance, without cost or expense to the Town of Tyngsborough.

8. All notices and other communications respecting this development agreement shall be in writing and shall be mailed, by registered or certified mail (postage and registration or certification charges prepaid) or

delivered by hand, in the case of Vesper Properties to: Vesper Properties Inc., Suite 3620, One Post Office Square, Boston, MA 02109 and in the case of Tyngsborough to: Board of Selectmen, Town Hall, Tyngsborough, MA 01879 except that either party may by written notice to the other designate another address which shall thereupon become the effective address of such party for the purposes of this paragraph. Any such notice shall be deemed given when so delivered by hand, or, if so mailed, three days after depositing with the United States postal services.

9. The terms and provisions of this development agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto.

10. Notwithstanding anything to the contrary contained in this development agreement, it is expressly understood that this agreement shall be non-recourse and the extent of liability on the part of Vesper Properties is expressly limited to its interest in the Park, the Town hereby expressly agreeing (i) to look solely to such property in satisfaction of the obligations of Vesper Properties hereunder and (ii) no trustee or beneficiary of Vesper Properties shall have any personal liability for the obligation of Vesper Properties hereunder.

11. This development agreement shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts.

EXECUTED as a sealed instrument as of the date and year first above written.

TYNGSBOROUGH BOARD OF SELECTMEN

B 04499 P 268

RSN-0457N-06/12/87

TYNGSBOROUGH PLANNING BOARD

2/25/88

VESPER PROPERTIES TRUST

Francis D. Burke, as Trustee
and not individually

Paul E. Guaraldi, as Trustee
and not individually

COMMONWEALTH OF MASSACHUSETTS

ss.

May 9, 1988

Then personally appeared the above-named Paul E. Guaraldi, Trustee as aforesaid and acknowledged the foregoing instrument to be his free act and deed, before me,

Notary Public

My Commission Expires:

RELEASE OF DEVELOPMENT AGREEMENT

This Release of Development Agreement is made as of this _____ day of _____, 2010, by the Town of Tyngsborough, acting by and through its Board of Selectmen (the "Selectmen") and Planning Board (the "Planning Board").

WHEREAS, the Town of Tyngsborough, Massachusetts, by its Selectmen and Planning Board, and Paul E. Guaraidi and Francis D. Burke, as Trustees of Vesper Properties I Trust ("Vesper Properties") entered into that certain Development Agreement dated November 31, 1987 and recorded with the Middlesex North District Registry of Deeds at Book 4499, Page 264 (the "Development Agreement") in connection with the proposed development of a certain parcel of land in Tyngsborough, Massachusetts consisting of approximately 130 acres situated on the easterly side of Westford Road and the southerly side of Middlesex Road (the "Land');

WHEREAS, the proposed development, as contemplated in the Development Agreement, was never fully completed and on October 30, 2000, Vesper Properties conveyed the unimproved portion of the Land, consisting of approximately 102 acres, more or less, to Sycamore Networks Real Estate, LLC ("Sycamore") by a deed recorded with said Registry of Deeds at Book 11142, Page 333 (the "Sycamore Parcel").

WHEREAS, as a result of the abandonment of the proposed development, as contemplated in the Development Agreement, and the subsequent conveyance of the Sycamore Parcel, the Selectmen and the Planning Board believe it is in the best interest

of the Town of Tyngsborough that the Sycamore Parcel be released from the terms, conditions and provisions of the Development Agreement.

NOW THEREFORE, the undersigned, being a majority of the Selectmen and the Planning Board, hereby release the Sycamore Parcel from all of the terms, conditions and provisions of said Development Agreement, effective immediately.

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH	PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
A Majority Thereof	A Majority Thereof

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Planning Board named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Planning Board.

_____
Notary Public
My Commission Expires:

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made as of this ___ day of _____, 2010, by and between the Town of Tyngsborough (the "Town"), acting by and through its Board of Selectmen (the "Selectmen"), and Westford Road Development, LLC (the "Developer").

RECITALS

WHEREAS, the Developer has entered into an agreement with Sycamore Networks Real Estate, LLC ("Sycamore") to acquire a certain parcel of land in Tyngsborough, Massachusetts, consisting of approximately 102 acres, more or less, situated easterly of Westford Road and southerly of Middlesex Road, said parcel being more particularly described in a deed recorded with the Middlesex North District Registry of Deeds at Book 11142, Page 333 (the "Parcel");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel a modified life-style facility known as Tyngsborough Commons, consisting of approximately one hundred twenty-six thousand (126,000) square feet of office and/or retail building space, as well as approximately one hundred and seventy (170) two bedroom condominium units ("Tyngsborough Commons");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel a two hundred thousand (200,000) square foot industrial office building known as Potash Hill Office Park ("Potash Hill Office Park") (Collectively, Tyngsborough Commons and Potash Hill Office Park shall be referred to herein as the "Proposed Development");

WHEREAS, the Proposed Development is anticipated to significantly increase and further diversify the Town's tax base, as well as provide employment and other substantial benefits to the Town;

WHEREAS, the Developer and the Town mutually desire and have been cooperating to expedite the Proposed Development of the Parcel in order to recognize the anticipated benefits that the Proposed Development will afford the Town;

WHEREAS, in order to alleviate any burden on Town services associated with the Proposed Development, the Developer has agreed, subject to the terms and conditions set forth herein, to pay to the Town certain development fees;

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Town and the Developer hereby agree as follows:

1. The Developer shall, upon the terms and conditions set forth in this Agreement, pay to the Town a fee in connection with the completion of each component of the Proposed Development as follows:

    a. The Developer shall pay to the Town a one-time fee equal to twenty-five cents ($0.25) per square foot of office and/or retail and/or industrial building space constructed as part of the Proposed Development (the "Business Development Fee"). In no event shall the total amount of all Business Development Fees exceed the sum calculated as the total amount of square feet of all building space used solely for office and/or retail and/or industrial purposes constructed at the Parcel multiplied by twenty-five cents ($0.25). (Based on the current specifications of the Proposed Development, there will be approximately three hundred twenty-six thousand (326,000) square feet of office and/or retail and/or industrial building space constructed on the Parcel, resulting in total Business Development Fees of $81,500.00.)

    b. The Developer shall also pay to the Town a one-time fee equal to three hundred dollars ($300.00) per residential condominium unit constructed as part of the Proposed Development (the "Residential Development Fee"). In no event shall the total amount of all Residential Development Fees exceed the sum calculated as the amount of residential condominium units constructed at the Parcel multiplied by three hundred dollars ($300.00). (Based on the current specifications of the Proposed Development, there will be one hundred seventy (170) residential condominium units constructed on the Parcel, resulting in total Residential Development Fees of $51,000.)

2. The Business Development Fee associated with each square foot of office and/or retail and/or industrial building space shall be due and payable by the Developer to the Town within thirty (30) business days upon the lease or sale of each such square foot of office and/or retail and/or industrial building space to a third-party lessee or purchaser.

3. The Residential Development Fee associated with each residential condominium unit shall be due and payable by the Developer to the Town within thirty (30) business days after the conveyance of each such residential condominium unit to a third-party purchaser.

4. All payments due and payable under the terms of this Agreement shall be made to the Town and delivered to the office of the Town Treasurer in lawful money of the United States of America. Each payment shall be accompanied by a certificate from the Developer stating:

    a. The amount paid therewith;
    b. The method of calculation of the payment; and
    c. The location and number of the office, retail, or industrial space or residential condominium unit for which the payment is being made.

5. For each payment made by the Developer to the Town, the Town Treasurer shall issue, within thirty (30) business days, a receipt indicating that the payment set forth in the certificate has been made. Such receipt shall be conclusive and final evidence that such payment was timely made in accordance with the terms of this Agreement, and that no further payment shall be due in connection with said office, retail, or industrial space or residential condominium unit.

6. The Developer's obligation to pay any and all fees under this Agreement is contingent upon (i) the Developer consummating its agreement with Sycamore and taking title to the Parcel, and (ii) the Developer obtaining the necessary permits and approvals to construct the Proposed Development. In no event shall the Developer be obligated to pay any Business Development Fees, Residential Development Fees, or any other fees to the Town in the event that the Developer does not take title to the Parcel or is unable to obtain the necessary permits and approvals to construct the Proposed Development.

7. In no event shall this Agreement, or any notice or memorandum hereof, be recorded with any registry of deeds unless and until such time as (i) the Developer takes title to the Parcel, and (ii) the Developer and the Town agree, in a mutually executed written instrument, that it is in the best interests of the parties hereto to record this Agreement or a notice or memorandum hereof.

8. Any written notice, request or demand required or permitted by this Agreement shall, until either party shall notify the other in writing of a different address, be properly given if sent by certified or registered class mail, postage prepaid, and addressed as follows:

If to the Developer:	Westford Road Development, LLC c/o Walter K. Eriksen, Jr. 315 Middlesex Road, Unit 3 Tyngsboro, MA 01879 FAX (978) 649-3540
w/ a copy to:	Kevin Eriksen, Esq. Deschenes & Farrell, P.C. One Billerica Road Chelmsford, MA 01824 FAX (978) 250-0057
If to the Town:	Town of Tyngsboro, Board of Selectmen Town Offices 25 Bryants Lane Tyngsboro, MA 01879 FAX (978) _____

w/ a copy to:

9. This Agreement shall be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

10. Notwithstanding any provision of this Agreement to the contrary, it is expressly understood that this Agreement shall be non-recourse and that the extent of any and all liability on the part of the Developer hereunder is expressly limited to its interest in the Proposed Development. Furthermore, the Town expressly agrees (i) to look solely to such property and improvements making up the Proposed Development in satisfaction of the obligations of the Developer hereunder, and (ii) that no agent, employee, officer, manager or member of the Developer shall have any personal liability for any of the obligations of the Developer under this Agreement.

11. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts.

12. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original and all collectively but one and the same instrument. This Agreement may only be modified or amended by a written instrument executed by all parties hereto.

13. This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof.

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH	WESTFORD ROAD DEVELOPMENT, LLC
_____	_____ Walter K. Eriksen, Jr., Manager
_____	_____ James Patierno, Manager
_____	
_____	
_____	

A Majority Thereof

DRAFT

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, Walter K. Eriksen, Jr., one of the managers of Westford Road Development, LLC who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Westford Road Development, LLC, a Massachusetts limited liability company.

_____
Notary Public
My Commission Expires:

RELEASE OF DEVELOPMENT AGREEMENT

This Release of Development Agreement is made as of this _____ day of _____, 2010, by the Town of Tyngsborough, acting by and through its Board of Selectmen (the "Selectmen") and Planning Board (the "Planning Board").

WHEREAS, the Town of Tyngsborough, Massachusetts, by its Selectmen and Planning Board, and Paul E. Guaraidi and Francis D. Burke, as Trustees of Vesper Properties I Trust ("Vesper Properties") entered into that certain Development Agreement dated November 31, 1987 and recorded with the Middlesex North District Registry of Deeds at Book 4499, Page 264 (the "Development Agreement") in connection with the proposed development of a certain parcel of land in Tyngsborough, Massachusetts consisting of approximately 130 acres situated on the easterly side of Westford Road and the southerly side of Middlesex Road (the "Land');

WHEREAS, the proposed development, as contemplated in the Development Agreement, was never fully completed and on October 30, 2000, Vesper Properties conveyed the unimproved portion of the Land, consisting of approximately 102 acres, more or less, to Sycamore Networks Real Estate, LLC ("Sycamore") by a deed recorded with said Registry of Deeds at Book 11142, Page 333 (the "Sycamore Parcel").

WHEREAS, as a result of the abandonment of the proposed development, as contemplated in the Development Agreement, and the subsequent conveyance of the Sycamore Parcel, the Selectmen and the Planning Board believe it is in the best interest

of the Town of Tyngsborough that the Sycamore Parcel be released from the terms, conditions and provisions of the Development Agreement.

NOW THEREFORE, the undersigned, being a majority of the Selectmen and the Planning Board, hereby release the Sycamore Parcel from all of the terms, conditions and provisions of said Development Agreement, effective immediately.

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH	PLANNING BOARD OF THE TOWN OF TYNGSBOROUGH
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
A Majority Thereof	A Majority Thereof

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Planning Board named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Planning Board.

_____
Notary Public
My Commission Expires:

DEVELOPMENT AGREEMENT

This Development Agreement ("Agreement") is made as of this ___ day of _____, 2010, by and between the Town of Tyngsborough (the "Town"), acting by and through its Board of Selectmen (the "Selectmen"), and Westford Road Development, LLC (the "Developer").

RECITALS

WHEREAS, the Developer has entered into an agreement with Sycamore Networks Real Estate, LLC ("Sycamore") to acquire a certain parcel of land in Tyngsborough, Massachusetts, consisting of approximately 102 acres, more or less, situated easterly of Westford Road and southerly of Middlesex Road, said parcel being more particularly described in a deed recorded with the Middlesex North District Registry of Deeds at Book 11142, Page 333 (the "Parcel");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel a modified life-style facility known as Tyngsborough Commons, consisting of office and/or retail building space as well as two-bedroom condominium units ("Tyngsborough Commons");

WHEREAS, if, as and when the Developer consummates the transaction to purchase the Parcel from Sycamore, the Developer proposes, subject to being able to obtain all necessary permits and approvals, to construct on the Parcel one or more industrial office buildings known as Tyngsborough Technology Park ("Tyngsborough Technology Park") (Collectively, Tyngsborough Commons and Tyngsborough Technology Park shall be referred to herein as the "Proposed Development");

WHEREAS, the Proposed Development is anticipated to significantly increase and further diversify the Town's tax base, as well as provide employment and other substantial benefits to the Town;

WHEREAS, the Developer and the Town mutually desire and have been cooperating to expedite the Proposed Development of the Parcel in order to recognize the anticipated benefits that the Proposed Development will afford the Town;

WHEREAS, in order to alleviate any burden on Town services associated with the Proposed Development, the Developer has agreed, subject to the terms and conditions set forth herein, to pay to the Town certain development fees;

WHEREAS, the Town intends to accept said development fees and apply the same to the costs and expenses resulting, directly and indirectly, from the increased burden upon Town services (including, but not limited to, the upkeep and operation of Town sewer services servicing the Proposed Development and the upkeep and operation of Town recreational facilities to be located at the Proposed Development);

NOW THEREFORE, for good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Town and the Developer hereby agree as follows:

1. The Developer shall, upon the terms and conditions set forth in this Agreement, pay to the Town a fee in connection with the completion of each component of the Proposed Development as follows:

    a. The Developer shall pay to the Town a one-time fee equal to twenty-five cents ($0.25) per square foot of office and/or retail and/or industrial building space constructed as part of the Proposed Development (the "Business Development Fee"). In no event shall the total amount of all Business Development Fees exceed the sum calculated as the total amount of square feet of all building space used solely for office and/or retail and/or industrial purposes constructed at the Parcel multiplied by twenty-five cents ($0.25).

    b. The Developer shall also pay to the Town a one-time fee equal to three hundred dollars ($300.00) per residential condominium unit constructed as part of the Proposed Development (the "Residential Development Fee"). In no event shall the total amount of all Residential Development Fees exceed the sum calculated as the amount of residential condominium units constructed at the Parcel multiplied by three hundred dollars ($300.00).

2. The Business Development Fee associated with each square foot of office and/or retail and/or industrial building space shall be due and payable by the Developer to the Town within thirty (30) business days upon the lease or sale of each such square foot of office and/or retail and/or industrial building space to a third-party lessee or purchaser.

3. The Residential Development Fee associated with each residential condominium unit shall be due and payable by the Developer to the Town within thirty (30) business days after the conveyance of each such residential condominium unit to a third-party purchaser.

4. All payments due and payable under the terms of this Agreement shall be made to the Town and delivered to the office of the Town Treasurer in lawful money of the United States of America. Each payment shall be accompanied by a certificate from the Developer stating:

    a. The amount paid therewith;
    b. The method of calculation of the payment; and
    c. The location and number of the office, retail, or industrial space or residential condominium unit for which the payment is being made.

5. For each payment made by the Developer to the Town, the Town Treasurer shall issue, within thirty (30) business days, a receipt indicating that the payment set forth

in the certificate has been made. Such receipt shall be conclusive and final evidence that such payment was timely made in accordance with the terms of this Agreement, and that no further payment shall be due in connection with said office, retail, or industrial space or residential condominium unit.

6. The Developer's obligation to pay any and all fees under this Agreement is contingent upon (i) the Developer consummating its agreement with Sycamore and taking title to the Parcel, and (ii) the Developer obtaining the necessary permits and approvals to construct the Proposed Development. In no event shall the Developer be obligated to pay any Business Development Fees, Residential Development Fees, or any other fees to the Town in the event that the Developer does not take title to the Parcel or is unable to obtain the necessary permits and approvals to construct the Proposed Development.

7. In no event shall this Agreement, or any notice or memorandum hereof, be recorded with any registry of deeds unless and until such time as (i) the Developer takes title to the Parcel, and (ii) the Developer and the Town agree, in a mutually executed written instrument, that it is in the best interests of the parties hereto to record this Agreement or a notice or memorandum hereof.

8. Any written notice, request or demand required or permitted by this Agreement shall, until either party shall notify the other in writing of a different address, be properly given if sent by certified or registered class mail, postage prepaid, and addressed as follows:

If to the Developer:	Westford Road Development, LLC c/o Walter K. Eriksen, Jr. 315 Middlesex Road, Unit 3 Tyngsboro, MA 01879 FAX (978) 649-3540
w/ a copy to:	Kevin Eriksen, Esq. Deschenes & Farrell, P.C. One Billerica Road Chelmsford, MA 01824 FAX (978) 250-0057
If to the Town:	Town of Tyngsborough Board of Selectmen and Town Administrator Town Offices 25 Bryants Lane Tyngsboro, MA 01879 FAX (978) 649-2320

9. This Agreement shall run with the land and be binding upon and inure to the benefit of the heirs, executors, administrators, successors and assigns of the parties hereto.

10. Notwithstanding any provision of this Agreement to the contrary, it is expressly understood that this Agreement shall be non-recourse and that the extent of any and all liability on the part of the Developer hereunder is expressly limited to its interest in the Proposed Development. Furthermore, the Town expressly agrees (i) to look solely to such property and improvements making up the Proposed Development in satisfaction of the obligations of the Developer hereunder, and (ii) that no agent, employee, officer, manager or member of the Developer shall have any personal liability for any of the obligations of the Developer under this Agreement.

11. This Agreement shall be construed and interpreted in accordance with the laws of the Commonwealth of Massachusetts.

12. This Agreement may be executed in two (2) or more counterparts, each of which shall be deemed an original and all collectively but one and the same instrument. This Agreement may only be modified or amended by a written instrument executed by all parties hereto.

13. This Agreement terminates and supersedes all prior understandings or agreements on the subject matter hereof.

[Signatures Appear on the Following Page]

Executed as a sealed instrument as of the date first written above.

BOARD OF SELECTMEN OF THE TOWN OF TYNGSBOROUGH	WESTFORD ROAD DEVELOPMENT, LLC
_____	_____ Walter K. Eriksen, Jr., Manager
_____	_____ James Patierno, Manager
_____	
_____	
_____	

A Majority Thereof

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, _____, one of the members of the Town of Tyngsborough Board of Selectmen named above who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he/she signed it voluntarily for its stated purpose on behalf of the Town of Tyngsborough Board of Selectmen.

_____
Notary Public
My Commission Expires:

COMMONWEALTH OF MASSACHUSETTS

County of _____, ss. _____, 2010

Before me today the undersigned, Walter K. Eriksen, Jr., one of the managers of Westford Road Development, LLC who is personally known to me or otherwise proved to me through other satisfactory evidence of identification, which was _____, to be one of the persons whose name is signed on the preceding document, and acknowledged to me that he signed it voluntarily for its stated purpose on behalf of Westford Road Development, LLC, a Massachusetts limited liability company.

_____
Notary Public
My Commission Expires:

Therese Gay <tgay@tyngsboroughma.gov>

Monday night and new member of CPC

Linda Geyer <lgeyer@verizon.net> **Mon, Nov 1, 2010 at 1:04 AM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Hi Terry;

I am wondering if there is any room on tonight's selectman's agenda to put an appointment in for the CPC.

Our committee met last Weds night and voted unanimously to recommend Joelyn Riley as a member at large to the Community Preservation Committee.

I will put together a letter in the morning and send the PDF file to your attention. I really need to know so that both she and I can attend the meeting.

Thanks so much. My apologies for the late request.

Best regards,

Linda

October 4, 2010

To: Ashley O'Neil
Elizabeth Coughlin
Bob Jackson
Richard Lemoine
Rick Reault

2010 OCT -4 PM 3:23

BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Dear Board of Selectmen;

It has come to my attention that there is an open position on the C.P.C. for a member at large. I am hereby applying for that seat.

I've lived in Tyngsboro all my life, worked for the school system in one capacity or another since 1973, and have been a Special Education Paraprofessional for almost 26 years. I was a member of the committee exploring the second sites for a bridge crossing for 2 years, and despite that experience, am now willing to sit, again, on a town committee ! (I jest...the bridge committee was a wonderful learning experience.)

I have an interest in what goes on in Tyngsboro, and would be honored to be a part of the C.P.C.

Thank you for your time in considering my application.

Sincerely,

Joelyn Riley

Joelyn Riley

September 9, 2010

2010 SEP -9 PM 2:57
SELECTMEN
TYNGSBOROUGH, MA.

Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

RE: Community Preservation Committee

Honorable Board,

I'd like to submit my name for consideration for appointment to the Community Preservation Committee. I have been a resident of this town for 16 years, and have dedicated the past two years to serving the residents of this community in the Planning Board and Conservation Commission.

I am passionate about sustaining the integrity and value of Tyngsborough, and in promoting future endeavors that will enhance Tyngsborough's viability as an attractive community for families and businesses. I have gained valuable knowledge of the town through my work in the Planning Board and Conservation Commission, and I wish to share this knowledge with a Committee that truly cares about enhancing and preserving Tyngsborough's charm.

Regards,

Pamela A. Berman

Pamela A. Berman
55 Sequoia Drive
Tyngsborough, MA 01879

Cc: Community Preservation Committee

July 8, 2010

2010 SEP 30 10:34
TYNGSBOROUGH, MA.

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>

License Renewals and Open Meeting Law Minutes

Charles J. Zaroulis <charles.zaroulis@verizon.net> **Thu, Dec 2, 2010 at 4:03 PM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Dear Terry:

Your E-mail of November 29, 2010, presents two issues:

1. License Renewals:

You present the issue if the licensee pays the fee but the Board of Selectmen, for, I assume, a valid reason, does not renew, does the old license stay in effect until the Board renews?

A. Liquor Licenses:

License renewal under either M.G.L. c. 138, § 12 or 15, is "automatic" for the next annual or seasonal license period upon application by the holder in November and upon payment of the appropriate fee. See M.G.L. c. 138, § 16A. Prior to renewal of a license, the Board must inspect the premises to determine that it continues to comply with all respects with the parameters set forth in M.G.L. c. 138, § 1, M.G.L. c. 138, §§ 12 and 23.

A person whose application has so been rejected by the local licensing authorities, for the purposes of M.G.L. c. 138, § 17, shall be deemed to have been granted such a license until the period for such an appeal to the Alcoholic Beverages Control Commission has expired or until the appeal has been dismissed.

B. Entertainment Licenses:

Unlike liquor licenses, entertainment licenses are not automatically renewed. The Board of Selectmen has authority to establish renewal procedures. Note well, however, that parties presently holding entertainment licenses enjoy a recognized "expectation" that the license will be renewed. If the Board of Selectmen determines not to renew the license, it likely will be met with the same significant First Amendment challenge that attends the original issuance. The burden of proof in entertainment license matters ordinarily lies with the Board of Selectmen, as it is presumed that there is a public need for the service or expression.

C. General Comments Regarding Licenses:

As I have previously written to the Board, the Board must be mindful that our Constitution requires due process, in particular with regard to entertainment licenses, which have First Amendment protection. Consequently, with licenses, it has been my strong recommendation in the past that if there is an issue which cannot be addressed by hearing prior to the expiration date, the license may be extended until a hearing is held. To do otherwise invites unnecessary and costly constitutional litigation.

Often, an issue is raised in November or December, for example, by the Tax Collector, that taxes have not been paid by the real estate owner; and, therefore, under M.G.L. c. 40, § 57, no permit or license should be renewed. But, often the licensee is merely a licensee and may have timely paid its rent. To not renew without a hearing would be unfair.

2. Open Meeting Law:

You present the issue whether, under the Open Meeting Law, the minutes must be verbatim. The Open Meeting Law provides as follows:

"Minutes" is defined as "... the written report of a meeting required by subsection (a) of section 23 and section 5A of chapter 66. ... (My emphasis.)

Minutes must now, of course, be accurate and include the date, time, and place of the meeting, members present or absent, list of all documents or exhibits used, a summary of the discussion regarding each subject, the setting forth of any decision made and actions taken. I recommend that the vote be recorded and, where required by statute or law, the names of each member and his or her vote.

My view is that only an accurate summary of the discussion is necessary; therefore, the minutes need not be verbatim.

Please call me if you have any questions or to discuss. Please distribute **this E-mail** to all Selectmen.

Charles J. Zaroulis, Town Counsel

cc: Opinion File 2010

Charles J. Zaroulis, Esq.

40 Church Street, Suite 500

Lowell, Massachusetts 01852-2686

Tel: 978.458.4583

Fax: 978.937.0950

E-mail: charles.zaroulis@verizon.net

From: Therese Gay [mailto:tgay@tyngsboroughma.gov]
Sent: Monday, November 29, 2010 10:36 AM
To: Charles J. Zaroulis
Subject: Attendance to Selectmen's Meeting on Monday, December 6

Good Morning Charles,

I am writing to invite you to attend the Selectmen's night Monday December 6.

We are having the hearing for the Tyngsborough Sports Center Entertainment License.

I will also have the renewals and minutes. There maybe questions.

1) on the renewals a question came up - If the license is not renewed does the old license stay in effect until the Board renews?
My answer was if not renewed by December 31 the establishments do not open on January 1.

2) on the minutes and I have the open meeting law, I know there has to be a paragraph on what transpired. I do that I do not do verbatim such as he said this or she said that unless specifically asked to do so and then I do have that person review the quote for accuracy. I will send a draft copy of a set of minutes to review.

Please let me know if you can attend.

Thank you Charles

Terry
Thank you Charkles,

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.

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 November 16, 2010 6:00 P.M. Elementary School Teachers Lounge

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

Finance Committee Members Present: John Griffin, Rob Mullin, Kenney Times, Linda Geyer, Sean Martin was absent.

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1. 6:00 P.M Open Meeting

The Board voted 5-0 to open the work session on a motion by Selectman Jackson, second by Selectman Reault.

The Finance Committee voted 4-1 to open their meeting on a motion by Member Times, second by Member Geyer.

The Board and Finance Committee met to discuss Article 4 of the Special Town Meeting Warrant. This Article finances the 4 contracts negotiated by the Board of Selectmen. The 4 contracts are for 1 year and this restores the hours for the Clerical, Mid-Managers and Highway Personnel and the Quinn Bill to the Police Officers. And two employees did receive an increase in pay, the Town Collector and the Town Clerk, this increase was to keep parity with all employees.

The Snow and Ice amounts remain the same. The Cash balance is $600,000 plus/minus. The payment of the recurring costs is from a source of recurring income. Last years free cash was $120,000.

All the contracts were ratified and are in effect for 1 year.

The Finance Committee did vote 4-1 to support Article 4 on a motion by Member Times, second by Member Geyer.

The Finance Committee voted 4-1 on a motion by Member Times, second by Member Geyer to adjourn their meeting. The Finance Committee adjourned at 6:47 P.M.

2. 9:30 P.M. Adjournment

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to adjourn their meeting. The Board adjourned at 6:47 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 November 16, 2010 6:00 P.M. Elementary School Teachers Lounge

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

"The listing of matters are those reasonable 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."

Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss collective bargaining, and to exit the Executive Session and to return to open session, to meet with the Finance Committee and to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.
The Board entered Executive Session 6:00 P.M.

The Town Administrator did report that the paperwork on the new building commission is complete and no issues were reported. Mr. Crowell will work an additional couple of days to help Mr. Welcome acclimate to the position.

All the Union Contracts have been ratified and are final. The Police Contract has inserted a Section 8 Agreement to Extend the Terms and Conditions of this Agreement. Discussion ensued. The insertion of this clause preserves our rights and Labor Counsel feels it would not be a detriment. Comment that this clause is a benefit to the officers and is impossible to take out no matter if it is for this year only. This wording is in place to protect and can be omitted next year during negotiations. No more discussions on this matter. The Board voted 4-1 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the inclusion of Section 8. Roll Call vote: Selectman Jackson, yes; Selectman Lemoine, no; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the Highway Contract with the amendment of $.07, this amount is added to a miss calculation of one of the highway employees. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to approve the Clerical Contract and the Mid Managers Contract. Roll Call Vote: Selectman

Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

There was a difference of legal opinion relative to the information in the Town Meeting warrant on the funding of the moneys to be used to restore the hours. Ms Randazzo's opinion via e-mail and the Town Moderator agrees that the warrant article articulates where the money is going. There was discussion on the salary for the Town Clerk and the Town Collector. Their salaries reflect an increase keeping in line with the all employees. There was a brief discussion on changing the two elected position to appointed and on the merits of having charter change study. The Town is now operating by Town By-Law.

On another note an unsigned letter regarding the Fleur-de-Lis was received by the Selectmen and a copy was delivered to the Police Department.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to exit executive session and to return to open session. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.
The Board exited the executive session at 6:35 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 Meeting Minutes DRAFT

Monday November 8, 2010 6:00 P.M. Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

1. 5:00 P.M. Interview/Building Commissioner

The Board interviewed the first of the two finalists for the Building Commissioner's position. The Board thanked the applicant for coming in.

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

2. 6:00 P.M Tax Classification Hearing

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to open the advertised hearing. Selectman Reault read the legal notice, the Chairman asked the Board of Assessors to come forward and make their presentation. The Assistant Assessor read through the presentation information. After the question and answer period the Board of Selectmen voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to approve the factor of one (1) for the fiscal year 2011.

The Board voted unanimously on a motion by Selectwoman Coughlin, second by Selectman Jackson to close the hearing.

3. Citizen Time

No one came forward this evening.

4. Accept Selectmen Meeting Minutes/Executive Session Minutes

- Monday October 04, 2010
- Monday October 18, 2010

The Board of Selectmen voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to approve the minutes of Monday October 4 and the minutes of Monday October 18 and the executive session minutes of Monday October 4 and Monday October 18. Discussion, Selectman Jackson has asked that the prior year executive session minutes be placed on the web site and that the approved executive session upon release be placed on the website with the accompanying correspondence.

5. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Lemoine to accept the correspondence as submitted. The Board invited the Dracut Water Supply District to their next scheduled meeting.

The Board voted on a motion by Selectwoman Coughlin, second by Selectman Reault to enter into a 7:00 P.M. Work Session to discuss and recommend the Special Town Meeting Warrant Articles with

the Board of Selectmen, to continue with the 7:30 Interview of a candidate for the Building Commissioners position and at the end of the interview, to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes: Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 8:45 PM

6. 6:30 P.M. Finance Committee

- STM Warrant Articles/Review and Recommendations

The Finance Committee voted 5-0 on a motion by Member Mulllin, second by Member Martin to open the meeting. The Finance Committee joined the Selectmen at 7:00 P.M.

Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

Amount	Transfer From:	Transfer To:
$4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
$4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
$6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
$8,500.00	#543-5110 Veteran's Agent Salary	#241-5110 Building Coms. Salary

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $150,000 to the Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $200,000 to the Capital Asset Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of $265,000 as follows: $100,000 to Snow Removal Expense Account #423-5533 and $165,000 to Other Salaries Account #122-5119. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin no action on this article and will make recommendation on town meeting floor.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $10,000 to be expended by the Board of Selectmen for street light acquisition.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Martin to recommend this article

Article 6. To see if the Town will vote raise and appropriate the sum of $680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 7. To see if the Town will vote to appropriate by transfer from available funds the sum of $83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto. Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 8. To see if the Town will vote to appropriate by transfer $14,000 from Debt Service Account #710-5910 and $12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto. Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee voted 3-2 on a motion by Member Times, second by Member Martin to not recommend this article.

Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article

Article 10. To see if the town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to not recommend this article

Article 11. To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee took no action on this article, this article has no monetary value.

Article 12. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Coughlin to recommend this article.

The Finance Committee voted 3-2 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 13. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to recommend this article.

The Finance Committee voted 5-0 on a motion by Member Times, second by Member Mullin to recommend this article.

Article 14. To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of $0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the

Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee
Parcel 14-18-T in Fee
Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Reault to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

Article 15. To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

Article 16. To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1
Owner: Westford Road Development, LLC Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to recommend this article.

The Finance Committee took no action on this article as it has no monetary value.

The Finance Committee voted 5-0 on a motion by Member Times, second by Mullin to adjourn their meeting at 7:45 P.M.

7. 7:30 P.M. Interview/Building Commissioner

The Board interviewed second of the two finalists for the Building Commissioner's position. The Board thanked the applicant for coming in. At the conclusion of the interviews the Board voted to offer the position to one of the finalists, the Administrator will contact the individual and will notify the Board of his decision to accept or not.

8. 8:45 P.M. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board entered into executive session at 8:45 P.M.

9. Adjournment

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to adjourn the meeting. The meeting adjourned at 10:30 PM.

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 Meeting Agenda

Monday November 8, 2010 6:00 P.M. Town Offices

1. **5:00 P.M. Interview/Building Commissioner**

2. **6:00 P.M Tax Classification Hearing**

3. **6:30 P.M. Finance Committee**
   - STM Warrant Articles/Review and Recommendations

4. **Citizen Time**

5. **Accept Selectmen Meeting Minutes/Executive Session Minutes**
   - Monday October 04, 2010
   - Monday October 18, 2010

6. **Correspondence**

7. **7:30 P.M. Interview/Building Commissioner**

8. **8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.
   - Collective Bargaining

9. **Adjournment**

Future Meetings

*Thursday November 11, 2010 the Town Offices Will Be Closed in Honor of Veterans' Day.
**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School, 205 Westford Road.
Selectmen's Meeting Monday, November 22, 2010 at 6:00 P.M. at Town Hall Offices
*Thursday November 25 and Friday November 26, 2010 the Town Offices Will Be Closed for the Thanksgiving Holiday.
Selectmen's Meeting Monday, December 06, 2010 at 6:00 P.M. at Town Hall Offices
Selectmen's Meeting Monday, December 20, 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 November 1, 2010 6:00 P.M. Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson, Selectman Rich Lemoine.

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

1. 6:00 P.M Open Meeting

The Chairman opened the meeting on a motion by Selectman Jackson, second by Selectman Lemoine.

2. New Business

- Review Special Town Meeting Articles

The Board reviewed and discussed the special town meeting warrant articles. The review and discussion is as follows: Article 1. To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

Amount	Transfer From:	Transfer To:
$4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
$4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
$6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
$8,500.00	#543-5110 Veteran's Agent Salary	#241-5110 Building Coms. Salary

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Lemoine to place this article on the warrant.

Article 2. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $150,000 to the Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 3. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $200,000 to the Capital Asset Stabilization Fund. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 4. To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of $265,000 as follows: $100,000 to Snow Removal Expense Account #423-5533 and $165,000 to Other Salaries Account #122-5119. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 5. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $10,000 to be expended by the Board of Selectmen for street light acquisition.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Reault to place this article on the warrant.

Article 6. To see if the Town will vote raise and appropriate the sum of $680.18 to be expended by the Planning Board to pay a prior year's bill, or take any other action relative thereto.

Submitted by: Planning Board

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 7. To see if the Town will vote to appropriate by transfer from available funds the sum of $83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto. Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 8. To see if the Town will vote to appropriate by transfer $14,000 from Debt Service Account #710-5910 and $12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto. Submitted by: School Committee

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 9. To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

Submitted by: Sewer Commissioners

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 10. To see if the town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 11. To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 12. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 13. To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of $4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen. Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 14. To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of $0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee
Parcel 14-18-T in Fee
Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 15. To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto. Submitted by: Board of Selectmen
The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

Article 16. To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.
Location: 50 Westford Road, Map 21, Parcel 23, Lot 1
Owner: Westford Road Development, LLC Submitted by: Board of Selectmen
The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to place this article on the warrant.

The Board voted unanimously on a motion by Selectman Jackson, second by Selectman Lemoine to sign and post the special town meeting warrant.

- Tyngsboro Sports Center Entertainment License/Revised

The Board deferred the request from the Tyngsboro Sports Center to amend their entertainment license to a future agenda. The Administrator will contact the Firm of Kopelman and Paige to assist the town in formulating a set of regulations for sport promotionals.

- Building Commissioner Applicants Discussion

The Board discussed the interview process and have asked that two of the applicants be scheduled for interviews on Monday November 8, 2010.

- Open Meeting Law/Elections Discussion

There were no discussions on this subject this evening.

- Cultural Council Discussion

There were no discussions on this subject this evening. The matter has been resolved.

3. Correspondence

The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Jackson to accept the correspondence for discussions. The correspondence referencing the public discussion on negotiations was not complete page 2 was missing. The Board asks the Administrator to place the field use contract on the next selectmen's agenda.

4. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes: Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 10:00 PM

5. 9:30 P.M. Adjournment

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 11:00 PM.

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 November 1, 2010 6:00 P.M. Town Offices

Member Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Robert Jackson.

Member absent: Selectman Rich Lemoine

Staff: Town Administrator Michael Gilleberto, Admin. Assistant Therese Gay

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"The listing of matters are those reasonable 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."

Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to enter into Executive Session to discuss 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 the Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.

The Board entered Executive Session 10:00 P.M.

The Board discussed the restoration of hours to the Town Hall staff and to restore the Quinn Bill to the Police Officers. The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to restore the hours to the Town Hall staff and restore the Quinn Bill to the Police Officers.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to move the proposal for the removal of the Town Treasurer and the Town Accountant from the Union and the lateral transfers of the Council on Aging and the Police Custodian to the Highway Union; propose a package recognizing $165,000 for the restoration of hours and the Quinn bill subject to Town Meeting appropriation no raises for one (1) year.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Reault to pay the Quinn bill for ½ year to the Police Officers.

The Board will contact the Chief of Police and discussions on the creation of Lieutenants and then the Board will make a decision. The board discussed the ground rules for negotiations for the Police Officers.

The Board voted 5-0 on a motion by Selectman Lemoine, second by Selectman Jackson to set the ground rules for negotiations with the Police Union and to set a meeting with the Police Chief to discuss the creation of the Lieutenants positions.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.
The Board exited the executive session at 11:00 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 Meeting Agenda

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

1. **6:00 P.M Open Meeting**

2. **New Business**
   - Review Special Town Meeting Articles
   - Tyngsboro Sports Center Entertainment License/Revised
   - Building Commissioner Applicants Discussion
   - Open Meeting Law/Elections Discussion
   - Cultural Council Discussion

3. **Correspondence**

4. **Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

   - Collective Bargaining

5. **Adjournment**

Future Meetings

Selectmen's Meeting Monday, November 8, 2010 at 6:00 P.M. at Town Hall Offices

**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School, 205 Westford Road.

Selectmen's Meeting Monday, November 22, 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 October 25, 2010 6:00 P.M. Town Offices

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

"The listing of matters are those reasonable anticipated by the Chairman 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."

1. 6:05 P.M Open Meeting

The Chairman opened the meeting, the Board Members were introduced and the agenda was read.

2. New Business

- Liquor License Transfer Request – Laxminarayan Liquor, Inc.

The legal notice was read by Selectman Reault, the Board voted 5-0 on a motion by Selectman Jackson, second by Selectwoman Coughlin to open the public hearing. The Board welcomed Attorney Joseph Devlin and the owners of Laxminarayan Liquor Harry and Brinda Patel. The Patels are purchasing the package store from the present owner Mr. David Ziemlak. This evening the Board will vote to transfer the license. All of the documents are in order, the background check is clear. Mr. Patel has been in a family business for many years and is familiar with all of the rules and regulations governing the sale of alcohol. The Board satisfied that all the documentation is in order and that Mr. and Mrs. Patel are experienced in the sale of alcohol voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Jackson to approve the transfer of the All Alcoholic Package Store liquor license as presented, and to change the manager of record from David Ziemlak to Brinda Patel.

The Board voted 5-0 on a motion by Selectwoman Coughlin, second by Selectman Lemoine to approve the pledge of the liquor license and the inventory to Rockland Trust.
The Board welcomed Mr. and Mrs. Patel to the community and wished them well on their new endeavor.

- Manager Change Transfer Request – Tyngsboro Sportsmen Club, 90 Westford Road

The Tyngsboro Sportsmen Club has petition the Board for a change of Manager of Record. Mr. Nash, Mr. Hustins and Mr. Wood were before the Board to present their petition and to answer any questions. Mr. Robert Wood the proposed new manager introduced himself and outlined his qualifications, he has been a member for many years and has helped at the bar and possesses a TIP Certification. The Board found all of the paper work to be in order and there were no issues. The Board voted 4-1 on a motion by Selectman Jackson, second by Selectman Lemoine to approve the petition to change the manager of record from James Hustins to Robert Wood. The Board congratulated Mr. Wood. Selectwoman Coughlin recused from the vote due to a possible conflict, she is a member of the Club.

- 6:30 P.M. Street Acceptance Hearing – Cedar Street

The Conservation Commission has sent a petition to the Board of Selectmen to place a warrant article of a town meeting to make Cedar Street a public way the Town Meeting in 1986 did accept Cedar Street as a public way but did not follow through on the final paperwork. This is correcting the procedure that was not followed. The Conservation Commission became involved because of

the numerous complaints from neighbors and residents who have tried to use the ramp and were stopped by the owners of the Fleur-de-lis club.

The Board on a motion by Selectman Reault, second by Selectwoman Coughlin to open the hearing. Selectman Reault, Clerk read the notice that was sent to all of the abutters. The Chairman seeing that Mr. Smith of the Conservation Commission not present asked Town Counsel the Board should proceed, Town Counsel advised that the Board may proceed. The Chairman outlined the course the Board will take this evening. The Chair will ask the residents in attendance if they wish to speak in favor of the taking followed by the residents who are against the taking.

The Chairman asked if there were any residents present who wished to speak in favor of the taking. There were 9 residents who spoke in favor of the taking. They have been living in the area for a long time and have used the ramp on many occasions. Many of the residents had encounters with the owners of the Fleur-de-lis club. They have often stopped residents from using the ramp saying they would have to become members to use it. They have placed signs prohibiting anyone from using the boat ramp. Town Counsel that the abutters do own the private way but the residents who have deeds stating the use of easements to the pond have a right to pass and repass. If the town takes it as a public way then other town residents may use the ramp not just the neighbors.

The owners of the Fleur-de-lis club represented by their attorney were present to speak against the proposed taking. They feel it would be detrimental to their business. After a brief recess the Conservation Agent was present and he gave testimony to their request to accept Cedar Street, the Commission examined the area at the requests of residents. The Commission working with Town Counsel and a consultant has recorded/surveyed to correct the 1986 vote to accept Cedar Street.

The Board voted 4-1 on a motion by Selectman Reault, second by Selectman Jackson close the evidentiary portion of the hearing. The Board voted 4-1 on a motion by Selectman Reault, second by Selectwoman Cougblin having complied with the requirements of M.G.L. c82, s22-24 and having conducted a public hearing after notice to abutters, move that the Board of Selectmen lay out Cedar Stgreet as a public way and accept said way, as on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc.
The Board thanked everyone for coming out this evening.

- Appoint Three Reserve Officers – Tyngsborough Police Department

The Board received correspondence from the Chief of Police asking the Board appoint three Reserve Officers, the Board will be introduced to all seven of the appointees at a future meeting.
The Board voted unanimously on a motion by Selectman Lemoine, second by Selectman Reault to appoint Carlos Borges, Brian Jones, and Edward Caissie as Reserve Officers to the Tyngsborough Police Department.

- Review Special Town Meeting Articles

The Selectmen deferred the review to their next schedule meeting on November 1, 2010.

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

No one came forward this evening.

4. Correspondence

The Board voted unanimously on a motion by Selectman Reault, second by Selectman Jackson to accept the correspondence as read. Selectman Jackson brought forth a couple of items for discussion. The Chapter 90 road survey to complete and see if sidewalks can be reviewed; notify

the Historical Commission the Historical Grant information and the scholarship information is available at the school; also some discussion on the Planning Board applicant and the Cultural Council's procedures on grant applications.

5. **Selectmen's Reports**

- Selectman O'Neill – Strategic Financial Planning

The Capital Asset Committee will meet in December and the forms will be sent out next month.

- Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections

A comment on the restructuring the different departments and restructuring the town government is a big endeavor. On a good note the EEAC met with the Planning Board on the wind and solar by law and the NMCOG is working with the Planning Board on the by-law. The Town of Tyngsborougj was recognized at an award ceremony at Lowell City Hall for their commitment to Green iniatives. The Mass Dept. of Energy Resources presented Selectwoman Coughlin and Chairman O'Neill with Green Communities certificates and a grant check for $161,000.00 for the building envelope upgrades at the Town Hall and the Tyngsborough Middle School and Administration Offices.
Selectman Reault – Northern Middlesex Council Of Government
I attending the NMCOG's annual meeting the guest speaker was Marty Meehan. NMCOG is keeping track of affordable housing and is working on the updating the Town's plan.

- Selectman Lemoine – Economic Development

Spoke about the town' charter has not changed in 200 years and it is time to take a look at it, and would like to place it on a future agenda for discussion and to check on the funds allocated for the study.

- Selectman Jackson – The Early Childhood Center

The School Committee voted to allow the Town to store its records at the Early Childhood Center. The Schools are not ready to release the building as the population trend is increasing and there may be a need for the school if more students enroll. The SFPC is winding down and will have their 3 year financial report of its finding during the last two years. I would like to see a sub-committee to serve to study the town's insurance.

6. **Town Administrator's Reports** – No Report Available

7. **8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining
- Collective Bargaining

The Board voted on a motion by Selectman Reault, second by Selectwoman Coughlin to enter into Executive Session to discuss collective bargaining and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, yes; Selectwoman Coughlin, yes: Selectwoman O'Neill, yes; Selectman Reault, yes. The Board entered into Executive Session at 8:30 PM

8. **9:30 P.M. Adjournment**

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting adjourned at 10:30 PM.

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 October 25, 2010 6:00 P.M. Town Offices

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

"The listing of matters are those reasonable 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."

Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

- Collective Bargaining

The Board voted 5-0 on a motion by Selectman Reault, second by Selectwoman Coughlin to enter into Executive Session to discuss 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 the Executive Session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.
The Board entered Executive Session 8:30 P.M.

The Board discussed the budget at length with the Town Administrator via telephone. They discussed the Quinn bill reimbursement. There was discussion on the separation issue involving the sergeants and the patrolmen. The separation should have no bearing on the negotiations as it is a separate issue. The police discussions are going well and the negotiations for this past week were rescheduled.

The Board voted 5-0 on a motion by Selectman Reault, second by Selectman Jackson to exit executive session and to return to open session only to adjourn. Roll Call Vote: Selectman Jackson, yes; Selectman Lemoine, absent; Selectwoman Coughlin, yes; Selectwoman O'Neill, yes; Selectman Reault, yes.
The Board exited the executive session at 10:30 P.M.

Respectfully submitted,

Therese Gay
Admin Assistant

Approved on _____

TOWN OF TYNGSBOROUGH

Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

TO: Board of Selectmen

FROM: Michael P. Gilleberto, Town Administrator MP

DATE: October 22, 2010

SUBJECT: First Quarter Revenue Adjustments / Free Cash

Per the request of the Board, below is a potential use of available resources:

RECURRING
+$160,000 in New Growth (certified on Thursday; above the $200,000 projection)
+$80,000 in Meals Tax Revenue above projection
=Total: $240,000

Proposal:
Make available up to $75,000 for restoration of SEIU reduced hours
Make available up to $75,000 for use in negotiating reforms to Quinn Bill
Balance to Snow and Ice account and/or Finance Reserve

Note: to access this revenue in FY 2011, it must be appropriated prior to the recapitulation being completed by the Board of Assessors. Otherwise, it will flow to Free Cash certified as of June 30, 2011.

ONE-TIME
+$65,000 Supplemental Assessments
-Offset by potential exposure of $40,000 due to condo/apartment classification dispute
+$917,000 Free Cash approved and to be certified week of 10/15/2010
=Total: $942,000

Proposal:
Utilize $250,000 to expand stabilization (current balance is $585,000)
Make available up to $400,000 for capital improvements

TOWN OF TYNGSBOROUGH

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Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator MPG

TO: Board of Selectmen

CONFIDENTIAL

DATE: October 22, 2010

RE: Collective Bargaining: SEIU and Police

Attached please find spreadsheets reflecting costs associated with collective bargaining.

The columns are as follows, for ease of comparison:

- Pre-reduction hours and FY 2010 contractual pay rates
- Current hours and pay rates in effect
- FY 2011 budgeted hours and pay rates in effect
- A proposal for hours and pay rates that I have prepared as requested on October 18th:
    - Includes financial impact of changes effective December 1, 2010 (30.45 weeks)
    - Includes financial impact of changes annualized in FY 2012 (does not include steps [2.2% for eligible employees] or COLA)
- The SEIU proposed minimum staffing level for each position

NOTE: this information was prepared by me as a good faith starting point for the BoS, and is based on information provided to the Interim Town Administrator in April for the restoration of hours (spreadsheet also attached). Consultation with the Treasurer and Accountant will be required to validate these numbers 100% (July 1, 2011 steps, etc).

I have also included the proposals that I believe the Selectmen should continue to seek in negotiations.

Additionally, attached please find the spreadsheet including the cost of the state share of the Police Career Incentive Program (Quinn Bill).

Town of Tyngsborough
DRAFT proposal for restoration of hours

Mid Managers

Position	Last name	Pre-reduction hours	Contractual FY 2010 Rate - weekly	Current Hours	Current Rate - weekly	FY 2011 funded hours	FY 2011 funded rate - weekly	MPG proposed hours	Proposed Rate - weekly	Net FY 2011 impact	Net FY 2012 impact	Tax-levy offset available ?	SEIU proposed minimum hours
Assessor	Gibbons (hired post reduction)	**40**	1,264.37	37	1,264.37	37	1,264.37	**40**	1,366.89	**3,121.73**	**5,351.54**	No	**40**
Building Inspector	(interim)	**40**	1,240.48	37	1,240.48	37	1,240.48	**40**	1,341.06	**3,062.64**	**5,250.25**	No	**40**
Conservation Director	Maro	**22**	568.14	20	568.14	20	568.14	**22**	624.95	**1,729.99**	**2,965.69**	Yes	**25**
Council on Aging Director	Reynolds	**40**	975.35	35	853.43	35	853.43	**40**	975.35	**3,712.46**	**6,364.22**	Yes	**40**
Health Director	Oun (hired post reduction)	**27**	597.70	27	597.70	27	595.19	**27**	597.70	**0.00**	**0.00**	No	
Recreation Director	McNamara (no reduction)	**20**	494.75	20	494.75	20	494.75	**20**	494.75	**0.00**	**0.00**	No	**30**
Sewer Admininstrator	Miceli (promoted post reduction)	**30**	637.44	27	573.70	30*	749.00	**30**	637.44	**-3,397.00**	**0.00**	Sewer	**30**
Sewer Superintendent	Curseaden (hours and rate presently restored)	**40**	1,484.90	40	1,484.90	40	1,484.90	**40**	1,484.90	**0.00**	**0.00**	Sewer	**40**
Town Accountant	Cronin (wage freeze at 40 hours)	**40**	1,409.97	40	1,368.89	40	1,368.89	**40**	1,409.95	**1,250.28**	**2,143.33**	No	**40**
Town Treasurer	Colburn-Dion	**35**	1,131.48	32	1,034.60	32	1,034.00	**40**	1,293.13	**7,890.51**	**13,526.59**	No	**35**
Veteran's Agent	O'Connor	**30**	531.82	27	531.82	27	531.82	**30**	590.91	**1,799.29**	**3,084.50**	No	**40**
Human Resources	(proposed new position)	**X**	X	X	X	0	0.00	**N/A**	N/A	**?**	**?**	No	**20**
									Total	**19,169.90**	**38,686.12**		

Clerical

Position	Last Name	Pre-Reduction hours	Contractual FY 2010 Rate - Hourly	Current Hours	Current Rate - hourly	FY 2011 funded hours	FY 2011 Funded Rate - hourly	MPG proposed hours	Proposed Rate - hourly	Net FY 2011 impact	Net FY 2012 impact	Tax-levy offset available ?	SEIU proposed minimum hours
Assessor Admin Asst	Wilson (hired post reduction)	**35**	19.07	20	19.07	20	19.07	**30**	19.07	**5,806.82**	**9,954.54**	No	**35**
Assistant Town Treasurer	Cayer (wage freeze)	**17**	19.07	17	18.66	17	18.66	**17**	19.49	**429.65**	**736.54**	No	**17**
Treasurer's Clerk	Clancy (wage freeze)	**30**	17.96	30	17.96	30	17.96	**32**	17.96	**1,093.76**	**1,875.02**	No	**35**
Assistant Tax Collector	Dutton (wage freeze)	**32**	19.49	32	19.07	32	19.07	**32**	19.91	**818.50**	**1,403.14**	No	**35**
Assistant Town Accountant	Cayer (wage freeze)	**8**	18.66	8	18.66	8	18.66	**10**	18.66	**1,136.39**	**1,948.10**	No	**8**
Asst. Town Clerk	Johnson	**22.5**	17.49	20	17.49	20	17.49	**22.5**	17.49	**1,331.43**	**2,282.45**	No	**22.5**
Bldg Dept. Admin Asst.	McPartlan (promoted post-reduction)	**35**	14.67	25	15.01	25	15.01	**35**	15.01	**4,570.55**	**7,835.22**	No	**35**
Planning Admin. Asst	Berman	**20**	15.34	18	15.68	18	15.68	**20**	15.68	**954.91**	**1,636.99**	No	**20**
Council on Aging Custodian	Tiano	**10**	14.45	8	14.77	8	14.77	**10**	14.77	**899.49**	**1,541.99**	No	**10**
Council on Aging Meals Site	Poirier	**10**		8	13.60	8	13.60	**10**	13.60	**828.24**	**1,419.84**	Yes	**10**
Council on Aging Secretary	Pecora	**35**	16.29	30	16.29	30	16.29	**35**	16.29	**2,480.15**	**4,251.69**	Yes	**35**
Electrical Inspector	(interim)	**20**	13.83	18	13.83	18	13.83	**18**	13.83	**0.00**	**0.00**	No	**none**
Health Clerk	Steeves (no reduction)	**19**	15.34	19	15.68	19	15.68	**19**	15.68	**0.00**	**0.00**	No	**22**
Gas/Plumbing Inspector	(interim)	**20**	18.77	18	18.77	18	18.77	**18**	18.77	**0.00**	**0.00**	No	**none**
Library Employees A-D	Delli-Colli; Geoffroy; Sides; Spickler (hours reduced)	**140**	72.59	135	72.59	135	72.59	**140**	72.59	**11,051.83**	**18,945.99**	Library	**140**
Library Employee E	Wolfson (wage freeze)	**40**	15.26	30	15.60	30	15.60	**40**	15.60	**4,750.20**	**8,143.20**	Library	

Library Employee F	Curran (wage freeze)	**20**		20	16.29	20	16.29	**20**	16.78	**298.41**	**511.56**	Library	
Conservation Admin. Asst	Berman	**15**	15.34	14	15.68	14	15.68	**15**	15.68	**477.46**	**818.50**	Yes	**15**
Police custodian	Corner	**26**	14.76	24	15.09	24	15.09	**26**	15.09	**918.98**	**1,575.40**	No	**26**
Sewer Clerk	(vacant)	**8**		7		8		**8**		**0.00**	**0.00**	Sewer	**8**
Town Collector Clerk	Tetrault	**14**	14.52	8	14.52	8	14.52	**14**	14.52	**2,652.80**	**4,547.66**	No	**14**
Veteran's Secretary	Johnson	**12.5**	17.49	11	17.49	11	17.49	**12.5**	17.49	**798.86**	**1,369.47**	No	**12.5**
Highway Clerk	(vacant)	**20**	13.6	18	13.9	18	13.9	**25**	13.90	**2,962.79**	**5,079.06**	No	**26**
									Total	**44,261.21**	**75,876.35**		

Highway

Position	Last Name	Pre-Reduction hours	Contractual FY 2010 Rate - weekly	Current Hours	Current Rate - weekly	FY 2011 funded hours	FY 2011 Funded Rate - weekly	MPG proposed hours	Proposed Rate - weekly	**Net FY 2011 impact**	**Net FY 2012 impact**	Offset?	SEIU proposed minimum hours
Highway Laborers	Ten	400	8564.8	380	8136.56	380	8145.2	400	8564.8	**12776.82**	**21,903.12**	No	400
									Total	**12776.82**	**21,903.12**		
										FY 2011	**FY 2012**		
								Grand Total		**76,207.93**	**136,465.60**		

POSITI	DEPT	Hours Pre-Reduction/ Post Restoration	REDUCED H		If restored: Per week impact	Annual
Assessor	Assessor's Office	40	3 hours/week		$ 102.54	$ 5,352.59
Assessor Admin Asst *	Assessor's Office	35/20	15 hours/week		$ 279.90	$ 14,610.78
Town Treasurer	Treasurer's Office	35	3 hours/week		$ 96.99	$ 5,062.88
Conservation Director	Conservation	22	2 hours/week		$ 56.82	$ 2,966.00
Conservation Admin. Asst	Conservation	15	1 hour/week		$ 15.34	$ 800.75
Building Inspector	Building	40	3 hours/week		$ 100.59	$ 5,250.80
Gas/Plumbing Inspector	Building	Died/Pos not filled	2 hours/week		$ 40.50	$ 2,114.10
Electrical Inspector	Building	20	2 hours/week		$ 27.58	$ 1,439.68
Bldg Dept. Admin Asst. *	Building	35/25	10 hours/week		$ 146.90	$ 7,668.18
Council on Aging Director	COA	40	5 hours/week		$ 121.95	$ 6,365.79
Council on Aging Secretary	COA	35	5 hours/week		$ 81.45	$ 4,251.69
Council on Aging Meals Site	COA	10	2 hours/week		$ 26.62	$ 1,389.56
Council on Aging Custodian	COA	10	2 hours/week		$ 28.90	$ 1,508.58
Veteran's Agent	Veteran's Dept	30	3 hours/week		$ 118.20	$ 6,170.04
Veteran's Secretary	Veteran's Dept	12.5	1.5 hours/week		$ 25.67	$ 1,339.97
Sewer Admininstrator	Sewer	30	3 hours/week		$ 63.75	$ 3,327.75
Sewer Superintendent	Sewer	40	3 hours/week		$ 111.39	$ 5,814.56
Sewer Clerk	Sewer	8	1 hour/week		$ 12.64	$ 659.81
Town Collector Clerk	Town Collector Office	14	6 hours/week		$ 85.26	$ 4,450.57
Asst. Town Clerk	Town Clerk's Office	22.5	2.5 hours/week		$ 42.78	$ 2,233.12
Plan Bd Admin. Asst	Planning Board	20	2 hours/week		$ 30.68	$ 1,601.50
Police custodian	Police Dept	26	2 hours/week		$ 30.18	$ 1,575.40
Highway Dept. (10)	Highway	40 (x10)	2 hours/week		$ 470.74	$ 24,572.63
Highway Clerk *	Highway Dept.	20/18	2 hours/week		$ 27.20	$ 1,419.84
Library Director	Library	40	5 hours/week		$ 134.75	$ 7,033.95
Library Employee (1)	Library	30	10 hours/week		$ 152.60	$ 7,965.72
Library Employees (4)	Library	35 (x4)	5 hours/week		$ 359.25	$ 18,752.85
					$ 2,791.17	**$ 145,699.07**
*Position filled at lower number of hours		-				

Wage freezes instead of hour cuts:			Current Wage:	If restored: Per Week		Annual
Assistant Tax Collector	Town Collector Office	32	579.84	610.24	$ 30.40	$ 1,586.88
Assistant Treasurer	Treasurer's Office	30	511.80	538.80	$ 27.00	$ 1,409.40
Assistant Accountant&Treas P/R Admin	Accountant's Office	25	443.25	466.50	$ 23.25	$ 1,213.65
Accountant	Accountant's Office	40	1,368.89	1,409.97	$ 41.08	$ 2,144.38
Tax Collector	Town Collector Office	40	1,073.18	1,105.38	$ 32.20	$ 1,680.84
Aministrator's Assistant	Selectmen's Office	40	696.97	717.88	$ 20.91	$ 1,091.50
Town Clerk	Town Clerk's Office	32	997.97	1,027.91	$ 29.94	$ 1,562.87
Fire Chief	Fire Dept	40	1,731.26	1,783.21	$ 51.95	$ 2,711.79
Fire Fighter #1 (27 hrs)	Fire Dept	27	493.56	508.37	$ 14.81	$ 773.08
Fire Fighter #2 (45 hrs)	Fire Dept	45	822.60	847.28	$ 24.68	$ 1,288.30
Library Employee (1)	Library	20	316.40	333.00	$ 16.60	$ 866.52
Recreation Director *	Recreation	20	494.75	494.75	$ -	$ -
			9,530.47	**9,843.29**	**$ 312.82**	**$ 16,329.20**
* No cuts						
	Totals:				**$ 3,103.99**	**$ 162,028.28**

TOWN OF TYNGSBOROUGH
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Proposal concerning the position of Town Accountant

Remove the position of Town Accountant from the Mid-Managers unit.

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Proposal concerning the position of Town Treasurer

Remove the position of Town Treasurer from the Mid-Managers unit.

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Proposal concerning the position of Custodian (Council on Aging)

Remove the position of Custodian (Council on Aging) from the Clerical unit and place the position in the Highway unit.

ADD POLICE DEPARTMENT CUSTODIAN

GMP

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
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Proposal concerning the position of Building Department Secretary

Increase the number of weekly hours for the position of Building Department Secretary Clerk from 25 to 35. (non-CBA proposal - see related letter)

TOWN OF TYNGSBOROUGH
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E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Building Department administrative assistant from 25 to 35 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire

TOWN OF TYNGSBOROUGH
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Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Highway Clerk

Increase the number of weekly hours for the position of Highway Clerk from 18 to 25.
(non-CBA proposal - see related letter)

TOWN OF TYNGSBOROUGH
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E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Highway Department clerk from 18 to 25 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

MP

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire

Town of Tyngsborough
Police Department
Quinn Bill Payment Calculation

Name	12/14/2009 Payroll	6/14/2010 Payroll (Gross)	Total Compensation FY2010	Shortfall Deduction FY10
	$ 110,192.82	**$ 105,108.78**	**$ 215,301.60**	**$ 77,790.44**
Mark Bourque	7,308.15	7,308.15	14,616.30	6,032.05
Richard Burrows	10,437.12	10,437.12	20,874.24	-
Charles Chronopoulos	7,308.15	7,308.15	14,616.30	6,032.05
Chris Chronopoulos	7,308.15	7,308.15	14,616.30	6,032.05
Stephen Georges	5,084.04	5,084.04	10,168.08	4,196.30
Ronald Goulet	5,084.04	-	5,084.04	-
Kenneth Healey	4,573.40	4,573.40	9,146.80	3,424.52
Richard Howe	7,308.15	7,308.15	14,616.30	6,032.05
John Manning	7,308.15	7,308.15	14,616.30	6,032.05
Steven Manning	6,355.05	6,355.05	12,710.10	5,245.37
Charles Melanson	2,542.02	2,542.02	5,084.04	2,098.15
William Mulligan	12,250.00	12,250.00	24,500.00	10,111.00
Christopher Rider	5,084.04	5,084.04	10,168.08	4,196.30
Shaun Wagner	7,308.15	7,308.15	14,616.30	6,032.05
Thomas Walsh	5,084.04	5,084.04	10,168.08	4,196.30
Cynthia Weeks	2,542.02	2,542.02	5,084.04	2,098.15
Shaun Woods	7,308.15	7,308.15	14,616.30	6,032.05
				77,790.44
FY 2012 estimated Town impact (Chief no longer included)			**100,170.84**	

10/22/2010

Jackson, Robert

From: Jackson, Robert
Sent: Monday, October 18, 2010 10:59 AM
To: 'Ashley O'Neill'
Subject: FW: Insisting on Public Negotiations and Releasing Information to Public

Greetings Ashley,

FYI.

Best,

Bob

From: Darren Klein [mailto:DKlein@k-plaw.com]
Sent: Friday, October 15, 2010 8:41 PM
To: Robert Jackson
Cc: Michael P. Gilleberto
Subject: RE: Insisting on Public Negotiations and Releasing Information to Public

Bob,

As a follow-up to our conversation, I wanted to provide you with a brief update regarding the state of the law concerning insisting that negotiations be held in public, and regarding whether or not either party is allowed to make statements to the media when there is no ground rule prohibiting either party from making such statements.

Insistence on Bargaining in Public

In my opinion, the traditional rule that insisting on bargaining in public is a violation of § 10(a)(5) remains good law. I reviewed the primary cases on this topic, Town of Marion, 2 MLC 1256 (1975), and the Appeals Court decision upholding the DLR in that case, Board of Selectmen of Marion v. Labor Relations Commission, 7 Mass. App. Ct. 360 (1979), as well as a handful of other decisions including City of Attleboro, 3 MLC 1408 (1977), Ghiglione v. School Committee of Southbridge, 376 Mass. 70 (1978), and Falmouth School Committee, 12 MLC 1383 (1985). All of these cases provided that it was an unfair labor practice for either party to insist that negotiations be held in public. The most recent Division of Labor Relations ("DLR") case was North Middlesex Regional School District Teachers' Association, 28 MLC 160 (2001), which cited the DLR and Appeals Court decisions in Marion. Although not decided specifically on the grounds set forth in the Marion decision, that decision cites favorably to the Marion and Falmouth language that "the presence of third parties necessarily inhibits [ ] compromises and reduces the flexibility management and unions have to reach agreement." **As we discussed, the above cases do not prevent the parties from mutually agreeing to negotiate in public.**

Providing Information to the Public

In my opinion, absent an agreement or ground rule that prevents either party from speaking to the press or from releasing information to the public, either party may make reasonable disclosures about negotiations to the public or the media. In Town of Stoneham, 3 MLC 1355 (1977), the Union

contacted the Town and informed them it wished to commence bargaining. The Town responded that its typical procedure was to make initial proposals of the parties available in the press in order to allow Town's people to comment on the Union's and City's positions. Evidence indicates that the Town did t inform the press or individuals of what took place in negotiations, but merely published the proposals and accepted comment without explaining further. The Union would not agree to forward any proposals so long as the Town indicated it wished to publish them.

The Union filed a Unfair Labor Practice Charge alleging that the Town violated § 10(a)(5) by "refusing, to the point of bargaining impasse, to compromise its stated intention to publicize in the local newspaper, the entire initial proposal package as submitted by [the Union]." Id. at 1356. After considering three (3) decisions on the subject, the DLR stated that:

> "A party may impart information to the press so long as his conduct does not frustrate collective bargaining. Put another way, a party has the privilege of access to the press, and another party has no right to prevent the proper exercise of that privilege…An employer may release information to the press, and the mere exercise of that privilege, without more, does not violate the duty to bargain in good faith. Such release can, however, trigger a violation in one of three ways…First, the act of access may be a violation if the privilege has been forgone. The privilege may be forgone either voluntarily, for instance by agreement to a ground rule specifying a media blackout, or the privilege may be overridden by statute…Second, statements to the press may contribute to a finding of bad faith if their character indicates a state of mind incompatible with the duty to bargain…Third, the timing or quantity of statements may be so inopportune as to constitute an abuse of the privilege."

The DLR went on to opine that "[t]he practical effect of this is very simple. Parties to collective bargaining have certain rights and privileges which they do not lose immediately upon the commencement of contract negotiations. One such privilege is that of access to the press. Unless circumscribed in the fashion described above, the parties are free to continue as before."

The Town of Stoneham decision has not been overturned. Accordingly, it is my opinion that unless the parties have agreed to a ground rule that prevents them from speaking or releasing information to the media, either party may make reasonable disclosures to the media provided: (1) they are not aimed at frustrating the bargaining process; (2) the statements do not indicate an unwillingness to bargain in good faith; or (3) the statements are not of such a nature or frequency as to potentially become an abuse of privilege. It should be noted that in the Town's current negotiations there is not any ground rule limiting either party's ability to release information to the public or the media.

Please contact me if you have any further questions. Thank you.

Very truly yours,

Darren R. Klein, Esq.
Kopelman and Paige, P.C.
101 Arch Street
12th Floor
F n, MA 02110
e: 617 556-0007
Fax: 617 654-1735

10/18/2010

Cell: 617 257-9576
E-mail: dklein@k-plaw.com

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From: Robert Jackson [mailto:rjackson@tyngsboroughma.gov]
Sent: Wednesday, October 06, 2010 1:45 PM
To: Darren Klein
Subject: Public contract negotiations

Greetings Darren,

Can we set a time to discuss what would be involved in changing the way Tyngsboro conducts contract negotiations? I'd like to move to a more transparent system where information is shared with the public much faster. I think I would need about 15 - 20 minutes of your time. I know certain states, such as Florida, have very progressive laws in this area and that Massachusetts has adopted portions of these laws. It is my understanding that if both sides are agreeable, negotiations can be done in public. What if one side is not agreeable? Can the negotiations portion be private, with the information in that (private) session being made public afterwards?

I see negotiations in Tyngsboro as a two step process, the first where Union and Management talk and share ideas, the second where the BOS is updated (always in executive session). If the Union didn't nt to negotiate in public, can the BOS deliberate in public on what was spoken about in private?

I'd also like to understand your thoughts on public negotiations, positive and negative.

I would like to see Tyngsboro adopt a public negotiating process, or as close as the law will allow.

Best,

Bob

--
Robert Jackson
Tyngsborough Board of Selectmen
Town Hall: 978-649-2300
Mobile: 978-697-9315

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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 October 25, 2010 6:00 P.M. Town Offices

"The listing of matters are those reasonable anticipated by the Chairman 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."

1. **6:05 P.M Open Meeting**

2. **New Business**
   - Liquor License Transfer Request – Laxminarayan Liquor, Inc.
   - Manager Change Transfer Request – Tyngsboro Sportsmen Club, 90 Westford Road
   - 6:30 P.M. Street Acceptance Hearing – Cedar Street
   - Appoint Three Reserve Officers – Tyngsborough Police Department
   - Review Special Town Meeting Articles

3. **Citizen/Business Time**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. **Correspondence**

5. **Selectmen's Reports**
   - Selectman O'Neill – Strategic Financial Planning
   - Selectman Coughlin – Energy and Environmental Affairs/Licenses/Inspections
   - Selectman Reault – Northern Middlesex Council Of Government
   - Selectman Lemoine – Economic Development
   - Selectman Jackson – The Early Childhood Center

6. **Town Administrator's Reports**

   Report is available online at www.tyngsboroughma.gov
   - Response to Selectmen's Requests
   - Budget
   - Departmental Information
   - Contracting/Procurement
   - Other

7. **8:30 P.M. Executive Session**

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.
   - Collective Bargaining

8. **9:30 P.M. Adjournment**

Future Meetings

Selectmen's Work Session Monday November 1, 2010 at 6:00 P.M. at Town Hall Offices

Selectmen's Meeting Monday, November 8, 2010 at 6:00 P.M. at Town Hall Offices

**Special Town Meeting, November 16, 2010 at 7:00 P.M. at the Tyngsborough Elementary School, 205 Westford Road.

Selectmen's Meeting Monday, November 22, 2010 at 6:00 P.M. at Town Hall Offices

Therese Gay <tgay@tyngsboroughma.gov>

License Renewals and Open Meeting Law Minutes

Charles J. Zaroulis <charles.zaroulis@verizon.net> **Thu, Dec 2, 2010 at 4:03 PM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Dear Terry:

Your E-mail of November 29, 2010, presents two issues:

1. License Renewals:

You present the issue if the licensee pays the fee but the Board of Selectmen, for, I assume, a valid reason, does not renew, does the old license stay in effect until the Board renews?

A. Liquor Licenses:

License renewal under either M.G.L. c. 138, § 12 or 15, is "automatic" for the next annual or seasonal license period upon application by the holder in November and upon payment of the appropriate fee. See M.G.L. c. 138, § 16A. Prior to renewal of a license, the Board must inspect the premises to determine that it continues to comply with all respects with the parameters set forth in M.G.L. c. 138, § 1, M.G.L. c. 138, §§ 12 and 23.

A person whose application has so been rejected by the local licensing authorities, for the purposes of M.G.L. c. 138, § 17, shall be deemed to have been granted such a license until the period for such an appeal to the Alcoholic Beverages Control Commission has expired or until the appeal has been dismissed.

B. Entertainment Licenses:

Unlike liquor licenses, entertainment licenses are not automatically renewed. The Board of Selectmen has authority to establish renewal procedures. Note well, however, that parties presently holding entertainment licenses enjoy a recognized "expectation" that the license will be renewed. If the Board of Selectmen determines not to renew the license, it likely will be met with the same significant First Amendment challenge that attends the original issuance. The burden of proof in entertainment license matters ordinarily lies with the Board of Selectmen, as it is presumed that there is a public need for the service or expression.

C. General Comments Regarding Licenses:

As I have previously written to the Board, the Board must be mindful that our Constitution requires due process, in particular with regard to entertainment licenses, which have First Amendment protection. Consequently, with licenses, it has been my strong recommendation in the past that if there is an issue which cannot be addressed by hearing prior to the expiration date, the license may be extended until a hearing is held. To do otherwise invites unnecessary and costly constitutional litigation.

Often, an issue is raised in November or December, for example, by the Tax Collector, that taxes have not been paid by the real estate owner; and, therefore, under M.G.L. c. 40, § 57, no permit or license should be renewed. But, often the licensee is merely a licensee and may have timely paid its rent. To not renew without a hearing would be unfair.

2. Open Meeting Law:

You present the issue whether, under the Open Meeting Law, the minutes must be verbatim. The Open Meeting Law provides as follows:

"Minutes" is defined as "... the written report of a meeting required by subsection (a) of section 23 and section 5A of chapter 66. ... (My emphasis.)

Minutes must now, of course, be accurate and include the date, time, and place of the meeting, members present or absent, list of all documents or exhibits used, a summary of the discussion regarding each subject, the setting forth of any decision made and actions taken. I recommend that the vote be recorded and, where required by statute or law, the names of each member and his or her vote.

My view is that only an accurate summary of the discussion is necessary; therefore, the minutes need not be verbatim.

Please call me if you have any questions or to discuss. Please distribute **this E-mail** to all Selectmen.

Charles J. Zaroulis, Town Counsel

cc: Opinion File 2010

Charles J. Zaroulis, Esq.

40 Church Street, Suite 500

Lowell, Massachusetts 01852-2686

Tel: 978.458.4583

Fax: 978.937.0950

E-mail: charles.zaroulis@verizon.net

From: Therese Gay [mailto:tgay@tyngsboroughma.gov]
Sent: Monday, November 29, 2010 10:36 AM
To: Charles J. Zaroulis
Subject: Attendance to Selectmen's Meeting on Monday, December 6

Good Morning Charles,

I am writing to invite you to attend the Selectmen's night Monday December 6.

We are having the hearing for the Tyngsborough Sports Center Entertainment License.

I will also have the renewals and minutes. There maybe questions.

1) on the renewals a question came up - If the license is not renewed does the old license stay in effect until the Board renews?
My answer was if not renewed by December 31 the establishments do not open on January 1.

2) on the minutes and I have the open meeting law, I know there has to be a paragraph on what transpired. I do that I do not do verbatim such as he said this or she said that unless specifically asked to do so and then I do have that person review the quote for accuracy. I will send a draft copy of a set of minutes to review.

Please let me know if you can attend.

Thank you Charles

Terry
Thank you Charkles,

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Town of Tyngsborough
Building Department
25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

2010 DEC -2 10:10
TYNGSBOROUGH, MA.

November 30, 2010

RE: Michael's Pub
147 Frost Road

Dear Honorable Board of Selectmen,

Please be advised, my letter dated November 2, 2010 to cease and desist any and all use of the above mentioned property until certain conditions have been met, has been ignored.

I have had conversations with Mr. Kazanjian and Mr. Dirocco numerous times to rectify these violations, to no avail.

At this time I would ask this board to take the necessary actions against the license holder.

Respectfully,

Donald A. Crowell
Building Commissioner

Enclosure

Cc: Town Administrator, Michael P. Gilleberto
Fire Department, Chief Madden / Captain Sands
Board of Health, Kerri Oun / Karen Steeves
Police Department, Chief Mulligan
Donald Dirocco, Mr. Donald Lamoureaux , 5 French Drive, Bedford, NH 03110
Michaels Pub, 147 Frost Road, Tyngsborough, MA 01879
c/o Mike Kazanjian, Owner / Manager
File # 09-044, 10-172

Town of Tyngsborough
Building Department

25 Bryants Lane
Tyngsborough, Massachusetts 01879
Office: (978) 649-2300 Ext. 112

November 2, 2010

Mr. Donald Dirocco
Mr. Donald Lamoureaux
5 French Drive
Bedford, NH 03110

RE: Michael's Pub
147 Frost Road, Tyngsborough, MA
Assessors Map 18, Block 69
Permit #'s: 09-044, 10-172

Dear Sirs,

Please be advised, with regards to the above mentioned property, I offer the following:

As of this date, the business is operating with:

1. Temporary Certificate of Occupancy – EXPIRED May 12, 2010
2. Parking lot not complete
3. No approved use of outside patio area

I hereby order you to cease and desist any and all use of the above mentioned property, until such time as the following conditions are met.

A. Cease all use forthwith
B. Existing parking area to be completed as required
C. A Certificate of Occupancy is issued

This decision and/or order may affect your legal rights. In regard to zoning matters, you have the right to file an appeal with the Zoning Board of Appeals pursuant to Massachusetts General Laws, Chapter 40A, Sections 8 and 15. In regard to Building Code Violations, you have the right to file with the State Building Code Appeals Board pursuant to Massachusetts General Laws, Chapter 143, Section 100 and the State Building Code.

Respectfully,

Donald A. Crowell

Donald A. Crowell
Building Commissioner

cc: Board of Selectmen
Town Administrator, Michael P. Gilleberto
Fire Department, Chief Madden / Captain Sands
Board of Health, Kerri Oun / Karen Steeves
Police Department, Chief Mulligan
Michaels Pub, 147 Frost Road, Tyngsborough, MA 01879 c/o Mike Kazanjian, Owner / Manager
File # 09-044, 10-172

William F. Mulligan
Chief of Police

Town of Tyngsborough

Police Department
20 Westford Road
Tyngsborough, Massachusetts 01879-0549

TEL: (978) 649 – 7504
FAX: (978) 649 – 2324

To: Michael P. Gilleberto, Town Administrator

From: Chief William F. Mulligan

Re: License Renewals

Date: November 29, 2010

I have reviewed the list for annual license renewals.

I wanted to alert you about my concerns with two license holders.

Dracut Food Service Inc/ License #129800005 DBA Thirsty's

The police department continues to receive complaints from Mr. Joseph Paquett as well as other neighbors about Thirsty's Pub. These complaints deal with noise with patrons coming and going as well as the loud sound of the music from the bands and DJ's that work at that location. The calls for service to this location are down. The police department has noted fewer patrons using this location.

KAZ United Corp. Inc. #129800053
DBA Michael's Pub

I have spoken to the owner of Michael Pub, Michael Kazanjian about outstanding police detail bills owed by his Pub. Mr. Kazanjian recently sent a check for $500.00. How ever we have out standing bills of $2,800.00. We will not fill any details at that location until these bills are paid. These details were over 5 months we have called them a number of times we were assured that we would be paid. We have not had a detail at that location since September. We will not allow any business in the future to continue to have details without paying within a reasonable time period. I am requesting that before this license is renewed that he is required to pay the town for the outstanding bills.

If you have any questions or concerns please let me know.

Town of Tyngsborough

Office of the Town Collector & Parking Clerk

25 Bryant Lane - Tyngsborough, Massachusetts 01879-1042
Phone: (978) 649-2300, Ext. 127 – Fax: (978) 649-2327
Gene R. Spickler, CMMC – Town Collector & Parking Clerk
E-mail: gspickler@tyngsboroughma.gov

December 2, 2010

To: The Board of Selectmen - Attn: Michael Gilleberto, Town Administrator

RE: License Renewals with Delinquent Balances Due on 11/30/10

The accounts listed below have delinquent Real Estate (RE), Personal Property (PP), Motor Vehicle Excise (MV) taxes, or Sewer Usage Fees (SWR). Ch. 40: S 57 permits the denial of an application, or the revocation or suspension of any local license or permit with a delinquency over 12 months old.

- **SMOKEY BONES – FY10 PP - $217.48. (50 cent 3rd Qtr balance plus 4th Qtr)**
  No action needed, as it is not 12 months old. Gen. Mgr. Mike Herchuck is working to get it paid.
- **CAFÉ IL CEPRESSO – FY08 PP - $ 349.97** No action at this time. Working with current and previous owners to resolve whose responsibility this bill is. New owner paid FY09-11.
- **MICHAEL'S PUB – FY10 & 11 RE and SWR are delinquent - $ 11,158.925.**
  Michael Kazanjian paid the FY10 2nd Qtr RE balance with a cashier's check 12/2. That **reduces the balance due today to $ 9,935.13**. As there are now no balances over 12 months old, no action is needed at this time. I do have concerns about receiving payment and think perhaps a time limit should be established on getting these balances paid. Mr. Dirocco (He said he holds the note.) stopped in over a week ago to discuss how much was due and if a payment plan could be arranged. I said it could, and he said Mike would contact me. He didn't, so I called earlier this week. Mike informed me that they were refinancing by Christmas and expected to pay in full. I suggested that he but that in writing to submit with this report, but he didn't bring one with the payment today.
- **TYNGSBORO GENERAL STORE – FY09-11 PP outstanding - $ 286.34 (3rd Qtr 09 bal)**
  Spoke with Shawn Murphy about these balances and he said he would get back to me, but hasn't as of today. While I am aware of his unfortunate circumstances with the Pawtucket Bv relocation project, we have spoken about these bills previously and nothing has happened. While I don't recommend denying Mr. Murphy licenses at this time, I think a time limit should be placed on paying these taxes or face suspension or revocation of the licenses/permits.
- **COMETS – FY09 PP - $ 141.78 outstanding.** No recommended action at this time.
  It has not been established if this is the current or past owner's responsibility.
- **TYNGSBORO HOUSE OF PIZZA – FY11 PP - $ 52.66 outstanding.** No action required.
- **R. M. LIMOUSINE SERVICE – 2009 MV Excise - $ 313.48 outstanding.** No action needed.
  Robin sold the business in 2009 – Not applying for a license.

Please contact this office if you have questions or we can be of further assistance.

Gene

Gene R. Spickler, CMMC
Tyngsborough Town Collector & Parking Clerk

TRANSACTION REPORT

DEC-02-2010 THU 03:01 PM

FOR:

DATE	START	RECEIVER	TX TIME	PAGES	TYPE	NOTE	M#	DP
DEC-02	02:57 PM	89789370950	3′25″	8	SEND	OK	855	

Commonwealth of Massachusetts
Department of the State Treasurer
Alcoholic Beverages Control Commission
239 Causeway Street
Boston, MA 02114
Telephone: (617) 727-3040
Fax: (617) 727-1258

Timothy P. Cahill
Treasurer and Receiver General

Kim S. Gainsboro
Chairman

2011 RETAIL LIQUOR LICENSE RENEWAL APPLICATION GUIDELINES

A. Without exception, all annual alcoholic beverages licensees are required to renew their alcoholic beverages license by November 30th of each year.

B. All retail license renewal applications must be signed by an authorized corporate officer, individual or partner and filed with the Local Licensing Authority by November 30th. Licensees who are in the process of transferring their licenses are required to file the renewal application until the transfer has occurred and they are no longer the licensee of record.

C. The licensee signing the renewal MUST provide their taxpayer identification number, FID, or EIN number on the renewal application.

D. Licensees are responsible for correcting any differences between their files and the A.B.C.C. license file on the renewal application in red ink. A Form 43 verifying these changes have been A.B.C.C. approved must be attached to the license renewal application in order to change the official A.B.C.C. license file. (DBA, zip codes and spelling errors do not require a Form 43.)

E. All on-premises M.G.L. c. 138, §12 licensees must provide proof of the required liquor liability insurance to the Local Licensing Authorities.

F. All on-premises M.G.L. c. 138, §12 licensees must provide a copy of the required Fire Safety Inspection Certificate to the Local Licensing Authorities. Please do not forward a copy of the fire safety certificate or the insurance certificate to the A.B.C.C.

G. Local Licensing Authorities must submit all license renewal applications (signed and unsigned) to the A.B.C.C. by December 31, 2010. Please put the applications in numerical order by the A.B.C.C. license number before mailing all the renewal applications, as well as the Renewal Certification in one mailing to the A.B.C.C.

H. If the Local Licensing Authority does not receive an A.B.C.C. pre-printed renewal application for any licensee, the Local Licensing Authority should complete a blank renewal application for that licensee, have the licensee timely sign and file the application with the Local Licensing Authority, and attach the approved Form 43.

I. Any renewal application not signed and filed by November 30th will be treated as a new license. If renewal application becomes a new license for failure to meet the November 30th signing deadline, it will be subject to all the procedures set forth under Chapter 138, Section 15A. (See Blue Book procedures for new license.)

ANY QUESTIONS REGARDING THE ABOVE GUIDELINES SHOULD BE DIRECTED TO DOROTHY MACADAMS AT (617) 727-3040-EXT. 20 OR HURSHEL LANGHAM AT EXT. 19

Ralph Sacramone, Executive Director

CLASS I LICENSES
NEW ENGLAND TRANSIT SALES

CLASS II LICENSES
AUTO RELATED, INC./MODERN AUTO SALES

FLANDERS FAMILY TRAILERS SALES, LLC/FORREST MARINE AND RV

LCM AUTO SALES

PERFORMANCE SALES, INC

TYNGSBOROUGH EQUIPMENT

TYNGSBORO MOTOR SALES, INC.

TYNGSBORO MUFFLER & BRAKE

CLASS III – JUNK CAR LICENSES

A.G. PENNINO, CO.

TECH HENG ENTERPRISES TECH HENG USED AUTO PARTS

DUFF'S GARAGE, INC.

Class I, II, III Licenses Renewed for Calendar Year 2011

CLASS I LICENSE

New England Transit Sales George Logan 30 Progress Avenue Tyngsborough, MA 01879	License # 1C-65	Rec'd 10/20/10 Paid $100.00

CLASS II LICENSES

Auto Related, Inc. License # 2C-55 Rec'd 10/18/10
DBA Modern Auto Sales Paid $100.00
Joe Caggiano and Todd Sevigny, Mgr.
271 Middlesex Road
978 649-8855
RESTRICTIONS: No more than 100 saleable vehicles on the premises at any given time with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no storage/repairs of motor vehicles/parts on the premises, 3) no holiday streamers or flags.

Flanders Family Trailers Sales, LLC License # 2C-53 Rec'd 10/25/10
DBA Forrest Marine and RV Paid $100.00
Bruce & Susan Flanders
426 Middlesex Road
978 649-7211
RESTRICTIONS: No more than 20 saleable vehicles on the premises of which no more than 10 saleable vehicles may be passenger vehicles, at any given time.

LCM Auto Sales License # 2C-54 Rec'd 11/4/10
Louis and Christine Mechalides Paid $100.00
8 Davis Street
978 6497127 or 978 649-3182
RESTRICTIONS: No more than 10 saleable vehicles on the premises at any given time.

Performance Sales, Inc. License # 2C-57 Rec'd 10/27/10
Ron Greenwood Paid $100.00
28 Westford Road 14 Crosby Lane, Chelmsford, MA 01824
978 649-9293
RESTRICTIONS: No more than 15 saleable motor vehicles on the premises at any given time, with the following conditions: 1) no parking of motor vehicle on the buffer strip, 2) no repairs or storage of motor vehicles/parts within public view, and 3) no holiday streamers or flags.

Tyngsboro Equipment License # 2C-59 Rec'd 10/25/10
George Guilmette (Brokerage License) Paid $100.00
P. O. Box 129
978 251-3689
RESTRICTIONS: No motor vehicles on the premises at any given time.

Tyngsboro Motor Sales, Inc. License # 2C-58 Rec'd 11/2/10
John Griffith Paid $100.00
370 Middlesex Road
978 649-7933 or 978 649-8637
RESTRICTIONS: No more than 65 saleable motor vehicles on the premises with the following conditions: 1) no parking of motor vehicles on the buffer strip (6 ft back from the road), 2) no repairs of motor vehicles, and no storage of parts within public view, 3) no holiday streamers or flags, 4) this facility is not to be a general repair garage and, 5) the licensee must maintain the catch basin and insure that there will be no dumping of hazardous material in said catch basin.

CLASS II LICENSES Cont'd

Tyngsborough Muffler and Brake FID/SSN License # 2C-72 Rec'd 10/19/10
Frank Acker Paid $100.00
166 Lakeview Avenue
978 649-7163
RESTRICTIONS: No more than 5 saleable vehicles on the premises at any given time

NOTE

The Board of Selectmen, at their June 12, 1995 meeting voted unanimously to put a moratorium on the number of Class II Licenses issued. The Board capped the licenses at 10.

CLASS III JUNK CAR LICENSE

A. G. Pennino & Co.
39 Middlesex Road
Tyngsborough, MA 01879

License # 3C-63
Special Permit/Board of Selectmen
Mailing Address: Alfred Pennino, 264 Park Avenue
Arlington, MA 02174

Rec'd 11/4/10
Paid $100.00

RESTRICTIONS: 1) No more than 4 construction or heavy equipment vehicles may be stored, parked, or displayed for sale at any one time in the designated vehicle sales area. Only construction and heavy equipment vehicles may be parked for sale, and all other motor vehicles of any kind whatsoever including automobiles or their parts shall not be sold on the premises. 2) No partially disassembled or dismantled construction or heavy equipment vehicle or any other kind of motor vehicle whatsoever shall be stored on the premises in the public view. 3) The Licensee shall comply at all times with the Zoning by-laws and Sign by-laws; and, in particular, the licensee shall not display pennants or flags of any kind or in any way whatsoever, except, one flag of the United States of America may be properly displayed.

Tech Heng Enterprises Michael Ing, Proprietor License # 3C-60
DBA Tech Heng Used Auto Parts
47 Middlesex Road
978 649-6584

Rec'd 10/18/10
Paid $100.00

RESTRICTIONS: All junk to be shielded from public view. *NOTE - Also has a general license to park tractors and trailers on the premises.

Duff's Garage, Inc.
Warren W. Allgrove, Jr.
90, 92, 94 Kendall Road
978 649-7651

License # 3C-61

Rec'd 10/25/10
Paid $100.00

RESTRICTIONS: NONE

COMMON VICTUALLER LICENSES

AKSHRDHAM, LLC/ LUKOIL/MINI-MART

ARAMARK CORP (VOKE SCHOOL)

BITTERSWEET BAKE SHOPPE

BRICKHOUSE PIZZA

COMETS

COUNTRY VIEW DINER

GLOBAL MONTELLO GROUP, COPR/MOBIL ON THE RUN STORE

KENTUCKY FRIED CHICKEN

LAKESIDE PIZZA & SEAFOOD

LI'L LOBSTER BOAT

PIZZA PIZZAZZ

SAL'S PIZZA

SKATE 3 SNACK BAR

SULLIVAN FARMS ICE CREAM

TYNGSBOROUGH HOUSE OF PIZZA

TYNGSBORO-OP, LLC

WHITSON'S CULINARY GROUP

XIN YUN, INC./LAKE EAST RESTAURANT

COMMON VICTUALLER LICENSES

Akshrdham, LLC DBA Lukoil/Mini-Mart Jay Patel, Mgr. 397-399 Middlesex Road 978 649- 6120 Capacity 2 – Transient Customers	License #CV-40 Common Victualler's License * 9 Sanford Road, Chelmsford, MA 01824 508 725-5526 or 978 256-5499	Rec'd 11/1/10 Paid $75.00
ARAMARK Corp. Greater Lowell Regional School Cheryl Cole, Mgr. 250 Pawtucket Blvd 978 454-5411 Seating Capacity Dining Room - 200	License # CV-31 Common Victualler's License	Rec'd 10/27/10 Paid $75.00
Bittersweet Bake Shoppe Lynne Donnelly, Mgr. 9 Kendall Road 978 649-2253	License # CV-74 Common Victualler's License	
Brickhouse Pizza Michael Brown & Brian Ackley 266 Middlesex Road 978 649-0744 Seating Capacity 1st floor - 30	License #CV-43 Common Victualler's License	Rec'd 10/27/10 Paid $75.00
Comets Michael Vachon, Mgr. 22 Westford Road 978 649-4646 Seating Capacity 1st floor –	License # CV-68 Common Victualler's license	Rec'd 10/25/10 Paid $75.00
Country View Diner Arben Kameniku 171 Middlesex Road 978-649-1396 Seating Capacity 1st floor - 30	License # CV-48 Common Victualler's License	Rec'd 10/26/10 Paid $75.00
Global Montello Group, Corp/Mobil #2701 DBA On The Run Store Edward J. Faneuil, Mgr. 95-99 Westford Road 978 649-4321 FAX 978 649-7757	License #CV-41 Common Victualler's License **Mail to: Alliance Energy LLC, Legal Dept** **404 Wyman Street Suite 425, Waltham, MA 02154** *56 Gatewood Drive, Needham, MA 02492 (781 398-4211)	Rec'd 11/10/10 Paid $75.00

COMMON VICTUALLER'S LICENSES cont'd

Kentucky Fried Chicken Vincent Goggin, Mgr. 440 Middlesex Road 978 649-4237 Seating Capacity 1st floor - 40	License #CV-36 Common Victualler's License **Mail to: 6 Tacoma Circle, Nashua, NH 03061**	Rec'd 11/2/10 Paid $75.00
Lakeside Pizza George Bousios, Mgr. 24 Parham Road Tyngsborough, Ma 01879 978 649-8880 Seating Capacity 1st floor – 8	License #CV-66 Common Victualler's License	Rec'd 10/19/10 Paid $75.00
Li'L Lobster Boat, LLC 440 Middlesex Road 978 649-1995 Seating Capacity 1st floor – 40	License #CV-69 Common Victualler's License **Mail – Stephen Varrieur, 21 Woodhawk Way, Litchfield, NH 03052**	Rec'd 10/22/10 Paid $75.00
Pizza Pizzazz Ellen Raikos, Mgr. 130 Middlesex Road 978 649-9912 Seating Capacity 1st floor - 14	License #CV-42 Common Victualler's License	Rec'd 11/22/10 Paid $75.00
Sal's Pizza Keith Tassinari, Mgr. 440 Middlesex Road 978 649- Seating Capacity 1st Floor –	License #CV- Common Victualler's License	Rec'd 11/1/10 Paid $75.00
Skate 3 Snack Bar Alec Shortianitis, Mgr 355 Middlesex Road 978 649-4022 Seating Capacity 1st floor - 42	License #CV-44 Common Victualler's License	Rec'd 11/10/10 Paid $75.00
Sullivan Farms Ice Cream Robert Sullivan, Mgr. 176 Middlesex Road 978 649-9202 or 978 256-3464	License #CV-45 Common Victualler's License Mailing Address: 10 Moonbeam Ave Chelmsford, MA	Rec'd 11/23/10 Paid $75.00

COMMON VICTUALLER'S LICENSES cont'd

Tyngsborough House of Pizza
Thomas Lafferty, Mgr.
92 Middlesex Road

License #CV-55
Common Victualler's License

Tyngsboro-Op, LLC
DBA Dunkin Donuts
440 Middlesex Road
978 649-9398
Seating Capacity
1st floor - 44

License #CV-34
Common Victualler's License
Mail to: NGP Management, LLC, Attn: Shari 3 Pluff Ave
North Reading, MA 01844
978 898-1200

Rec'd 10/28/10
Paid $75.00

Whitson's Culinary Group
Michelle Hevey, Mgr.
Tyngsborough School Cafeterias
Jr. Sr. High School
Norris Road
Seating Capacity
Early Childhood Dev Center Cafeteria – 300
Elementary Café – 538
Junior High Café – 500
Senior High Café - 500

License # CV-47
Common Victualler's License

Rec'd 11/17/10
Fee Waived

Xin Yun, Inc.
DBA Lake East Restaurant
Xiao Yun Wang, Mgr.
240 Lakeview Avenue
978 649-2250
Seating Capacity
1st floor - 20

License #CV-37
Common Victualler's License

25 Winthrop Ave. #2 Quincy, MA 02170

Rec'd 10/25/10
Paid $75.00

GENERAL LICENSES

American Multi-Cinema, Inc.
AMC Theatres Tyngsboro 12
- **Common Victualler License**
- **General License - Cinema**
- **Weekday Entertainment License**

Funtageous, Inc.
DBA Funtageous
18 Pondview Place
- **Public Entertainment License - Arcade**
- **Common Victualler License**
- **Weekday/Sunday License**

Hoffman Family Golf, Inc.
DBA Max's Golf
- **Common Victualler License**
- **Public Amusement License-Golf Driving Range**

Roller Kingdom
- **Common Victualler License**
- **General License – Roller Skating**
- **Weekday/Sunday Entertainment License**

Skate 3
- **General License – Ice Skating**
- **Weekday Entertainment License**

THE PINE
- **Common Victualler License**

GENERAL LICENSES

American Multi-Cenema, Inc.
DBA AMC Theatres Tyngsboro 12
Vinny Vecchione, Mgr.
440 Middlesex Road
978 649-4158

License # CV-51
General License - 12 movie screens
Common Victualler's License

Rec'd 11/12/10
Pd $6,075.00

AMC Theatres, Attn: Gene Davis, Licenses and Permits
920 Main St, Kansas City, MO 64105 – 816 221-4000 ext.385
Fax 816 480-4735

Seating Capacity

1st cinema - 172	7th cinema - 171
2nd cinema - 150	8th cinema - 238
3rd cinema - 126	9th cinema - 360
4th cinema - 360	10th cinema - 125
5th cinema - 238	11th cinema - 150
6th cinema - 171	12th cinema - 172 =2,433

NAMCO, Cybertainment, Inc.
At: AMC Theatres Tyngsboro 12
Attn: Doreen Collins
877 Supreme Drive
Bensenville, IL 60106

License # Automatic Amusement 51
Auto Amuse. Device, 1 Gauntlet Legends, 1 Hollywood Photo, 1Pinnacle Crane, 1 Point Blank, 1Sega Super GT Twin, 1 Gauntlet 3, 1-18 Wheeler, 2-The Last Bounty Hunter
630-238-2200 Ext. 2276

Rec'd 11/18/10
Pd $600.00

Funtageous, Inc,
DBA Funtageous
Joseph & Liosa DiPilato
18 Pondview Place
978 430-4657
Capacity

License # CV- 74
Public Entertainment License - Arcade
Common Victualler's License
Auto Amuse Devices License Fast Track Air Hockey Table, Great American Junior Air Hockey; 2Eagle Pool Table Pump It Up Dance Floor; Mad Wave Motion Theater; Need for 2Speed Underground; Nick Toons Racing; Tekken 5; 2Maximum Speed Recovery; Maximum Crossfire Paintball; Bulldozer Kiddy Ride; Pool Table.
Weekday/Sunday Entertainment License

Hoffman Family Golf, Inc.
DBA Max's Golf
Peter Hoffman, Mgr.
383 Middlesex Road
978 649-2020
Seating Capacity
1st floor - 4

License #CV-38
Common Victualler's License
Weekday/Sunday Entertainment
Public Amusement – Golf Driving Range

Rec'd 11/10/10
Pd $275.00

Mailing Address: 24 Tupelo Rd, Swampscott, Ma 01907

Hudson Roller, Inc.
DBA Roller Kingdom
Leland Thiese, Mgr.
355 Middlesex Road PO Box 355
978 649-3439
Capacity
1st floor - 1,000
2nd floor - 40

License # CV-49
General License - Roller Skating
Common Victualler's License
Auto Amuse Devices License 1 Wheel of Fortune, 1 Fast Rack, 1 Hoop Fever, 1 Cyclone, 2 Ice Ball, 1 Wonder Wheel, 1 Ms Pacman/Galaga, 1 Mighty Driver, 1 Daytona USA , 1-Pinnacles, 1-Sports Arena
Weekday Entertainment License (Laser Tag)
Sunday Entertainment/Automatic Amusement License

Rec'd 11/17/10
Pd $1,875.00

Northeast Trust
DBA Skate III
James Schultz, Mgr.
355 Middlesex Road
978 649-7913

License # CV-50 Rec'd 11/17/10
General License - Ice Skating Pd $350.00
Capacity
Red rink -1900/White rink -100/Blue rink -100

The Pines Restaurant
Gene & Colleen Gabriel, Mgr.
194 Frost Road
978 649-7662
Seating Capacity
1st floor - 39

License #CV-46 Rec'd 11/12/10
Common Victualler's License Pd $175.00
Auto Amuse Device – 1 Riviera by Merit
Mailing Address: 34 Woodlawn St Tyngsborough, MA

WINE & MALT RESTAURANT LICENSES

DEMARI MONTINI (USA), LTD. – DBA BELLA ITALIA
Wine and Malt License
Common Victualler License

GEORGE TSINGOS & ANASTASIOS DOUKAS – DBA FLINT'S PIZZA & SEAFOOD
Wine and Malt License
Common Victualler License

IPEROS, INC. – DBA OLYMPIC PIZZA
Wine and Malt License
Common Victualler License

WINE and MALT RESTAURANT LICENSES

Demari Montini (USA), LTD / License #129800041

DBA Bella Italia	Wine & Malt Restaurant License	Rec'd 11/24/10
Filomena Batista, Mgr.	Common Victualler's License	Pd $1,575.00
22 Pondview Place		
649-3697		
Seating Capacity		
1st floor - 48		

Delpero Enterprises, Inc.. / License #129800049

DBA Caffee IL Cipresso	Wine & Malt Restuaurant License
Kathleen Delpero, Mgr.	Common Victualler's License
130B Middlesex Road	
978 649-3128	
Seating Capacity	
1st floor - 25	

George Tsingos & Anastasios Doukas / License #129800022 — Rec'd 11/24/10

Flint's Pizza & Seafood	Wine & Malt Restaurant License	Pd $1,575.00
Anastasios Doukas, Mgr.	Common Victualler's License	
150 Westford Road		
978 649-3639		
Seating Capacity		
1st floor - 25		

Iperos, Inc. / License #129800006 — Rec'd 11/10/10

DBA Olympic Pizza	Wine & Malt Restaurant License	Pd $1,575.00
Dimosthenis Pappas, Mgr.	Common Victualler's License	
240 Lakeview Avenue		
978 649-6700		
Seating Capacity		
1st floor - 36		

WINE & MALT PACKAGE STORE LICENSES

JAYESH PATEL
DBA BRIDGEVIEW CONVENIENCE STORE
Wine and Malt License
Common Victualler License

ANJALI, INC. – DBA SUN CITY VARIETY
Wine and Malt License
Common Victualler License

MURCO, INC. – DBA TYNGSBORO GENERAL STORE
Wine and Malt License
Common Victualler License

WINE AND MALT PACKAGE STORE

Akesh, Inc. / License #129800038 DBA Bridgeview Convenience Store Jayesh Patel, Mgr. 172 Middlesex Road 978 649-4380	Wine & Malt Package Store License Common Victualler's License	Rec'd 11/18/10 Pd $1,575.00
ANJALI, Inc. / License #129800050 DBA Sun City Variety Meena J. Patel, Mgr. 240 Lakeview Avenue 978 649-2707	Wine & Malt Package Store License Common Victualler's License	Rec'd 11/22/10 Pd $1,575.00
Murco, Inc. / License #129800017 DBA Tyngsboro General Store Shawn Murphy, Mgr. 130 Middlesex Road 978 649-9070	Wine & Malt Package Store License Common Victualler's License	Rec'd 11/24/10 Pd $1,575.00
New England Wine Company, LTD / License #129800046 DBA Wine Society Charles J. Saunders, Mgr. 18 Pondview Place 978 649-8993	Wine & Malt Package Store License Common Victualler's License **CLOSED – NO Facility**	

ALL ALCOHOL PACKAGE STORE LICENSES

THE LIQUOR SHOP TYNGSBORO
DBA THE LIQUOR SHOP
All Alcohol License

P. SHIV, INC.,
DBA FLINT'S CORNER CONVENIENT STORE
All Alcohol License
Common Victualler License

ZIEMLAK ENTERPRISES, INC.,
DBA G & G LIQUORS
All Alcohol License

ALL ALCOHOLIC PACKAGE STORE LICENSES

P. Shiv, Inc./ License #129800045
DBA Flint's Corner Convenient Store
Bhavin S. Patel, Mgr.
150 Westford Road 978 649-1476

All Alcoholic Package Store
Common Victualler's License

Rec'd 11/12/10
Pd $2,075.00

The Liquor Shop Tyngsboro, Inc./ License #129800052
DBA The Liquor Shop
George Miamis, Mgr.
440 Middlesex Road
978 649-

All Alcoholic Package Store
Common Victualler

Rec'd 11/23/10
Pd $2,075.00

Ziemlak Enterprises, Inc. / License #129800024
DBA G & G Liquors
David Ziemlak, Mgr.
22 Westford Road
978 649-3692

All Alcoholic Package Store

Rec'd 11/30/10
Pd $2,000.00

ALL ALCOHOLIC CLUB LICENSE

AMERICAN LEGION POST #247
- All Alcohol Club License
- Common Victualler License
- WeekdaySunday Entertainment License

TYNGSBORO SPORTSMAN'S CLUB
- All Alcohol Club License
- Common Victualler License

VESPER COUNTRY CLUB
- All Alcohol Club License
- Wine and Malt Club License
- Common Victualler License
- Weekday/Sunday Entertainment License

ALL ALCOHOLIC CLUB LICENSES

Robert D. Pelletier American Legion Post #247 / License #129800011 — Rec'd 11/18/10, Pd $2,075.00

American Legion Post #247
John Burke, Mgr.
80 Pawtucket Blvd
978 649-7540
Capacity
Hall - 169
Bar - 60

All Alcoholic Club License
Common Victualler's License
Automatic Amusement Devices License
1 Jukebox, 1 Pool Table, 1 Megatouch,
Weekday Entertainment License
Sunday Entertainment State Form
Sunday Entertainment Town Form

Tyngsboro Sportsman Club, Inc. / License #129800036 — Rec'd 11/22/10, Pd $1,575.00

DBA Tyngsboro Sportsmen's Club
James Hustins, Mgr.
90 Westford Road
Capacity
Hall - 300

All Alcoholic Club License
Common Victualler's License
Mail to: PO Box 65

Vesper Country Club, Inc. / License #129800013/129800042 — Rec'd 11/29/10, Pd $2,775.00

DBA Vesper Country Club
Kasey Cummings, Mgr.
185 Pawtucket Blvd
978 458-8731
Capacity
Club House - 250
Main House
Dinning Rm - 40
Grill Room - 40
Living Room – 40
Ball Room – 85

All Alcoholic Club License
Weekday Entertainment License
Sunday Entertainment License/State Form
Wine and Malt License for 9th Hole
Common Victualler's License

ALL ALCOHOL BEVERAGES LICENSES

BARBEQUE INTEGRATED, INC.
DBA SMOKEY BONES
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Entertainment

BRINKER MASS CORPORATION
ON THE BORDER RESTAURANT
- All Alcohol Restaurant License

CARRABBA'S/NEW ENGLAND LTD
CARRABBA'S ITALIAN GRILL
- All Alcohol Restaurant License
- Common Victualler License

CS BUSINESS ENTERPRISES, LLC
ANGELA'S COAL FIRED PIZZA AT TYNGSBORO
- All Alcohol Restaurant License
- Common Victualler License
- Weekday Entertainment License

DEPELRO ENTERPRISES, INC,
DBA CAFÉ IL CIPRESSO
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Licenses

DRACUT FOOD SERVICE, INC.
DBA THIRSTY'S
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Entertainment License

GMRI, INC.
THE OLIVE GARDEN ITALIAN RESTAURANT
- All Alcohol Restaurant License
- Common Victualler License

KAZ UNITED CORP., INC.
DBA MICHAEL'S PUB
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Entertainment Licenses

MAXAMILLIAN, INC.
MAXAMILLIANS BILLIARDS, FOOD SPIRITS
- All Alcohol Restaurant License
- Common Victualler License
- Public Amusement License – Billiards Parlor
- Weekday/Sunday Entertainment License

OUTBACK NEW ENGLAND, INC., LTD
DBA OUTBACK STEAKHOUSE
- All Alcohol Restaurant License
- Common Victualler License

RAMOURA, CORP
DBA O'CONLEY'S
- All Alcohol Restaurant License
- Common Victualler License
- WeekdaySunday Entertainment License

THREE MIDDLESEX TYNGSBORO, INC.
DBA DREAM DINER
- All Alcohol Restaurant License
- Common Victualler License

TYNGSBORO COUNTRY CLUB, INC.
DBA TYNGSBORO COUNTRY CLUB
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Entertainment

TYNGSBOROUGH ENTERTAINMENT COMPANY, INC.
BLUE MOON LOUNGE
- All Alcohol Restaurant License
- Common Victualler License
- Weekday/Sunday Entertainment License

TYNGSBORO SPORTS CENTER
- All Alcohol General On Premise License
- Commom Victualler License
- Public Entertainment License – Recreation Center
- Sunday Entertainment License

<u>ALL ALCOHOLIC INNHOLDERS LICENSE</u>
STONEHEDGE INN
- All Alcohol Inn Holders License
- Wine and Malt Package Store License
- Common Victualler License

ALL ALCOHOLIC RESTAURANT LICENSES

Barbeque Integrated, Inc. / License #129800035 — Rec'd 11/22/10
DBA Smokey Bones BBQ #7515 — All Alcoholic Restaurant License — Pd $2,675.00
Steve Blaise, Mgr.
431 Middlesex Road
978 649-4112
Seating Capacity
1 story – 325

Common Victualler's License
Weekday Entertainment License – Disc Jockey, Bands (2guitars, singer, drummer and Karaoke)
Automatic Amuse Device License – 2 Pool Tables

***Note – Send license application to Home Office**
Barbeque Integrated, Inc. Attn: Licensing Solutions-Kathy Shaver
5104 North Orange Blossom Trail, Suite 104 Orlando, FL 32810
407-299-2555 k@licensingsolutions.us

Brinker Mass Corporation / License #129800043 — Rec'd 11/22/10
DBA On The Border — All Alcoholic Restaurant License — Pd $2,500.00
Thomas Ercoline, Mgr. — Common Victualler's License
413 Middlesex Road — ***NOTE: Send License Certificates to Corp Office** — **CLOSED**
978 649-3040 — **Brinker International, Roberto Frano, Regional Licensing Manager,**
Seating Capacity — **6820 LBJ Freeway,**
1 Story - 304 — **Dallas TX 75240-6515**

Carrabba's/New England Limited Partnership / License #129800048 — Rec'd 11/18/10
DBA Carrabba's Italian Grill — All Alcoholic Restaurant License — Pd $2,575.00
Kimberly Hanson, Mgr. — Common Victualler License
386 Middlesex Road — ***Note – Send License Certificate to Corp Office**
978 649-8388 — **Carrabba's Italian Grill, Inc., Attn: Kim Suthard 813-282-1225**
Seating Capacity — **2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747**
1 Story – 259

CS Business Enterprises, LLC / License #129800009 — Rec'd 11/24/10
DBA Angela's Coal Fired Pizza at Tyngsborough — All Alcoholic Restaurant — Pd $2,775.00
Alfonso Guevara, Mgr. — Common Victualler's
361 Middlesex Road
978
Seating Capacity
1st floor dinning room - 250

Delpero Enterprises, Inc. / License #129800019 — Rec'd 11/29/10
DBA Café II Cepresso — All Alcoholic Restaurant License — Pd $2,675.00
Charlene Rogers, Mgr. — Common Victualler's License
130 Middlesex Road — Auto Amuse Devices License
978 649-4118 — 1 Jukebox
Seating Capacity — Weekday Entertainment License
1st floor - 70 — Sunday Entertainment License
lower level - 70

Dracut Food Service., Inc. / License #129800005 — Rec'd 11/24/10
DBA Thirsty's — All Alcoholic Restaurant License — Pd $3,275.00
Thien Dang, Mgr. — Common Victualler's License — Mail Add 1167 Lakeview Ave
25 Parham Road — Automatic Amusement Devices License — Dracut, MA 01826
978 649-9524 — 1 Juke Box, 1 Pool Table, 1 Megatouch Force 2005
Seating Capacity — 2 Video Pokers,
1 Story – 53 — Sunday/Weekday Entertainment/Auto Amuse Devices License

ALCOHOLIC RESTAURANT LICENSE cont;d

GMRI, Inc. / License #129800007 — Rec'd 11/24/10
DBA The Olive Garden Italian Restaurant — All Alcoholic Restaurant License — Pd $2,575.00
Matthew Ducharme, Mgr. — Common Victualler's License
422 Middlesex Road
978 649-7300/978 649-6727
Seating Capacity
1 story - 99

***Note – Send license application to Home Office**
GMRI, Inc. Barbara Torino, License Admin.
P. O. Box 593330, Orlando, FL 32859-3330

KAZ United Corp., Inc. / 129800053 — Rec'd 11/22/10
DBA Michael's Pub — All Alcoholic Restaurant License — Pd no fee
Michael Kazanjian, Mgr. — Common Victualler's License
147 Frost Road
978 649-3040
Seating Capacity
1 story - 248
Outdoor Area - 210

Maxamillians, Inc., / License #129800047 — Rec'd 11/24/10
DBA Maxamillians Billiards, Food, Spirits — All Alcoholic Restaurant License — Pd $3,975.00
Glen Arthur Stanbury, Mgr. — Common Victualler's License
315 Middlesex Road — Automatic Amusement Devices License for
978 649-0400 — 1 Jukebox, 16 Pool Tables, 2Mega Touch Force 2002
Seating Capacity — and 1 Golden Tee Golf
1st Floor - — Weekday Entertainment License/Sunday Entertainment

Outback New England Inc., LTD Partnership / License #129800039 — Rec'd 11/18/10
DBA Outback Steakhouse — All Alcoholic Restaurant License — Pd $2,575.00
Robert Webb, Mgr. — Common Victualler's License
440 Middlesex Road
978 649-8700
Seating Capacity
1 Story - 266

***Note – Send License Certificate to Corp Office**
Outback Steakhouse, Inc., Attn: Kim Suthard
2202 N. West Shore Blvd. 5th Floor, Tampa, FL 33607-5747

Ramoura, Corp. / License #129800008 — Rec'd 11/24/10
DBA O'Conley's — All Alcoholic Restaurant License — Pd $3,575.00
Robert Heroux, Mgr. — Common Victualler's License
24 Middlesex Road P. O. Box 340 — Automatic Amusement Devices License
978 251-4042 — 1 Juke Box, 2 Pool Table, 1 Pin Ball, 2 Double Up, 1 Golden Tee,
Seating Capacity — 1 Megatouch XL
1 Story – 140 — Weekday Entertainment License
Sunday Entertainment/Automatic Amuse Dev Lic

Three Middlesex Tyngsboro/ License #129800033 — Rec'd 11/30/10
DBA Dream Diner — All Alcoholic Restaurant License — Pd $2,575.00
Patrick K. Shanahan, Mgr. — Common Victualler's License
384 Middlesex Road
978 649-7097
Seating Capacity
1st Floor60

ALCOHOLIC RESTAURANT LICENSE cont'd

Tyngsboro Country Club, Inc. / License #129800040 — Rec'd 11/10/10
DBA Tyngsboro Country Club — All Alcoholic Restaurant License — Pd $2,775.00
Tammy Capra Gareau, Mgr. — Common Victualler's License
58 Sherburne Avenue/PO Box 459 — Weekday/Sunday Entertainment Lic
978 649-9792 or
978 649-7334
1st floor - 190 Banquet Hall
Clubhouse - 15

Tyngsborough Entertainment Company, Inc. / License #129800002 — Rec'd 11/23/10
Blue Moon Lounge — All Alcoholic Restaurant License — Pd $2,775.00
Debra Dubois, Mgr. — Common Victualler's License
130 Frost Road — Weekday Entertainment License
978 649-9018 — Sunday Entertainment License
Seating Capacity
1 Story - 154

Tyngsboro Sports Center/#129800054 — All Alcohol General on Premise — Rec'd 11/23/10
Darryl Wickens, Corp Officer — Common Victualler License — Pd $3,875.00
18 Progress Avenue — Public Entertainment License – Recreation Center
978 649-4402 — Sunday Entertainment
License # Automatic Amusement 73
Auto Amuse Machines- 1 Stacker ML019120, 1 Lucky Leprechan 00123A, 1 Sports Zone 00123, 1 Ms Pac Man 1195, 1 Soccer Ball 99048, 1 Nascar Crane 25161, 1 Hydro Thunder 0178, 1 Maximum Force 30113105445, 1 Candy Cane 51817, 1Gravity Hill 8816, 1Skittle Ball 7543

ALL ALCOHOLIC INNHOLDERS LICENSE

Stonehedge Inn, Inc. / License #129800014 — Rec'd 11/23/10
Stonehedge Inn — All Alcoholic Inn License — Pd $4,075.00
Levent Bozkurt, Mgr. — Wine Only Retail Sales Lic #129800051 – 160 Pawtucket Blvd
170 Pawtucket Blvd — Common Victualler's License
978 649-4342
Place of Assembly – Seating Capacity

Library - 45	Dressing Room - 20	restrooms - 18
Lobby - 5	Guest Room - 118	kitchen - 20
Employee Lounge – 20		entry - 4
Dinning Room - 325		service bar - 4
Function Room – 150		offices - 5

Board of Selectmen Correspondence - Week of December 3, 2010

Date	Author	Subject	In Packet?
12/3/2010	The Salvation Army	WCAP Radothon	12/3/5273
12/2/2010	Town Counsel	Opinion	12/3/2010
12/2/2010	Town Counsel	Opinion	12/3/2010
12/2/2010	Town Counsel	Letter	12/3/2010
12/1/2010	MIIA	Letter	12/3/2010
11/22/2010	Legal Counsel	Easement Letter	12/3/2010
11/24/2010	Building Commissioner	Letter	12/3/2010
11/22/1020	Letter	Public Record Request	12/3/2010
11/29/2010	USPost Office	Letter Operational Changes	12/3/2010
11/10/2010	Conservation Commission	Bi-Monthly Report	12/3/2010
12/2/2010	MSPCA	Updated Starte's Animal Control Law	12/3/2010
11/23/20120	Attorney Letter	Town Trash Services	12/3/2010
12/2/2010	US Census Bueau	RE Annual Boundary & Annexation Survey	12/3/2010
12/1/2010	Letter	Request	12/3/2010
12/3/2010	Notice	Holiday Ideas	12/3/2010
12/3/2010	Garden Club	Notice	12/3/2010
12/3/2010	Rotary Club	Notice	12/3/2010
11/19/2010	Mass Bar Association	Referral Service	12/3/2010
12/3/2010	National Grid	Notice	12/3/2010
11/22/20120	Planning Board	Request for Comment Form	12/3/2010

SHAW CLIFTON
GENERAL

MAJOR WILLIAM H. BODE
DIVISIONAL COMMANDER

THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM BOOTH
LOWELL CITADEL CORPS
CENTER FOR WORSHIP AND SERVICE
MAJORS EVERETT AND PATRICIA HENRY
COMMANDING OFFICERS
150 APPLETON STREET, P. O. BOX 1456
LOWELL, MASSACHUSETTS 01853-1456
TELEPHONE (978) 458-3396
FAX (978) 458-4923

Please Ring The Bell Of Hope For Those In Need

December 11, 2010 6AM – 1PM

The sounds of the Christmas season are emerging around us. To many people, the only sounds they hear are of despair and concern about tomorrow. If you have been a 980 WCAP Radiothon partner, we want to personally thank you for all your past help and generosity. If this is your first opportunity to help, welcome to our group! We hope you can lend a hand in this special effort during a special season. We all know these are tough economic times but we need your help. Please consider helping to raise at least $250 among your family, friends and co-workers. We are grateful for anything you raise because every dollar helps.

In 2009 our 980 WCAP Radiothon raised *$99,682.06!*

Please help us reach our goal of $100,000 for this year!

This helped to provide *223 Thanksgiving Baskets, 571 Christmas Baskets as well as 6,200 toys and 6,500 articles of Christmas clothing for 1,300 children*!

This is just a drop in the bucket of what The Salvation Army depends on. Funds raised from our Radiothon help to assure that these programs and all the other valuable assistance can continue. This year the Salvation Army has more than 500 families who need our support. With your help this can be achieved.

Our 980 WCAP Radiothon is December 11th from 6AM-1PM at the studios of 980 WCAP, 243 Central Street, Lowell MA. Tune in and bid on hundreds of Auction Items, bring your donations to the studio that morning or mail them to the Salvation Army at 150 Appleton Street, Lowell MA 01853. Make check out to ***'Salvation Army Radiothon'***. If you have an auction item you would like to donate, we would be happy to pick it up.

*Stop by and be part of an exciting new **Radiothon** event hosted by **Senator Steve Panagiotakos with Senator-Elect Eileen Donoghue**. This year we have a simulcast **WCAP Salvation Army Radiothon** remote broadcast being held at the **Lowell Sun lobby, 491 Dutton Street from 9AM - Noon**. Stop in to make a donation and meet Lowell's own **"Irish" Micky Ward** and other area personalities. Local artist, **Bill Bradbury**, will be creating his clever caricatures and **Gary Sohmers**, who appears on Antiques Roadshow, will appraise your family heirlooms and treasures for a donation to the **Salvation Army Radiothon**. Come join us for the fun and have a snack at the Gazebo Café while being entertained by comedian and talk host **Jimmy Tingle**. Plenty of **free parking** and surprises.*

Sincerely,

The Radiothon Team

Therese Gay <tgay@tyngsboroughma.gov>

License Renewals and Open Meeting Law Minutes

Charles J. Zaroulis <charles.zaroulis@verizon.net> **Thu, Dec 2, 2010 at 4:03 PM**
To: Therese Gay <tgay@tyngsboroughma.gov>

Dear Terry:

Your E-mail of November 29, 2010, presents two issues:

1. License Renewals:

You present the issue if the licensee pays the fee but the Board of Selectmen, for, I assume, a valid reason, does not renew, does the old license stay in effect until the Board renews?

A. Liquor Licenses:

License renewal under either M.G.L. c. 138, § 12 or 15, is "automatic" for the next annual or seasonal license period upon application by the holder in November and upon payment of the appropriate fee. See M.G.L. c. 138, § 16A. Prior to renewal of a license, the Board must inspect the premises to determine that it continues to comply with all respects with the parameters set forth in M.G.L. c. 138, § 1, M.G.L. c. 138, §§ 12 and 23.

A person whose application has so been rejected by the local licensing authorities, for the purposes of M.G.L. c. 138, § 17, shall be deemed to have been granted such a license until the period for such an appeal to the Alcoholic Beverages Control Commission has expired or until the appeal has been dismissed.

B. Entertainment Licenses:

Unlike liquor licenses, entertainment licenses are not automatically renewed. The Board of Selectmen has authority to establish renewal procedures. Note well, however, that parties presently holding entertainment licenses enjoy a recognized "expectation" that the license will be renewed. If the Board of Selectmen determines not to renew the license, it likely will be met with the same significant First Amendment challenge that attends the original issuance. The burden of proof in entertainment license matters ordinarily lies with the Board of Selectmen, as it is presumed that there is a public need for the service or expression.

C. General Comments Regarding Licenses:

As I have previously written to the Board, the Board must be mindful that our Constitution requires due process, in particular with regard to entertainment licenses, which have First Amendment protection. Consequently, with licenses, it has been my strong recommendation in the past that if there is an issue which cannot be addressed by hearing prior to the expiration date, the license may be extended until a hearing is held. To do otherwise invites unnecessary and costly constitutional litigation.

Often, an issue is raised in November or December, for example, by the Tax Collector, that taxes have not been paid by the real estate owner; and, therefore, under M.G.L. c. 40, § 57, no permit or license should be renewed. But, often the licensee is merely a licensee and may have timely paid its rent. To not renew without a hearing would be unfair.

2. Open Meeting Law:

You present the issue whether, under the Open Meeting Law, the minutes must be verbatim. The Open Meeting Law provides as follows:

"Minutes" is defined as "... the written report of a meeting required by subsection (a) of section 23 and section 5A of chapter 66. ... (My emphasis.)

Minutes must now, of course, be accurate and include the date, time, and place of the meeting, members present or absent; list of all documents or exhibits used, a summary of the discussion regarding each subject, the setting forth of any decision made and actions taken. I recommend that the vote be recorded and, where required by statute or law, the names of each member and his or her vote.

My view is that only an accurate summary of the discussion is necessary; therefore, the minutes need not be verbatim.

Please call me if you have any questions or to discuss. Please distribute **this E-mail** to all Selectmen.

Charles J. Zaroulis, Town Counsel

cc: Opinion File 2010

Charles J. Zaroulis, Esq.

40 Church Street, Suite 500

Lowell, Massachusetts 01852-2686

Tel: 978.458.4583

Fax: 978.937.0950

E-mail: charles.zaroulis@verizon.net

From: Therese Gay [mailto:tgay@tyngsboroughma.gov]
Sent: Monday, November 29, 2010 10:36 AM
To: Charles J. Zaroulis
Subject: Attendance to Selectmen's Meeting on Monday, December 6

Good Morning Charles,

I am writing to invite you to attend the Selectmen's night Monday December 6.

We are having the hearing for the Tyngsborough Sports Center Entertainment License.

I will also have the renewals and minutes. There maybe questions.

1) on the renewals a question came up - If the license is not renewed does the old license stay in effect until the Board renews?
My answer was if not renewed by December 31 the establishments do not open on January 1.

2) on the minutes and I have the open meeting law, I know there has to be a paragraph on what transpired. I do that I do not do verbatim such as he said this or she said that unless specifically asked to do so and then I do have that person review the quote for accuracy. I will send a draft copy of a set of minutes to review.

Please let me know if you can attend.

Thank you Charles

Terry
Thank you Charkles,

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.

Draft December 2, 2010 ksz

December 2, 2010

FAX #: 978-649-2320
TO: Michael G
FROM: Charles J. Zaroulis, Esq.
DATE: 12-2-10
COMMENT: FYI up

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

File: Tyngsborough

Re: Westford Road Development

Dear Michael:

This letter is in response to your facsimile of December 2, 2010, enclosing a letter from Westford Road Development, LLC, dated November 4, 2010, Release of Development Agreement and a Development Agreement, requesting my recommendations.

No additional facts or issues have been presented top me. If there are any, you should so advise.

The comments in my July 21, 2010, are still valid.

As to my paragraph number two, I note that the three suggested changes were made.

As to paragraph number nine, however, I recommend it specifically run "in perpetuity."

As to the revised draft dated November 4, 2010, I make the following comments:

Section 1. a and b, I have no information regarding fees and make no comment or recommendation.

As to the remaining terms of the Agreement, please note that I was not involved in the original agreement or the recent discussion and negotiations, nor have I been advised as to any facts or issues, and consequently, I do not have any specific recommendations as to substance.

If there are any concerns or issues, kindly provide me with these concerns, issues and the facts concerning these matters.

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

Sincerely yours,

Charles J. Zaroulis

Town Counsel

CJZ:ksz

CHARLES J. ZAROULIS LAW OFFICES

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

November 24, 2010

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

File: Tyngsborough

Re: Collective Bargaining Agreements And Town Meeting Warrant Article

Dear Michael:

Regarding the above, a reminder for the future so as to provide notice to the town meeting voters the article should read:

> To see if the town will vote to raise and appropriate or transfer from available funds a sum of money in accordance with Massachusetts General Laws, chapter 150E, section 7(b) to fund the cost items contained in collective bargaining agreement dated _____ between the Town and _____, or take any action relative thereto.

Please call if you have any questions.

Sincerely yours,

Charles J. Zaroulis
Town Counsel

CJZ:ksz

Tyngs/STM Draft

MIIA MASSACHUSETTS BASED MEMBER DRIVEN

One Winthrop Square, Boston, MA 02110
617-426-7272 or 800-882-1498
Facsimile 617-426-9546 • www.emiia.org

2010 DEC -1 PM 1:10
TYNGSBOROUGH, MA.

December 1, 2010

RE: MIIA Board Approves $2.5M in Additional Participation Credits for Fiscal Year 2011

Dear MIIA Member:

It is our pleasure to inform you that the MIIA Property & Casualty Board voted to award $2,500,000 in additional Participation Credits for fiscal year 2011. Participation credits were initiated several years ago as a way of rewarding Members for long-term commitment to the principles of risk management and loss prevention that are the foundation of the MIIA programs. The longer a member participates, the higher the credit. Recognizing the difficult fiscal environment facing cities and towns, the MIIA Board and management are committed to providing needed financial relief to our members while maintaining the long-term financial stability of the program. MIIA's actuaries undertook a thorough analysis and the release of these credits is consistent with sound financial targets for the program. A credit statement will be sent to you shortly indicating your share of the overall participation credit.

We are also pleased to announce funding for a second round of loss control grants. The Board approved $225,000 in funding for the current fiscal year. The program is designed to encourage members to engage in loss prevention and risk management practices. This latest round of funding will emphasize loss control activities in the DPW departments and include funding for organization development activities. Look for more details on the program in a forthcoming mailing.

At MIIA, we continually look for ways to provide our members with tools to manage costs, and we constantly examine ways to better manage the costs of the services that we offer to our members. To that end, we recently undertook a review of the EAP services to determine if we could provide those services in a more effective manner. Currently, employees can avail themselves of up to six face-to-face visits with an EAP provider at no cost to either the employee or the member. MIIA will continue to offer the services at no cost to the member, however, we will be changing how individuals access the EAP service provider beyond the initial three sessions. Individuals will be able to access additional visits with approval of AllOne, your EAP service provider, if it is determined that a limited number of additional visits will benefit the individual. We will be sending information on this change under a separate mailing.

We are pleased to provide you with these additional benefits and cost-saving tools at a time when so many of you are in need of additional resources. We greatly appreciate your support and continued commitment to MIIA.

Sincerely,

Geoff Beckwith
President

Stanley Corcoran
Executive Vice President

BUSINESS MAIL ENTRY UNIT

UNITED STATES
POSTAL SERVICE

2010 NOV 29 AM 9:03
TYNGSBOROUGH, MA.

November 19, 2010

Dear Postal Customer:

We want to provide you with a brief overview of some operational changes made at our bulk mail acceptance offices, and share information on why these changes were made and how they may impact you.

As you are aware, our Business Mail Acceptance team members are responsible for following operational policies and procedures for acceptance and induction of bulk business mailings into the USPS mail stream. The acceptance process includes establishing and maintaining business mailing accounts, verification of business mail preparation, assessing proper postage, and charging the business account with the correct postage for the mailing.

The Postal Service continues to focus on meeting Sarbanes-Oxley Act (SOX) financial reporting requirements to help strengthen its financial accountability and ensure that USPS financial reporting is correct. Implementing SOX under the Postal Act of 2006 sets forth higher standards of financial reporting, disclosure and internal auditing for the U. S. Postal Service.

In order to help us meet SOX requirements, we ask for your cooperation in all aspects of mail preparation by:

- Providing properly completed postage statements with your mailing

- Ensuring sufficient funds are available in your permit accounts to cover mailings presented

- Adherence to Critical Acceptance Times (CAT) – The targeted deadlines listed below to allow for mail to be processed the same day we receive it.

Boston:	Standard Mail 3:00 p.m.	First Class Mail 6:30 p.m. (Saturday 1:00 p.m.)
Northwest Boston:	Standard Mail 3:30 p.m	First Class Mail 6:00 p.m.
Shrewsbury:	Standard Mail 4:00 p.m.	First Class Mail 6:00 p.m.
North Reading:	Standard Mail 3:00 p.m.	First Class Mail 7:00 p.m. (Saturday 1:00 p.m.)

- Obtain permit account balances via the Business Customer Gateway website https://gateway.usps.com/bcg/login.htm at any hour of the day. No need to call the Bulk Mail Entry Unit (BMEU) for your account balances.

As you enter the Bulk Mail Entry Unit or Detached Mail Unit, we have provided a "Welcome" book and ask that you sign in and provide some key information to help us better serve you. Providing us with this information will allow us to offer immediate follow-up, if it is needed, enabling us to reach you or your company's designee should an issue arise after the mailing is inducted.

We will be introducing Web-based educational seminars to share information on business topics relevant to your mailing needs. Our first webinar will share information about the benefits mailers can derive from The Business Customer Gateway. We would like your suggestions on specific subjects to feature for future Web-based seminars. I have included a brief survey with this correspondence and invite you to take a few moments to complete and return your response to me.

In closing, I want to reaffirm that our mission is to provide you, our valued business mail customers, with a mailing process that is seamless, efficient, and cost-effective. We are committed to providing the most up-to-date technology to make business mailing easier. If you have any questions, or if we may be of further assistance, please let me know. I have provided space below for your comments or questions. You can return the survey sheet provided with any specific questions or comments.

Sincerely,

Mary Z. Hung
(A) Manager, Bulk Mail Entry Unit
Greater Boston District

Feedback Survey Sheet: BME Update to Customers November 2010

Yes_____ Please provide me with more information on accessing the Business Customer Gateway.

Yes_____ I am interested in learning more about Web-based Information Seminars. Please advise the specific postal-related topics you would like to learn more about:

_____ _____

What time of day, and day of week would be most convenient for you to participate in Web-based Information Seminars?:

Time of day:_____ Day of week:_____

Name:

Company:

Email:

Phone:

Feedback/Question:

Please return your feedback to Manager, BME, USPS 25 Dorchester Avenue Room 1004 Boston MA 02205-9615. Fax: 617-654-5142 Thank you.

Town of Tyngsborough
Bi-Monthly Report
Conservation Commission

10 NOV 10 PM 3:02
TYNGSBOROUGH, MA.

Year: FY 2011

Officers: Chairperson: Ed Smith

Vice-Chairperson: Jeff Kablik

Meetings held (dates): November 9, 2010 (Cancelled)

Minutes attached? NO

Ongoing and prospective projects and activities:

Project	Status	Estimated completion

Other notes: There are no projects currently pending

Signed: (name) Pamela A. Berman (title) Administrative Assistant

see modified form attached
11/18/10

Town of Tyngsborough
Bi-Monthly Report
Conservation Commission

Year: FY 2011

Officers: Chairperson: Ed Smith

Vice-Chairperson: Jeff Kablik

Meetings held (dates): November 9, 2010 (Cancelled)

Minutes attached? Yes

Ongoing and prospective projects and activities:

Project	Status	Estimated completion
Solar Panel Field	Order of Conditions issued	
Pawtucket Blvd. Re-alignment	Order of Conditions issued. Flood Plain Letter of Map Revision (LOMR) achieved. LOMR is being implemented. Construction slated to begin in April 2011.	
Sherburne House	Field has been mowed. Property was surveyed to determine whether there is an abutter intrusion on the property.	
Flood Plain Issues	River Rd.: Director working with an independent engineer to determine what the flood elevation actually is.	

Other notes: There are no projects currently pending

Signed: (name) Pamela A. Beaman (title) Administrative Assistant

APPROVED
7-27-10

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
July 13, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **JE:** Jerry Earl **BM:** Brian Martin
LB: Linda Bown, Associate Member **MM:** Matt Marro, Conservation Director
Pam Berman: Admin. Assistant

Absent:
LG: Lucy Gertz

7:00pm **Meeting opened** by Ed Smith

7:02pm **Ed Himlan: Massachusetts Watershed Coalition – Tyngsborough's Stormwater Regulations (DRAFT) Presentation.**

Ed Himlan from the Massachusetts Watershed Coalition appeared before the Commission to discuss the work being done on Tyngsborough's Stormwater Bylaw Regulations. These regulations will be consistent with State and Federal stormwater policies. Tyngsborough's proposed Stormwater Bylaw Regulations will allow the Conservation Commission to effectively administer, permit, and manage the State and Federal policies on a local level. As part of the local bylaw, the town will require pre- and post construction stormwater permits. Mr. Himlan went through the proposed bylaw with the Commission. Several edits, and additions where suggested to be incorporated into the bylaw. Mr. Himlan will complete these edits and return on August 10, 2010 to discuss the regulations further.

7:30pm **50 Westford 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.

JK: Motion to waive the reading of the abutters list.
JE: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

JK: Motion to waive the reading of the legal ad.
JE: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

Steve Eriksen from Norse Environmental representing the applicant appeared before the Commission concerning this project. The project site is wooded and slopes northeasterly with two wetland areas that will need to be crossed. Approximately 37 acres of trees will be removed and stumped in order to make way for the installation of the solar panels. Each panel will sit on a concrete pad that has a surface footing, therefore, there is no need for any digging for a sonar tube type footing. The entire area will be properly graded to minimize stormwater issues. MM asked if there was a line of site analysis or sun exposure analysis performed to ensure that only the trees that need to be removed are taken. This will avoid removing any more trees than necessary. Mr. Eriksen said that he would check on that. He went on to say that they have filed with Natural Heritage for bald eagle and dragonfly habitats, but does not anticipate any problems as the habitats generally remain closer to the river. He added that the open area created by the tree removal will be a new habitat for several species that thrive in open fields with a lot of sun exposure.

Mr. Erkisen explained that the stormwater management plan is incorporated into the Notice of Intent filing as required by DEP. MM suggested that the Planning Board's engineer, Jesse Johnson from David E. Ross Associates be consulted to review the drainage report for this project. He went on to say that a $2,000 53G account be established in order to fund this expense. Ed Wallace of 17 Steinbeck St. asked the Commission whether the water table in the area would be affected from the proposed grading for the project. Mr. Eriksen explained that the water does flow southeast, away from Steinbeck St. which is in the Maple Ridge development. The calculations done of the drainage indicate that the rate of stormwater run-off will actually decrease. MM indicated that the engineer would address these issues in his review. Claire Cloutier of 3 Dickens Lane asked whether there are plans to spray the undergrowth with herbicides. Mr. Eriksen said that there were no plans for chemical treatment, just mowing. He also added that the undergrowth would consist of low growing clover.

Marguerite Jungbluth of 14 Dickens Lane asked if the surrounding areas are included in the engineering review. MM said that a full project analysis is performed which would include the abutting areas. He went on to say that due to the complexity and scope of this project he strongly suggests that a site walk be scheduled with the developer and the Commission in order to gain a better understanding of the topography and where the solar panels would be install in relation to the surrounding areas. The Commission agreed to meet with the developer and his engineer at 5pm on Monday July 19, 2010. Other site walks would also be done for those Commission members that cannot make the 7/19/10 walk.

BM: Motion to continue the public portion of the hearing until July 27, 2010 at 7:00pm.
JK: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

8:00pm Long Pond Clean Waters, Inc. Committee – Request for Extension Permit for Order of Conditions, DEP# 309-600. Former extension permit issued 7/25/2007.

Commission member Brian Martin recused himself from this discussion as he is an abutter to Long Pond.

Mark Marcoux from the Long Pond Clean Waters Committee appeared before the Commission requesting that the order of Conditions for the chemical treatment of Long Pond be extended. ES informed Mr. Marcoux that this Order has been extended twice before, and Tyngsborough's by-laws only permit one extension. Therefore, another extension cannot be permitted under the bylaw. ES suggested to Mr. Marcoux that the Committee

re-file the NOI. MM added that they can file the same application as they did before with the Town of Tyngsborough as the applicant and thereby be fee-exempt. The Commission requested that annual status reports be submitted to the Commission to keep them apprised of the Lake's condition. Mr. Marcoux expressed concern that in the event an algaecide treatment be needed prior to the new order is approved, that they would be in trouble. He reported that the lake is in excellent condition due to their diligence and does not want to see them take any steps back with the lake's weed treatment program. MM said that in the event they need any treatments, they would be able to work with the Commission to figure out a solution.

Minutes/Sign Forms/Other Business

ES asked to have a letter sent to the Tyngsborough Planning Board asking them to look into street acceptance procedures for the Cedar Street Boat Ramp.

JK: Motion to approve the minutes as written for June 22, 2010
JE: 2nd the motion
In Favor: 4 **Opposed:** 0 **Abstain:** 2 **Absent:** 1
Passes: 4-0-2-1

9:10pm **JE:** Motion to adjourn
JK: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

Respectfully submitted
Pamela Berman, Administrative Assistant

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

AGENDA
July 13, 2010

7:00pm **Ed Himlan: Massachusetts Watershed Coalition** – Tyngsborough's Stormwater Regulations (DRAFT) Presentation.

7:30pm **50 Westford 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.

8:00pm **Long Pond Clean Waters, Inc. Committee** – Request for Extension Permit for Order of Conditions, DEP# 309-600. Former extension permit issued 7/25/2007.

Discussion:

Administrative:

1. Director's Determinations and Report

2. Minutes/Bills/Other Business:

   - Approve the minutes from the 6/22/10 meeting.

3. Sign the following forms:

   - 61 Coburn Road – Order of Conditions

APPROVED
8-10-10

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
July 27, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **BM:** Brian Martin **LG:** Lucy Gertz
LB: Linda Bown, Associate Member **MM:** Matt Marro, Conservation Director

Absent:
JE: Jerry Earl **Pam Berman:** Admin. Assistant

7:00pm **Meeting opened** by Ed Smith

7:00pm **50 Westford Road (M21, P23-1) – Notice of Intent, DEP# 309-0838** 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.

Walter Eriksen appeared before the Commission to continue the discussion regarding the above Notice of Intent filing. Commission engineer Jesse Johnson of David E. Ross Associates reviewed the Stormwater Management run-off plan and noted several concerns, most notably that the pervious versus impervious surfaces needed to be addressed. Mr. Eriksen was able to review the report prior to tonight's meeting and agreed to continue this hearing until August 10, 2010 at 7:05pm in order for a subsequent site visit to be conducted for members of the Commission who could not attend the last visit.

LG presented the Commission with a sign that could be used for trail access in order for residents to be able to walk the site and familiarize themselves with the project. Mr. Eriksen felt that the liability of allowing people to access the site was too risky for him to allow. However, Mr. Eriksen did propose the possibility of constructing a lifestyle fitness trail in the next phase of development that would encompass the whole solar field. This trail, in conjunction with possible learning stations regarding the solar panel arrays, would offer the residents of Tyngsborough a unique opportunity.

Tom Ives of 120 Middlesex Rd. inquired if the groundwater table was considered in the design of this project. MM noted that the issue would be addressed, but the initial review yielded groundwater issues that need to be recalculated by the engineer and include groundwater and total runoff.

JK: Motion to continue the hearing for 50 Westford Rd. until August 10, 2010 at 7:05pm
BM: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

Discussion

Lake Massapoag Weed Treatment Update

The Commission discussed the status of the weed treatment plan for Lake Massapoag. MM recommended that Aquatic Control, the consultant for the Massapoag Rod & Gun Club submit a progress report narrative. JK inquired if the Order of Conditions had a reporting requirement. ES noted that the Order of Conditions does require an end of season report. It was noted that the density was to be measured in a cross section analysis and be reported back to the Commission so that the future can be planned. BM noted that the Order did state that it could be modified and an update may not be unreasonable to ask for. ES noted that they were still examining a mid draw down harvest that has not happened yet. It was noted by LB that the minutes reflected an evaluation must be submitted for September considering if alternatives would be required.

MM noted that we could simply send a letter reminding the Rod & Gun Club that there is a report due in September regarding the status of their program. JN inquired if the baseline for weed density was supposed to be established prior to harvesting. MM noted that there was supposed to be a cross section done during harvesting and a new report on total weed density, since the original data submitted by the Rod & Gun Club was totally inadequate.

The Commission reviewed the prior minutes concerning the Rod & Gun Club hearings. JK noted that he wanted clarification as to what is going to be reported. BM noted that a proposal for drawdown would also be presented to see if the Order of Conditions needs to be modified. ES noted that his major concern was that a professional is overseeing the project. JK stated that November may be more appropriate for reporting so an assessment of drawdown can be included and that the survey and bio survey be included as well as alternative treatments for the future. JK voiced concern that chemical treatment can be included. ES noted that there is a Zone 2 issue that may limit the use of chemicals. MM noted that the Order of Conditions does state that the Order can be modified. JK read aloud from the report items that are supposedly being done as listed in the plan and wants reassurance and information that it has been performed. ES stated that he would call Aquatic Control for an update.

Minutes/Sign Forms/Other Business

1. **Director's Determination and Report**
   - **270 Pawtucket Blvd.** – Remove 6 dead Blue Spruce Trees.

   MM reported that 270 Pawtucket Blvd. has an area where the owner is trying to preserve a stand of some very old Birch trees which are sensitive to land use. There are 6 Blue Spruce trees that are along the roadside and need to be removed. He is working on subsequent landscape management with the property owner to preserve the land.

   JK: Motion to approve the Director's Determination for 270 Pawtucket Blvd.
   BM: 2nd the motion
   In Favor: 6 **Opposed:** 0 **Absent:** 1
   Passes: 6-0-1

JK: Motion to approve the minutes as written for July 13, 2010
JN: 2nd the motion
In Favor: 5 **Opposed:** 0 **Abstain:** 1 **Absent:** 1
Passes: 5-0-1-1

Note: The Board of Selectmen reappointed Brian Martin. In addition, Linda Bown was appointed by the Board of Selectmen and her votes now count towards the quorum.

8:20pm **ES:** Motion to adjourn
JK: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

Respectfully submitted
Pamela Berman, Administrative Assistant

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

AGENDA
July 27, 2010

7:00pm **50 Westford Road (M21, P23-1) – Notice of Intent, DEP# 309-0838** 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

Administrative:

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:

APPROVED
10-26-10

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
August 10, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **BM:** Brian Martin **LB:** Linda Bown
JE: Jerry Earl **MM:** Matt Marro, Conservation Director **Pam Berman:** Admin. Assistant

Absent:
LG: Lucy Gertz

7:00pm **Meeting opened** by Ed Smith

7:00pm **50 Westford Road (M21, P23-1) – Notice of Intent, DEP# 309-0838** 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 27, 2010.

MM reported that there remain several issues pending regarding stormwater management. Therefore, the applicant submitted a letter requesting a continuance in order to address those issues.

JK: Motion to continue the hearing for 50 Westford Rd. until August 24, 2010 at 7:05pm
BM: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

7:15pm **41 Phalanx Street (M19, P88, L0) – Request for Determination of Applicability** for the proposed construction of a 10' x 12' shed within the buffer zone.

JK: Motion to waive the reading of the legal ad and abutters list
JE: 2nd the motion
In Favor: 6 **Opposed**: 0 **Absent**: 1
Passes: 6-0-1

Applicant and homeowner Christopher Black appeared before the Commission regarding the construction of a shed on his property. The shed will be approximately 50 feet from the edge of the Merrimack River which drops off in back of his property. MM reported that the shed would be in the buffer zone but would not impact the wetlands. Mr. Black added that the shed's foundation would be of the floating variety and be placed on cinder blocks thereby avoiding any digging of holes for footings. There were no abutters present.

JK: Motion to close the public portion of the hearing.
JE: 2nd the motion
In Favor: 6 **Opposed**: 0 **Absent**: 1
Passes: 6-0-1

JK: Motion to issue a Negative Determination for the construction of a 10' x 12' shed at 41 Phalanx Street.
JE: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent**: 1
Passes: 6-0-1

7:20pm **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP 309-0839** for the continued management of excessive vegetation with U.S. EPA & MADEP registered and approved herbicides.

JK: Motion to waive the reading of the legal ad and abutters list
JE: 2nd the motion
In Favor: 6 **Opposed**: 0 **Absent**: 1
Passes: 6-0-1

Commission member Brian Martin recused himself from this hearing as he is an abutter of Long Pond. In addition, he will be representing the Long Pond Committee regarding this application. This application is a re-filing of an old NOI that has been in effect for several years and been extended twice thus far under DEP# 309-600. Since the Commission cannot extend the permit a third time, a new filing was recommended. The existing Order of Conditions expired July 25, 2010.

JK: Motion to continue the hearing until August 24, 2010 in order to obtain more data.
JE: 2nd the motion
In Favor: 6 **Opposed**: 0 **Absent**: 1
Passes: 6-0-1

7:30pm **Pawtucket Blvd. (Route 113), Frost Rd.(Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from April 28, 2009.

Dave Patnaude from Parsons Transportation appeared before the Commission for the applicant, Mass DOT concerning this project. FEMA's mapping of the 100 Year Flood Zone for this project delayed Mass DOT from presenting this filing in April 2009. However, since then, a Letter of Map Revision has been requested from FEMA since Mass DOT believes that the 100 Year Flood Zone is inaccurately mapped and does not extend in to the subject project location. MM reported that the Commission needs additional time to review with the applicant the update of the Flood Plain issues and DEP's concerns with Mass DOT to see how they have been addressed. MM went on to say that the project's landscape plans need to be reviewed as well.

JK: Motion to continue the hearing until August 24, 2010 in order to wait for FEMA and DEP responses.
JE: 2nd the motion
In Favor: 6 **Opposed**: 0 **Absent**: 1
Passes: 6-0-1

Discussion

Ed Himlan: Massachusetts Watershed Coalition – Tyngsborough's Stormwater Regulation By-Law.

Mr. Himlan returned with additional information and discussion concerning the new Stormwater By-Law currently being developed for the Town of Tyngsborough. The Commission discussed the remaining sections being developed and proposed a fee structure be incorporated into the by-law. Mr. Himlan will return on September 28, 2010 to review the Final Draft By-Law.

Minutes/Sign Forms/Other Business

1. Director's Determination and Report

- **12 Scribner Road** – Modification to an existing foundation.

MM reported that this is an existing home that has a garage under that is deteriorating. There would be no impact to any resource areas with this work.

JK: Motion to approve the Director's Determination for 12 Scribner Road
BM; 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

2. Minutes

BM: Motion to approve the minutes as written for July 27, 2010
JK: 2nd the motion
In Favor: 5 **Opposed:** 0 **Abstain:** 1 **Absent:** 1
Passes: 5-0-1-1

9:50pm

JE: Motion to adjourn
LB: 2nd the motion
In Favor: 6 **Opposed:** 0 **Absent:** 1
Passes: 6-0-1

Respectfully submitted
Pamela Berman, Administrative Assistant

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
Fax: (978) 649-2301

AGENDA
August 10, 2010

7:00pm **50 Westford Rd. (M21, P23-1) – Notice of Intent, DEP# 309-0838** with Stormwater 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 27, 2010.

7:15pm **41 Phalanx St. (M19, P88, L0) – Request for Determination of Applicability** for the proposed construction of a 10' x 12' shed within the buffer zone.

7:20pm **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP# 309-???** for the continued management of excessive vegetation with U.S. EPA & MA registered and approved herbicides.

7:30pm **Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from April 28, 2009.

7:50pm **Ed Himlan: Massachusetts Watershed Coalition** – Tyngsborough's Stormwater Regulation By-Law.

Discussion:

Administrative:

1. Director's Determinations and Report
   - 12 Scribner Rd. – Modification to an existing garage
2. Minutes/Bills/Other Business:
   - Approve the minutes from the 7/27/10 meeting.
3. Sign the following forms:

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

APPROVED
10-26-10

Minutes
August 24, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **LB:** Linda Bown **LG:** Lucy Gertz
MM: Matt Marro, Conservation Director

Absent:
JE: Jerry Earl **BM:** Brian Martin **Pam Berman:** Admin. Assistant

7:00pm **Meeting opened** by Ed Smith

7:00pm **93 Chestnut Road (M8, P66, L0) – Request for Determination of Applicability** for the proposed installation of a 15' x 25' above ground swimming pool.

JK: Motion to waive the reading of the abutters list and legal ad.
JN: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes: 5-0-2

Homeowner Judy Mendes appeared before the Commission regarding the above project. MM reported that this project would not impact the wetlands and recommended a Negative Determination. There were no abutters present.

JK: Motion to issue a Negative Determination for 93 Chestnut Road for the installation of a 15' x 25' above ground swimming pool.
JN: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes: 5-0-2

7:10pm **4 Nevada Road (M2, P158, L0) – Notice of Intent DEP# 309-0840** for the proposed upgrade and construction of a subsurface sewage disposal system.

JK: Motion to waive the reading of the legal ad and abutters list
JN: 2nd the motion
In Favor: 5 **Opposed**: 0 **Absent**: 2
Passes: 5-0-2

Jeff Hannaford of Norse Design representing the homeowner appeared before the Commission regarding this project. Mr. Hannaford explained the upgrade, and showed where the existing system is and where the proposed system will go. MM felt that the location was optimal for the system and recommended a Standard

Order of Conditions. JK voiced concerns over the system's filtration backwash. Mr. Hannaford noted that it's a standard note on his plans. MM noted that the filtration system is a small volume of water. JN inquired why the plans indicated that the septic tank is planned to be pumped out once every two years. Mr. Hannaford noted that it's a Title 5 standard. JN asked whether the breakout requirements have been met with this plan. Mr. Hannaford replied that they have and an additional poly barrier will be used as an extra precaution. There were no abutters present.

JK: Motion to close the public portion of the hearing.
JN: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes: 5-0-2

JK: Motion to issue a Standard Order of Conditions for 4 Nevada Rd., DEP# 309-0840 for the upgrade and construction of a subsurface disposal system.
LG: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes: 5-0-2

7:20pm **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP 309-0839** for the continued management of excessive vegetation with U.S. EPA & MADEP registered and approved herbicides. Continued from August 10, 2010.

JK: Motion to continue the hearing until September 28, 2010
LB: 2nd the motion
In Favor: 5 **Opposed**: 0 **Absent**: 2
Passes: 5-0-2

7:25pm **50 Westford Rd. (M21, P23-1) – Notice on Intent, DEP# 309-0838** with Stormwater 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 August 10, 2010.

JK noted that the engineering calculations for stormwater are not finished under the review process.

JK: Motion to continue the hearing until September 28, 2010.
LG: 2nd the motion
In Favor: 5 **Opposed**: 0 **Absent**: 2
Passes: 5-0-2

7:35pm **Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from August 10, 2010.

Dave Patenaud and Tim Dexter appeared before the Commission for the applicant, Mass DOT. ES questioned why it was stated by Mass DOT at the Board of Selectmen meeting that it would take 18 months for the phone lines to be moved, and three years for the project to be completed. When, at the last Conservation Commission meeting it was stated that it would be 12 months and two years for construction. Mr. Patenaud noted that the 12 months is the correct timeline and had verified that with Verizon. ES wanted to know why Comcast is not moving their lines. Mr. Patenaud did not have an answer due to the fact that it was a different contract.

MM noted that he did sign off on DOT's Letter of Map Revision (LOMR) and has an email from FEMA stating that there they will approve it. DOT is concerned that DEP will not approve it and wait for FEMA's ruling and then appeal it.

Mr. Dexter noted that the updated landscape plans addressed the Commission's concerns. DOT will look into bass wood plantings.

MM inquired if DOT wants the Order of Conditions now knowing that DEP may appeal. DOT noted that the Order can be made so that the LOMR is the requirement.

JK: Motion to issue a Standard Order of Conditions for the Pawtucket Blvd. Relocation and Reconstruction project, DEP# 309-0825 with the condition that the LOMR must be received before construction, filling and grading can commence, and that the landscape plans must be updated.
LB: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes

Discussion

Minutes/Sign Forms/Other Business

8:00pm

JK: Motion to adjourn
LG: 2nd the motion
In Favor: 5 **Opposed:** 0 **Absent:** 2
Passes: 5-0-2

Respectfully submitted
Pamela Berman, Administrative Assistant

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
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AGENDA
August 24, 2010

7:00pm **93 Chestnut Rd. (M8, P66, L0) – Request for Determination of Applicability** for the proposed installation of a 15' x 25' above ground swimming pool.

7:10pm **4 Nevada Rd. (M2, P158, L0) – Notice of Intent DEP# 309-0840** for the proposed upgrade and construction of a subsurface disposal system.

7:20pm **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP# 309-0839** for the continued management of excessive vegetation with U.S. EPA & MA registered and approved herbicides. Continued from August 10, 2010.

7:25pm **50 Westford Rd. (M21, P23-1) – Notice of Intent, DEP# 309-0838** with Stormwater 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 August 10, 2010.

7:35pm **Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Department of Transportation Highway Division Notice of Intent, DEP# 309-0825** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd. Continued from August 10, 2010.

Discussion:

Administrative:

1. Director's Determinations and Report
2. Minutes/Bills/Other Business:
3. Sign the following forms:
   - 41 Phalanx St. – Determination of Applicability

APPROVED
10-26-10

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
September 28, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **LB:** Linda Bown **LG:** Lucy Gertz
JE: Jerry Earl **BM:** Brian Martin **MM:** Matt Marro, Conservation Director
Pam Berman: Admin. Assistant

7:00pm **Meeting opened** by Ed Smith

7:00pm **27 Alpine Way – Request for Determination of Applicability** for the proposed construction of a 12' x 14' shed.

JK: Motion to waive the reading of the abutters list and legal ad.
JE: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

Homeowner Denise Palermo appeared before the Commission regarding the above project. MM reported that this project would not impact the wetlands and recommended a Negative Determination. There were no abutters present.

JK: Motion to close the hearing
BM: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

BM: Motion to issue a Negative Determination for 27 Alpine Way for the construction of a 12' x 14' shed.
JK: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

7:10pm **Town of Tyngsborough & Dracut, MA and Pelham, NH (Long Pond) – Notice of Intent DEP 309-0839** for the continued management of excessive vegetation with U.S. EPA & MADEP registered and approved herbicides. Continued from August 24, 2010.

Member Brian Martin recused himself from this hearing as he is an abutter and a representative for the Long Pond Clean Waters committee.

This hearing was postponed in order for DEP to issue a file number, which they have. Brian Martin spoke on behalf of the Long Pond Clean Waters Committee saying that the algaecide treatments would not have to be done until the spring. Subsequent chemical treatments would follow the same protocol as in past years. ES requested that follow-up reports be submitted on an annual basis to keep the Commission informed of the status of condition of the lake.

LB: Motion to close the hearing
JK: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

LB: Motion to issue a Standard Order of Conditions for DEP# 309-0839 for the continued management of excessive vegetation on Long Pond with the condition that annual reports be sent in to the Commission with the status of conditions of the lake.
JK: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

7:25pm **50 Westford Rd. (M21, P23-1) – Notice on Intent, DEP# 309-0838** with Stormwater 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 August 24, 2010.

Engineer Jesse Johnson reported that the stormwater and drainage concerns he had with the project were satisfactorily addressed by the applicant. Applicant, Walter Eriksen said that with the modifications to the stormwater and drainage plans, the number of solar panel arrays were reduced by 10%. The modified plans include 7 detention basins. In addition, the base of the solar panels will have a stone base that will create a terrace effect with a small lip that will keep the water run-off from increasing. Mr. Eriksen also noted that there would be a chain link fence encompassing the entire solar field. JK was concerned about the migration of wildlife through the fence. Steve Eriksen, wetland scientist on the project said that they can work with the developer to modify the fence to allow a pathway for wildlife. The Commission also requested that as part of the approval, an engineer inspection be done on the detention basins prior to loaming and seeding. There were no abutters present to comment.

JK: Motion to close the public portion of the hearing
BM: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

JK: Motion to issue a Standard Order of Conditions for 50 Westford Road, DEP# 309-0838 with the condition that the detention basins be inspected for ledge and groundwater prior to loaming and seeding, and for the applicant to work with the developer to modify the fencing to allow a migratory pathway for amphibians.
BM: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

8:00pm **Ed Himlan: Massachusetts Watershed Coalition** – Tyngsborough Stormwater Regulation By-Law

Ed Himlan returned to the Commission with the final draft of the new Stormwater By-Law Regulations. These regulations are consistent with all Federal and State regulations. The Commission was very impressed with the work that Mr. Himlan has done and is looking forward to seeing the final product. Mr. Himlan also shared with the Commission a slide show of Low Impact Developments that showcased stormwater management.

9:15pm

ES: Motion to go into Executive Session for the purpose of discussing matters concerning an Enforcement Order on Thirsty's Pub at 25 Parham Rd, only to come out into adjournment.
LB: 2nd the motion

Roll Call Vote:
Ed Smith: Yes
Brian Martin: Yes
John Nappi: Yes
Jeff Kablik: Yes
Linda Bown: Yes
Lucy Gert: Yes
Jerry Earl: Yes
In Favor: 7 **Opposed:** 0
Passes: 7-0

Minutes/Sign Forms/Other Business

BM: Motion to approve the minutes as written from August 10, 2010
LB: 2nd the motion
In Favor: 6 **Opposed:** 0 **Abstain:** 1
Passes: 6-0-1

JK: Motion to approve the minutes as written from August 24, 2010
LG: 2nd the motion
In Favor: 5 **Opposed:** 0 **Abstain:** 2
Passes: 5-0-2

9:50pm

JE: Motion to adjourn
BM: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

Respectfully submitted
Pamela Berman, Administrative Assistant

APPROVED
10-26-10

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

Minutes
October 12, 2010
APPROVED

Present:
ES: Ed Smith **JK:** Jeff Kablik **JN:** John Nappi **LB:** Linda Bown **LG:** Lucy Gertz
JE: Jerry Earl **BM:** Brian Martin **MM:** Matt Marro, Conservation Director

Absent: Pam Berman: Admin. Assistant

7:00pm **Meeting opened** by Ed Smith

7:02pm **53 Mascuppic Trail – Request for Determination of Applicability** for the installation of a drilled water well and connection to house.

JK: Motion to waive the reading of the abutters list and legal ad.
BM: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

Due to illness, the homeowner was unable to attend the hearing. However, MM reported that the homeowner had an emergency situation since her well was rendered inoperable. The work was started, but not before MM was able to inspect the property for compliance. MM gave the homeowner clearance to perform the work at the same time as filing the paperwork for the RDA. Since the project would not impact the wetlands, MM recommended a Negative Determination. There were no abutters present.

JK: Motion to close the hearing
JE: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

JK: Motion to issue a Negative Determination for 53 Mascuppic Trail for the installation of a drilled water well and connection to the house.
JE: 2nd the motion
In Favor: 7 **Opposed:** 0
Passes: 7-0

Town of Tyngsborough
Conservation Commission
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext. 116
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AGENDA
October 12, 2010

7:00pm **53 Mascuppic Trail – Request for Determination of Applicability** for the installation of a drilled water well and connection to house.

Discussion:

Administrative:

1. Director's Determinations and Report

2. Minutes/Bills/Other Business:

   - Approve the minutes from the 9/28/10 meeting.

3. Sign the following forms:

   - Long Pond Order of Conditions, DEP# 309-0839
   - 50 Westford Rd. Order of Conditions, DEP# 309-0838
   - 27 Alpine Lane – Determination of Applicability

mspca

Kindness and Care for Animals®

2010 DEC -2 PM 1:44
TYNGSBORO, MA.

November 30, 2010

Mike Harrington, Sharon Aaron
Tyngsboro Animal Control
25 Bryants Lane
Tyngsboro, MA 01879

Dear Animal Control Officer:

I am writing to you about a landmark bill that would update the state's animal control law. As an ACO, you have a lot of influence on your state representative's position on the bill to update animal control laws (H. 4956). You may have recently seen an email alert from ACOAM (Animal Control Officers Association of Massachusetts) recently, one of our partners in this effort, about this legislation. We're at a critical time for this bill. It has passed the Senate and we're working to get it through the House before the session ends on December 31st. Can you help?

We're specifically asking you to call your Massachusetts state representative(s) (you can check with your Town Clerk to find out who represents the communities where you work) and ask for their *support of H. 4956*. Please also ask your representative(s) to contact Speaker DeLeo to request that he move the animal control bill forward to a vote on the floor of the House.

Massachusetts State House
Phone: 617-722-2000
www.malegislature.gov

Speaking points about H. 4956 can include:

- Provides many benefits to cities and towns and their animal control programs.
- Standardizes the stray dog holding period to 7 days statewide, reducing stress on dogs without compromising their chances of being reclaimed by their owners.
- Raises funds through a *voluntary* tax check off to train animal control officers and fund low-cost spay/neuter surgery, therefore reducing the number of animals cities and towns impound, house, and need to care for – and saving municipalities money.
- Improves the dangerous dog law to prevent dog bites and possible attacks (without breed-specific legislation).
- Adds enforcement provisions to the spay/neuter deposit law for animals adopted from shelters and animal control facilities to make it more effective.
- Prohibits certain inhumane methods of euthanasia for dogs and cats.
- Provides other meaningful updates to the state's antiquated animal control laws

For more information visit www.mspca.org/animalcontrolbill. If you have further questions, you can email us at advocacy@mspca.org and/or check with ACOAM about this important legislation.

Sincerely,

Kara L. Holmquist

Kara Holmquist
Director of Advocacy

Cheryl A. Manahan
Attorney at Law
1328 Mammoth Road, 1st Floor - Dracut, MA 01826

2010 NOV 23 AM 11:53
TYNGSBOROUGH, MA.

FAX

November 22, 2010

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

VIA CERTIFIED MAIL 7009-2820-0001-3250-8474

Board of Health -
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

VIA CERTIFIED MAIL 7004-1160-0001-1114-3705

RE: <u>Town Trash Services – Merrimac Landing Condominiums</u>

Dear Members of the Board:

I have been retained by the Trustees of the Board of the Merrimac Landing Condominiums. The residents of this 32 unit development, by their representative Board, request town trash services along with approved receptacle containers for each home at no cost.

Tyngsboro Landing, LLC developed this town approved condominium project under M.G.L. c.183A. The Master Deed for this development is recorded at the Middlesex County North Registry of Deeds, Book 20735 Page 142.

Article 39* of the Town of Tyngsborough By-laws outlines municipal services for condominiums, and it reads:

> *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.*

Please let me know the anticipated date town trash services will be become effective for, and receptacle containers will be delivered to, the residents of the Merrimac Landing Condominium development. Should this matter require further discussion do

not hesitate to contact me. I can be reached at the number(s) and e-mail address captioned above.

I look forward to hearing from you soon. Thank you.

Very truly yours,

Cheryl A. Manahan, Esq.

/CAM
cc: Trustees/Merrimac Landing Condominiums

BAS-3L
(10-2010)

UNITED STATES DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. Census Bureau
Washington, DC 20233-0001 Mail Stop 7400
OFFICE OF THE DIRECTOR

November 29, 2010

2010 DEC -2 PM 1:45
TYNGSBOROUGH, MA.

32501771025 Tyngsborough town

001752

Ms. Rosemary Cashman
Town Administrator
Board of Selectmen
25 Bryants Lane
Tyngsborough MA 01879-1042

FROM THE DIRECTOR
U.S. CENSUS BUREAU

The U.S. Census Bureau conducts the annual Boundary and Annexation Survey (BAS) to update our records regarding changes to legal boundaries, names, and governmental status of all governmental units effective on or before January 1 of the survey year. This voluntary survey is an important opportunity for you to ensure that we have the correct boundary and legal name for your government. The Census Bureau will use the boundary information to report data from the Population Estimates Program (PEP), the American Community Survey (ACS), and other Census programs and surveys.

The Census Bureau and your state or county are collaborating to consolidate responses to the BAS. The state or county has agreed to report all governmental annexations, deannexations, incorporations, disincorporations, and mergers for the governments effective on or before January 1, 2011, to the Census Bureau. Since your government has agreed to participate in this consolidation of work, we will not be sending you separate BAS materials.

Please review and return the enclosed Contact Update Form. On the Contact Update Form, confirm that the Highest Elected Official information is correct. The BAS contact is the county or state representative who will be submitting updates to the Census Bureau. If you have questions about what will be submitted for your government, please contact your representative using the information on the form.

Fax the completed form to the Census Bureau before February 1 using the toll-free number, 1–800–416–3262. Fax the form only. Please do not include a cover sheet. The form can also be mailed in the enclosed postage-paid envelope or send by e-mail to <geo.bas@census.gov>.

The Census Bureau appreciates your response to this important voluntary survey. If you need any assistance with this request, please e-mail <geo.bas@census.gov>, telephone 1–800–972–5651, or visit <http://www.census.gov/geo/www/bas/bashome.html>.

Sincerely,

Robert M. Groves

Robert M.Groves
Director

Enclosures

U.S. DEPARTMENT OF COMMERCE
Economics and Statistics Administration
U.S. CENSUS BUREAU

001752

FORM **BAS-GPP**
(10-12-2010)

2011 BOUNDARY AND ANNEXATION SURVEY CONTACT UPDATE FORM

OMB No. 0607-0151 Approval Expires: 12/31/2012

To access BAS Forms in a PDF format on the website below, use the username: bas11 and password: basforms

32501771025 0

Tyngsborough town

Please use this form to send us contact updates.

If the contacts are correct, you do not need to return the form.

For more information about the Boundary and Annexation Survey visit our BAS website at http://www.census.gov/geo/www/bas/bashome.html

If you have no boundary changes to report, please fill out the Advance Response Form or send an email to geo.bas@census.gov with your name, position, jurisdiction and contact information.

BAS materials will be mailed to the Highest Elected Official (HEO) or Tribal Chair (TC) if there is no BAS contact information printed below. If you prefer to have your BAS materials shipped directly to a person responsible for updating your boundaries, **provide the contact information in the BAS space below**. Please use black ink to correct any preprinted contact information.

Our records indicate the **HEO/TC** contact is:

Name: *Ashley O'Neill*
Position: *Chairperson*
Department: *Board of Selectmen*
Shipping Address: *25 Bryants Ln*
Tynsborough *MA 01879*
Phone: *978-649-6400*
Fax: *978-649-2301*
Email:

Term Exp Date(mm/yyyy): _____ ***Election Cycle/Term in years:*** _____

Our records indicate the **BAS** contact is:

Name: *Christian Jacqz*
Position: *Director*
Department: *MassGIS*
Shipping Address: *251 Causeway St Ste 500*
Boston *MA 02114-2138*
Phone: *617-626-1056*
Fax: *617-626-1249*
Email: *christian.jacqz@state.ma.us*

This **BAS** contact is the following government type: ☐ **Tribal** ☐ **Local** ☐ **County** ☐ **Regional**

Name of person filling out this form	Position	Date

ail or fax this completed form the U.S. Census Bureau within 10 calendar days.

U.S. Census Bureau
National Processing Center
1201 East 10th Street
Jeffersonville, IN 47132
Fax Number: 1–800–416–3262

E-mail questions or comments to geo.bas@census.gov; use "BAS-GPP" as the subject.
Phone: 1–800–972–5651

November 30, 2010

Re: Attorney Information

To Whom it may concern:

I would like to request the Town of Tyngsborough's Attorney. I intend to file a lawsuit against the Town of Tyngsborough.

return Adress: Jeffrey Carlsen
PO Box 42
Tyngsboro MA
01879

Sincerely,

Jeffrey P Carlsen

Jeff Carlsen
PO Box 97
Cambridge MA
02141

BOSTON MA 021

Tyngsboro Town Hall
Bryant Lane
Tyngsboro MA
01879

01879/9999

Middlesex County Jail
This mail
was sent from a detainee at
the Middlesex County Jail
P.O. Box 97, Cambridge,
MA 02141. The contents
have not been read and the
jail is not responsible for its
contents.

THIS ENVELOPE IS RECYCLABLE AND MADE WITH 30% POST CONSUMER CONTENT

© USPS 2009

TYNGSBOROUGH'S ADOPT A FAMILY

Eileen Flynn, who has orchestrated Tyngsborough's Adopt a Family program for the past 30 years, already has a list of 60 families who will go without this Christmas. Many more needy families will come forward or be referred to Eileen in the coming weeks.

Last year many of the Town Hall employees donated gift cards to the Adopt a Family program. The gift cards were given primarily to teens and elderly residents in town. Because the gift cards were a huge success, we have been asked to consider providing them again this year.

Gift Card Ideas:

I Tunes
AMC Theatre
McDonald's
Burger King
Wendy's
Kentucky Fried Chicken
Border's
Walmart
Target
Roller Kingdom
Barnes and Noble
Market Basket
Papa Gino's
Dunkin Donuts

If you would like to contribute, Kerry Colburn-Dion and Joanne Shifres will be collecting donations until December 14. If you would like to donate but aren't sure what to get, we will purchase gift certificates with any cash that is received.

Happy Holidays!

TYNGSBOROUGH GARDEN CLUB

INVITES YOU TO ATTEND

THE SHERBURNE ESTATE OPEN HOUSE

DECEMBER 5, 2010

BETWEEN 1:00 P.M. AND 4:00 P.M.

DECORATED BY CLUB MEMBERS FOR THE HOLIDAYS

COME AND SEE THE HOUSE

HEAR ABOUT THE FAMILY WHO LIVED THERE

SOME OF THE SHERBURNE FAMILY WILL COME

ENJOY SOME HOT CIDER, HOMEMADE

CHOCOLATE CHIP COOKIES AND HERMIT BARS

FREE

'TIS THE SEASON

To Have Fun & To Help Others...

Join in the high spirits with John & Lisa Dingle
and
the Tyngsboro-Dunstable Rotary Club
for our
Seventh Annual fun filled benefit to help local residents this holiday season.

Best selling and Edgar Award nominated author Chris Mooney
will join us to raise funds to be given to the
Tyngsboro Adopt-A-Family Fund & the Dunstable Proctor Charities Fund.

Chris Mooney, a Massachusetts native, writes thrillers with a local connection.
His latest internationally released book is "The Soul Collectors",
which features Boston CSU Investigator, Darby McCormick.

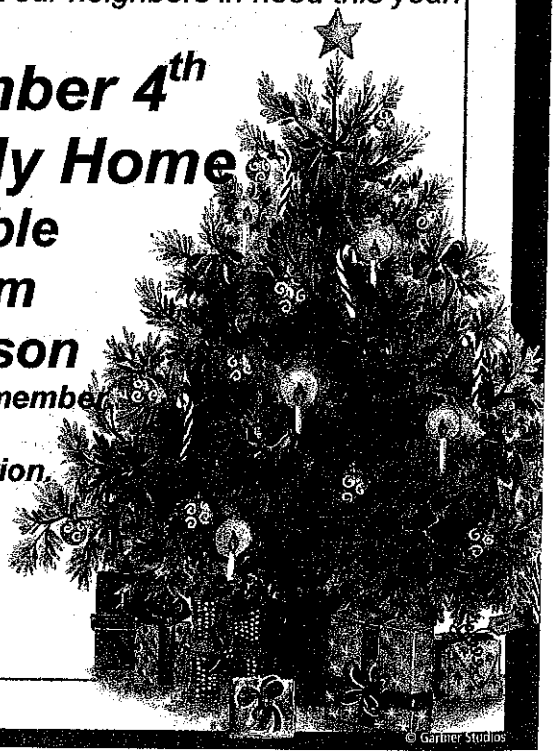
Again this year, Chris and Milford NH's Toadstool Bookshop will generously
present us with bundles of autographed books by other well-known mystery
and thriller authors to auction for the help of those in need in both towns.

Join us to celebrate the season with hot and cold hors d'oeuvres, holiday spirits,
a book auction, sale of autographed copies of Chris' books for Christmas gift giving,
and all around joyful merriment.

Take pleasure in the season while giving to a cause that will assist our neighbors in need this year.

Date: Saturday, December 4th
Place: The Dingle Family Home
Thorndike St, Dunstable
Time : 7:00 – 10:00 pm
Donation : $30 per person
Tickets available from any Rotary Club member

Call 978-758-9981 for more information.
ALL proceeds go to benefit
local families this holiday season.



MASSACHUSETTS BAR ASSOCIATION

LAWYER REFERRAL SERVICE

November 15, 2010

Tyngsborough Town Hall
25 Bryants Lane
Tyngsboro MA 01879

To Whom It May Concern:

The Massachusetts Bar Association's Lawyer Referral Service program would like to take this opportunity to offer your organization some information on our attorney referral program, as we are trying to reach people in your community. The MBA's LRS is one of the largest referral services of its kind in the nation. Since it's inception in 1974, the LRS has helped over 450,000 people find the resources they need to solve their legal problems.

The LRS program offers referrals throughout the state for a variety of legal situations, from real estate and business to family and probate issues, and that is only a fraction of the services that we offer. The LRS places the public in contact with attorneys who can offer answers right away. There is no fee for contacting the referral service; however, the attorney may charge $25 for the first half-hour consultation.

We would like your town hall to use us as a resource for your town. We are offering to you at no charge, a choice of different marketing pieces that outlines the work of our program. We are currently offering the following marketing items: poster (18" x 24"), flyers (8.5" x 11", folded into thirds) or brochures (4" x 9" front and back). If you are interested in having us forward to you any of the above items, please indicate below the quantity that you would like sent.

Type of Marketing Piece	**Quantity Ordered**
Poster (18" x 24")	English ____
Flyers (8.5" x 11", folded into thirds)	English ____ Spanish ____
Brochures (4" x 9" front and back).	English ____

I have also enclosed a brochure as a sample. This should help to familiarize you with the service we provide. Once we have received your completed request form, we will forward the marketing pieces to your library as soon as possible. Once received, please feel free to distribute this information to your staff and public.

If you have any questions or would like more brochures or posters to display, please call us at (617) 338-0556 or email us at lrs@massbar.org. You may forward this form back to the LRS via fax at (617) 338-0503.

Thank you again for your interest,

Sincerely,
Lawyer Referral Service
Massachusetts Bar Association

Enclosure

Your Name_____

Address_____

_____

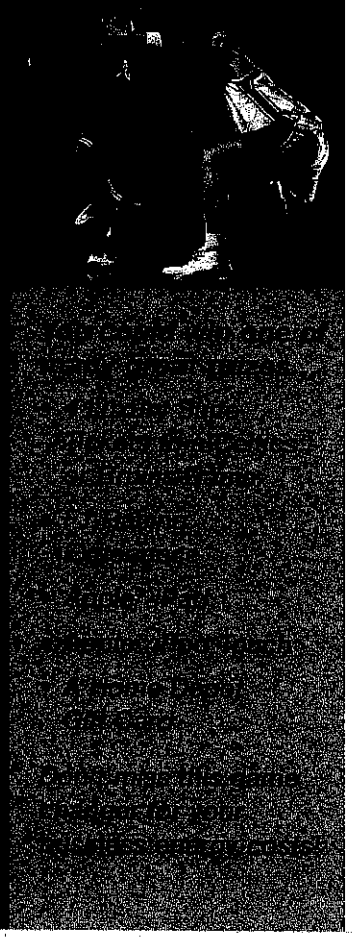
_____

Administrative Offices: 20 West Street • Boston, MA 02111-1204 • MassBar.org • TEL (617) 338-0556 • FAX (617) 338-0503 • *lrs@massbar.org*
Referral Line: (866) 627-7577 • (617) 654-0400 • TTY (617) 338-0585

National Grid would like to invite you to a Bruins or Celtics game and help power your energy costs.

Complete National Grid's **Free Online Energy Analyzer** survey and you'll be able to:

- Get a better picture of [illegible]
- Benchmark business energy expenses
- Review quick and detailed reports
- Get customized cost-saving [illegible]



Upon completion, you'll be automatically entered into a drawing for many great prizes, including **4 Luxury Suite Tickets to a Celtics or Bruins Game, an F1 Experience or many others!**

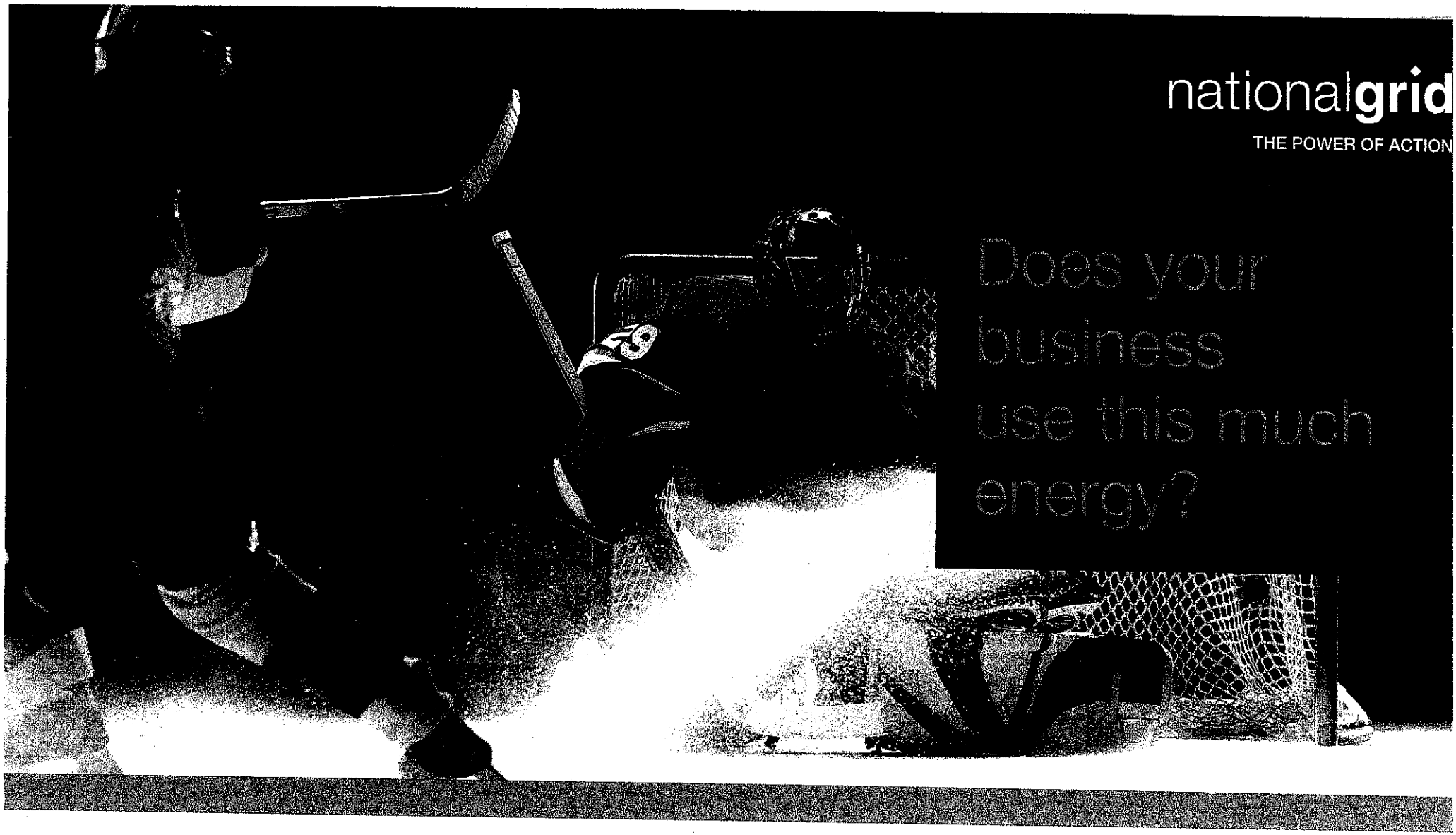
Visit [illegible] and start your free energy analysis today.

This promotion begins on November 8, 2010 at 12:01 AM. Entries must be received by December 15, 2010 at 11:59 PM. No purchase necessary. This contest is open to legal residents of the Massachusetts regulated gas service territory of National Grid. People under the age of 18 and people affiliated with National Grid or Acline Software are ineligible to enter the contest and to win a prize. Prizes and Approximate Retail Value: Three (3) winners will receive four (4) tickets to a Celtics game; valued at $600. Three (3) winners will receive four (4) tickets to a Bruins game; valued at $700. Two (2) winners will receive one (1) F1 Driving Experience at F1 Boston; experience includes catered meals, exclusive use of a track, and a day race license and equipment. The package for up to twenty (20) guests is valued at $2500. Four (4) winners will receive one (1) Apple® iPad; valued at $600. Six (6) winners will receive one (1) Apple® iPod Touch; valued at $400. Twenty (20) winners will receive one (1) Home Depot gift card; valued at $250. Entrants need not be present to win. Odds of winning will depend on the number of entries. Email address must be provided to be entered. Only one entry per email address. For complete contest rules, send a self-addressed stamped envelope to: National Grid, 40 Sylvan Rd, 1st Floor East, Waltham MA, 02451. This promotion is void where prohibited by law.

nationalgrid
40 Sylvan Road
Waltham, MA 02451

'Presorted
First Class Mail
U.S. Postage
PAID
No. Reading, MA
Permit No. 7500

**********AUTO**3-DIGIT 018 T32 P1
TOWN OF TYNGSBORO
25 BRYANT LN
TYNGSBORO MA 01879-1042


nationalgrid
THE POWER OF ACTION
Does your business use this much energy?

TOWN OF HUDSON

ZONING BOARD OF ADJUSTMENT

2010 DEC -1 PM 1:03

ABUTTER NOTIFICATION

12 School Street Hudson, New Hampshire 03051 603/886-6005

You are hereby notified of a hearing that will be presented before the Zoning Board of Adjustment for review and/or action on Thursday, December 9, 2010 starting at 7:30 P.M., Town Hall, 12 School Street, Hudson, NH

Case 190-187 (12/9/10): Manuel and Kathleen Sousa, 18 Overlook Circle, Hudson, requests a Variance to allow the proposed 120-foot tall monopole in the Business zone, within 600 feet of a corridor and within 600 feet of residential uses, where only less than 100 feet is an allowed use, for property located at 28 Lowell Road, Hudson. [Map 190, Lot 187, Zoned B, HZO Article XVIII, Section 334-96.1, Districts where conditionally permitted.]

Please be advised, this notice is for your information only. Your attendance is not required; however, you may attend this meeting for the purpose of providing information or comments on the proposal.

Respectfully,

William A. Oleksak

William A. Oleksak
Zoning Administrator

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: Chris Rice - TF Moran for Ramanbhati Patel

Project Address: Frost Road Tyngsborough / 99 River Rd. Hudson, NH
Map 18 Parcel 48 Lot 0

Type of Application: Site Plan Review 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: 12/13/10

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/

RECEIVED

2010 NOV 19 AM 10: 04

TOWN CLERK
TYNGSBOROUGH, MA

FORM 1

Town of Tyngsborough
PLANNING BOARD
25 Bryants Lane,
Tyngsborough, Massachusetts 01879-1003
Planning Office: (978) 649-2300, Ext. 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 RETAIL DEVELOPMENT - 99 RIVER ROAD and dated NOVEMBER 5, 2010, submits this plan and application for a Special Permit according to the requirements of Section 1.16.20 of the Tyngsborough Zoning By-Laws.

2. The owner's title to the land is derived under deed from JOHN R. + NANCY S. PORTER dated NOVEMBER 19, 2009, And recorded in Middlesex North Registry of Deeds, Quitclaim, Book 23547, Page 233 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.

R. K. Patel
Applicant
22 Long Dr Westboro, MA 01581 508-326-2079
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 18 day of Nov, 2010 as duly submitted under the Rules and Regulations for Special Permit Applications of the Tyngsborough Planning Board.

By: Joanne Shifrin (Town Clerk)

By: _____ (Planning Board)

Rev. - May '01

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. 18 as Lot No. 48-0 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.

R. K. Patel
Applicant

22 Long Dr Westboro, MA 01581 508-326-2079
Address, Phone

Accepted by the Tyngsborough Planning Board November 18, 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

Rev. – May '01

Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects

November 16, 2010

Abutters List
Tyngsborough, MA

17430.04

Map 18 Lot 48-0
Map 256 Lot 001-000
Ramanbhati Patel Trust
22 Long Drive
Westborough, MA 01581

Map 256 Lot 002-000
John Porter Sr.
97 River Road
Hudson, NH 03051

Map 256 Lot 006-000
Danny Goulet
7 Steele Road
Hudson, NH 03051

Map 256 Lot 007-000
KSR Realty Trust
100 River Road
Hudson, NH 03051

Map 18 Lot 51-0
Prescott Pensri
195 Frost Road
Tyngsborough, MA 01879

Map 256 Lot 004-000
Sylvia Porter
97 River Road
Hudson, NH 03051

Map 18 Lot 47-0
John Porter, Sr.
206 Frost Road
Tyngsborough, MA 01879

Map 18 Lot 49-1
Timothy J. Porter
33 Winslow Farm Road
Hudson, NH 03051

Map 256 Lot 003
Michael J. & Melissa J. Casey
97 River Road
Hudson, NH 03051

Map 256 Lot 005
Linda Hubert, Trustee
Country Lane Assoc. Realty Trust
P.O. Box 365
Pelham, NH 03076-0365

Map 18 Lot 46-A
Peter & Cathy Chareas
9 Lincoln Drive
Tyngsborough, MA 01879

Map 18 Lot 46
Town of Tyngsborough
Housing Authority
198 Middlesex Road
Tyngsborough, MA 01879

Robert Duval
TFMoran, Inc.
48 Constitution Drive
Bedford, NH 03110

John Myhaver
TFMoran, Inc.
48 Constitution Drive
Bedford, NH 03110

Map 18 Lot 49
John R. & Nancy Porter
206 Frost Road
Tyngsborough, MA 01879

Map 256 Lot 008-000
Winslow Farm Subdivision
c/o Town of Hudson
12 School Street
Hudson, NH 03051

Map 251 Lot 024-000
Paul J. Nowak
186 Kendall Road
Tyngsborough, MA 01879

48 Constitution Drive
Bedford, NH 03110
Tel: (603) 472-4488
Fax: (603) 472-9747
www.tfmoran.com

FORM 3

Town of Tyngsborough

PLANNING BOARD

25 Bryants Lane,

Tyngsborough, Massachusetts 01879-1003

Planning Office: (978) 649-2300, Ext. 115 Fax: (978) 649-2301

DESIGNER'S CERTIFICATE

Bedford, NH, ~~Massachusetts~~

NOVEMBER 17, 2010

TO THE TYNGSBOROUGH PLANNING BOARD:

I hereby certify that the accompanying plan, entitled RETAIL DEVELOPMENT - 99 RIVER ROAD PREPARED FOR HUDSON REALTY TRUST and dated NOVEMBER 5, 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. 47003 CIVIL

COMMONWEALTH OF MASSACHUSETTS
ROBERT E. DUVAL
CIVIL
No. 47003
REGISTERED PROFESSIONAL ENGINEER

Registered Land Surveyor HANS G. MERTSCH, JR PLS
MASS. REGISTRATION NO. 33941

48 CONSTITUTION DRIVE, BEDFORD, NH 03110
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 18 day of November, 2010 as duly submitted under the Rules and Regulations of the Tyngsborough Planning Board regarding Special Permits.

TYNGSBOROUGH PLANNING BOARD

By

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: NOVEMBER 16, 2010

Project Name: RETAIL DEVELOPMENT - 99 RIVER ROAD

Project Location: 99 RIVER ROAD, HUDSON (TAX MAP 18 LOT 4B-0 IN TYNGSBOROUGH; TAX MAP 256 LOT 001-000 IN HUDSON)

Applicant: HUDSON REALTY TRUST

I, Ramanbhati - K. Patel (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: $2,000 REVIEW FEE (BANK CHECK) + $250 APPLICATION FEE

Applicant's Signature: R. K. Patel

Applicant's Company: HUDSON REALTY TRUST

Applicant's Address: 22 LONG DRIVE, WESTBOROUGH, MA 01581

Applicant's Telephone Number: (508) 326-2079

Property Owner's Name: HUDSON REALTY TRUST, RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE
WESTBOROUGH, MA 01581

Town of Tyngsborough
Planning Board
25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300, ext. 115
Fax: (978) 649-2301

To: Applicants
From: Tyngsborough Planning Board
RE: Filing for a **Special Permit** with the Planning Board

When filing with the Planning Board please read the Special Permit Application instructions carefully.

1. Please submit 10 copies of a completed Special Permit Application with the appropriate attachments and fees (filing fee and 53G account fee) at a regularly scheduled meeting of the Tyngsborough Planning Board.

2. The Planning Board meets on the first and third Thursday of the every month at the Tyngsborough Town Hall. Please contact the Planning Board at 978-649-2300, ext. 115 to be placed on the meeting agenda for your project. Once the Special Permit application has been accepted by the Planning Board, a Public Hearing will be scheduled.

3. The Tyngsborough Planning Board will advertise the hearing in the LOWELL SUN for two consecutive weeks at the applicant's expense. Please attach to Form 2 (Special Permit Certified List of Parties in Interest) an original abutters list which can be obtained from the Tyngsborough Assessor's office.

4. In addition, the Planning Board office will notify all of the listed abutters by certified mail of the date and time of the Public Hearing at the applicant's expense.

Please contact our office if you have any further questions.

Respectfully,

Pamela C. Berman

Pamela Berman
Administrative Assistant
Tyngsborough Planning Board

TYNGSBOROUGH PLANNING BOARD
RULES & REGULATIONS
SPECIAL PERMITS

PLAN OF LAND

Every application shall be accompanied by ten (10) full-size copies and (6) reduced-size copies of a professionally engineered and designed plan with the following:

(1) ✓ North Point
(2) ✓ Date
(3) ✓ Scale, 1 inch = 40 feet (1" = 20' PROVIDED)
(4) ✓ Legend
(5) ✓ Plan name
(6) ✓ Index sheet, if needed
(7) ✓ Title block
(8) ✓ Names(s) and address(es) of record owner(s)
(9) ✓ Boundary of property, which the application pertains to
(10) ✓ Zoning classification and zone boundaries, if passing through property
(11) ✓ Surveyor: name, address, signature, and seal
(12) ✓ Engineer: name, address, signature, and seal
(13) ✓ Locus Plan
(14) ✓ Names of abutters within 300 feet of the subject property
(15) ✓ Existing public ways within 300 feet of the subject property (WAIVER REQUESTED)
(16) ✓ Tyngsborough Assessor's map and lot number for the property
(17) ✓ Existing topography of the property in two (2) foot contour intervals (1' CONTOURS PROVIDED)
(18) ✓ Proposed topography of the property after development in two (2) foot contour intervals (1' CONTOURS PROVIDED)
(19) N/A Total lot areas and net dry lot area for the property NO WETLANDS ON-SITE
(20) ✓ Easements on the subject property
(21) N/A Location of all wetland areas on the property, as defined by MGL Chapter 131
(22) ✓ Location of base flood elevation, or if none exists, a statement to that effect
(23) ✓ Location, shape, and size of all existing and proposed buildings, septic systems, and private wells on the property of within 300' of the property line (WAIVER REQUESTED
(24) ✓ Location and definition of all major site features, such as rock formations, water courses, historical landmarks, and stonewalls
(25) ✓ Locations of existing and proposed underground utilities on the property
(26) N/A Location of all existing and proposed storm water drainage systems pertaining to the property
(27) N/A Detailed profiles of storm drainage system for the site
(28) ✓ Lot frontage on a public way, lot width, front and side yard dimensions from the proposed buildings
(29) ✓ The precise location, dimensions and number of all proposed parking spaces
(30) ✓ Soil types on the property per the U.S. Soil Conservation Service detailed soil maps for the Town of Tyngsborough (WAIVER REQUESTED)
(31) ✓ Detailed profiles of the entrances to the site from all public ways
(32) ✓ Detailed profiles of the proposed parking and driveway areas on the site including depth of gravel, pavement, and sloped granite curbing.

TYNGSBOROUGH PLANNING BOARD
RULES & REGULATIONS
SPECIAL PERMITS

(33) ✓ Delineation of site buffer/screening areas, including approximate location and number of vegetative plantings, solid brick, stone or wood fence, if required
(34) ✓ Details and location of all underground municipal water, or sewer systems or gas lines to service the site, if applicable
(35) N/A Location of proposed stump and boulder burial area(s) on the site
(36) ✓ A Designer's Certificate for the plan (Form 3)
(37) ✓ Location, dimensions, and type of proposed signs for the site
(38) ✓ Location and shielding of proposed waste storage containment area
(39) N/A Location of proposed fire lanes
(40) N/A A building elevation plan where gross floor area is greater than 7,500 sq. ft., as per Section 1.16.22 of the Tyngsborough Zoning By-Laws

SUPPORTING INFORMATION

(1) ✓ Hydrological Calculations – A minimum of three (3) copies of hydrological calculations for the subject property in both the pre- and post- development states shall be filed with the application to the Board. The calculations shall demonstrate that the proposed drainage system will maintain or decrease the runoff rate from the pre-development to the post-development state for the 25-year storm event. (NARRATIVE PROVIDED)
(2) ✓ Landscape Plan – A landscape plan shall be prepared by a Registered Landscape Architect, as per Sections 1.16.22 and 3.13 of the Tyngsborough Zoning By-Laws, if applicable.
(3) ✓ Parking and Loading Area Calculations – A minimum of three (3) copies of calculations for proposed parking and loading areas demonstrating compliance with applicable regulations under Section 3.10 of the Tyngsborough Zoning By-Laws.
(4) ✓ Traffic Study – If required according to the Tyngsborough Zoning By-Laws, a minimum of three (3) copies of a traffic study prepared by a qualified registered traffic engineer according to definitions and methods of estimation as outlined by the Transportation Research Board Highway Capacity Manual, Special Report #209, or later editions.
(5) N/A Environmental Protection – Information shall be submitted for major business or industrial site plans, as requested by the Planning Board, in order to demonstrate compliance with environmental protection standards outlined in Section 3.14 of the Tyngsborough Zoning By-Laws.

REPORTS FROM OTHER TOWN BOARDS OR AGENCIES

As required under the Tyngsborough Zoning By-Laws Section 1.16.12, the Planning Board shall transmit or cause to be transmitted a copy of the application and plan(s) to other Boards and Departments, or committees, as it deems necessary. At a minimum, all applications for special permits shall be submitted to the Board of Selectmen, the Building Inspector, the Conservation Commission, and the Board of Health. Other referrals may involve, at the Board's discretion, the Police Chief, Fire Chief, Highway Department, Road Commission, Sewer Commission, Water Commission, or other Boards or agencies which the Planning Board deems to be necessary and in the best interest of the Town.

Tyngsborough Planning Board Fee Schedule
2010

Type of Filing	Fee
ANR	$250 per lot
Site Plan Review	$500
Site Plan Extension	$200
Temporary Independent Living Quarters (TILQ)	$200
Street Acceptance	$500
Preliminary Subdivision	$500 + $250 per lot
Definitive Subdivision w/ Preliminary Plan	$1,500 + $750 per lot
Bond Reduction Request	$50 per request
Zoning By-Law Review	$250
Special Permits	See Below
Business Site Plan <3,000 s.f.	$500
Industrial Site Plan <15,000 s.f.	$500
Major Business Use >3,000 s.f.	$500
Major Business Use >15,000 s.f.	$500
Multi-Family Dwellings (e.g. condos, apt.)	$100 + $100 per unit
Open Space Development	$250 + $100 per unit
Flood Plain District	$250
Special Permit Extensions	$250

All applications require posting a deposit into a 53G account of no less than $1,000 or an amount that the Board deems sufficient to cover the cost of legal ads, postage, and professional services.

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Planners

November 17, 2010

Ref: 17430.04

Pamela Berman
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Re: Project Narrative/Site Plan Application
Hudson Realty Trust
99 River Road
(Tax Map 18 Lot 48-0 in Tyngsborough, MA)
(Tax Map 256, Lot 001-000 in Hudson, NH)

Dear Pamela:

As you are aware, our client Hudson Realty Trust is proposing to construct a 2,120 square-foot convenience store (with basement) with associated parking and access at 99 River Road in Hudson, New Hampshire, Tax Map 256 Lot 001-000 (a portion of the property is located in Tyngsborough, Massachusetts, Tax Map 18, Lot 48-0, although the entire proposed building is located within the Town of Hudson).

The existing building on-site is approximately 1,115 square feet, and was formerly a landscape supply and sales retail business. The existing site is almost completely pavement/impervious surface (approximately 89% impervious, 11% open space). The total area of the site is approximately 21,681square feet or 0.4977 acres (approximately 16,466 square feet or 0.3780 acres is located on Tax Map 256 Lot 001-000 in Hudson, NH; approximately 5,216 square feet or 0.1197 acres is located on Tax Map 18 Lot 48-0 in Tyngsborough, MA).

It is proposed to demolish the former landscape supply and sales retail business, and to construct a new 2,120 square-foot convenience store business with associated site improvements (the new use is a permitted use in the General 1 Zoning District). Existing pavement on the site will be removed, and new pavement, sidewalks, and open space will be provided per the proposed plans. This results in net gain of approximately 7,339 square feet of open space, making the proposed site total open space approximately 45% (currently approximately 11%).

Some of the Site Plan improvements are highlighted as follows:

- Open Space: The existing site predominately paved with approximately 11% open space. The new Site Plan will increase open space by approximately 7,339 square feet (for a total open space of approximately 45%).

48 Constitution Drive
Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-9747
www.tfmoran.com

- Driveways/Traffic: The existing site has one continuous curb cut along River Road of over 120-feet in length and two (2) curb cuts along Porter Drive (a side private drive) 60-feet and 20 wide, respectively. The new Site Plan will have two (2) curb cuts total, one (1) 41-foot wide off of River Road and one (1) 36-foot wide off of Porter Road (Private Road - an existing access easement is in place). The more defined driveways will improve the site circulation. In addition, per the Traffic Study (attached to the Site Plan Application), the proposed convenience store will have little to no detrimental impact to the adjacent roadway and will in fact serve to organize traffic flow in the area by eliminating the vast curb cut and providing a single access point for the site on each of the two roads (Porter Road and River Road). In addition, the Traffic Study shows that no left turn treatment is necessary to accommodate left turns into the site.
- Pedestrian Access: The existing site has no sidewalks today. The new Site Plan will incorporate a sidewalk along east side of the building.
- Parking Spaces: The new Site Plan meets the required parking as defined by the zoning code. The existing site is currently 89% impervious with no defined parking structure. The parking for the existing parcel is located directly in front of the building along River Road, along the side of the building along Porter Drive, and along the west and south sides of the site with no demarcation. The new Site Plan is proposing less pavement eliminating the pavement/parking along River Road and Porter Drive and therefore, eliminating parking/vehicles from backing into River Road. The new Site Plan will provide defined parking along the front and side of the proposed building.
- Loading: The existing site has no defined loading space. The new Site Plan proposes a defined loading space as required.
- Landscaping: The existing site has zero/no landscaping. The new Site Plan proposes will have 6 trees and 110 shrubs meeting the required zoning.
- Utilities: The existing site is serviced by well, electric, telephone, cable, propane and on-site septic. The proposed site layout will be the same except it will be serviced by a new septic system and municipal water.
- Stormwater: The existing site has no stormwater management and is predominately paved. The new Site Plan will increase open space and have a decreased peak rate of runoff.
- Signage: The existing site has a freestanding sign, pole mounted, old and tired. The new Site Plan will construct ground mounted, monument sign.
- Architecture: The existing building is old and tired. The existing building is to be demolished and a new building constructed, improving aesthetics for the area. I have attached some exiting photos of the site to this narrative, as well as a photo of a similar store that they intend to build (the intent of the photo is to show that the storefront will be predominately glass).
- State Permits: NHDOT Driveway Permit will need to be amended for the driveway access off of River Road (permit pending). In addition, a permit for the new septic system from NHDES will be required (pending)
- Waivers: The Site Plan will be requesting the following waivers:

<u>Town of Tyngsborough, MA requested waivers:</u>

- Section 3.13.22 Screening between commercial and residential uses (10 feet required): The existing site has been a commercial use abutting residential for years. There is little to no screening currently, and the existing open space is only approximately 11%. The proposed plan specifies 6 trees and over 100

shrubs, increase open space to approximately 45% and provides additional screening to the west and north (the property to the south is approximately 10 feet higher than our site and does have an existing wooden fence on the property).

- Item 15 of the application checklist: to not show all existing public ways within 300 feet of the subject property. All public ways within 300 feet are shown on the Vicinity Plan on the Cover Sheet

- Item 23 of the application checklist: to not show location, shape, size of all existing and proposed buildings, septic systems, and private wells within 300 feet of the property line. None of the work being contemplated in the Town of Tyngsborough will have any effect on buildings, septic systems or wells.

- Item 30 of the application checklist: to not show soil types on the property per the U.S. Soil Conservation Service detailed soil maps for the Town of Tyngsborough, given that the existing site is currently approximately 89% impervious (pavement, building, etc).

<u>Town of Hudson requested Waivers:</u>

- 275-8.B(12)(b): 100-feet setback from Residential Uses. The existing site has been a commercial use abutting residential for years. Due to the small lot size, there is no location on-site where a building could be placed to meet this requirement.

- 275-8.B(22): Pavement within 35 feet of Right-Of-Way. Existing pavement runs right up to River Road and Porter Road. The proposed plan has only a small area (northeast corner of site) where we are requesting pavement approximately 30 feet from the Right-Of-Way, a major improvement over what exists today.

- 275-8.B(30)(c): Loading within 100-feet of residential property. The existing site has been a commercial use abutting residential for years. Due to the small lot size, there is no location on-site where loading could be placed to meet this requirement.

- 275-8.B(32): Screening between parking and residential zone. The existing site has been a commercial use abutting residential for years. There is little to no screening currently, and the existing open space is only approximately 11%. The proposed plan specifies 6 trees and over 100 shrubs, increase open space to approximately 45% and provides additional screening to the west and north (the property to the south is approximately 10 feet higher than our site and does have an existing wooden fence on the property).

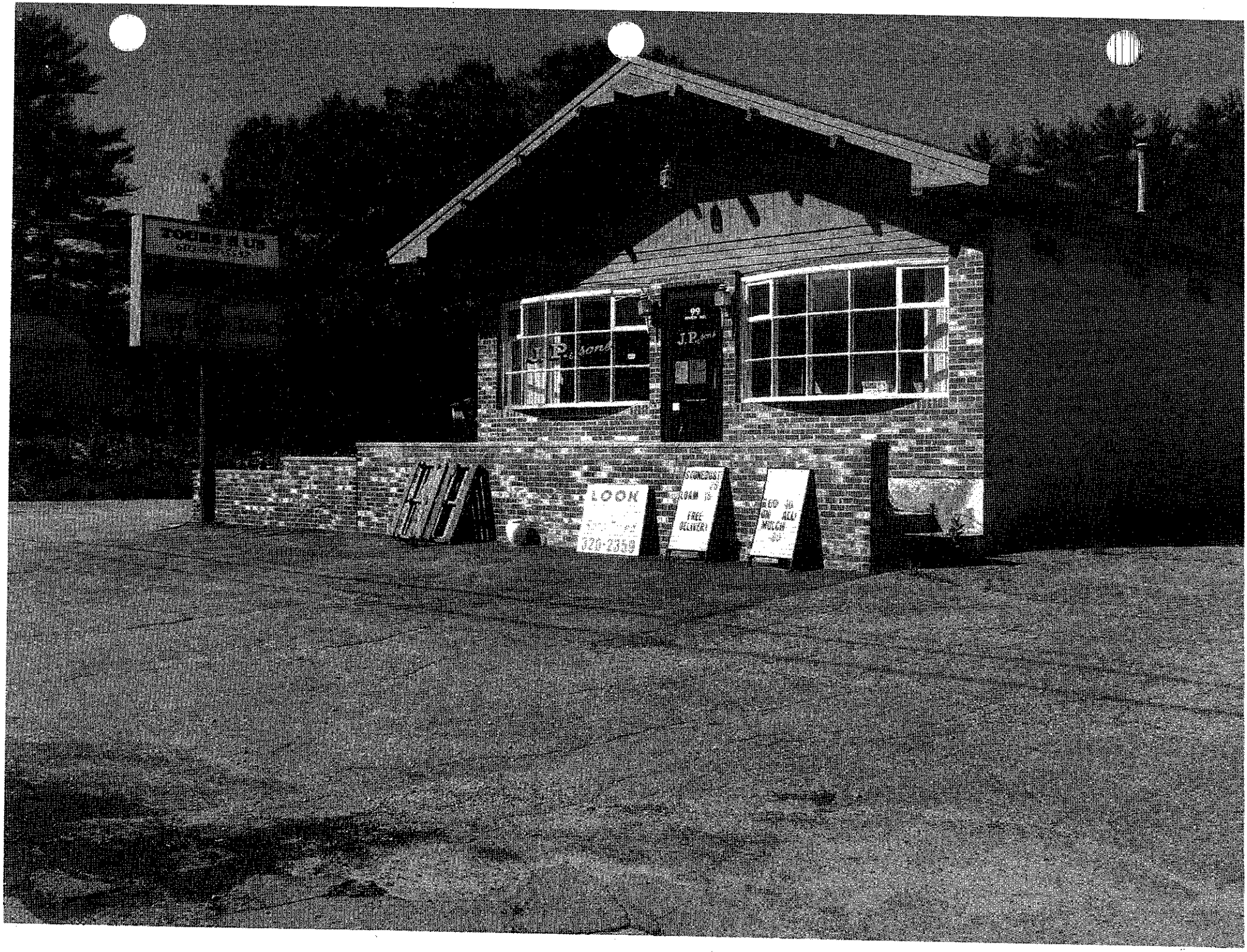
- 275-9.C : Noise Study. The existing site is located in the business district and is currently developed. There are surrounding commercial developments, and the proposed use is not the type of commercial activity that generates noise.

- 275-9.D : Fiscal Impact and Environmental Impact Study. Fiscal impact studies are typically required for large residential project given the impact to Town and school services, and are typically not required for an ordinary commercial use given their tax benefit to the Town. In addition, the site is an existing developed parcel with no open space and no wetlands on site.

Sincerely,
TFMoran Inc.

Christopher R. Rice
Project Manager

cc: Ramanbhati Patel, Hudson Realty Trust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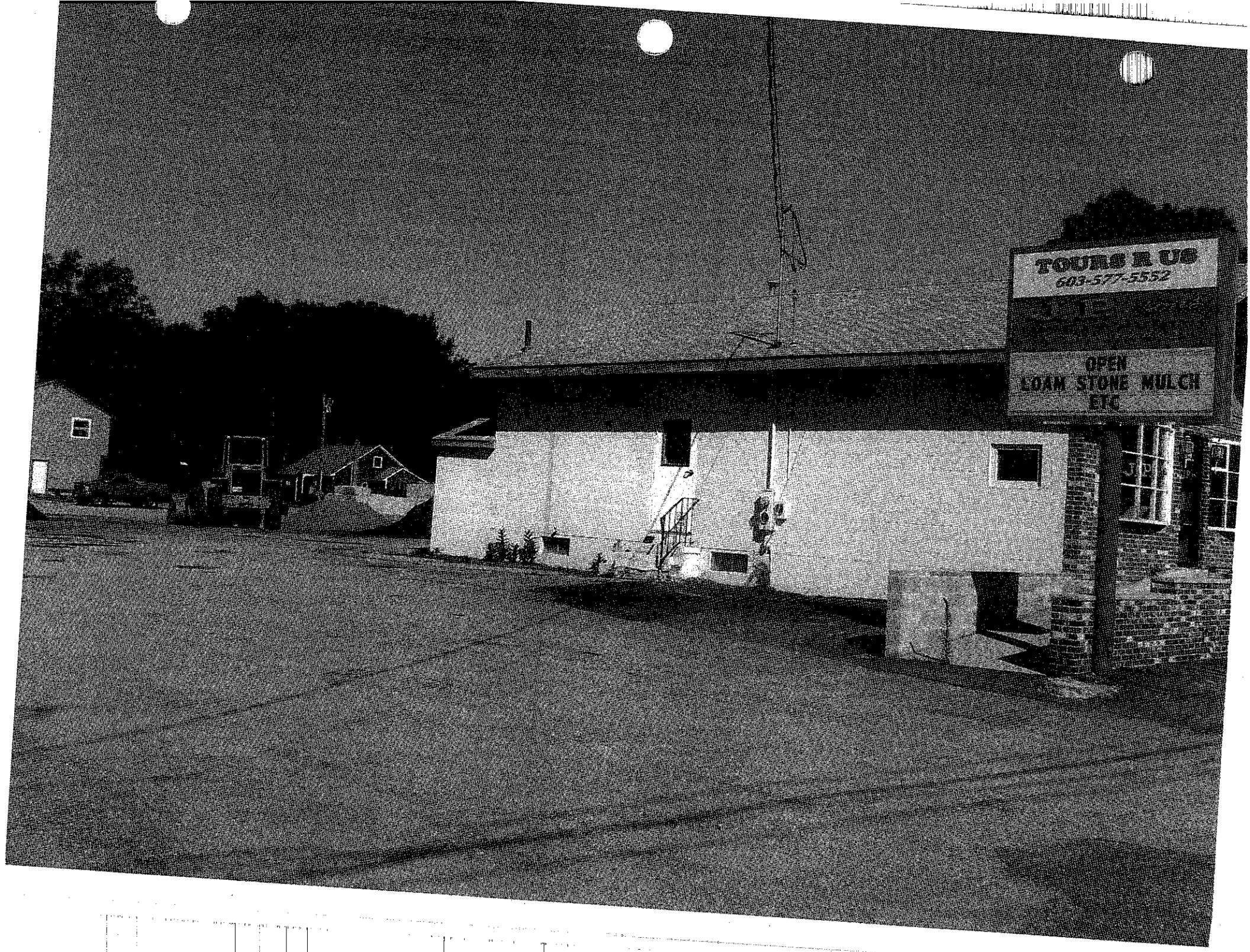
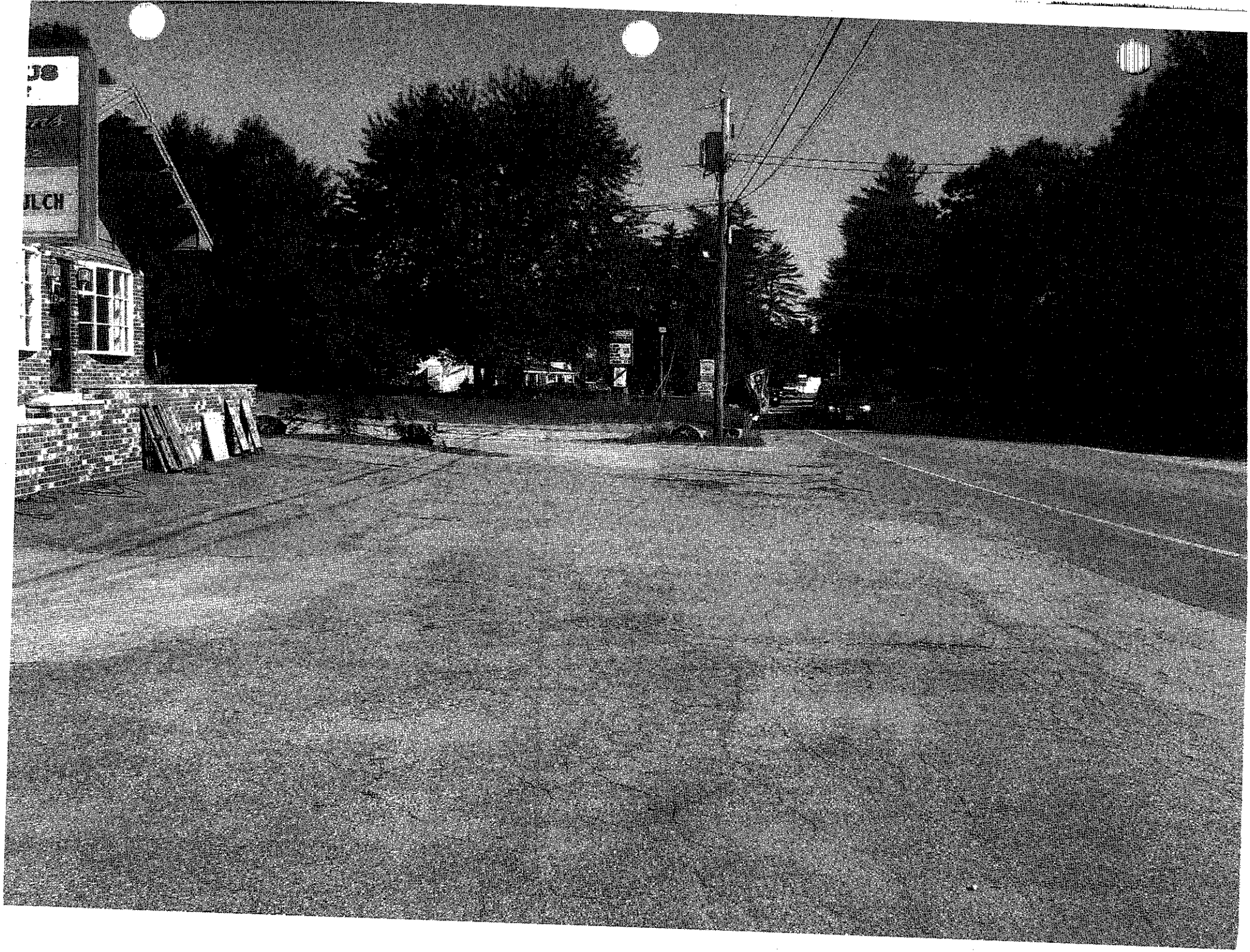
FREE
DELIVERY


TOURS R US
603-577-5552
OPEN
LOAM STONE MULCH
ETC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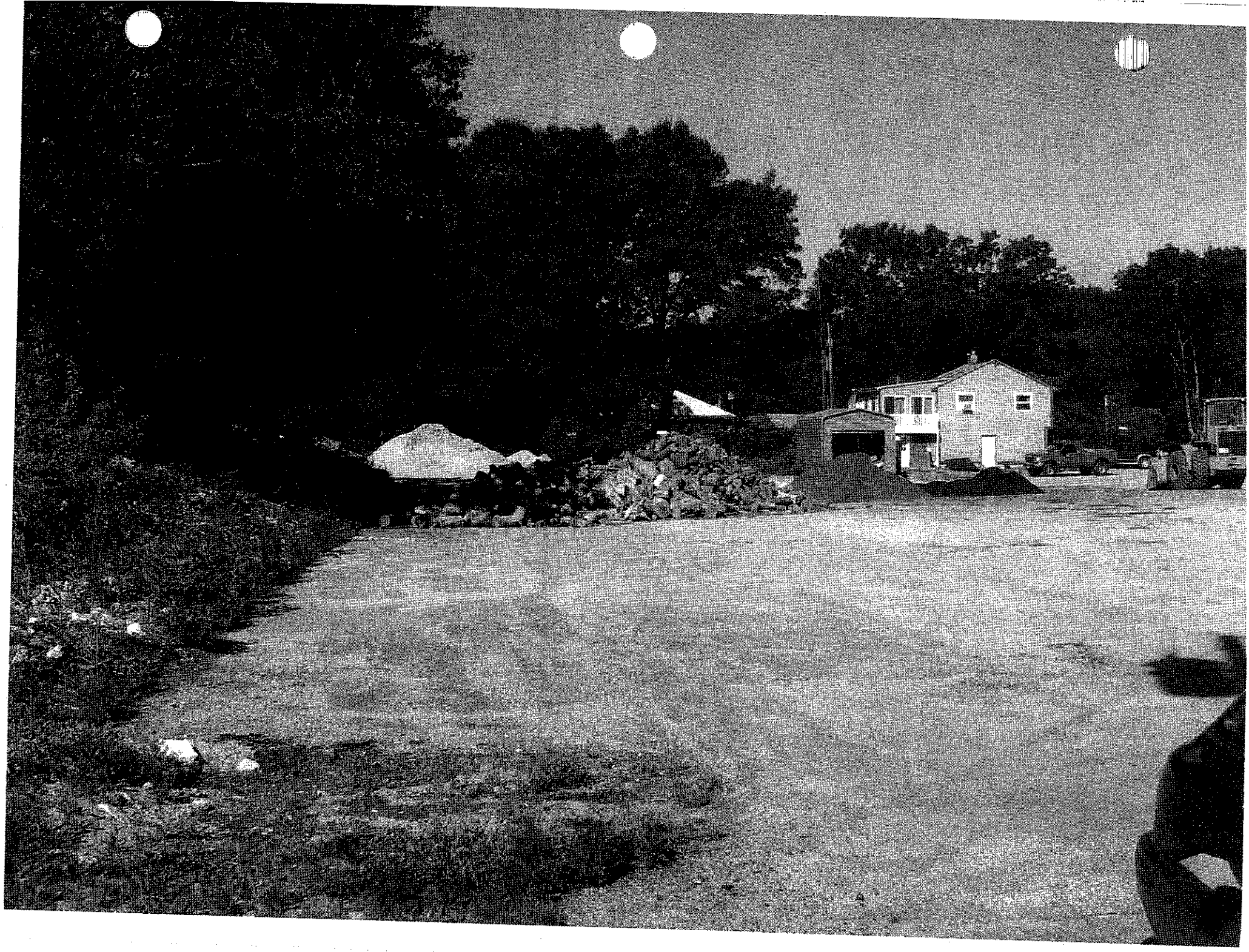
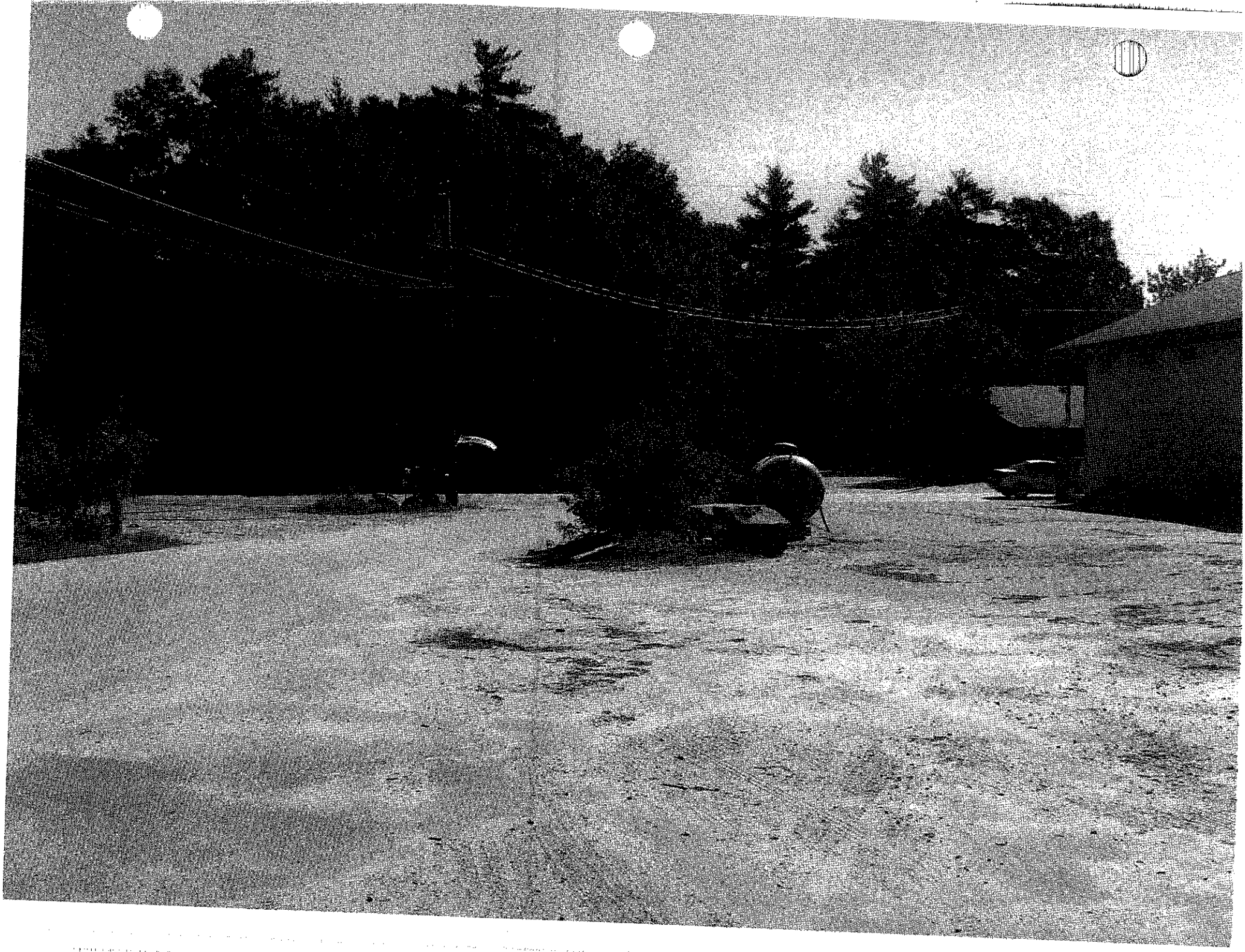
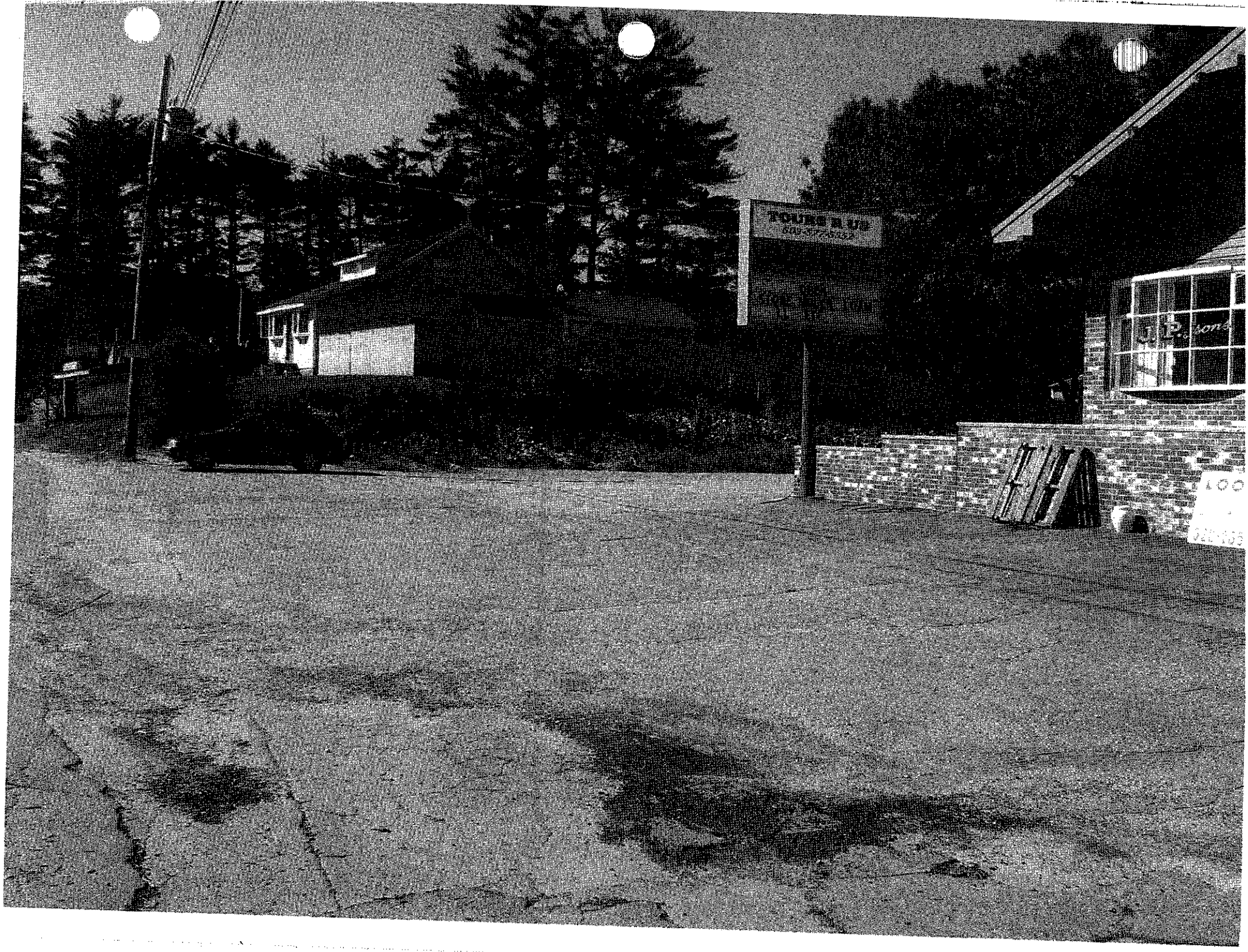
ULCH



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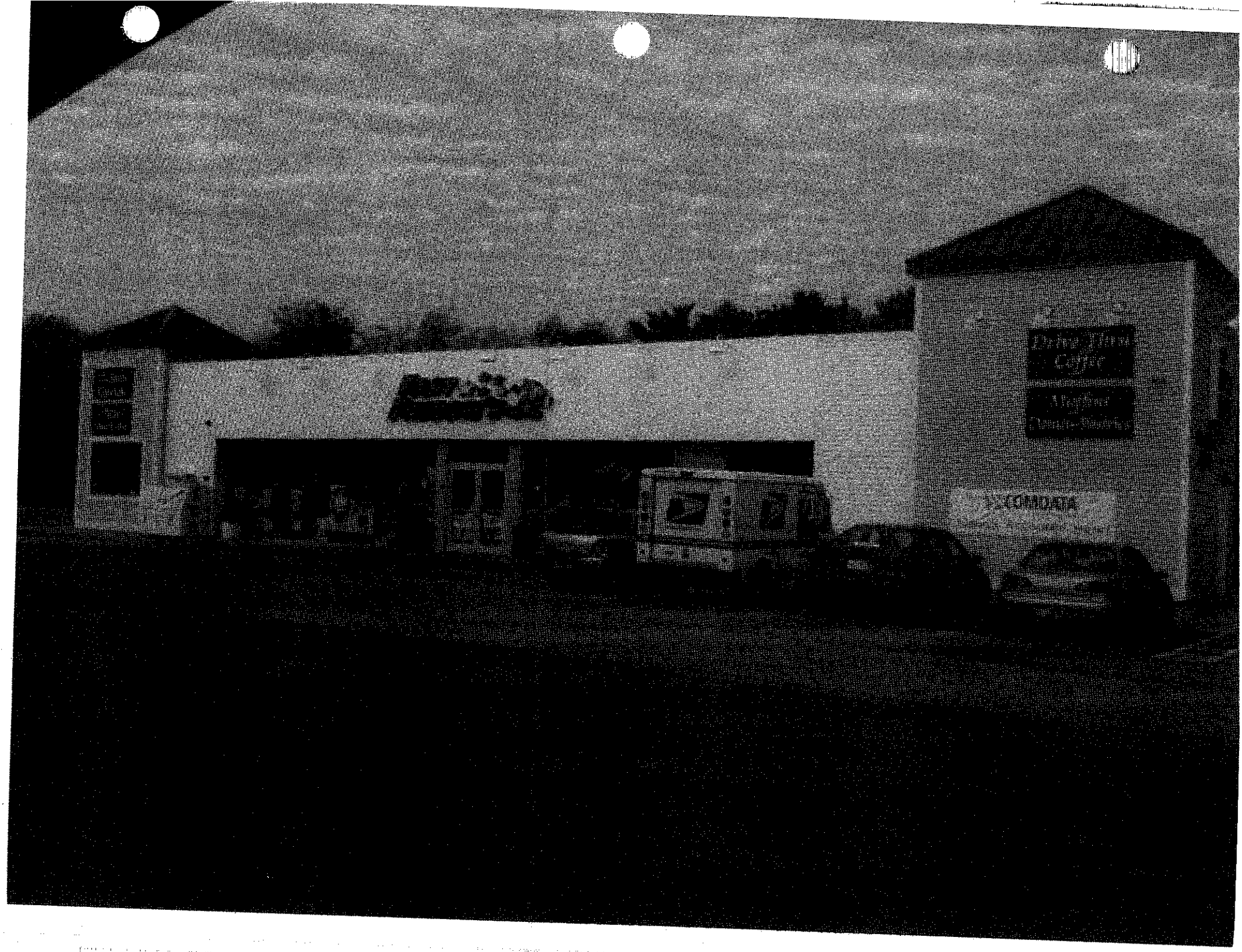

Drive Thru
Coffee
CONDATA

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Planners

November 17, 2010

Ref: 17430.04

Pamela Berman
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Re: Waiver Request
Hudson Realty Trust
99 River Road
(Tax Map 18 Lot 48-0 in Tyngsborough, MA)
(Tax Map 256, Lot 001-000 in Hudson, NH)

Dear Pamela:

On behalf of our client, Hudson Realty Trust, we respectfully request the following waivers:

1. Section 3.13.22 Screening between commercial and residential uses (10 feet required): The existing site has been a commercial use abutting residential for years. There is little to no screening currently, and the existing open space is only approximately 11%. The proposed plan specifies 6 trees and over 100 shrubs, increase open space to approximately 45% and provides additional screening to the west and north (the property to the south is approximately 10 feet higher than our site and does have an existing wooden fence on the property).

2. Item 15 of the application checklist: to not show all existing public ways within 300 feet of the subject property. All public ways within 300 feet are shown on the Vicinity Plan on the Cover Sheet.

3. Item 23 of the application checklist: to not show location, shape, size of all existing and proposed buildings, septic systems, and private wells within 300 feet of the property line. None of the work being contemplated in the Town of Tyngsborough will have any effect on buildings, septic systems or wells.

4. Item 30 of the application checklist: to not show soil types on the property per the U.S. Soil Conservation Service detailed soil maps for the Town of Tyngsborough, given that the existing site is currently approximately 89% impervious (pavement, building, etc).

48 Constitution Drive
Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-9747
www.tfmoran.com

5. Application Fee: Standard fee for this type of application is $500. As discussed at the Conceptual Planning Board meeting, given there is minimal work in the Town of Tyngsborough, we respectfully request a waiver to allow an application fee of $250.

Thank you for your consideration of these matters.If you have any questions, please do not hesitate to contact me.

Sincerely,
TFMoran Inc.

Christopher R. Rice
Project Manager

cc: Ramanbhati Patel, Hudson Realty Trust

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Planners

Date: November 17, 2010

To: Pamela Berman
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Re: Retail Development – 99 River Road
Special Permit Parking Calculation

Dear Pamela,

In accordance with the required supporting information for filing a special permit, the following is intended to show compliance with the Town of Tyngsborough regulations relative to parking and loading for the proposed convenience store to be located at 99 River Road in Hudson, New Hampshire (the parcel is located in both the Town of Hudson, New Hampshire (Tax Map 256 Lot 001-000 in Hudson) and Tyngsborough, Massachusetts (Tax Map 18 Lot 48-0)):

The portion of the lot in Tyngsborough, Ma is zoned Business 2 (B-2), and the proposed use (convenience store/retail) is a permitted use. The parking requirement is 1 space per 200 square feet, which for a 2,120 square-foot building equates to 11 required parking spaces. In addition, parking spaces are required to be 10' x 20', and loading space is required to be 12' x 30'.

12 parking spaces (10' x 20') are proposed along with one loading space that is 12' x 65'.

Please contact me with any questions.

Sincerely,
TFMoran Inc.

Christopher Rice
Project Manager

48 Constitution Drive
Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-9747
www.tfmoran.com

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Planners

Date: November 17, 2010

Ref: 17430.04

Pamela Berman
Town of Tyngsborough
25 Bryants Lane
Tyngsborough, MA 01879

Re: Drainage Memorandum
Hudson Realty Trust
99 River Road
(Tax Map 256, Lot 001-000)

Dear Pamela,

As you are aware, our client Hudson Realty Trust is proposing to construct a 2,120 square-foot convenience store (with basement) with associated parking and access at 99 River Road in Hudson, New Hampshire (Tax Map 256 Lot 001-000).

The existing building on-site is approximately 1,115 square feet, and was formerly a landscape supply and sales retail business. The existing site is almost completely pavement/impervious surface (approximately 89% impervious/11% open space). The total area of the site is approximately 21,681square feet or 0.4977 acres (approximately 16,466 square feet or 0.3780 acres is located on Tax Map 256 Lot 001-000 in Hudson, NH; approximately 5,216 square feet or 0.1197 acres is located on Tax Map 18 Lot 48-0 in Tyngsborough, MA).

It is proposed to demolish the former landscape supply and sales retail business, and to construct a new 2,120 square-foot convenience store business with associated site improvements. Existing pavement on the site will be removed, and new pavement, sidewalks, and open space will be provided per the proposed plans. This results in net gain of approximately 7,339 square feet of open space, making the proposed site total open space approximately 45%.

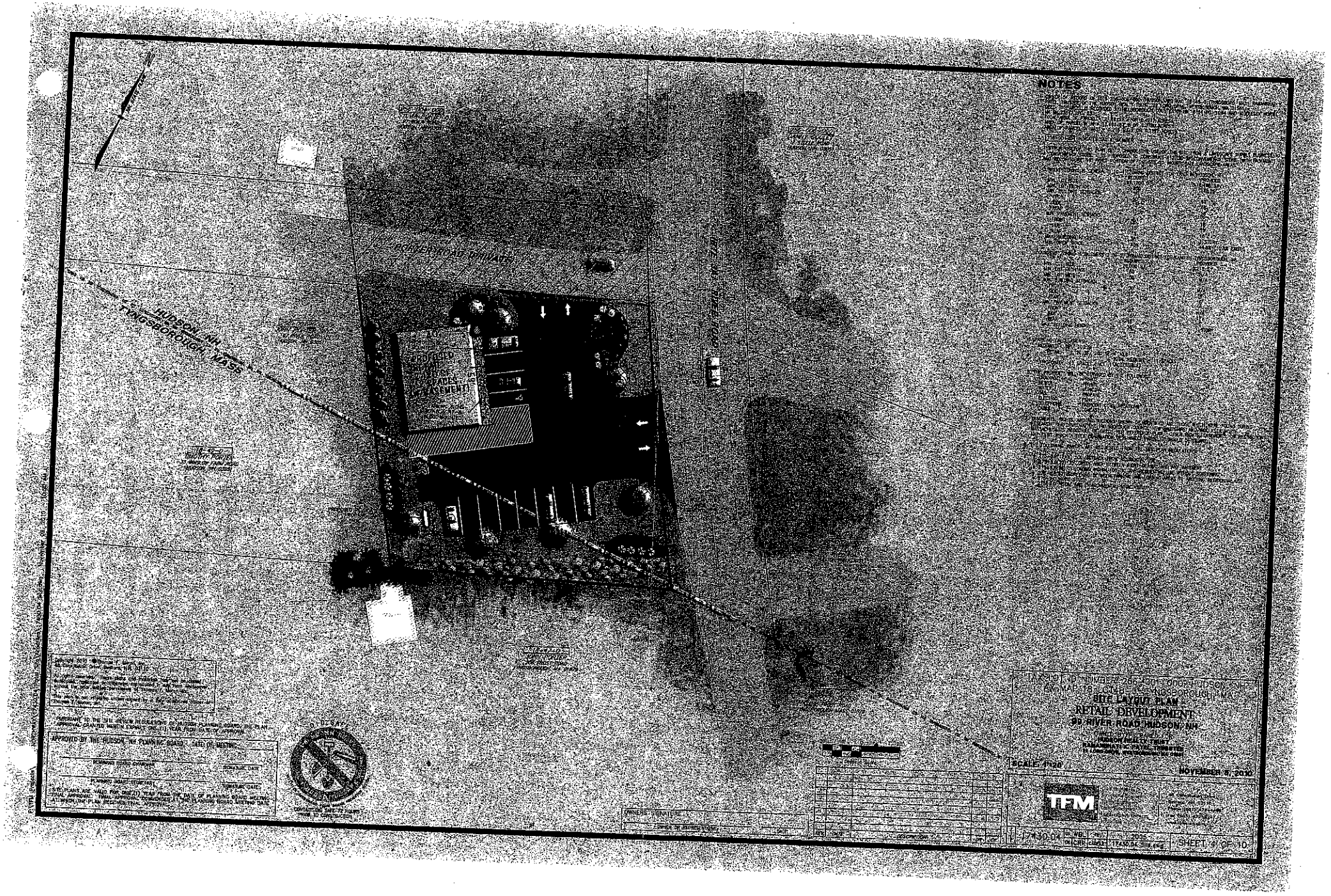
Existing drainage for the site currently travels in all directions away from the existing structure, with site drainage eventually ending up in the existing catch basin in River Road (at the northeast corner of the site) and an existing catch basin to the southwest of our site. The proposed site improvements will not affect drainage patterns or increase time of concentration as the proposed grading mimics the existing conditions and drainage flow patterns. Therefore, since the amount of impervious area on the site has been decreased, and flow patterns maintained, there is no increase in the peak rate of runoff for the site (we expect there will be a slight decrease).

48 Constitution Drive
Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-9747
www.tfmoran.com

Please contact me with any questions.

Sincerely,
TFMoran, Inc.

Christopher Rice
Project Manager


NOTES
PORTER ROAD (PRIVATE)
HUDSON, NH
TYNGSBOROUGH, MASS
TIMOTHY PORTER
APPROVED BY THE HUDSON, NH PLANNING BOARD, DATE OF MEETING
PLANNING BOARD CHAIRMAN
SIGNATURE DATE
PLANNING BOARD SECRETARY
SIGNATURE DATE
SITE PLANS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.
OWNERS SIGNATURE
TAX LOT ID NUMBER 266-001-000 HUDSON, NH
TAX MAP 18 LOT 48 TYNGSBOROUGH, MA
SITE LAYOUT PLAN
RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH
SCALE 1"=20'
NOVEMBER 8, 2010
TFM
17430.04
2005
SHEET 4 OF 10

HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
RETAIL DEVELOPMENT

99 RIVER ROAD
HUDSON, NEW HAMPSHIRE

GENERAL INFORMATION

OWNER
MAP 256, LOT 001-000HUDSON, NH AND
MAP 18, LOT 48-0TYNGSBOROUGH, MA
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE
WESTBOROUGH, MA 01581

PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE
WESTBOROUGH, MA 01581

RESOURCE LIST

HUDSON PLANNING DEPARTMENT
12 SCHOOL STREET
HUDSON, NEW HAMPSHIRE 03051
(603)886-8005
JOHN CASHILL

HUDSON ZONING BOARD
12 SCHOOL STREET
HUDSON, NEW HAMPSHIRE 03051
(603)886-8005
BILL OLEKSIK

HUDSON BUILDING DEPARTMENT
12 SCHOOL STREET
HUDSON, NEW HAMPSHIRE 03051
(603)886-8005

HUDSON HIGHWAY DEPARTMENT
2 CONSTITUTION DRIVE
HUDSON, NEW HAMPSHIRE 03051-3966
(603)886-6048
KEVIN BURNS

HUDSON FIRE & RESCUE
16 LIBRARY STREET
HUDSON, NEW HAMPSHIRE 03051-4260
(603)886-6021

HUDSO WATER UTILITY DEPARTMENT
12 SCHOOL STREET
HUDSON, NEW HAMPSHIRE 03051
(603)886-6000 EXT. 2
GARY WEBSTER

PENNICHUCK WATER WORKS, INC.
25 MANCHESTER STREET
MERRIMACK, NEW HAMPSHIRE 03054
P.O. BOX 1947
(603)882-5191
RICHARD PHILBROOK, P.E.

ELECTRIC
PUBLIC SERVICE COMPANY OF N.H.
370 AMHERST STREET
NASHUA, NEW HAMPSHIRE 03061
(603) 882-5894 EXT. 5270
SCOTT GALLAHAN

TELEPHONE
FAIRPOINT COMMUNICATIONS
770 ELM ST.
MANCHESTER, NH 03101-2102
(603)860-7005

CABLE
COMCAST
339 B CALEF HIGHWAY
EPPING, NH 03042
(603) 679-5695 EXT. 1014
STEVE PORCELLI

DIRECT ABUTTERS

MAP 18, LOT 47-0
JOHN PORTER
206 FROST RD.
TYNGSBOROUGH, MA 01879

MAP 18, LOT 49
TIMOTHY PORTER
39 WINSLOW FARM RD.
HUDSON, NH 03051

MAP 18, LOT 51-0
PRESCOTT PENSRI
195 FROST RD.
TYNGSBOROUGH, MA 01879

MAP 256, LOT 002-000
JOHN PORTER, SR.
97 RIVER RD.
HUDSON, NH 03051

MAP 256, LOT 004-000
SYLVIA PORTER
87 RIVER RD.
HUDSON, NH 03051

MAP 256, LOT 006-000
DANNY GOULET
7 STEELE RD.
HUDSON, NH 03051

MAP 256, LOT 007-000
KSR REALTY TRUST
100 RIVER RD.
HUDSON, NH 03051

PROPERTIES WITHIN 200 FT.

MAP 18, LOT 48
TOWN OF TYNGSBOROUGH
HOUSING AUTHORITY
195 MIDDLESEX RD.
TYNGSBOROUGH, MA 01879

MAP 18, LOT 46A
PETER CHAREAS
9 LINCOLN DR.
TYNGSBOROUGH, MA 01879

MAP 256, LOT 003
MICHAEL J. & MELISA J. CASEY
97 RIVER RD.
HUDSON, NH 03051

MAP 256, LOT 005
LINDA HUBERT, TRUSTEE
COUNTRY LANE ASSOC. REALTY TRUST
P.O. BOX 395
PELHAM, NH 03076-0395

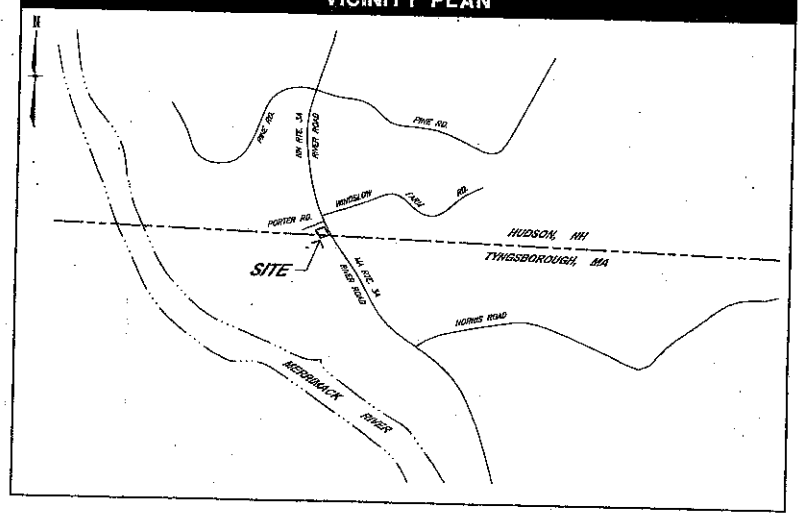
INDEX OF SHEETS

SHEET	SHEET TITLE
1	COVER SHEET
2	EXISTING CONDITIONS
3	SITE PREPARATION PLAN
4	SITE LAYOUT PLAN
5	GRADING & DRAINAGE PLAN
6	UTILITY PLAN
7	LANDSCAPE PLAN
8-10	DETAIL SHEETS
L1	LIGHTING PLAN (BY CHARRON, INC.)

PERMITS / APPROVALS

	NUMBER	APPROVED	EXPIRES
TOWN SITE PLAN			
NHDOT DRIVEWAY			
NHDES SEPTIC			

VICINITY PLAN



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SCALE: 1"=1000'

TFM
Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

STATE OF NEW HAMPSHIRE
ROBERT E. DUMAS No. 7105
LICENSED
PROFESSIONAL ENGINEER

SITE PLAN

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
COVER SHEET

RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'
NOVEMBER 5, 2010

REV	DATE	DESCRIPTION	DR	CK

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Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

48 Constitution Drive
Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-4747
www.tfmorse.com

17430.04	DR WBL	Fb —	
	CK CRR	CADFILE 17430.04 Details.dwg	SHEET 1 OF 10

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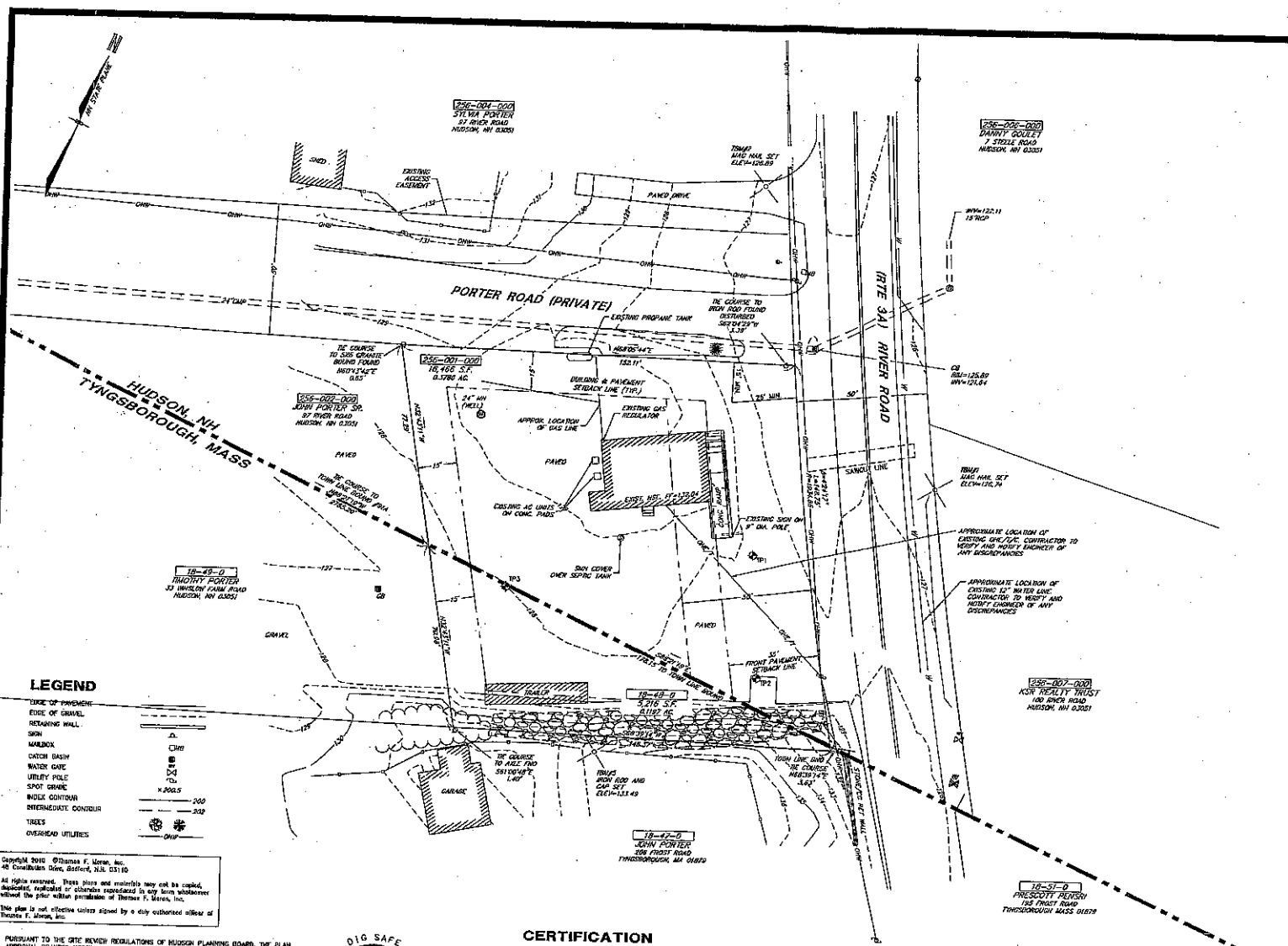

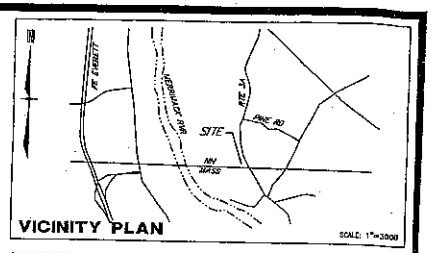

REFERENCE PLAN

1. TAX LOT # NUMBER 256-001-000 HUDSON, NH AND TAX MAP 18 LOT 48-0, TYNGSBOROUGH, MA, BOUNDARY & EASEMENT PLAN, RIVER ROAD, HUDSON, NEW HAMPSHIRE AND FROST ROAD, TYNGSBOROUGH, MASSACHUSETTS OWNED BY JOHN PORTER, SCALE 1"=20', DATED APRIL 22, 2008 AS REVISED BY TINGHAM INC AND RECORDED AT THE HILLSBOROUGH COUNTY REGISTRY OF DEEDS AS PLAN NUMBER 36668 AND RECORDED AT THE MIDDLESEX NORTH REGISTRY OF DEEDS AS PLAN BOOK 230, PLAN 56

NOTES

1. OWNER OF RECORD OF LOTS 256-001-000 (HUDSON, NH) AND 18-48-0 (TYNGSBORO, MA) RAMANBHAI K. PATEL, TRUSTEE OF THE HUDSON REALTY TRUST, 22 LONG DRIVE, WESTBOROUGH, MA 01581
   DEED TO PARCEL IS RECORDED AT HILLSBOROUGH COUNTY, NH BK. 8154 PG. 1094 AND MIDDLESEX NORTH, MA BK.3347, PG. 233
   TOTAL AREA OF PARCEL = 21,683.5 S.F.± OR 0.4977 ACRES±
   AREA OF PARCEL IN NH= 18,466 S.F.± OR 0.3780 ACRES±
   AREA OF PARCEL IN MASS.= 3,218 S.F.± OR 0.1197 ACRES±
2. 256-001-0 INDICATES TAX ID NUMBER.
3. THE PURPOSE OF THIS PLAN IS TO SHOW EXISTING CONDITIONS OF THE SITE.
4. CURRENT ZONING:
   LAND IN HUDSON, NEW HAMPSHIRE
   ZONING DISTRICT: GENERAL 1
   MIN. LOT SIZE: 87,120 S.F.
   MIN. LOT FRONTAGE: 200'
   MIN. BUILDING SETBACKS: 50' FRONT, 15' SIDE AND 15' REAR

   LAND IN TYNGSBOROUGH, MASSACHUSETTS
   ZONING DISTRICT: BUSINESS 2
   MIN. LOT SIZE: 20,000 S.F.
   MIN. LOT FRONTAGE: 50'
   MIN. LOT WIDTH: 50'
   MIN. BUILDING SETBACKS: 30' FRONT, 15' SIDE AND 15' REAR
5. EXAMINATION OF THE FLOOD INSURANCE RATE MAPS FOR HILLSBOROUGH COUNTY, NEW HAMPSHIRE (ALL JURISDICTIONS) MAP NUMBER 33011C0360D, EFFECTIVE DATE: SEPTEMBER 25, 2009 AND FOR MIDDLESEX COUNTY, MASSACHUSETTS (ALL JURISDICTIONS) MAP NUMBER 25017C0408E, EFFECTIVE DATE: JUNE 4, 2010, INDICATES THAT THE SUBJECT PARCELS ARE NOT LOCATED WITHIN A FLOOD HAZARD AREA.
6. HORIZONTAL DATUM: NAD83/98
   PROJECTION: NH STATE PLANE
   VERTICAL DATUM: NGVD 29
   UNITS: US SURVEY FEET
7. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE HILLSBOROUGH COUNTY, NEW HAMPSHIRE AND MIDDLESEX NORTH, MASSACHUSETTS REGISTRIES OF DEEDS FOR REFERENCE PLAN. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
8. THE LOCATION OF ANY UNDERGROUND UTILITY INFORMATION SHOWN ON THIS PLAN IS APPROXIMATE. TINGHAM INC. MAKES NO CLAIM TO THE ACCURACY OR COMPLETENESS OF UNDERGROUND UTILITIES SHOWN. PRIOR TO ANY EXCAVATION ON SITE THE CONTRACTOR SHALL CONTACT DIG SAFE AT 1-888-344-7233.

LEGEND

- EDGE OF PAVEMENT
- EDGE OF GRAVEL
- RETAINING WALL
- SIGN
- MAILBOX
- CATCH BASIN
- WATER GATE
- UTILITY POLE
- SPOT GRADE ×200.5
- INDEX CONTOUR 200
- INTERMEDIATE CONTOUR 202
- TREES
- OVERHEAD UTILITIES OHP

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PURSUANT TO THE SITE REVIEW REGULATIONS OF HUDSON PLANNING BOARD, THE PLAN APPROVAL GRANTED HEREIN EXPIRES ONE (1) YEAR FROM DATE OF APPROVAL.

APPROVED BY THE HUDSON, NH PLANNING BOARD, DATE OF MEETING:_____

PLANNING BOARD CHAIRMAN — SIGNATURE DATE

PLANNING BOARD SECRETARY — SIGNATURE DATE

SITE PLANS ARE VALID FOR ONE (1) YEAR FROM THE DATE OF PLANNING BOARD MEETING FINAL APPROVAL. FINAL APPROVAL COMMENCES AT THE PLANNING BOARD MEETING DATE AT WHICH THE PLAN RECEIVES FINAL APPROVAL.

DIG SAFE
1-888-DIG-SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

CERTIFICATION

I HEREBY CERTIFY, TO MY KNOWLEDGE, INFORMATION AND BELIEF, THAT THIS PLAN SHOWS THE RESULTS OF AN ON THE GROUND "STANDARD PROPERTY SURVEY" AND THAT SAID SURVEY MEETS THE MINIMUM PROCEDURAL AND/OR ACCURACY MEASUREMENTS FOR SURVEY CLASSIFICATION "U" (URBAN) AS SET FORTH IN TABLE 500.1 OF THE NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES OF THE BOARD OF LICENSURE FOR LAND SURVEYORS ADOPTED 9/23/01, EFFECTIVE 0/24/01.

I FURTHER CERTIFY THAT THIS PLAN IS THE RESULT OF AN ACTUAL FIELD SURVEY MADE ON THE GROUND AND HAS A MAXIMUM ERROR OF CLOSURE OF ONE PART IN TEN THOUSAND ON ALL PROPERTY LINES WITHIN AND BORDERING THE SUBJECT PROPERTY.

OWNERS SIGNATURE

OWNER OR REPRESENTATIVE — DATE

20' 10' 0 20'
Graphic Scale

REV.	DATE	DESCRIPTION	BY	CK

TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
AND TAX LOT ID NUMBER 256-001-000, HUDSON, NH

EXISTING CONDITIONS PLAN

RETAIL DEVELOPMENT

99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHAI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20' — NOVEMBER 5, 2010

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Land Surveyors
Landscape Architects
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FILE	17430.04	DR	LBG	FB	2005	SHEET 2 OF 10
		CK	JWM	CADFILE	17430.04 Site.dwg	

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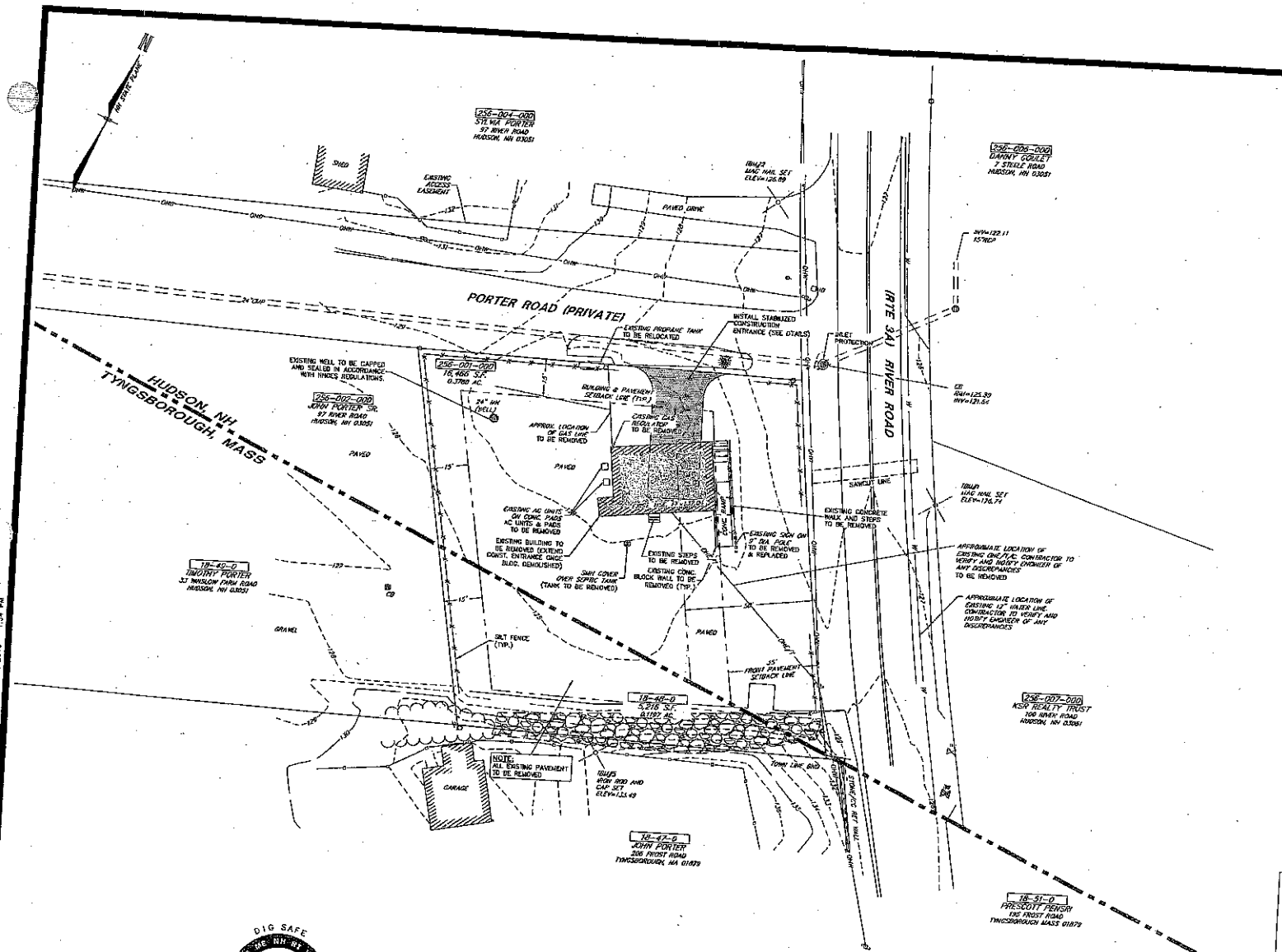

NOTES

1. THE CONTRACTOR SHALL MAINTAIN EMERGENCY ACCESS TO ALL AREAS AFFECTED BY HIS WORK AT ALL TIMES.
2. THE CONTRACTOR SHALL VERIFY ALL SURVEY INFORMATION IN THE FIELD AND REPORT ANY DISCREPANCIES TO THE ENGINEER.
3. EXISTING UTILITY SERVICES TO BE DISCONTINUED ARE TO BE CAPPED AS REQUIRED BY THE RESPECTIVE UTILITY COMPANIES.
4. CONSTRUCTION DEBRIS SHALL BE REMOVED FROM SITE AND DISPOSED OF IN A LEGAL MANNER.

20' 10' 0 20'
Graphic Scale

REV.	DATE	DESCRIPTION	DR	CK

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
SITE PREPARATION PLAN

RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'

NOVEMBER 5, 2010

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17430.04	DN WBL	FB	2005	SHEET 3 OF 10
	CK CRR	CADFILE	17430.04 Site.dwg	

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DIG SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

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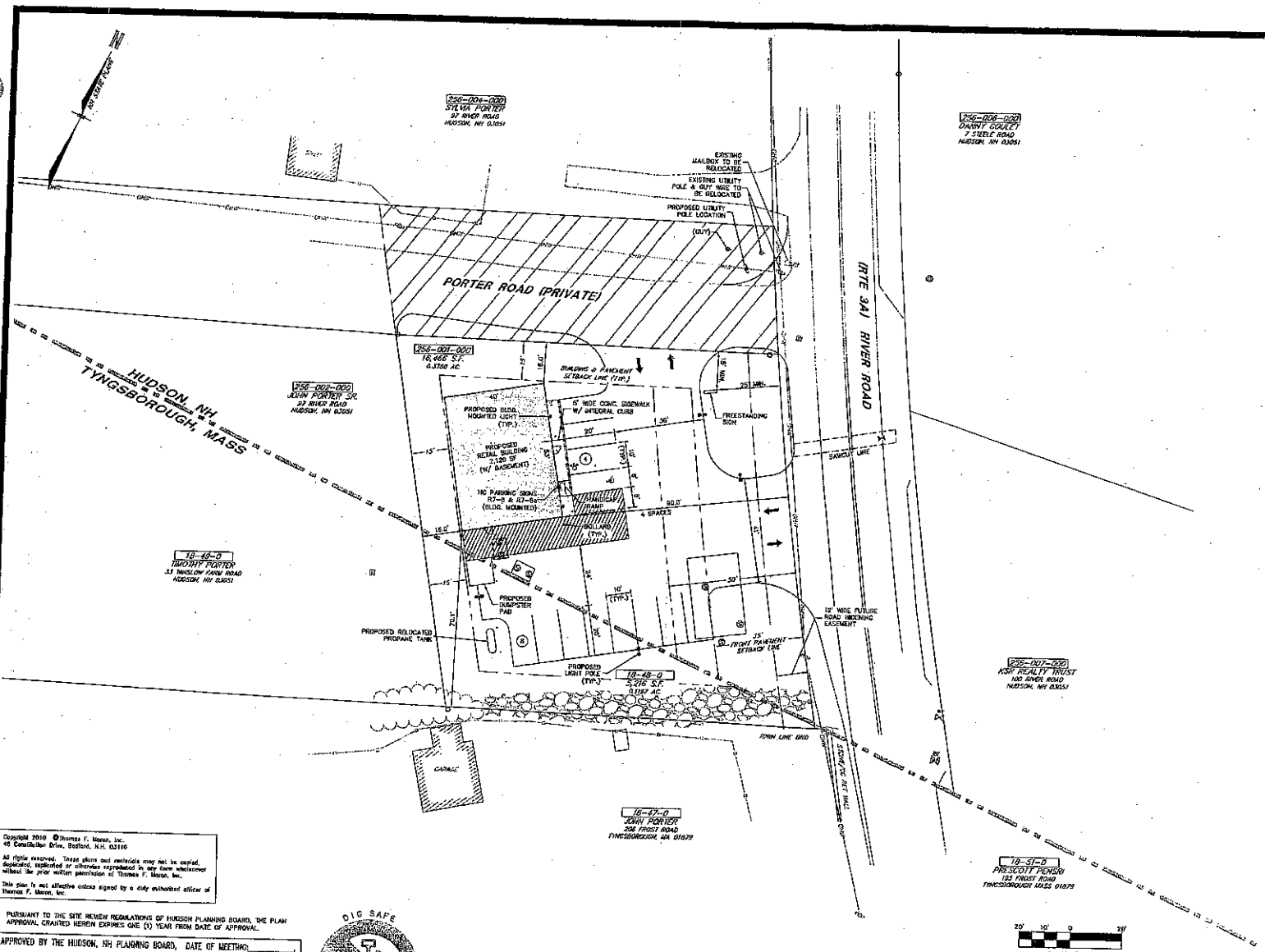

NOTES

1. OWNER OF RECORD OF LOTS 256-001-000 (HUDSON, NH) AND 18-48-0 (TYNGSBORO, MA): RAMANBHAI K. PATEL, TRUSTEE OF THE HUDSON REALTY TRUST, 22 LONG DRIVE, WESTBOROUGH, MA 01581. DEED TO PARCEL IS RECORDED AT HILLSBOROUGH COUNTY, NH DK. 8134 PG. 1084 AND MIDDLESEX NORTH, MA BK.28547, PG. 232.
   TOTAL AREA OF PARCEL = 21,681S.F.± OR 0.4977 ACRES±
   AREA OF PARCEL IN NH= 16,466 S.F.± OR 0.3782 ACRES±
   AREA OF PARCEL IN MASS.= 5,215 S.F.± OR 0.1197 ACRES±
2. (256-001-0) INDICATES TAX ID NUMBER.
3. THE PURPOSE OF THIS PLAN IS TO CHANGE THE USE OF THE SITE FROM A LANDSCAPE SUPPLY BUSINESS TO A CONVENIENCE STORE. IT IS PROPOSED TO CONSTRUCT A 2,120 SF CONVENIENCE STORE (WITH BASEMENT) AND RECONFIGURE THE PAVED PORTION OF THE SITE TO INCORPORATE LANDSCAPE AREAS.
4. CURRENT ZONING IS GENERAL 1 (G-1) ZONING DISTRICT FOR LAND IN HUDSON, NH.

	REQUIRED	PROVIDED
MIN. LOT SIZE:	87,120 S.F.	16,466 S.F.
MIN. LOT FRONTAGE:	200'	148.75'
MIN. BUILDING SETBACKS:		
FRONT	50'	96'
SIDE	15'	16'
REAR	15'	16'
MIN. PAVEMENT SETBACKS:		
FRONT	30'	16'
SIDE	15'	15'
REAR	15'	15'
MAX. BUILDING HEIGHT:	35'	1 STORY
MIN. OPEN SPACE:	40%	44.6% (10.8% EXIST.)

CURRENT ZONING IS BUSINESS 2 (B-2) ZONING DISTRICT FOR LAND IN TYNGSBOROUGH, MA.

	REQUIRED	PROVIDED
MIN. LOT SIZE:	20,000 S.F.	5,216 S.F.
MIN. LOT FRONTAGE:	80'	N/A
MIN. LOT WIDTH:	50'	N/A
MIN. BUILDING SETBACKS:		
FRONT	30'	N/A
SIDE	15'	15'
REAR	15'	16'
MIN. PAVEMENT SETBACKS:		
FRONT	30'	N/A
SIDE	15'	17'
REAR	15'	15'
MAX. BUILDING HEIGHT:	35'	1 STORY

5. PARKING CALCULATIONS:
   REQUIRED: 1 SP./ 200 SF
   DETAIL: 2,120 SF/ 200 SF = 10.6
   TOTAL REQUIRE = 11 SPACES
   PROPOSED: 12 SPACES (INCL. 1 ACCESSIBLE)
6. THE PROPERTY WILL BE SERVICED BY THE FOLLOWING:

DRAINAGE:	PRIVATE
SEWER:	PRIVATE
WATER:	MUNICIPAL
GAS:	PROPANE
ELECTRIC:	FGHN
TELEPHONE:	FAIRPOINT COMMUNICATIONS
CABLE:	COMCAST

7. EASEMENTS, RIGHTS, AND RESTRICTIONS SHOWN OR IDENTIFIED ARE THOSE WHICH WERE FOUND DURING RESEARCH PERFORMED AT THE HILLSBOROUGH COUNTY, NEW HAMPSHIRE AND MIDDLESEX NORTH, MASSACHUSETTS REGISTRIES OF DEEDS FOR REFERENCE PLANS. OTHER RIGHTS, EASEMENTS, OR RESTRICTIONS MAY EXIST WHICH A TITLE EXAMINATION OF SUBJECT PARCEL(S) WOULD DETERMINE.
8. THE FOLLOWING WAIVERS ARE REQUESTED FROM THE SITE PLAN REGULATIONS:
   - 275-8.B(12)(b) 100' SETBACK FROM RESIDENTIAL USE
   - 275-8.D(2) 35' GREEN AREA BETWEEN RIGHT-OF-WAY AND ANY PAVEMENT
   - 275-8.D(3)(c) LOADING WITHIN 100' TO ANY RESIDENTIAL USE WITHOUT SCREENING
   - 275-8.D(3) SCREENING BETWEEN PARKING AND LOADING AREAS TO ABUTTING RESIDENTIAL USE
   - 275-9.C NOISE STUDY
   - 275-9.D FISCAL AND ENVIRONMENTAL IMPACT STUDY

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APPROVED BY THE HUDSON, NH PLANNING BOARD, DATE OF MEETING: _____

PLANNING BOARD CHAIRMAN — SIGNATURE DATE

PLANNING BOARD SECRETARY — SIGNATURE DATE

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DIG SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

OWNERS SIGNATURE
OWNER OR REPRESENTATIVE — DATE

REV.	DATE	DESCRIPTION	BY	CK

Graphic Scale: 20' 10' 0 20'

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA

SITE LAYOUT PLAN

RETAIL DEVELOPMENT

99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20' — NOVEMBER 5, 2010

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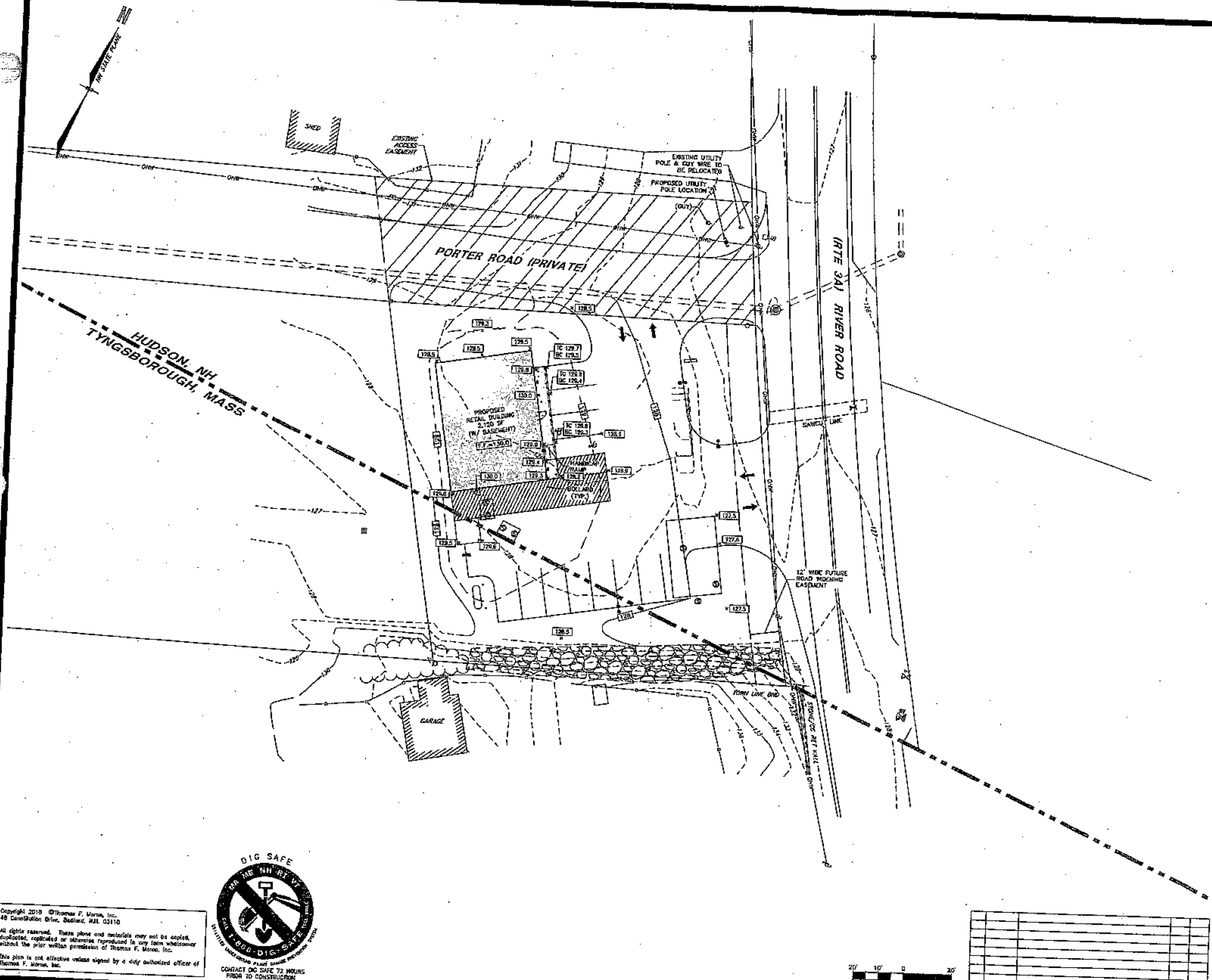

NOTES

1. ALL WORK SHALL CONFORM TO THE APPLICABLE REGULATIONS AND STANDARDS OF THE TOWN OF HUDSON, NEW HAMPSHIRE AND SHALL BE BUILT IN A WORKMANLIKE MANNER IN ACCORDANCE WITH THE PLANS AND SPECIFICATIONS.
2. IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO FAMILIARIZE HIMSELF WITH THE SITE AND ALL EXISTING CONDITIONS SURROUNDING IT AND THEREON. THE CONTRACTOR SHALL ADVISE THE APPROPRIATE AUTHORITY OF HIS INTENTION AT LEAST 48 HOURS IN ADVANCE.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING AND DETERMINING THE LOCATION, SIZE AND ELEVATION OF ALL EXISTING UTILITIES, SHOWN OR NOT SHOWN ON THESE PLANS, PRIOR TO THE START OF ANY CONSTRUCTION. THE ENGINEER SHALL BE NOTIFIED IN WRITING OF ANY UTILITIES FOUND INTERFERING WITH THE PROPOSED CONSTRUCTION AND APPROPRIATE REMEDIAL ACTION BE AGREED TO BY THE ENGINEER BEFORE PROCEEDING WITH THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE TO CONTACT "DIGSAFE" (800-344-7233) AT LEAST 72 HOURS BEFORE DIGGING.
4. THE CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES OWNING UTILITIES, EITHER OVERHEAD OR UNDERGROUND, WITHIN THE CONSTRUCTION AREA AND SHALL COORDINATE AS NECESSARY WITH THE UTILITY COMPANIES OF SAID UTILITIES. THE PROTECTION OR RELOCATION OF UTILITIES IS ULTIMATELY THE RESPONSIBILITY OF THE CONTRACTOR.
5. THE CONTRACTOR SHALL COORDINATE MATERIALS AND INSTALLATION SPECIFICATIONS WITH THE INDIVIDUAL UTILITY AGENCIES/COMPANIES, AND ARRANGE FOR ALL INSPECTIONS.
6. ROAD AND DRAINAGE CONSTRUCTION SHALL CONFORM TO THE TYPICAL SECTIONS AND DETAILS SHOWN ON THE PLANS, AND SHALL MEET LOCAL STANDARDS AND THE REQUIREMENTS OF THE LATEST NHDOT STANDARD SPECIFICATIONS FOR ROADS AND BRIDGE CONSTRUCTION AND THE N.H.D.O.T. STANDARD STRUCTURE DRAWINGS UNLESS OTHERWISE NOTED.
7. ALL MANHOLES IN PAVEMENT SHALL HAVE RIMS SET TO FINISH GRADE REGARDLESS OF ANY ELEVATIONS OTHERWISE SHOWN.
8. ALL ELEVATIONS SHOWN AT CURB ARE TO THE BOTTOM OF CURB UNLESS OTHERWISE NOTED. CURBS HAVE A 6" REVEAL UNLESS OTHERWISE NOTED.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ALL EROSION AND SEDIMENT CONTROL DEVICES AS SHOWN IN THE PLANS THROUGHOUT THE DURATION OF THE PROJECT IN ACCORDANCE WITH APPLICABLE NHDES STANDARDS. THE DETAILS PROVIDED SERVE AS A GUIDE ONLY.
10. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
11. THE CONTRACTOR SHALL STABILIZE ALL DITCHES, SWALES, AND PONDS PRIOR TO DIRECTING STORM WATER RUN-OFF TO THEM.
12. COORDINATE WITH GEOTECHNICAL/STRUCTURAL PLANS FOR SITE PREPARATION AND OTHER BUILDING INFORMATION.
13. THE DOMESTIC WATER SERVICE PIPE SIZE AND TYPE SHALL BE COORDINATED WITH THE ARCHITECT.
14. LIMITS OF WORK ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE ALL WORK TO PROVIDE SMOOTH TRANSITIONS. THIS INCLUDES GRADING, PAVEMENT, CURBING, SIDEWALKS AND ALIGNMENTS.
15. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR THE CONDITIONS AT THE SITE. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ENGINEER.
16. IT SHALL BE THE RESPONSIBILITY OF THE CONTRACTOR TO CHECK THE ACCURACY OF THE TOPOGRAPHY AND REPORT ANY DISCREPANCIES TO THE ENGINEER PRIOR TO ANY EARTHWORK BEING PERFORMED ON THE SITE. NO CLAIM FOR EXTRA WORK WILL BE CONSIDERED FOR PAYMENT AFTER EARTHWORK HAS COMMENCED.
17. VERIFY TBM ELEVATIONS PRIOR TO CONSTRUCTION.
18. IN THE EVENT OF A CONFLICT BETWEEN PLANS, SPECIFICATIONS, AND DETAILS, THE ENGINEER SHALL BE NOTIFIED IMMEDIATELY FOR CLARIFICATION.
19. IF CONDITIONS AT THE SITE ARE DIFFERENT THAN SHOWN THE ENGINEER SHALL BE NOTIFIED PRIOR TO PROCEEDING WITH THE AFFECTED WORK.
20. THESE PLANS WERE PREPARED UNDER THE SUPERVISION OF A LICENSED PROFESSIONAL ENGINEER. TFMORAN INC. ASSUMES NO LIABILITY AS A RESULT OF ANY CHANGES OR NON-CONFORMANCE WITH THESE PLANS EXCEPT UPON THE WRITTEN APPROVAL OF THE ENGINEER OF RECORD.
21. TFMORAN INC. ASSUMES NO LIABILITY FOR WORK PERFORMED WITHOUT AN ACCEPTABLE PROGRAM OF TESTING AND INSPECTION AS APPROVED BY THE ENGINEER OF RECORD.

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
GRADING & DRAINAGE PLAN
RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHAI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'

NOVEMBER 5, 2010

REV	DATE	DESCRIPTION	DR	CK

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17430.04	DR	WBL	FB	2005
	CK	CRR	CADFILE	17430.04 Site.dwg

SHEET 5 OF 10

DIG SAFE
MA ME NH RI VT
CALL 1-888-DIG-SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

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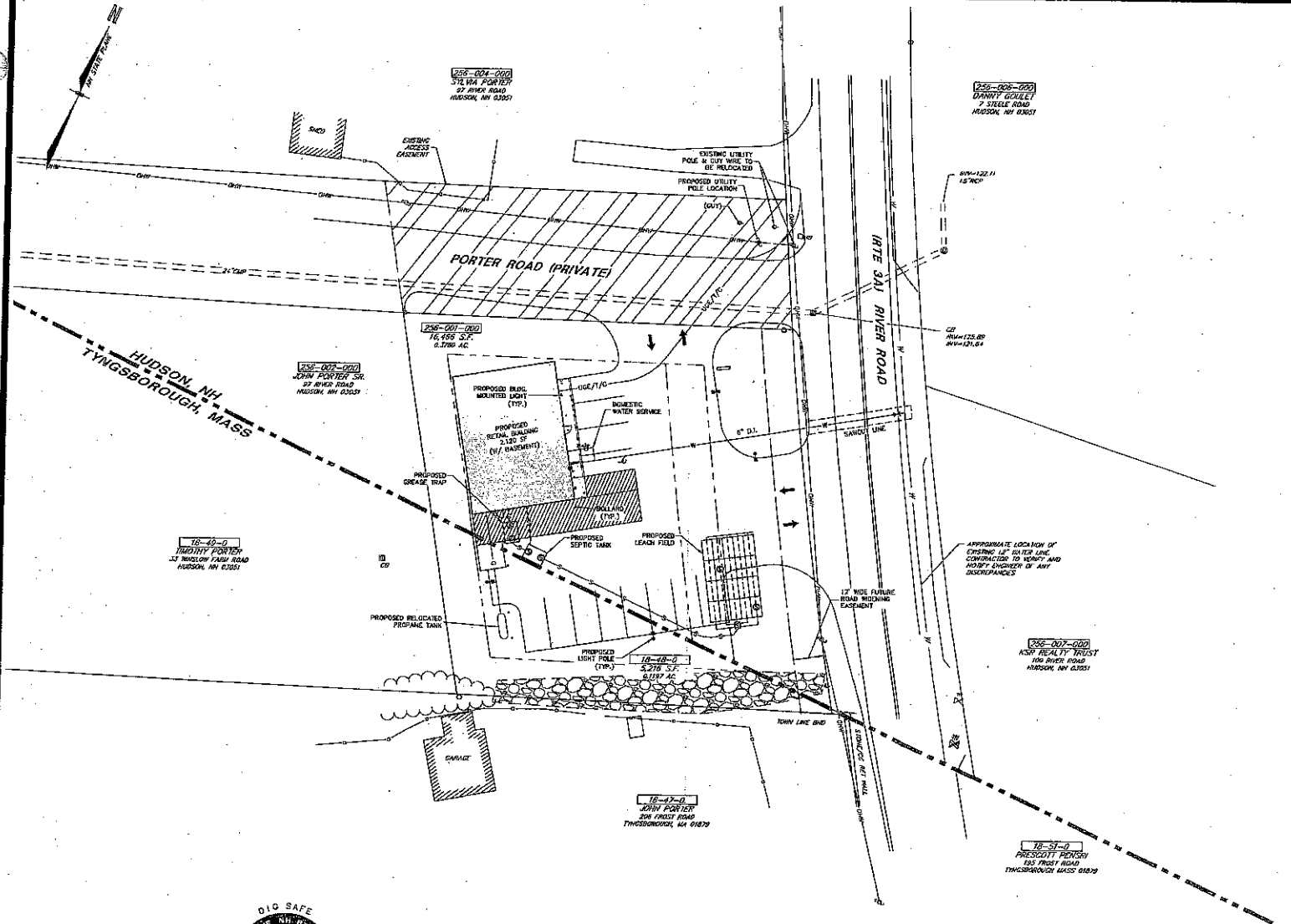

NOTES

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4. THE CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES OWNING UTILITIES, EITHER OVERHEAD OR UNDERGROUND, WITHIN THE CONSTRUCTION AREA AND SHALL COORDINATE AS NECESSARY WITH THE UTILITY COMPANIES OF SAID UTILITIES. THE PROTECTION OR RELOCATION OF UTILITIES IS ULTIMATELY THE RESPONSIBILITY OF THE CONTRACTOR.
5. THE CONTRACTOR SHALL COORDINATE MATERIALS AND INSTALLATION SPECIFICATIONS WITH THE INDIVIDUAL UTILITY AGENCIES/COMPANIES, AND ARRANGE FOR ALL INSPECTIONS.
6. ALL MANHOLES IN PAVEMENT SHALL HAVE RIMS SET TO FINISH GRADE REGARDLESS OF ANY ELEVATIONS OTHERWISE SHOWN.
7. SANITARY SEWER SHALL BE CONSTRUCTED TO THE STANDARDS AND SPECIFICATIONS AS SHOWN ON THESE PLANS. ALL SEWER MAINS AND FITTINGS SHALL BE PVC AND SHALL CONFORM TO ASTM F 679 (SDR 35 MINIMUM). SANITARY MANHOLES SHALL CONFORM TO A.N.E.S.E. WATER DIVISION WASTEWATER ENGINEERING BUREAU STANDARDS AND SPECIFICATIONS SHOWN HEREON.
8. ON-SITE WATER DISTRIBUTION SHALL BE TO TOWN OF HUDSON AND PENNICHUCK WATER WORKS STANDARDS AND SPECIFICATIONS. WATER MAINS SHALL HAVE A MINIMUM OF 5.5 FEET COVER. WHERE WATER PIPES CROSS SEWER LINES A MINIMUM OF 18" VERTICAL SEPARATION BETWEEN THE TWO OUTSIDE PIPE WALLS SHALL BE OBSERVED. HORIZONTAL SEPARATION BETWEEN WATER AND SEWER SHALL BE 10 FEET MINIMUM.
9. THE GENERAL CONTRACTOR IS RESPONSIBLE FOR CONDUIT AND WIRING TO ALL SIGNS AND LIGHTS. CONDUIT TO BE A MINIMUM OF 24" BELOW FINISH GRADE.
10. VERIFY UTILITY CONNECTIONS TO BUILDING WITH ARCHITECTURAL DRAWINGS.
11. COORDINATE WITH MECHANICAL AND PLUMBING PLANS FOR ROOF DRAIN INFORMATION. THE GENERIC WATER SERVICE PIPE SIZE AND TYPE SHALL BE COORDINATED WITH THE ARCHITECT.
12. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
13. LIMITS OF WORK ARE SHOWN AS APPROXIMATE. THE CONTRACTOR SHALL COORDINATE ALL WORK TO PROVIDE SMOOTH TRANSITIONS. THIS INCLUDES GRADING, PAVEMENT, CURBING, SIDEWALKS AND ATTACHMENTS.
14. THE CONTRACTOR IS RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION AND FOR THE CONDITIONS AT THE SITE. WRITTEN DIMENSIONS HAVE PRECEDENCE OVER SCALED DIMENSIONS. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND REPORT DISCREPANCIES TO THE ENGINEER.

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA

UTILITY PLAN

RETAIL DEVELOPMENT

99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHAI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'

NOVEMBER 5, 2010

20' 10' 0 20'
Graphic Scale

REV.	DATE	DESCRIPTION	DR	CK

TFM

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

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17430.04	DR WBL	FB	2005	SHEET 6 OF 10
	CK CRR	CADFILE	17430.04 Site.dwg	

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DIG SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

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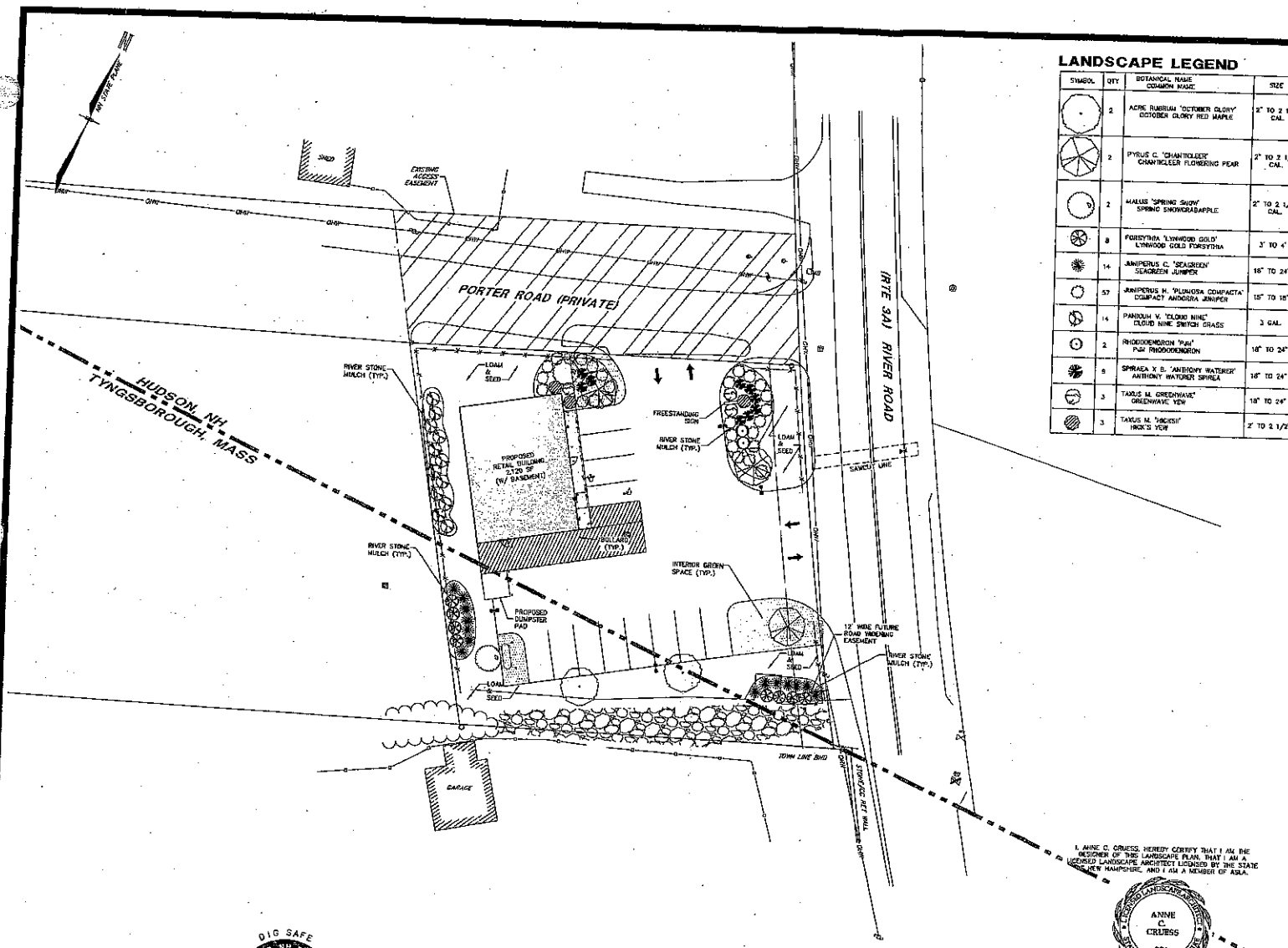

LANDSCAPE LEGEND

SYMBOL	QTY	BOTANICAL NAME COMMON NAME	SIZE	REMARKS
	2	ACER RUBRUM 'OCTOBER GLORY' OCTOBER GLORY RED MAPLE	2" TO 2 1/2" CAL.	B&B
	2	PYRUS C. 'CHANTICLEER' CHANTICLEER FLOWERING PEAR	2" TO 2 1/2" CAL.	B&B
	2	MALUS 'SPRING SNOW' SPRING SNOWCRABAPPLE	2" TO 2 1/2" CAL.	B&B
	8	FORSYTHIA 'LYNWOOD GOLD' LYNWOOD GOLD FORSYTHIA	3' TO 4'	CONT.
	14	JUNIPERUS C. 'SEAGREEN' SEAGREEN JUNIPER	18" TO 24"	CONT.
	57	JUNIPERUS H. 'PLUMOSA COMPACTA' COMPACT ANDORRA JUNIPER	15" TO 18"	CONT.
	14	PANICUM V. 'CLOUD NINE' CLOUD NINE SWITCH GRASS	3 GAL.	CONT.
	2	RHODODENDRON 'P.J.M.' P.J.M RHODODENDRON	18" TO 24"	CONT.
	9	SPIRAEA X B. 'ANTHONY WATERER' ANTHONY WATERER SPIREA	18" TO 24"	CONT.
	3	TAXUS M. 'GREENWAVE' GREENWAVE YEW	18" TO 24"	B&B
	3	TAXUS M. 'HICKSII' HICK'S YEW	2' TO 2 1/2'	B&B

LANDSCAPE REQUIREMENTS

TREES:
ALL PARKING AREAS SHALL HAVE A MINIMUM OF ONE TREE FOR EACH 1,600 SF OF PAVED AREA (8,900 SF HUDSON/1,371 SF TYNGSBOROUGH) = 9,661± SF
TOTAL OF PAVED AREA = 9,661± SF/1,600 SF = 6 TREES

REQUIRED = 6 TREES
PROVIDED = 7 TREES

REQUIRED SHRUBS:
ALL PARKING AREAS SHALL HAVE A MINIMUM OF ONE SHRUB FOR EACH 200 SF OF PAVED AREA (8,290 SF HUDSON/1,371 SF TYNGSBOROUGH) = 9,661± SF
TOTAL AREA OF PAVED AREA = 9,661± SF/200 SF = 48.308 48 SHRUBS

REQUIRED = 48 SHRUBS
PROVIDED = 96 SHRUBS

REQUIRED INTERIOR PAVEMENT LANDSCAPE AREA:
ALL PARKING AREAS SHALL HAVE A MINIMUM 10% INTERIOR PAVEMENT LANDSCAPE AREA.
TOTAL AREA OF PAVED AREA = 9,661± SF x 10% = 966 SF

REQUIRED = 966 SF (10%)
PROVIDED = 1,228 SF (12.7%)

LANDSCAPE NOTES

(SEE DETAILS FOR ADDITIONAL NOTES)

GENERAL

1. THE CONTRACTOR SHALL COMPLY WITH ALL APPLICABLE RULES, REGULATIONS, LAWS, AND ORDINANCES HAVING JURISDICTION OVER THIS PROJECT SITE.
2. PRIOR TO CONSTRUCTION, THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING ALL UNDERGROUND UTILITIES AND NOTIFY OWNER'S REPRESENTATIVE OF CONFLICTS.
3. THE LANDSCAPE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING ALL QUANTITIES SHOWN ON PLANS BEFORE PRICING THE WORK. ANY DIFFERENCE IN QUANTITIES SHALL BE BROUGHT TO THE ATTENTION OF THE LANDSCAPE ARCHITECT FOR CLARIFICATION. LANDSCAPE QUANTITIES SHOWN ON THE PLAN SHALL SUPERCEDE QUANTITIES LISTED IN LANDSCAPE LEGEND.
4. THE CONTRACTOR SHALL CONTACT THE LANDSCAPE ARCHITECT PRIOR TO STARTING WORK AND VERIFY THAT THE PLANS IN THE CONTRACTOR'S POSSESSION ARE THE LATEST CURRENT PLANS AVAILABLE AND ARE THE APPROVED PLAN SET FOR USE IN CONSTRUCTION.
5. ALL PLANT MATERIALS INSTALLED SHALL MEET OR EXCEED THE SPECIFICATIONS OF THE "AMERICAN STANDARDS FOR NURSERY STOCK" AS PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN.
6. ALL PLANTS SHALL BE FIRST CLASS AND SHALL BE REPRESENTATIVE OF THEIR NORMAL SPECIES AND/OR VARIETIES. ALL PLANTS MUST HAVE GOOD, HEALTHY, WELL-FORMED UPPER GROWTH AND A LARGE, FIBROUS, COMPACT ROOT SYSTEM.
7. ALL PLANTS SHALL BE FREE FROM DISEASE AND INSECT PESTS AND SHALL COMPLY WITH ALL APPLICABLE STATE AND FEDERAL LAWS PERTAINING TO PLANT DISEASES AND INFESTATIONS.
8. ALL TREES SHALL BE BALLED AND BURLAPPED (B & B) UNLESS OTHERWISE NOTED OR APPROVED BY LANDSCAPE ARCHITECT.
9. IF APPLICABLE, ALL LANDSCAPED AREAS INCLUDING LAWNS SHALL BE PROVIDED WITH UNDERGROUND IRRIGATION. DESIGN OF IRRIGATION SYSTEM TO BE DONE BY OTHERS. REFER TO IRRIGATION NOTES.
10. IF APPLICABLE, THE CONTRACTOR SHALL HAVE ALL FALL TRANSPLANTING HAZARD PLANTS DUG IN THE SPRING AND STORED FOR FALL PLANTING.

GUARANTEE

THE LANDSCAPE CONTRACTOR SHALL GUARANTEE ALL LANDSCAPE WORK FOR A PERIOD OF ONE YEAR, BEGINNING AT THE START OF THE MAINTENANCE PERIOD.

I, ANNE C. CRUESS, HEREBY CERTIFY THAT I AM THE DESIGNER OF THIS LANDSCAPE PLAN, THAT I AM A LICENSED LANDSCAPE ARCHITECT LICENSED BY THE STATE OF NEW HAMPSHIRE, AND I AM A MEMBER OF ASLA.

LICENSED LANDSCAPE ARCHITECT
ANNE C. CRUESS
001
STATE OF NEW HAMPSHIRE

STAMP NOT VALID UNLESS SIGNED AND DATED

REV	DATE	DESCRIPTION	DR	CK

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA

LANDSCAPE PLAN

RETAIL DEVELOPMENT

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NOVEMBER 5, 2010

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DIG SAFE
CALL 1-888-DIG-SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

Graphic Scale 20' 10' 0 20'

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CONSTRUCTION SEQUENCE NOTES

1. INSTALL STABILIZED CONSTRUCTION ENTRANCE.
2. DEMOLISH EXISTING BUILDING AND REMOVE EXISTING PAVEMENT.
3. CONSTRUCT TEMPORARY AND PERMANENT EROSION CONTROL FACILITIES PRIOR TO ANY EARTH MOVING OPERATION.
4. ROUGH GRADE SITE OR PHASED WORK AREA. ALL SLOPES SHALL BE STABILIZED IMMEDIATELY AFTER GRADING. ALL DISTURBED AREAS SHALL BE STABILIZED NO LATER THAN 72 HOURS AFTER CONSTRUCTION ACTIVITY CEASES. IF EARTHWORK TEMPORARILY CEASES ON A PORTION OF OR THE ENTIRE SITE, AND WILL NOT RESUME WITHIN 21 DAYS, THE AREA SHALL BE STABILIZED.

   AN AREA SHALL BE CONSIDERED STABILIZED IF:
   A) BASE COURSE GRAVELS HAVE BEEN INSTALLED IN AREAS TO BE PAVED;
   B) A MINIMUM OF 85% VEGETATED GROWTH HAS BEEN ESTABLISHED;
   C) A MINIMUM OF 3" OF NON-EROSIVE MATERIAL SUCH STONE OR RIPRAP HAS BEEN INSTALLED, OR
   D) EROSION CONTROL BLANKETS HAVE BEEN PROPERLY INSTALLED.
5. CONSTRUCT SWALES AND PLACE DRAINAGE FACILITIES ACCORDING TO PLAN. THE CONTRACTOR SHALL STABILIZE ALL DITCHES, SWALES, AND PONDS/BASINS PRIOR TO DIRECTING FLOW TO THEM.
6. INSTALL ALL UNDERGROUND UTILITIES.
7. CONSTRUCT BUILDINGS.
8. CONSTRUCT PARKING AND FINISH GRADE SITE ACCORDING TO PLAN. ALL SLOPES SHALL BE STABILIZED IMMEDIATELY AFTER GRADING.
9. INSPECT AND MAINTAIN ALL EROSION AND SEDIMENTATION CONTROL MEASURES PERIODICALLY AND IMMEDIATELY AFTER STORM EVENTS.
10. COMPLETE PERMANENT SEEDING AND LANDSCAPING.
11. REMOVE TEMPORARY EROSION CONTROL MEASURES ONCE ALL AREAS ARE STABILIZED WITH A SUITABLE STAND OF GRASS, PAVEMENT OR COMPACTED GRAVELS.

* REFER TO THE STORM WATER MANAGEMENT PLAN FOR EROSION CONTROL MEASURES AND SPECIFIC INFORMATION.

GENERAL NOTES

1. ALL IN PAVEMENT MANHOLES SHALL HAVE RIMS SET TO FINISH GRADE REGARDLESS OF ANY ELEVATIONS OTHERWISE SHOWN.
2. WHERE DEPTH OF COVER IS LESS THAN 3 FEET CLASS V REINFORCED CONCRETE PIPE SHALL BE USED.
3. THE CONTRACTOR SHALL CONTACT ALL UTILITY COMPANIES OWNING UTILITIES, EITHER OVERHEAD OR UNDERGROUND, WITHIN THE CONSTRUCTION AREA AND SHALL COORDINATE AS NECESSARY WITH THE UTILITY COMPANIES OF SAID UTILITIES. THE PROTECTION OR RELOCATION OF UTILITIES IS ULTIMATELY THE RESPONSIBILITY OF THE CONTRACTOR.
4. THE CONTRACTOR SHALL MAINTAIN EMERGENCY ACCESS TO ALL AREAS AFFECTED BY HIS WORK AT ALL TIMES.
5. ALL EXCAVATIONS SHALL BE THOROUGHLY SECURED ON A DAILY BASIS BY THE CONTRACTOR AT THE COMPLETION OF CONSTRUCTION OPERATIONS IN THE IMMEDIATE AREA.
6. EROSION CONTROL SYSTEMS SHALL BE INSTALLED AND MAINTAINED FOR THE DURATION OF THE PROJECT IN ACCORDANCE WITH APPLICABLE NHDES STANDARDS. THESE DETAILS SERVE AS A GUIDE ONLY.
7. REFER TO THE TOWN STANDARD DETAILS, LATEST REVISION, FOR ADDITIONAL INFORMATION AND CRITERIA.
8. THE CONTRACTOR SHALL STABILIZE ALL DITCHES, SWALES, AND PONDS PRIOR TO DIRECTING FLOW TO THEM.
9. THE SMALLEST PRACTICAL AREA SHALL BE DISTURBED DURING CONSTRUCTION, BUT IN NO CASE SHALL EXCEED 5 ACRES AT ANY ONE TIME BEFORE DISTURBED AREAS ARE STABILIZED.

WINTER CONSTRUCTION

IN ADDITION TO THE OTHER NOTES CONTAINED ON THIS PLAN, THE FOLLOWING MUST BE IMPLEMENTED:

1. WINTER EXCAVATION AND EARTHWORK SHALL BE COMPLETED AS SUCH THAT NO MORE THAN 1 ACRE OF THE SITE IS WITHOUT STABILIZATION AT ANY ONE TIME.
2. AN AREA WITHIN 100 FEET OF A PROTECTED NATURAL RESOURCE MUST BE PROTECTED WITH A DOUBLE ROW OF SEDIMENT BARRIER.
3. TEMPORARY MULCH MUST BE APPLIED WITHIN 7 DAYS OF SOIL EXPOSURE OR PRIOR TO ANY STORM EVENT, BUT AFTER EVERY WORKDAY IN AREAS WITHIN 100 FEET FROM A PROTECTED NATURAL RESOURCE.
4. AREAS THAT HAVE BEEN BROUGHT TO FINAL GRADE MUST BE PERMANENTLY MULCHED THE SAME DAY.
5. IN THE EVENT OF A SNOWFALL GREATER THAN 1 INCH (FRESH OR CUMULATIVE), THE SNOW SHALL BE REMOVED FROM THE AREAS DUE TO BE SEEDED AND MULCHED.
6. LOAM SHALL BE FREE OF FROZEN CLUMPS BEFORE IT IS APPLIED.
7. A DITCH THAT WILL BE CONSTRUCTED DURING THE WINTER MUST BE STABILIZED WITH RIPRAP.

OVERWINTER STABILIZATION

1. PERMANENT STABILIZATION CONSISTS OF AT LEAST 85% VEGETATION, PAVEMENT/GRAVEL BASE OR RIPRAP.
2. DO NOT EXPOSE SLOPES OR LEAVE SLOPES EXPOSED OVER THE WINTER OR FOR ANY OTHER EXTENDED TIME OF WORK SUSPENSION UNLESS FULLY PROTECTED WITH MULCH.
3. APPLY HAY MULCH AT TWICE THE STANDARD RATE (150 LBS. PER 1,000 SF). THE MULCH MUST BE THICK ENOUGH SUCH THAT THE GROUND SURFACE WILL NOT BE VISIBLE AND MUST BE ANCHORED.
4. USE MULCH AND MULCH NETTING OR AN EROSION CONTROL MULCH BLANKET OR MIX FOR ALL SLOPES GREATER THAN 8% OR OTHER AREAS EXPOSED TO DIRECT WIND.
5. INSTALL AN EROSION CONTROL BLANKET IN ALL DRAINAGE WAYS (BOTTOM AND SIDES) WITH A SLOPE GREATER THAN 5%.
6. SEE THE VEGETATION MEASURES FOR MORE INFORMATION ON SEEDING DATES AND TYPES.

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EROSION CONTROL NOTES

DURING CONSTRUCTION AND THEREAFTER, EROSION CONTROL MEASURES ARE TO BE IMPLEMENTED AS NOTED:

1. INSTALLATION OF SILTATION FENCES AND OTHER EROSION CONTROL MEASURES SHALL BE COMPLETED PRIOR TO THE START OF SITE WORK IN ANY GIVEN AREA. PREFABRICATED SILTATION FENCES SHALL BE INSTALLED ACCORDING TO THE MANUFACTURER'S RECOMMENDATIONS.
2. SILTATION FENCES AND OTHER EROSION CONTROL MEASURES SHALL BE KEPT CLEAN DURING CONSTRUCTION AND REMOVED WHEN ALL SLOPES HAVE A VEGETATIVE COVER OF GREATER THAN 85%. EROSION CONTROL MEASURES SHALL BE INSPECTED ON A WEEKLY BASIS AND AFTER EVERY RAINFALL.
3. EXISTING VEGETATION IS TO REMAIN UNDISTURBED WHEREVER POSSIBLE.
4. THE AREA OF LAND EXPOSED AND THE TIME OF EXPOSURE SHALL BE MINIMIZED. ALL DISTURBED AREAS SHALL BE STABILIZED WITHIN 72 HOURS AFTER FINAL GRADING.
5. ALL DISTURBED AREAS SHALL HAVE A MINIMUM OF 6" OF LOAM. ACCEPTABLE SEED MIXES ARE AS FOLLOWS:

   TYPICAL LAWN MIX (MIN. 200 LBS/ACRE):

33% CREEPING RED FESCUE	(MIN. 66 LBS/ACRE)
42% PERENNIAL RYEGRASS	(MIN. 84 LBS/ACRE)
21% KENTUCKY BLUEGRASS	(MIN. 42 LBS/ACRE)
4% REDTOP	(MIN. 8 LBS/ACRE)

   TEMPORARY LAWN MIX (MIN. 47 LBS/ACRE)
   100% ANNUAL RYE

   WILDFLOWER SLOPE (NHDOT TYPE 45) MIX 3:1 OR GREATER SLOPES (MIN. 160 LBS/ACRE):

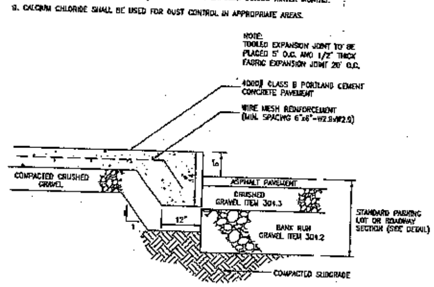
30% CREEPING RED FESCUE	(MIN. 60 LBS/ACRE)
32% PERENNIAL RYEGRASS	(MIN. 51 LBS/ACRE)
5% REDTOP	(MIN. 8 LBS/ACRE)
5% ALSIKE CLOVER	(MIN. 8 LBS/ACRE)
5% BIRDSFOOT TREFOIL	(MIN. 8 LBS/ACRE)
3% LANCE-LEAF COREOPSIS	(MIN. 3 LBS/ACRE)
3% OXEYE DAISY	(MIN. 3 LBS/ACRE)
3% BUTTERFLY WEED	(MIN. 3 LBS/ACRE)
3% BLACKEYED SUSAN	(MIN. 3 LBS/ACRE)
3% WILD LUPINE	(MIN. 3 LBS/ACRE)

   GENERAL SLOPE (NHDOT TYPE 44) MIX 3:1 OR GREATER SLOPES (MIN. 160 LBS/ACRE):

44% CREEPING RED FESCUE	(MIN. 70 LBS/ACRE)
38% PERENNIAL RYEGRASS	(MIN. 60 LBS/ACRE)
6% REDTOP	(MIN. 10 LBS/ACRE)

   A. PLACING LOAM ON SITE
      a. ALL SUBGRADE ELEVATIONS SHOULD BE UNIFORMLY GRADED TO RECEIVE LOAM AND SHALL BE INSPECTED AND APPROVED BY THE GENERAL CONTRACTOR PRIOR TO PLACEMENT OF LOAM.
      b. PLACE LOAM TO FORM A MINIMUM DEPTH OF 4" WHEN ROLLED, UNLESS OTHERWISE INDICATED.
      c. ALL DEPRESSIONS EXPOSED DURING THE ROLLING SHALL BE FILLED WITH ADDITIONAL LOAM.

   B. SEED BED PREPARATION
      AFTER FINISH GRADING AND JUST BEFORE SEEDING, THE AREAS TO BE SEEDED SHALL BE LOOSENED TO PROVIDE A ROUGH, FIRM BUT FINELY PULVERIZED SEEDBED. THE INTENT IS A TEXTURE CAPABLE OF RETAINING WATER, SEED AND FERTILIZER WHILE REMAINING STABLE AND ALLOWING SEED TIME TO GERMINATE. SEED SHALL BE APPLIED TO THE CONDITIONED SEEDBED NOT MORE THAN 48 HOURS AFTER THE SEEDBED HAS BEEN PREPARED.
6. LIME AND FERTILIZER SHALL BE INCORPORATED INTO THE SOIL PRIOR TO OR AT THE TIME OF AT THE TIME OF SEEDING. A MINIMUM OF 2 TONS PER ACRE OF AGRICULTURAL LIMESTONE AND 500 LBS. PER ACRE OF 10-20-20 FERTILIZER SHALL BE APPLIED. SEEDING PRACTICES SHALL COMPLY WITH LOCAL USDA SOIL CONSERVATION SERVICES RECOMMENDATIONS.
7. HAY MULCH OR JUTE MATTING SHALL BE USED WHERE INDICATED ON THE PLANS. A MINIMUM OF 1.5 TONS OF MULCH PER ACRE SHALL BE APPLIED. MULCH SHALL BE ANCHORED IN PLACE WHERE NECESSARY. JUTE MATTING SHALL BE LAID IN THE DIRECTION OF RUNOFF FLOW AND APPLIED IN ACCORDANCE WITH MANUFACTURER'S INSTRUCTIONS.
8. PERMANENT OR TEMPORARY COVER MUST BE IN PLACE BEFORE THE GROWING SEASON ENDS. WHEN SEEDED AREAS ARE MULCHED, PLANTINGS MAY BE MADE FROM EARLY SPRING TO EARLY OCTOBER. WHEN SEEDED AREAS AREA NOT MULCHED, PLANTINGS SHOULD BE MADE FROM EARLY SPRING TO MAY 20 OR FROM AUGUST 15 TO SEPTEMBER 15. NO DISTURBED AREA SHALL BE LEFT EXPOSED DURING WINTER MONTHS.
9. CALCIUM CHLORIDE SHALL BE USED FOR DUST CONTROL IN APPROPRIATE AREAS.



CONCRETE CURB AT SIDEWALK

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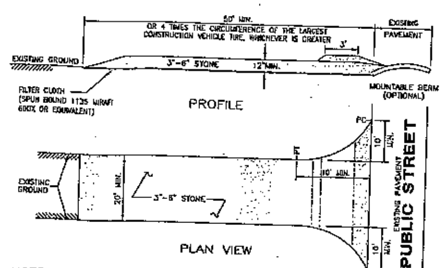


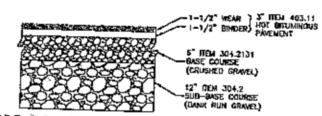
NOTES

1. FILTER CLOTH - WILL BE PLACED OVER THE ENTIRE AREA PRIOR TO PLACING OF STONE SURFACE.
2. WATER - ALL SURFACE WATER FLOWING OR DIVERTED TOWARD CONSTRUCTION ENTRANCES SHALL BE PIPED ACROSS THE ENTRANCE. IF PIPING IS IMPRACTICAL, A MOUNTABLE BERM WITH 5:1 SLOPES WILL BE PERMITTED.
3. MAINTENANCE - THE ENTRANCE SHALL BE MAINTAINED IN A CONDITION WHICH WILL PREVENT TRACKING OR FLOWING OF SEDIMENT ONTO PUBLIC RIGHTS-OF-WAY. THIS MAY REQUIRE PERIODIC TOP DRESSING WITH ADDITIONAL STONE AS CONDITIONS DEMAND AND REPAIR AND/OR CLEANOUT OF ANY MEASURES USED TO TRAP SEDIMENT. ALL SEDIMENT SPILLED, DROPPED, WASHED OR TRACKED ONTO PUBLIC RIGHTS-OF-WAY MUST BE REMOVED IMMEDIATELY.
4. WASHING - WHEELS SHALL BE CLEANED TO REMOVE SEDIMENT PRIOR TO ENTRANCE ONTO PUBLIC RIGHTS-OF-WAY. WHEN WASHING IS REQUIRED, IT SHALL BE DONE ON AN AREA STABILIZED WITH STONE AND WHICH DRAINS INTO AN APPROVED SEDIMENT TRAPPING DEVICE.
5. PERIODIC INSPECTION AND NEEDED MAINTENANCE SHALL BE PROVIDED AFTER EACH RAIN STORM EVENT.

USDA - SCS STABILIZED CONSTRUCTION ENTRANCE

SEE PLAN FOR PROPOSED LOCATION

NOT TO SCALE



TYPICAL-SECTION ASPHALT PAVING

STANDARD DUTY PAVEMENT

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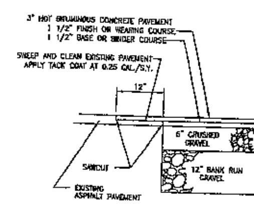

SAWCUT DETAIL

FLUSH

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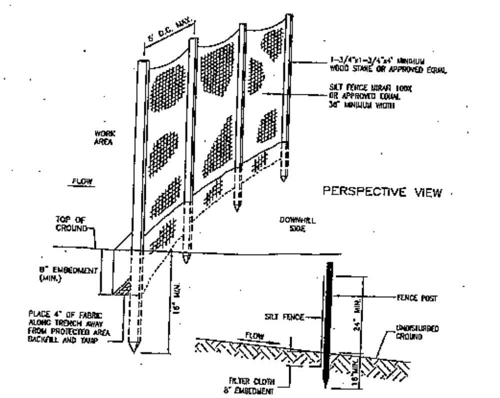

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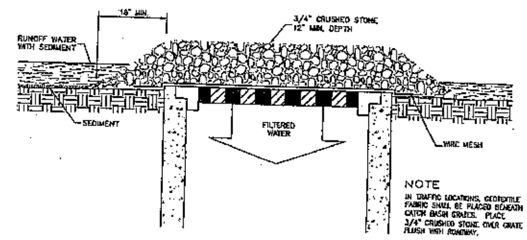
MAINTENANCE NOTES

1. ALL STRUCTURES SHOULD BE INSPECTED AFTER EVERY RAIN STORM AND REPAIRS MADE AS NECESSARY.
2. SEDIMENT SHOULD BE REMOVED FROM THE TRAPPING DEVICES AFTER THE SEDIMENT HAS REACHED A MAXIMUM OF ONE HALF THE DEPTH OF THE TRAP.
3. THE SEDIMENT SHOULD BE DISPOSED OF IN A SUITABLE AREA AND PROTECTED FROM EROSION BY EITHER STRUCTURAL OR VEGETATIVE MEANS.
4. THE TEMPORARY TRAPS SHOULD BE REMOVED AND THE AREA REPAIRED AS SOON AS THE CONTRIBUTING DRAINAGE AREA TO THE INLET HAS BEEN COMPLETELY STABILIZED.



NOTE
IN TRAFFIC LOCATIONS, GEOTEXTILE FABRIC SHALL BE PLACED BENEATH CATCH BASIN GRATES. PLACE 3/4" CRUSHED STONE OVER GRATE FLUSH WITH ROADWAY.

CATCH BASIN EROSION PROTECTION

NOT TO SCALE

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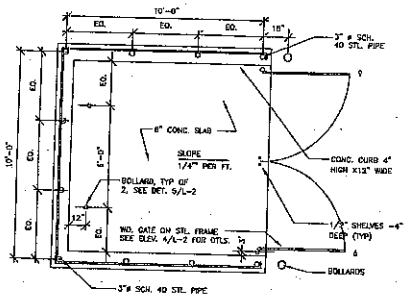
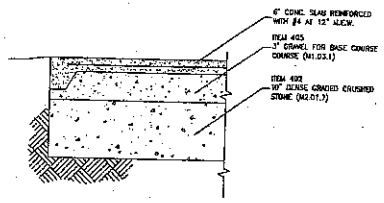
17430.04	DR	WBL	FB	–		SHEET 8 OF 10
	CK	CRR	CADFILE	17430.04 Details.dwg		



PLAN VIEW



SECTION

CONCRETE DUMPSTER PAD DETAIL

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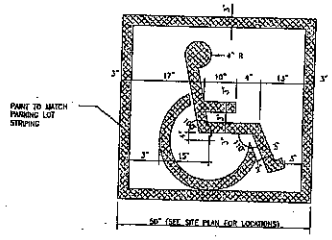

PAINTED ACCESSIBLE SYMBOL

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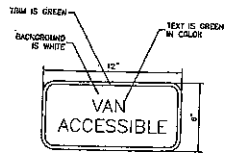
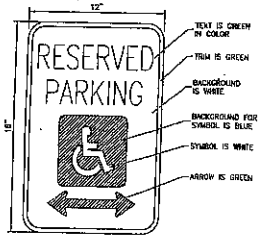


R7-8A

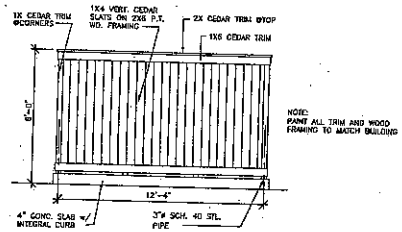


R7-8

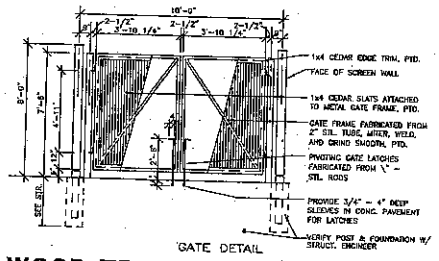
HANDICAP PARKING SIGNS

TO BE ATTACHED TO BUILDING

NOT TO SCALE



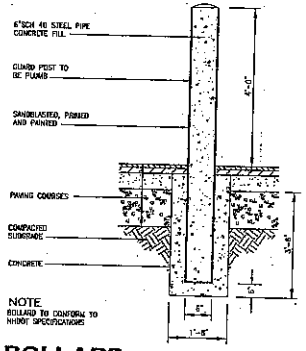
ELEVATION VIEW



GATE DETAIL

WOOD TRASH ENCLOSURE

NOT TO SCALE



BOLLARD

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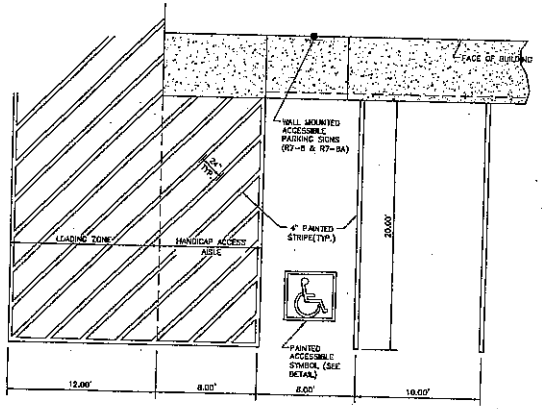
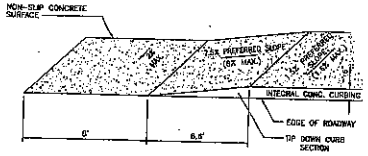


ACCESSIBLE STRIPING

NOT TO SCALE



ACCESSIBLE RAMP IN SIDEWALK

NOT TO SCALE

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA

DETAILS

RETAIL DEVELOPMENT

99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE, WEST BOROUGH, MA 01581

SCALE: 1"=20'

NOVEMBER 5, 2010

REV	DATE	DESCRIPTION	DR	CK

TFM
Civil Engineers
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Traffic Engineers
Land Surveyors
Landscape Architects
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17430.04	DR.	WBL	FB	—	SHEET 9 OF 10
	CK.	CRR	RAMPAGE	17430.04 Details.dwg	

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LANDSCAPE SPECIFICATIONS

SITE AND SOIL PREPARATION

1. WHEN CONDITIONS DETRIMENTAL TO PLANT GROWTH ARE ENCOUNTERED, SUCH AS RUBBLE FILL, ADVERSE DRAINAGE CONDITIONS, OR LEDGE, NOTIFY LANDSCAPE ARCHITECT/ENGINEER BEFORE PLANTING.
2. ALL DISTURBED AREAS & PLANTING AREAS, INCLUDING AREAS TO BE SODDED, SHALL RECEIVE THE FOLLOWING SOIL PREPARATION PRIOR TO PLANTING: A MINIMUM OF 4 INCHES OF LIGHTLY COMPACTED TOPSOIL SHALL BE INSTALLED OVER THE SUBSOIL IF TOPSOIL HAS BEEN REMOVED OR IS NOT PRESENT.
3. LOAM SHALL CONSIST OF LOOSE FRIABLE TOPSOIL WITH NO ADMIXTURE OF REFUSE OR MATERIAL TOXIC TO PLANT GROWTH. LOAM SHALL BE FREE FROM STONES, LUMPS, STUMPS, OR SIMILAR OBJECTS LARGER THAN TWO INCHES (2") IN GREATEST DIAMETER, SUBSOIL, ROOTS, AND WEEDS. THE MINIMUM AND MAXIMUM PH VALUE SHALL BE FROM 5.5 TO 7.6. LOAM SHALL CONTAIN A MINIMUM OF THREE PERCENT (3%) AND A MAXIMUM OF TWENTY PERCENT (20%) ORGANIC MATTER AS DETERMINED BY LOSS BY IGNITION. NOT MORE THAN SIXTY-FIVE PERCENT (65%) SHALL PASS A NO. 200 SIEVE AS DETERMINED BY THE WASH TEST IN ACCORDANCE WITH ASTM D1140. IN NO INSTANCE SHALL MORE THAN 20% OF THAT MATERIAL PASSING THE #4 SIEVE CONSIST OF CLAY SIZE PARTICLES.
4. NATURAL TOPSOIL NOT CONFORMING TO THE PARAGRAPH ABOVE OR CONTAINING EXCESSIVE AMOUNTS OF CLAY OR SAND SHALL BE TREATED BY THE CONTRACTOR TO MEET THOSE REQUIREMENTS.
5. SUBMIT TEST RESULTS OBTAINED FROM SOURCE TO ENGINEER/LANDSCAPE ARCHITECT FOR REVIEW AND APPROVAL, PRIOR TO SPREADING OPERATIONS.
6. APPROVAL BY THE ENGINEER/LANDSCAPE ARCHITECT TO USE THE TOPSOIL WILL DEPEND UPON THE RESULTS OF THE SOIL TESTS.
7. THE BURDEN OF PROOF OF SOIL AMENDMENT INSTALLATION RESTS WITH THE CONTRACTOR. SOIL TESTS MAY BE REQUIRED AT THE CONTRACTOR'S EXPENSE IN ORDER TO CONFIRM AMENDMENT INSTALLATION.

SEEDING

1. ROUGH GRADING SHALL BE COMPLETED PRIOR TO THE START OF PLANTING IN ANY GIVEN AREA OF THE PROJECT SITE.
2. SEEDING SHALL BE DONE BETWEEN APRIL 1 TO JUNE 15 OR AUGUST 15 TO OCTOBER 15, EXCEPT FOR RESEEDING OF BARE SPOTS AND MAINTENANCE. ALL DISTURBED AREAS NOT COVERED BY BUILDINGS, PAVING OR AREAS THAT HAVE NOT BEEN OTHERWISE DEVELOPED SHALL BE SEEDED OR SODDED. SLOPES GREATER THAN 3:1 SHALL BE PROTECTED WITH AN EROSION CONTROL BLANKET. AFTER OCTOBER 15 DISTURBED SOILS SHALL BE PROTECTED IN ACCORDANCE WITH THE WINTER CONSTRUCTION NOTES.

ACCEPTABLE SEED MIXES ARE AS FOLLOWS:

TYPICAL LAWN MIX (MIN. 200 LBS/ACRE):

33% CREEPING RED FESCUE	(MIN. 66 LBS/ACRE)
42% PERENNIAL RYEGRASS	(MIN. 84 LBS/ACRE)
21% KENTUCKY BLUEGRASS	(MIN. 42 LBS/ACRE)
4% REDTOP	(MIN. 8 LBS/ACRE)

WILDFLOWER SLOPE (NHDOT TYPE 45) MIX 3:1 OR GREATER SLOPES (MIN. 160 LBS/ACRE):

38% CREEPING RED FESCUE	(MIN. 60 LBS/ACRE)
32% PERENNIAL RYEGRASS	(MIN. 51 LBS/ACRE)
5% REDTOP	(MIN. 8 LBS/ACRE)
5% ALSIKE CLOVER	(MIN. 8 LBS/ACRE)
5% BIRDSFOOT TREFOIL	(MIN. 8 LBS/ACRE)
3% LANCE-LEAF COREOPSIS	(MIN. 3 LBS/ACRE)
3% OXEYE DAISY	(MIN. 3 LBS/ACRE)
3% BUTTERFLY WEED	(MIN. 3 LBS/ACRE)
3% BLACKEYED SUSAN	(MIN. 3 LBS/ACRE)
3% WILD LUPINE	(MIN. 3 LBS/ACRE)

GENERAL SLOPE (NHDOT TYPE 44) MIX 3:1 OR GREATER SLOPES (MIN. 160 LBS/ACRE):

44% CREEPING RED FESCUE	(MIN. 70 LBS/ACRE)
38% PERENNIAL RYEGRASS	(MIN. 60 LBS/ACRE)
6% REDTOP	(MIN. 10 LBS/ACRE)
6% ALSIKE CLOVER	(MIN. 10 LBS/ACRE)
6% BIRDSFOOT TREFOIL	(MIN. 10 LBS/ACRE)

PLANTING

1. EXCAVATE PITS, PLANTERS, BEDS AND TRENCHES WITH VERTICAL SIDES AND WITH BOTTOM OF EXCAVATION SLIGHTLY RAISED AT CENTER TO PROVIDE PROPER DRAINAGE. LOOSEN HARD SUBSOIL IN BOTTOM OF EXCAVATION.
2. ANY LEDGE OR RUBBLE MATERIAL SHALL BE FRACTURED TO A DEPTH OF 3 FEET AND EXCAVATED TO A DEPTH OF 30 INCHES FOR TREE POCKETS AND 18 INCHES FOR SHRUB BEDS. THIS PROCEDURE SHALL BE HANDLED BY THE SITE CONTRACTOR. SITE TOPSOIL SHALL BE DEPOSITED IN ALL EXCAVATED POCKETS.
3. DISPOSE OF SUBSOIL REMOVED FROM PLANTING EXCAVATIONS. DO NOT MIX WITH PLANTING SOIL OR USE AS BACKFILL.
4. FILL EXCAVATIONS FOR TREES AND SHRUBS WITH WATER AND ALLOW TO PERCOLATE OUT BEFORE PLANTING.
5. DISH TOP OF BACKFILL TO ALLOW FOR MULCH - PLANT SAUCERS SHALL BE AS SHOWN ON DETAIL SHEETS; 6' DIAMETER FOR ALL DECIDUOUS TREES, AND FOR EVERGREEN TREES A RADIUS 2' BEYOND THE OUTER MOST BRANCHES.
6. MULCH TREES, SHRUBS, PLANTERS AND BEDS. PROVIDE NOT LESS THAN 4" THICKNESS OF DARK MULCH, 3/8"-2" OF WIDTH, AND WORK INTO TOP OF BACKFILL AND FINISH LEVEL WITH ADJACENT FINISH GRADES AS DIRECTED IN THE FIELD.
7. STAKE AND GUY TREES IMMEDIATELY AFTER PLANTING (TREE SUPPORT STAKES SHALL BE 2" X 3" X 8'0", WOOD STAKES. GUYING WIRE SHALL BE NO. 12 GAUGE GALVANIZED SOFT STEEL WIRE. HOSE FOR COVERING WIRE SHALL BE NEW OR USED TWO PLY RUBBER HOSE NOT LESS THAN 1/2 INCH INSIDE DIAMETER. (PLASTIC "CINCH-TIES" OR EQUIVALENT FASTENING DEVICE MAY BE AN ACCEPTABLE GUY WIRE AND HOSE PROTECTOR SUBSTITUTE.)
8. ALL PLANT MATERIALS SHALL HAVE DEAD OR DAMAGED BRANCHES REMOVED AT TIME OF PLANTING. ALL TAGS AND RIBBONS SHALL BE REMOVED AT THIS TIME.
9. TREES TO REMAIN STAKED FOR 1 FULL GROWING SEASONS.
10. THE CONTRACTOR SHALL REQUEST A FINAL OBSERVATION BY THE OWNER'S REPRESENTATIVE UPON COMPLETION OF INSTALLATION.

LANDSCAPE MAINTENANCE

LAWN

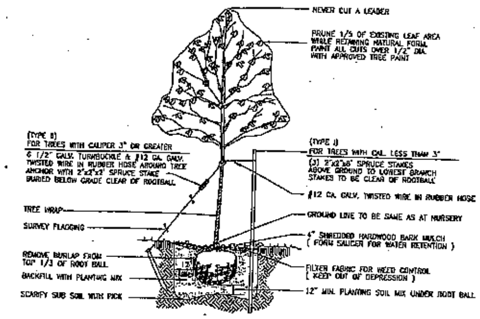
1. BEGINNING MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL UNTIL ACCEPTABLE LAWN IS ESTABLISHED, BUT NOT LESS THAN THE FOLLOWING PERIODS:
   A. SEEDED LAWNS: 60 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
      1. WHEN FULL MAINTENANCE PERIOD HAS NOT ELAPSED BEFORE END OF OF PLANTING SEASON, OR IF LAWN IS NOT FULLY ESTABLISHED, CONTINUE MAINTENANCE DURING NEXT PLANTING SEASON.
   B. SODDED LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
   C. PLUGGED LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
   E. SPRIGGED LAWNS: 30 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
2. MAINTAIN AND ESTABLISH LAWN BY WATERING, FERTILIZING, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, REGRADE, AND REPLANT BARE OR ERODED AREAS AND REMULCH TO PRODUCE A UNIFORMLY SMOOTH LAWN.
   A. IN AREAS WHERE MULCH HAS BEEN DISTURBED BY WIND OR MAINTENANCE OPERATIONS, ADD NEW MULCH. ANCHOR AS REQUIRED TO PREVENT DISPLACEMENT.
3. WATERING: PROVIDE AND MAINTAIN TEMPORARY PIPING, HOSES, AND LAWN-WATERING EQUIPMENT TO CONVEY WATER FROM SOURCES AND KEEP LAWN UNIFORMLY MOIST TO A DEPTH OF FOUR INCHES (100 mm).
   A. SCHEDULE WATERING TO PREVENT WILTING, PUDDLING, EROSION, AND DISPLACEMENT OF SEED OR MULCH. LAY OUT TEMPORARY WATERING SYSTEM TO AVOID WALKING OVER MUDDY OR NEWLY PLANTED AREAS.
   B. WATER LAWN AT A MINIMUM RATE OF ONE INCH (25 mm) PER WEEK.
4. MOW LAWN AS SOON AS TOP GROWTH IS TALL ENOUGH TO CUT. REPEAT MOWING TO MAINTAIN SPECIFIC HEIGHT WITHOUT CUTTING MORE THAN 40 PERCENT OF GRASS HEIGHT. REMOVE NO MORE THAN 40 PERCENT OF GRASS-LEAF GROWTH IN INITIAL OR SUBSEQUENT MOWINGS. DO NOT DELAY MOWING UNTIL GRASS BLADES BEND OVER AND BECOME MATTED. DO NOT MOW WHEN GRASS IS WET. SCHEDULE INITIAL AND SUBSEQUENT MOWINGS TO MAINTAIN THE FOLLOWING GRASS HEIGHT.
   A. MOW GRASS TO ½ INCH (13 mm) HIGH OR LESS.
   B. MOW GRASS ½ TO 1 INCH (13 TO 25 mm) HIGH OR LESS.
   C. MOW GRASS 1 TO 2 INCHES (25 TO 50 mm) HIGH OR LESS.
   D. MOW GRASS 1-1/2 TO 2 INCHES (38 TO 50 mm) HIGH OR LESS.
   E. MOW GRASS 2 TO 3 INCHES (50 TO 75 mm) HIGH OR LESS.
5. LAWN POSTFERTILIZATION: APPLY FERTILIZER AFTER INITIAL MOWING AND WHEN GRASS IS DRY.
   A. USE FERTILIZER THAT WILL PROVIDE ACTUAL NITROGEN OF AT LEAST 1 lb/1,000 SF (0.45 kg/92.9 SM) TO LAWN AREA.

MEADOW

1. BEGIN MAINTENANCE IMMEDIATELY AFTER EACH AREA IS PLANTED AND CONTINUE UNTIL ACCEPTABLE MEADOW IS ESTABLISHED, BUT FOR NOT LESS THAN 40 DAYS FROM DATE OF SUBSTANTIAL COMPLETION.
2. MAINTAIN AND ESTABLISH MEADOW BY WATERING, WEEDING, MOWING, TRIMMING, REPLANTING, AND OTHER OPERATIONS. ROLL, REGRADE, AND REPLANT BARE OR ERODED AREAS AND REMULCH.
3. WATERING: PROVIDE AND MAINTAIN TEMPORARY PIPING, HOSES, AND LAWN-WATERING EQUIPMENT TO CONVEY WATER FROM SOURCES AND KEEP MEADOW UNIFORMLY MOIST.
   A. SCHEDULE WATERING TO PREVENT WILTING, PUDDLING, EROSION, AND DISPLACEMENT OF SEED OR MULCH. LAY OUT TEMPORARY WATERING SYSTEM TO AVOID WALKING OVER MUDDY OR NEWLY PLANTED AREAS.
   B. WATER LAWN AT A MINIMUM RATE OF 1/2 INCH (13 mm) PER WEEK FOR 4 WEEKS.

TREES AND SHRUBS:

1. PRUNING SHOULD BE STARTED EARLY AND KEPT UP AT REGULAR INTERVALS. TREES SHOULD BE PRUNED AND SHAPED TO AVOID SPLITTING LATER IN LIFE. BROKEN TOPS AND BRANCHES SHOULD BE REMOVED AS SOON AS POSSIBLE AFTER INJURY. BROKEN, WEAK OR DISEASED BRANCHES SHOULD BE REMOVED FIRST, DEAD BRANCHES SECOND AND HEALTH BRANCHES LAST.
2. TREES AND SHRUBS SHOULD BE PROTECTED AGAINST DAMAGE INCURRED WITH LAWN MOWERS AND GARDEN EQUIPMENT. KEEPING GRASS AWAY FROM TREE TRUNKS WITH THE USE OF MULCH IS RECOMMENDED.
3. THE USE OF ROAD SALT AROUND TREES AND SHRUBS SHOULD BE AVOIDED OR MINIMIZED.
4. LANDSCAPED AREAS SHALL BE ROUTINELY MAINTAINED FREE OF DEBRIS AND LITTER. SPRAY AS REQUIRED TO KEEP TREES AND SHRUBS FREE OF INSECTS AND DISEASE. MAINTAINENCE SHALL INCLUDE THE REPLACEMENT OF ALL DEAD PLANT MATERIAL WITHIN THE GUARANTEED CONTRACT PERIOD.



DECIDUOUS TREE PLANTING DETAIL

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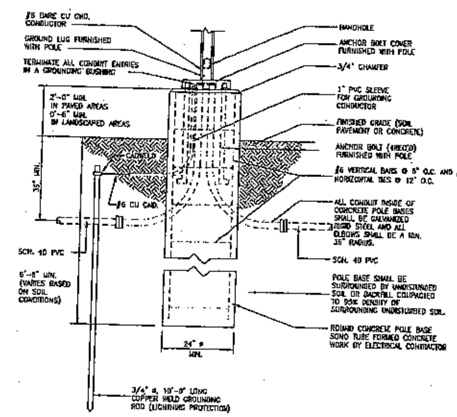

LIGHT POLE BASE

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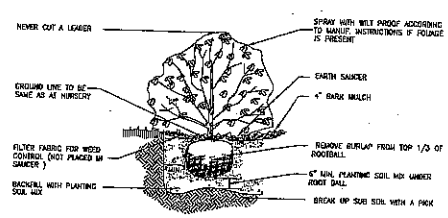
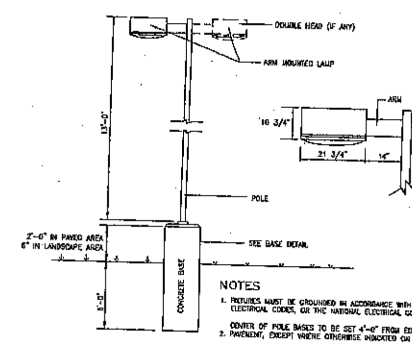


SHRUB PLANTING DETAIL

NOT TO SCALE

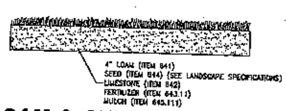


NOTES

1. FIXTURES MUST BE GROUNDED IN ACCORDANCE WITH LOCAL ELECTRICAL CODES, OR THE NATIONAL ELECTRICAL CODE.
2. CENTER OF POLE BASES TO BE SET 4'-0" FROM EDGE OF PAVEMENT, EXCEPT WHERE OTHERWISE INDICATED ON DRAWING.
3. LIGHTING SHOWN HERE IS AREA LIGHTING. SUPPLEMENTAL BUILDING-MOUNTED FIXTURES AT DOORWAYS, ETC. MAY BE REQUIRED.
4. SEE LIGHTING PLAN FOR FIXTURE SCHEDULE.

LIGHT POLE

NOT TO SCALE



LOAM & SEED

NOT TO SCALE

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT4B-0, TYNGSBOROUGH, MA

DETAILS

RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHATI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'

NOVEMBER 5, 2010

TFM

Civil Engineers
Structural Engineers
Traffic Engineers
Land Surveyors
Landscape Architects
Scientists

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Bedford, NH 03110
Phone (603) 472-4488
Fax (603) 472-9747
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17430.04	DR WBL	FB	-	SHEET 10 OF 10
	CK CRR	CADFILE	17430.04 Details.dwg	

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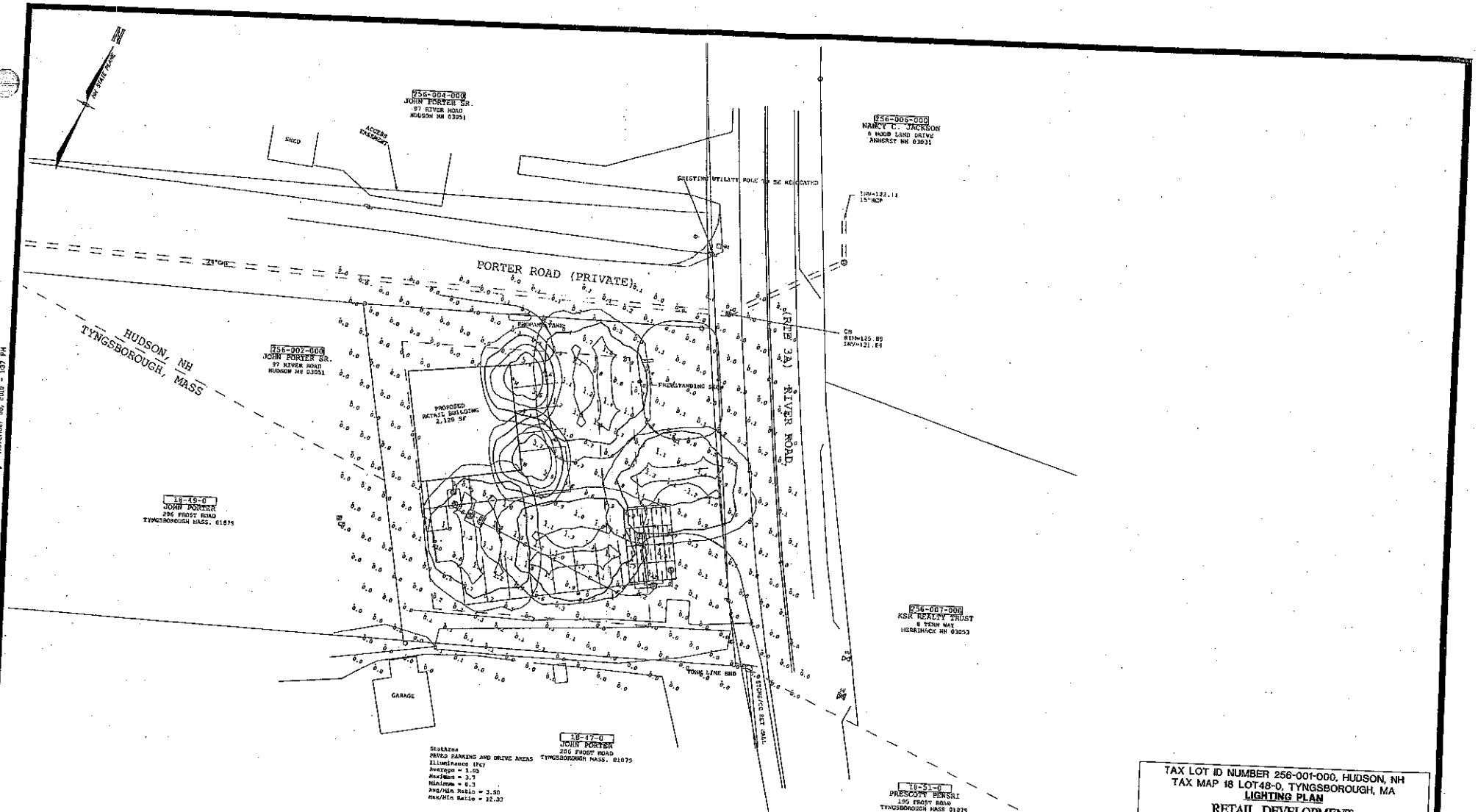

Statistics
PAVED PARKING AND DRIVE AREAS
Illuminance (Fc)
Average = 1.05
Maximum = 3.7
Minimum = 0.3
Avg/Min Ratio = 3.50
Max/Min Ratio = 12.33

Luminaire Schedule						
Symbol	Qty	Label	Arrangement	Total Lamp Lumens	LLF	Description
	4	S1	SINGLE	6300	0.750	AERO-S2-707 15' ABG
	2	W	SINGLE	3200	0.750	ZOC-50-HO-20-207 WALL MTG 12' AFG

DIG SAFE
CONTACT DIG SAFE 72 HOURS PRIOR TO CONSTRUCTION

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20' 10' 0 20'
Graphic Scale

REV	DATE	DESCRIPTION	DR	CK

TAX LOT ID NUMBER 256-001-000, HUDSON, NH
TAX MAP 18 LOT48-0, TYNGSBOROUGH, MA
LIGHTING PLAN

RETAIL DEVELOPMENT
99 RIVER ROAD HUDSON, NH

OWNED BY/PREPARED FOR
HUDSON REALTY TRUST
RAMANBHAI K. PATEL TRUSTEE
22 LONG DRIVE, WESTBOROUGH, MA 01581

SCALE: 1"=20'
NOVEMBER 5, 2010

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Landscape Architects
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FILE	17430.04	DR	XX	FB	2005	
		CK	XX	CADFILE	17430.04 Lighting Plan	L1

PATH: Projects\J-Jo NORTHWAY\17430.04 Patel Site\AcadFiles\Cherron\2010-11-03 Lighting Design\17430.04 Lighting Plan.dwg November 05, 2010 - 1:37 PM

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

Date: December 6, 2010

To: Michael Gilleberto

Subject: Value of 1992 GMC Sierra 3500 Truck

The Kelly Blue Book value of a 1992 GMC Sierra 3500 Regular Cab Long Bed truck in fair condition is $2,880 containing the following equipment:

SL Model
Power Steering
AM/FM Stereo
Dual Rear Wheels
Utility
Steel Wheels
171,204 miles

Respectfully,

Kerry Colburn-Dion

Kerry Colburn-Dion
Treasurer

attachments

News More Car News
LA Auto Show Top 10
Why Buy Snow Tires? - AOL Autos

1992 GMC 3500 Regular Cab Long Bed

BUY A USED CAR
On Blue Book Classifieds™
GMC
3500 Regular Cab
75 Miles
Near ZIP 01879
To View Ads, Click

Shopping Tools
CARFAX Record Check
Auto Loan from 3.99% APR
Get Your Credit Score Now
Compare Insurance Rates with Progressive
Payment Calculator
Extended Warranty Quote

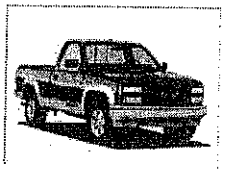
Seller's Toolkit
• Print For Sale Sign
• Share with Friends
• Get up-to-date Live Value℠
Get Your Toolkit

Find The Right Car
Compare Used vs. New
Under $5,000
Both New and Used
Pickup
To View List, Click

View Another Vehicle
Select Year... Select Make...
Select Model

Or Search by Category
Or Change ZIP Code

BLUE BOOK® PRIVATE PARTY VALUE



More Photos

Condition	Value
Excellent	$3,605
Good	$3,380
Fair	$2,880

NEXT STEP: SEARCH LOCAL LISTINGS

CARFAX Record Check

Powered by CARFAX

VIN:

No VIN? No Problem!

News, Reviews & Top 10s

LA Auto Show Top 10
2011 Best Resale Value Awards
Meet The Taxi Of Tomorrow - AOL Autos
2011 Hyundai Elantra
The New Chrysler: For Real. For Now. - AOL Autos

Read More

Average Consumer Rating (50 Reviews)

Read Reviews

4.3 out of 5

Review the 1992 GMC 3500 Regular Cab

Vehicle Highlights

Mileage:	171,204
Engine:	V8, 5.7 Liter
Transmission:	Automatic
Drivetrain:	2WD

Selected Equipment

Change Equipment

Standard

SL	AM/FM Stereo
Power Steering	Steel Wheels

Optional

Dual Rear Wheels	Utility

Blue Book Private Party Value

Kelley Blue Book Private Party Value is the amount a buyer can expect to pay when buying a used car from a private party. The Private Party Value assumes the vehicle is sold "As Is" and carries no warranty (other than any remaining factory warranty). The final sale price may vary depending on the vehicle's actual condition and local market conditions. This value may also be used to derive Fair Market Value for insurance and vehicle donation purposes.

advertisement

advertisement

News More Car News
LA Auto Show Top 10
Meet The Taxi Of Tomorrow - AOL Autos

1992 GMC 3500 Regular Cab Long Bed

Email BOOKMARK

SELECT THE VEHICLE CONDITION

Not sure? Take the Condition Quiz

advertisement

Excellent

- Looks new, is in excellent mechanical condition and needs no reconditioning.
- Never had any paint or body work and is free of rust.
- Clean title history and will pass a smog and safety inspection.
- Engine compartment is clean, with no fluid leaks and is free of any wear or visible defects.
- Complete and verifiable service records.

Less than 5% of all used vehicles fall into this category.

Good

- Free of any major defects.
- Clean title history, the paints, body, and interior have only minor (if any) blemishes, and there are no major mechanical problems.
- Little or no rust on this vehicle.
- Tires match and have substantial tread wear left.
- A "good" vehicle will need some reconditioning to be sold at retail.

Most consumer owned vehicles fall into this category.

advertisement

Fair

- Some mechanical or cosmetic defects and needs servicing but is still in reasonable running condition.
- Clean title history, the paint, body and/or interior need work performed by a professional.
- Tires may need to be replaced.
- There may be some repairable rust damage.

Poor

- Severe mechanical and/or cosmetic defects and is in poor running condition.
- May have problems that cannot be readily fixed such as a damaged frame or a rusted-through body.
- Branded title (salvage, flood, etc.) or unsubstantiated mileage.

Kelley Blue Book does not attempt to report a value on a "poor" vehicle because the value of these vehicles varies greatly. A vehicle in poor condition may require an independent appraisal to determine its value.

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News More Car News
LA Auto Show Top 10
Meet The Taxi Of Tomorrow - AOL Autos

1992 GMC 3500 Regular Cab Long Bed

Email BOOKMARK

SELECT EQUIPMENT

advertisement

Vehicle Details

* = Required Field

Engine:
- V8, 454/7.4 Liter
- V8, 5.7 Liter
- V8, Diesel, 6.2 Liter
- V8, Turbo Diesel, 6.5L

*Current ZIP Code: 01879

Drivetrain:
- 2WD
- 4WD

advertisement

Transmission:
- Automatic
- Manual, 5-Spd

*Mileage: 171204

Equipment (standard items selected)

- [x] SL
- [ ] SLE
- [ ] SLX
- [ ] Air Conditioning
- [x] Power Steering
- [ ] Power Windows
- [ ] Power Door Locks
- [ ] Tilt Wheel
- [ ] Cruise Control
- [x] AM/FM Stereo
- [ ] Cassette
- [ ] CD (Single Disc)
- [ ] CD (Multi Disc)
- [ ] MP3 (Single Disc)
- [ ] MP3 (Multi Disc)
- [ ] Premium Sound
- [ ] Navigation System
- [ ] DVD System
- [ ] Video System
- [ ] ABS (4-Wheel)
- [ ] Leather
- [ ] Power Seat
- [ ] Dual Power Seats
- [ ] Sun Roof (Flip-Up)
- [ ] Sun Roof (Sliding)
- [ ] Moon Roof
- [ ] Sliding Rear Window
- [ ] Power Sliding Rear Window
- [ ] Stepside Bed
- [ ] Stepside Bed (Long Bed)
- [ ] Running Boards
- [ ] Pickup Shell
- [ ] Bed Liner
- [ ] Custom Bumper
- [ ] Grille Guard
- [ ] Winch
- [ ] Optional Fuel Tank
- [ ] Towing Pkg
- [ ] Snow Plow
- [ ] Alloy Wheels
- [ ] Premium Wheels
- [ ] Wide Tires
- [ ] Oversize Off-Road Tires
- [ ] Oversized Premium Wheels 20"+
- [x] Dual Rear Wheels
- [x] Utility
- [ ] Underbody Hoist
- [ ] Dump Bed
- [ ] Hydraulic Liftgate
- [x] Steel Wheels

Please configure your vehicle, then click CONTINUE

Tyngsborough Highway Department
89 Kendall Road
P.O. Box 406
Tyngsborough, Massachusetts 01879
Tel.: (978) 649-2310
Fax: (978) 649-2312

2010 DEC -6 PM 1:09
SELECTMEN
TYNGSBOROUGH, MA.

December 6, 2010

Honorable Board of Selectmen
Tyngsborough Town Hall
25 Bryants Lane
Tyngsborough, Ma 01879

Dear Honorable Board,

The owners of A.J. and Sons, Inc., a local construction company, have generously offered to donate a Bucket Truck to the Tyngsborough Highway Department. The truck is a 1992 GMC Sierra 3500.

After inspection of the truck, it has been determined that some minor repairs will have to be made. These repairs include a new ignition and repairs to the wiring for the boom on the truck. Repairs will be made by the Highway Department employees at a minimal cost.

Safety equipment, such as harnesses and helmets, will be worn at all times when operating the bucket truck and department employees will be attending a MIIA Bucket Truck Training Seminar in the coming months.

I feel that this Bucket Truck will be a valuable asset to the Highway Department and the Town of Tyngsborough.

Sincerely,

James R. Hustins

James Hustins
Tyngsborough Highway Department

Therese Gay <tgay@tyngsboroughma.gov>

2011 Schedule of Home Buyer Classes

Jim Wilde <mvhp@mvhp.org>
To: tgay@tyngsboroughma.gov

Mon, Dec 6, 2010 at 10:25 AM

MERRIMACK VALLEY HOUSING PARTNERSHIP

Promoting responsible & sustainable home ownership.

PLEASE POST

Project Genesis
Home Buyer Training Seminars
2011 Schedule

Classes in ENGLISH

Each series consists of four evening seminars. Seminars are held on Tuesday and Wednesday nights from 6:30 - 9:00 p.m. Classes are held at Middlesex Community College.

Register online at www.mvhp.org or call 978-459-8490

January 4, 5, 11, 12

January 25, 26, February 1, 2

February 15, 16, 22, 23

March 15, 16, 22, 23

June 21, 22, 28, 29

July 19, 20, 26, 27

September 6, 7, 13, 14

September 27, 28, October 4, 5

April 5, 6, 12, 13

May 3, 4, 10, 11

May 31, June 1, 7, 8

October 18, 19, 25, 26

November 8, 9, 15, 16

November 29, 30, December 6, 7

Classes in SPANISH

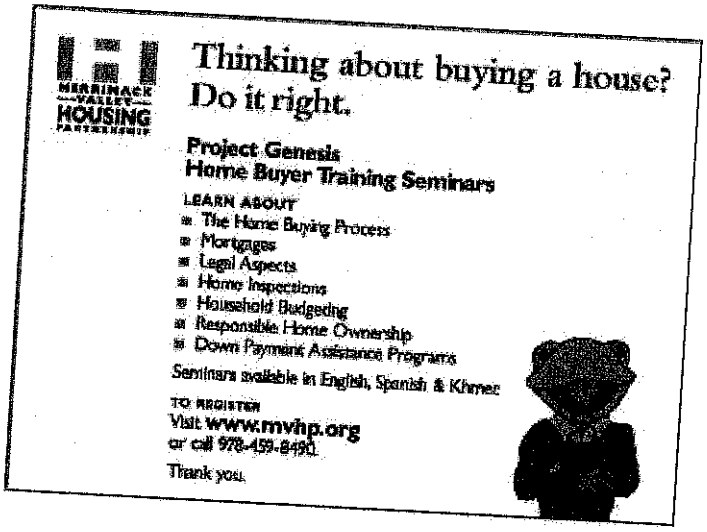
Each series consists of two Saturday sessions from 8:00am - 1:00pm. Seminars are held at the Merrimack Valley Housing Partnership office at 10 Kirk Street, Lowell, MA.

January 8th and 15th.

Please call the office for other dates. 978-459-8490

Classes in KHMER

We collaborate with the Cambodian Mutual Assistance Association (CMAA) to produce classes in Khmer. These sessions consist of two Saturday seminars from 9:30am – 2:00pm. Classes are held every other month. To register, please call Sengly Kong at CMAA at
978-454-6200 – ext.1011



Sent to: tgav@tyngsboroughma.gov
If you prefer not to receive future e-mails of this type, Leave this List.

Sent By:
Merrimack Valley Housing Partnership
P.O. Box 1042
Lowell MA 01853-1042
U.S.A.

powered by Swiftpage

To view as a web page.

Forward to a Friend

Therese Gay <tgay@tyngsboroughma.gov>

Mileage Rate Change

Jacquelyn Cronin <jcronin@tyngsboroughma.gov>
To: Therese Gay <tgay@tyngsboroughma.gov>

Mon, Dec 6, 2010 at 1:11 PM

IRS Announces 2011 Standard Mileage Rates

IR-2010-119, Dec. 3, 2010

WASHINGTON — The Internal Revenue Service today issued the 2011 optional standard mileage rates used to calculate the deductible costs of operating an automobile for business, charitable, medical or moving purposes.

Beginning on Jan. 1, 2011, the standard mileage rates for the use of a car (also vans, pickups or panel trucks) will be:

- 51 cents per mile for business miles driven
- 19 cents per mile driven for medical or moving purposes
- 14 cents per mile driven in service of charitable organizations

The standard mileage rate for business is based on an annual study of the fixed and variable costs of operating an automobile. The rate for medical and moving purposes is based on the variable costs as determined by the same study. Independent contractor Runzheimer International conducted the study.

A taxpayer may not use the business standard mileage rate for a vehicle after using any depreciation method under the Modified Accelerated Cost Recovery System (MACRS) or after claiming a Section 179 deduction for that vehicle. In addition, the business standard mileage rate cannot be used for any vehicle used for hire or for more than four vehicles used simultaneously.

Taxpayers always have the option of calculating the actual costs of using their vehicle rather than using the standard mileage rates.

Revenue Procedure 2010-51 contains additional details regarding the standard mileage rates.

--
Jacquelyn Cronin
Town Accountant
Town of Tyngsborough
978.649.2300 ext. 123

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.

CHARLES J. ZAROULIS LAW OFFICES

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

December 1, 2010

John F. Gallant, Esq.
Gallant & Ervin, LLC
One Olde North Road, Suite 103
Chelmsford, MA 01824

File: Tyngsborough

Re: Dupell v.Mical

Dear John:

Please reference my letters of September 2, and 21, 2010, to which I have not received a response. I am informed by the Town that Mr. Mical failed to make his August 2010 payment of $3.333.33, as required by the September 2008 Agreement for Judgment.

Please have a check mailed to me, payable to the Town of Tyngsborough, or in the alternative, call me to discuss the problem. If I do not hear from you within ten days, I shall have no alternative but to seek enforcement of the Judgment.

Sincerely yours,

Charles J. Zaroulis
Tyngsborough Town Counsel

CJZ:ksz
cc: Ms. Therese Gay, Administrative Assistant

Tyngs/Mical Letter to JG

Northern Middlesex Council of Governments

PUBLIC MEETING NOTICE

The **Northern Middlesex Metropolitan Planning Organization (NMMPO)** will meet on **Tuesday, December 14, 2010 at 2:00 PM.** The meeting will be held at the Northern Middlesex Council of Governments (NMCOG) office, 40 Church Street, Suite 200, Lowell, MA. The meeting agenda is provided below.

A Multi-Disciplinary Regional Planning Agency Serving:

Billerica
Chelmsford
Dracut
Dunstable
Lowell
Pepperell
Tewksbury
Tyngsborough
Westford

Stephen C. Themelis
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

AGENDA

I. **Welcome and Introductions**

II. **Minutes of the November 9, 2010 Meeting**

III. **Status report on TIP projects**

IV. **Review and discuss public comment and endorse the Draft FY 2011-2014 TIP amendment**

V. **Other Business**

VI. **Adjournment**

City/Town Clerks: PLEASE POST PURSUANT TO OPEN MEETING LAW

Town of Tyngsborough
OFF-THE RECORD PACKAGE Proposal – Submitted November 8, 2010
(SEIU Negotiations)

Restore Hours to Levels Detailed in Attachment As of December 1, 2010

0% Wage Increase (wages at the contractual rate of June 30, 2010, plus steps for clerical)

Remove Town Accountant and Town Treasurer from Union

Transfer Police Department and Council on Aging custodians to Highway Union

1 Year Contract Extension with no other changes

All pending grievances withdrawn.

ADD CERTIFICATION → FOR BOARD OF HEARING

RE-OPEN FOR ANY BASE WAGE INCREASE

w/ JUST CAUSE PROTECTION

CLERICAL UNION PROPOSAL NUMBER 1

August 19, 2010

ARTICLE 10: BEREAVEMENT LEAVE

10.01 All unit members shall be granted bereavement leave.

10.02 Such leave shall not be charged as sick, vacation or personal time.

10.03 The employee shall be granted ~~four (4)~~ **five (5)** business days without loss of pay or benefits for the loss of: mother, father, spouse or child of the employee or the employee's significant other.

10.04 The employee shall be granted ~~three (3)~~ **five (5)** business days without loss of pay or benefits for the loss of: grandparent, grandchild, brother, sister, ~~mother/father in law~~, of the employee or the employee's ~~spouse~~ **significant other** and any other relative residing with the employee and the death of any person for whom the employee is responsible for making funeral arrangements.

10.05 The employee shall be granted one (1) business day without loss of pay or benefits for the loss of: ~~brother/sister in law~~, aunt, uncle, niece, nephew, cousin, and all other relatives of the employee or of the employee's ~~spouse~~ **significant other**.

10.06 There shall be no distinction of foster, step of half-relatives in the granting leave under this section.

CLERICAL UNION PROPOSAL NUMBER 2

August 19, 2010

ARTICLE 9: SICK LEAVE

Except as otherwise provided by any special or general laws, each employee who sustains injury or illness arising out of his employment in the Town service, shall be entitled to receive his full pay for the period of his incapacity up to eight (8) weeks, less those benefits payable by Workmen's Compensation Insurance or other insurance plans paid for in whole or part by the Town. If such period exceeds thirty (30) days, continued payment beyond such period shall be subject to approval by the Department Head, which may require periodic written testimony from a licensed physician supporting the claim of continued incapacity as a condition precedent to his approval. All permanent Town Employees shall not have sick leave deducted while absent because of an occupational injury.

All permanent Town Employees shall not accrue sick or vacation leave for the period of their incapacitation while on occupational sick leave.

9.01 ~~Eligible~~ **Every Full-time and part-time** employees **subject to this Agreement** shall ~~accrue sick leave at a rate of 1 (one) day per month for each month of continuous employment~~ **be allowed sick leave with pay for a period of up to seventeen (17) business days during each fiscal year**. Employees may accumulate up to a maximum of ~~120~~ **215** days of unused sick leave. **Fractional employees shall be allowed sick leave with pay for a period of ten (10) business days during each fiscal year. Fractional employees may accumulate up to a maximum of 100 days of unused sick leave.**

9.06 Upon notification to the Town by the County Retirement Board that an employee has retired or upon death of an employee, the employee, or any person designated by the employee as his/her beneficiary in the event of his/her death, shall be compensated at ~~20%~~ **50%** rate of their daily wages at the time of retirement/death for all unused sick days up to a maximum of 120 unused sick days.

ADD: LAYOFF LANGUAGE (100% BUYBACK)

CLERICAL UNION PROPOSAL NUMBER 3

September 2, 2010

Town Clerical - Article 13, new section 13.04

Annual Buy-Back: An employee may elect to receive a cash payment of accumulated personal leave credits, during any fiscal year. Payment will be made within the pay period following the date the request was made. Payment will be at the employee's then current rate of pay.

CLERICAL UNION PROPOSAL 5 September 20, 2010

ARTICLE 1: RECOGNITION

1.02 The Town Administrator will designate a space convenient for all Unit members where a bulletin board may be erected. The purpose of this board will be the posting of notices by the employees and/or the Union **pertaining to recreational and social activities, Union elections, reports of the Union, or its committees, Union meetings, notices, legislative enactments, and judicial decisions affecting public employee labor relations. The Union shall not post any materials which are obscene, defamatory, or impair the operation of the Town.** ~~No notices shall be posted unless they have been signed by a duly authorized representative of the Board of Selectmen or its designee or the Union.~~

~~1.03 No Union business may be conducted during working hours unless approved in advance by the Board of Selectmen or its designee. No town facilities, supplies and/or equipment may be used for union business.~~

New Section:

The Union shall be allowed the use of facilities of the Employer for meetings, providing that written approval of the Town is secured subject to the following conditions:

- **Such Employer facilities are available and their use for such meetings would not conflict with the Employer's business.**
- **Such approval shall be subject to such other reasonable conditions as may be imposed by the Employer.**
- **Such approval, if given, will be limited to members of the Union, full and part-time bargaining unit employees, Union staff members, and guest.**
- **Nothing in this provision shall be construed as a limitation of the rights of the Union, its chapters or committees to utilize the Employer's facilities that are otherwise available for public use.**

New Section:

Staff representatives of the Union shall be allowed to visit work areas of employees during working hours and confer on conditions of employment to the extent that such visitations do not disrupt the work activities of the area being visited. Prior to entering the work area, the representative shall receive permission from the appropriate department head or his/her designee stating the reason(s) for such visitations. Permission shall not be unreasonably denied.

CLERICAL UNION PROPOSAL 6

September 20, 2010

New Article

MILITARY LEAVE

All employees who are called for State or Federal Military Training Forces shall be paid in accordance with M.G.L Chapter 59, Section 17 and any Federal Laws governing military service leave.

CLERICAL UNION PROPOSAL 7

New Article

September 20, 2010

JURY DUTY

All employees of the bargaining unit who called to serve for jury duty shall receive the amount equal to the difference between his/her normal compensation and the amount received from the court for jury duty.

CLERICAL UNION PROPOSAL 8

September 20, 2010

New Article

INDEMNIFICATION

The Town shall indemnify and hold harmless each member of the bargaining unit from as required by M.G.L. 258 any claims, suits or judgments, including legal fees, in connection with the performance of his/her duties in their respective position. The Town will provide legal counsel in defense of any action in which the employee is a party by reason of the alleged performance or non-performance of his/her duties, except as may related to suspension or termination of employment with the Town, and to indemnify employees in all claims made against him or her in the performance of said duties, even if said claim is made following termination from employment.

CLERICAL UNION PROPOSAL 9

September 20, 2010

ARTICLE 18: DURATION

18.01 This Agreement shall be effective July 1, ~~2007~~ **2010** and continue in full force and effect for a three (3) year period, expiring on June 30, ~~2010~~ **2013**.

18.02 Either the Union or the Town may reopen this Agreement for the negotiation of a successor Agreement by giving written notice of its desire to modify or terminate this Agreement not later than January 1, ~~2010~~ **2013**. Such written notice shall contain a draft of any proposed amendments. If no notice is given, this Agreement shall be automatically extended from year to year without modification until such a notice is given not later than 60 days before its expiration date.

CLERICAL UNION PROPOSAL 10

September 20, 2010

ARTICLE 21: MISCELLANEOUS

~~21.01 Both parties agree to waive with prejudice any alleged unfair labor practices that are alleged to have occurred up through the date of execution of the Agreement. Nothing in this paragraph shall be construed as an admission of any fact or any wrongdoing by either party.~~

~~21.04 The Town and Union will do the following: research, clarify, and make recommendations on job descriptions, job titles, and grades; provide flexibility in job descriptions to allow employees to work in other departments if needed.~~

New Section

It is mutually agreed that the prevention of accidents and injuries to Town employees will result in greater efficiency of operations of Town government. Toward this end, the Town shall make every reasonable effort to provide and maintain safe and healthy working conditions and the union shall fully cooperate by encouraging employees to perform their assigned tasks in a safe manner.

New Section

The Town shall not charge any employee for repair/replacement of any issued equipment that is lost or damaged while in use during normal performance of the employee's assigned duties.

CLERICAL UNION PROPOSAL 11

September 20, 2010

ARTICLE 8: HOURS OF WORK, SCHEDULES AND DEFINITIONS

8.01 A full-time employee works ~~at least~~ **no less than** thirty-five (35) **and up to forty (40) hours** per work-week for fifty-two work weeks per fiscal year.

8.02 A part-time employee works ~~at least~~ **no less than** twenty (20) **and up to thirty four (34)** hours per work-week for no less than ten (10) consecutive months in any ~~in any~~ given fiscal year.

8.03 A fractional employee works ~~less~~ **no less than one (1) and up to** ~~than twenty (20)~~ **nineteen (19)** hours per week **for no less than ten (10) consecutive months in any given fiscal year**.

8.10 Fractional employees will be eligible for personal leave and bereavement leave **and holiday pay** under this Agreement to be calculated as set forth in the preceding two paragraphs, but shall not be eligible for vacation **time**. ~~sick leave and/or holiday pay. Employees working less than 20 hours per week shall be permitted to adjust their usual hours of work during weeks containing a holiday to maintain the usual number of hours per week (i.e. an employee who works 2 hours per day, 5 days a week does not work on a Monday holiday – s/he may make up the lost 2 hours by working 4 hours one day, or an extra ½ hour Tuesday-Friday, or another method agreed upon with the supervisor). The manner in which the adjustment occurs shall be at the supervisor's discretion.~~ **In addition, fractional employees will be eligible for sick leave at a reduced accrual rate as provided in Article 9.**

New Section

Department work schedules for groups of employees, meaning two (2) or more employees, shall continue in effect for the life of this Agreement unless there is reasonable cause for the Town to adjust such schedules.

New Section

Nothing in the Agreement shall prevent the Town and an employee or group of employees, with the prior notice to an approval of Parties, from mutually agreeing to flexible or alternative work schedules. Employees shall have the right to request a flexible or alternative schedule and to receive a timely response from the Town.

New Section

Departments shall be staffed at the minimum staffing levels set forth herein. In the event the Town must reduce any department's staffing level, the Town shall notify the Union and, upon written request received within 21 days of said notification, will meet with the Union once to confer relative to said alteration(s). Additional meetings may be scheduled thereafter if there is mutual agreement that such meetings are necessary.

Department	Minimum Staffing Level & (Hours)
Town Clerk	1 Part-Time (≥22.5)
Tax Collector	1 Full-Time (≥35) & 1 Fractional (≥14)
Accounting	1 Fractional (≥8)
Treasurer	1 Full-Time (≥35) & 1 Fractional (≥17)
Assessor	1 Full Time (≥35)
Board of Health	1 Part Time (≥22)
Building & ZBA	1 Full-Time (≥35)
Conservation & Planning Board	1 Full-Time (≥35)
Library	4 Full-Time (≥35) & 2 Part Time (≥20) & 2 Fractional (≥10)
Council on Aging	1 Full Time (≥35) & 2 Fractional (≥10)
Veterans	1 Fractional (≥12.5)
Police Custodial	1 Part Time (≥26)
Highway	1 Part Time (≥26)
Sewer	1 Fractional (≥8)

CLERICAL UNION PROPOSAL 12 September 20, 2010

New Article

Longevity

An annual longevity payment shall be received by an employee on July 1st of each year according to the following schedule:

A. **Clerical Union employees eligible for the longevity increment must have completed five (5) years of service in the Tyngsborough Clerical Union.**

B.

5 years	**$500**
10 years	**$1000**
15 years	**$1500**
20 years	**$2000**

B. **It shall be the responsibility of the employees covered by this contract to submit (forms to be provided by Payroll) to the Town Administrator, not later than January 1, a request to be granted the longevity payment for the ensuing year. Once an employee has been deemed eligible, the increment will continue in force.**

CLERICAL UNION PROPOSAL 13 September 20, 2010

ARTICLE 15: TRANSFERS/ASSIGNMENTS

15.02 An employee assigned to temporarily replace another employee in a higher job classification, **or is otherwise expected by his/her department supervisor or Board to complete the duties of a higher vacated position,** for a period of more than ten (10) consecutive days shall receive the higher classification for all time consecutively worked after the tenth consecutive day.

CLERICAL UNION PROPOSAL 14 September 30, 2010

ARTICLE 11: VACATIONS

11.01 Upon completion of six (6) months of continuous service, vacation time may be used by full time and/or part time employees at the rates set forth below. An employees' length of service is calculated on the basis of the anniversary date which will occur during the fiscal year in which the vacation is granted. Vacation accrual will be calculated on a pro-rata basis based on hours of work per week. The Town shall annually, during the month of July, notify all employees of the total amount of the employee's accrued vacation leave as of June 30th of the previous fiscal year.

Length of Service as of July 1	Vacation
~~Less than one year~~	~~5/6 days per month~~
~~1 year but less than 5~~	~~10 work days per year~~
~~5 years but less than 10~~	~~15 work days per year~~
~~10 years but less than 20~~	~~20 work days per year~~
~~20 years and up~~	~~22 work days per year~~
6 months up to 5 years	**3 weeks**
5 years up to 15 years	**4 weeks**
15 or more years	**5 weeks**

11.04 ~~For employees hired PRIOR to January 1, 2008: Any vacation which remains unused as of June 30th is lost if not used by the end of the fiscal year following the fiscal year in which it is granted. For employees hired ON or AFTER January 1, 2008: A maximum of ten (10) days of vacation which remains unused may be rolled over for one (1) year effective each June 30th. All other vacation which remains unused as of June 30th would be lost.~~ **An employee may carry forward any accumulated vacation that he/she previously accumulated prior to the execution date of this agreement. An employee may accumulate vacation time and carry over up to thirty (30) days of vacation time per year. In addition, the Town will buy back up to ten (10) days of vacation time at the employee's current rate of pay at the end of each fiscal year.**

New Section

A minimum of five (5) vacation days must be taken each fiscal year for employees earning 3 weeks or 4 weeks of vacation. Employees earning 5 weeks of vacation must take a minimum of ten (10) days of vacation.

CLERICAL UNION PROPOSAL 15

September 30, 2010

ARTICLE 12: HOLIDAYS

12.01 The following days, or days as such, shall be recognized as holidays by the Town of Tyngsborough on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days the employees shall be excused from duty. **In addition, all employees will be eligible to one (1) floating holiday to be taken on any day of the employee's choosing.**

New Year's Day
Martin Luther King Day
Presidents' Day
Patriots' Day
Memorial Day
Independence Day
Labor Day
Columbus Day
Veterans' Day
Thanksgiving Day
Day after Thanksgiving
Christmas Day
Day after Christmas
(1) Floating Holiday

.ARTICLE 19: WAGES

19.01 ~~Employees shall be paid in accordance with the salary schedule(s) attached hereto as "Exhibit A." The salary schedules shall be adjusted to reflect the following: Base wage increases of 2.5% effective July 1, 2007, 3% effective July 1, 2008, and 3% effective July 1, 2009. Also, effective July 1, 2008, steps 1-3 shall cease to exist and the former step 4 shall become step 1 (current employees will remain at their old step even though it will be renumbered: i.e. employee at step 5 will now be at step 2, rather than at new step 5), and one additional step (step 10) will be added at 2.2% higher than the previous step. This will result in a 10 step pay scale. Employees shall advance to the 10th step after completion of their 10th year of consecutive service, excluding layoff periods, on his/her tenth year anniversary date of hire. Except for Step 10, employees will advance one step on each succeeding July 1st upon completion of one full year of additional service. Employees who are hired during the course of a fiscal year will advance one step on the next succeeding July 1st if they have been employed for more than ½ of the fiscal year. If such new hires have been employed for less than ½ of a fiscal year on the next succeeding July 1st, they will not receive a step increase until the second July 1st following their initial date of hire.~~

~~Effective upon the execution of this contract (2004), the Assessor's Assistant will be upgraded one pay grade and will be place at the lowest step that would provide for a salary increase. (i.e. Assuming position is currently a Grade 5, Step 9, on July 1, 2003, position becomes Grade 5, Step 10; on July 1, 2004, Grade 5, Step 11; and upon execution of the contract, position becomes Grade 6, Step 5).~~

~~Effective upon the execution date of this contract (2004), the Assistant Director (Library) of Children's Services will be upgraded one pay grade and will be placed at the lowest step that would provide for a salary increase. (i.e. Assuming position is currently a Grade 6, Step 8, on July 1, 2003, position becomes Grade 6, Step 9; on July 1, 2004, Grade 6, Step 10, and upon execution of the contract, position becomes Grade 7, Step 8)~~

~~Effective July 1, 2005, the Health Administrator will be upgraded one pay grade and will be place at the second lowest step that would provide for a salary increase. (i.e. Assuming position is currently a Grade 7, Step 7, on July 1, 2003, position becomes Grade 7, Step 8; on July 1, 2004, Grade 7, Step 9; on July 1, 2005, position becomes Grade 7, Step 10 and is then upgraded to a Grade 8, Step 9).~~

~~19.02 The parties agree that, effective July 1, 2007, the current Secretary to the Town Clerk shall be reclassified to Assistant Town Clerk at Grade 6 and placed at the step closest to but higher than the employee's present hourly rate.~~

~~19.03 The parties agree that they will change to a bi-weekly payroll concurrent with all other Town and School payrolls.~~

Effective July 1, 2010, each employee shall receive a 3.0% base salary increase.

Effective July 1, 2011, each employee shall receive a 3.0% base salary increase.

Effective July 1, 2012, each employee shall receive a 3.0% base salary increase.

+2.2% Steps

HIGHWAY UNION PROPOSAL NUMBER 1 August 19, 2010

ARTICLE IX
BEREAVEMENT LEAVE

~~A. Starting with the day of death, each member of the bargaining unit shall be granted five (5) calendar days off without loss of pay in event of a death in his/her immediate family.~~

~~B. Immediate family constitutes and includes the following: spouse, child, mother, father, mother-in-law, father-in-law, grandfather, grandmother, grandchild, sister, brother, brother-in-law, sister-in-law, or any relative residing within said employees household.~~

~~C. Bereavement leave of one (1) day excluding days off shall be granted in the event of death of relative not included above to attend the funeral (example, aunt/uncle, niece/nephew).~~

~~D. Leave as provided by this section shall not be deducted from any vacation time to which the employees' may be entitled.~~

A. **All unit members shall be granted bereavement leave.**

B. **Such leave shall not be charged as sick, vacation or personal time.**

C. **The employee shall be granted five (5) business days without loss of pay or benefits for the loss of: mother, father, spouse or child of the employee or the employee's significant other.**

D. **The employee shall be granted five (5) business days without loss of pay or benefits for the loss of: grandparent, grandchild, brother, sister, , of the employee or the employee's significant other and any other relative residing with the employee and the death of any person for whom the employee is responsible for making funeral arrangements.**

E. **The employee shall be granted one (1) business day without loss of pay or benefits for the loss of: aunt, uncle, niece, nephew, cousin, and all other relatives of the employee or of the employee's significant other.**

F. **There shall be no distinction of foster, step of half-relatives in the granting leave under this section.**

HIGHWAY DEPARTMENT UNION PROPOSAL NUMBER 2 August 19, 2010

ARTICLE X

NON-OCCUPATIONAL **SICK LEAVE**

Section 2. Every ~~permanent~~ **full-time and part-time** employee subject to this agreement shall be allowed sick leave with pay for a period of up to seventeen (17) during each fiscal year, provided said leave is caused by sickness or injury, exposure to contagious disease, when an employee is required to undergo medical, optical, or dental treatment, or on account of serious illness or death of members on the employees' family. **Fractional employees shall be allowed sick leave with pay for a period of ten (10) business days during each fiscal year. Fractional employees may accumulate up to a maximum of 100 days of unused sick leave.** Failure to notify Department Head/Town Administrator within two hours after starting time, except in extreme circumstances, will result in the employee being charged with leave without pay.

Section 3. Permanent employees to be granted ~~one hundred twenty (120)~~ **two hundred and fifteen (215)** accumulated sick days leave at the rate set forth in section 2 above.

~~New employees must work the minimum of 640 working hours to be eligible.~~

A doctor's certificate may be required after three (3) days of sick leave.

Section 4. Upon retirement or death, an employee or beneficiary shall be paid accumulated sick leave at the rate determined. Such payment will be made in a lump sum.

In the event an employee is laid off, **the Town shall buy back 100% of the accumulated sick days up to (120) days at the rate set forth in Section 2.** ~~,upon recall sick leave would be reinstated at the same level as the last day of employment. The Town's obligation to recall lapses after a period of one (1) year from an employee's last date of employment.~~

For employees hired prior to January 1, 2008: Upon notification to the Town by the County Retirement Board that an employee has retired, or upon the death of an employee, the employee, or any person designated by the employee as his/her beneficiary in the event of his/her death, shall be reimbursed for the unused accumulated sick leave up to a maximum of one hundred and twenty (120) days. For the first one hundred and twenty (120) days, each day of sick leave will be equivalent to the hourly rate times eight (8) hours of work at the time of retirement/death. In the event of death, said reimbursement will be made directly to the employees designated beneficiary, and will not be treated as part of his/her estate.

For employees hired on or after January 1, 2008: Upon notification to the Town by the County Retirement Board that an employee has retired, or upon the death of an employee,

the employee, or any person designated by the employee as his/her beneficiary in the event of his/her death, shall be reimbursed for the unused accumulated sick leave up to a maximum of one hundred and twenty (120) days. For the first one hundred and twenty (120) days, each day of sick leave will be equivalent to the hourly rate times four (4) hours of work at the time of retirement/death. In the event of death, said reimbursement will be made directly to the employees designated beneficiary, and will not be treated as part of his/her estate.

HIGHWAY UNION PROPOSAL NUMBER 3 August 19, 2010

ARTICLE XI
SALARIES

ADD

Employees holding a hoisting license shall be placed in the Job Classification of Equipment Operator.

HIGHWAY UNION PROPOSAL NUMBER 4 August 19, 2010

ARTICLE XVII
REIMBURSEMENTS

ADD

Section 3. All full time employees will be issued a mobile telephone to be used for work only.

HIGHWAY UNION PROPOSAL NUMBER 5

September 2, 2010

New Article XXII -INCLEMENT WEATHER
Section 1
Release
If the temperature reaches 90 (ninety) degrees or higher at any work location the Employer shall release all those bargaining unit employees in the affected area with no loss of pay.

HIGHWAY UNION PROPOSAL NUMBER 6

September 2, 2010

Article X, section 5, new subsection 5.1

Annual Buy-Back: An employee may elect to receive a cash payment of accumulated personal leave credits, during any fiscal year. Payment will be made within the pay period following the date the request was made. Payment will be at the employee's then current rate of pay.

HIGHWAY DEPARTMENT UNION PROPOSAL 8 September 20, 2010

ARTICLE I
RECOGNITION AND UNION SECURITY

New Section:

The Union shall be allowed the use of facilities of the Employer for meetings, providing that written approval of the Town is secured subject to the following conditions:

- **Such Employer facilities are available and their use for such meetings would not conflict with the Employer's business.**
- **Such approval shall be subject to such other reasonable conditions as may be imposed by the Employer.**
- **Such approval, if given, will be limited to members of the Union, full and part-time bargaining unit employees, Union staff members, and guest.**
- **Nothing in this provision shall be construed as a limitation of the rights of the Union, its chapters or committees to utilize the Employer's facilities that are otherwise available for public use.**

New Section:

Staff representatives of the Union shall be allowed to visit work areas of employees during working hours and confer on conditions of employment to the extent that such visitations do not disrupt the work activities of the area being visited. Prior to entering the work area, the representative shall receive permission from the appropriate department head or his/her designee stating the reason(s) for such visitations. Permission shall not be unreasonably denied.

HIGHWAY DEPARTMENT UNION PROPOSAL 9 September 20, 2010

New Article

Minimum Staffing Requirements

Departments shall be staffed at the minimum staffing levels set forth herein. In the event the Town must reduce any department's staffing level, the Town shall notify the Union and, upon written request received within 21 days of said notification, will meet with the Union once to confer relative to said alteration(s). Additional meetings may be scheduled thereafter if there is mutual agreement that such meetings are necessary.

Position	Minimum Staffing Level & (Hours)
Administrative Assistant	1 Full-Time (≥40)
Skilled Laborer	5 Full-Time (≥40)
Working Foreman	2 Full-Time (≥40)
Equipment Operator	1 Full-Time (≥40)
Skilled Maintenance Craftsman	1 Full-Time (≥40)
Sewer	1 Full-Time (≥40)
Seasonal Personnel	2 On-Call (for major storms)

HIGHWAY DEPARTMENT UNION PROPOSAL 10 September 20, 2010

ARTICLE VII
OVERTIME

Section 5. In the event an employee in the bargaining unit is called back to work after a normal workday has been completed, he will receive a minimum of ~~four (4)~~ **five (5)** hours of pay at time and one-half. In the event he is called back to work on a weekend, he will also receive a minimum of ~~four (4)~~ **five (5)** hours pay at time and one-half.

Section 6. All work in excess of eight (8) hours in one day, and/or in excess of forty (40) hours in one week shall be considered overtime, and shall be compensated at time and one-half the employees' regular hourly rate.

All work in excess of ~~sixteen (16)~~ **ten (10)** hours in one day, including the regular work day, will be paid at the rate of double time. Effective September 1, 20~~07~~**10**, all work in excess of ~~twelve (12)~~ **ten (10)** consecutive hours in one day, including the regular work day, will be paid at the rate of double time.

HIGHWAY UNION PROPOSAL NUMBER 11 September 30, 2010

Article XI Salaries

Effective 7/1/10 The following wage schedule shall be in effect:

	Classification	Step 1 (3%)	Step 2 (2.2%)	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8	Step 9	Step 10
2	Skilled Maint Craftsman	$21.89	$22.37	$22.86	$23.37	$23.88	$24.41	$24.94	$25.49	$26.05	$26.63
4	Skilled Laborer	$22.73	$23.23	$23.74	$24.26	$24.80	$25.34	$25.90	$26.47	$27.05	$27.65
1	Equipment Operator	$23.53	$24.05	$24.58	$25.12	$25.67	$26.23	$26.81	$27.40	$28.00	$28.62
2	Working Foreman	$26.14	$26.72	$27.30	$27.90	$28.52	$29.14	$29.79	$30.44	$31.11	$31.80
1	Administrative Asst.	$26.14	$26.72	$27.30	$27.90	$28.52	$29.14	$29.79	$30.44	$31.11	$31.80
	Senior Foreman	$29.02	$29.66	$30.31	$30.98	$31.66	$32.36	$33.07	$33.80	$34.54	$35.30

Employees who are hired during the course of a fiscal year will advance one step on the succeeding July 1st if they have been employed for more than ½ of the fiscal year. If such new hires have been employed for less than ½ of a fiscal year on the next succeeding July 1st, they will not receive a step increase until the second July 1st following their initial date of hire.

~~**Effective 7/1/10, employees shall be placed at a step that is commensurate with their years of employment with the Town of Tyngsborough.**~~

The salary schedule shall be adjusted as follows: Base wage increases of 3% effective July 1, 2011, and 3% effective July 1, 2012.

HIGHWAY DEPARTMENT UNION PROPOSAL 12 September 20, 2010

New Article

The Town will provide the Assistant Sewer Superintendent with standard uniforms for the performance of his duties, along with a laundry service for cleaning of the uniforms to allow for sanitary working conditions as recommended by the Center for Disease Control.

HIGHWAY PROPOSAL 13 September 30, 2010

ARTICLE VIII
VACATIONS

Section 1. Paid vacation leave shall be granted to permanent employees as follows:

~~30 consecutive weeks of employment~~	~~10 work days~~
~~5 years employment~~	~~15 work days~~
~~10 years employment~~	~~20 work days~~
~~20 years employment~~	~~25 work days~~

6 months up to 5 years	**3 weeks**
5 years up to 15 years	**4 weeks**
15 or more years	**5 weeks**

New Section

An employee may carry forward any accumulated vacation that he/she previously accumulated prior to the execution date of this agreement. An employee may accumulate vacation time and carry over up to thirty (30) days of vacation time per year. In addition, the Town will buy back up to ten (10) days of vacation time at the employee's current rate of pay at the end of each fiscal year.

New Section

A minimum of five (5) vacation days must be taken each fiscal year for employees earning 3 weeks or 4 weeks of vacation. Employees earning 5 weeks of vacation must take a minimum of ten (10) days of vacation.

HIGHWAY PROPOSAL 14 September 30, 2010

ARTICLE XVI
HOLIDAYS

Section 1. The following days shall be recognized as paid holidays for permanent Highway Department Employees. Anyone working on these days shall be paid for the holiday plus time and one-half except for Thanksgiving, Christmas and New Year's Day which shall be paid for the holiday plus double time. **In addition, all employees will be eligible to one (1) floating holiday to be taken on any day of the employee's choosing.**

- New Year's Day - January 1
- King's Birthday ~~(providing State holiday) - Third (3rd)~~ Monday in January.
- Washington's Birthday - Third (3rd) Monday in February.
- Patriot's Day - Third (3rd) Monday in April.
- Memorial Day - Last Monday in May.
- Independence Day - July 4
- Labor Day - First (1st) Monday in September.
- Columbus Day - Second (2nd) Monday in October.
- Veterans' Day - November 11
- Thanksgiving Day - Fourth (4th) Thursday in November.
- Christmas Day - December 25
- **Day after Christmas**
- **(1) Floating Holiday**

Highway Proposal

New Language: All position shall have the designation 'interim' removed from their position and be permanent.

MID-MANAGERS UNION PROPOSAL NUMBER 1 August 19, 2010

Article 9: Bereavement Leave

9.1 All unit members shall be granted bereavement leave.

9.2 Such leave shall not be charged as sick, vacation or personal time.

9.3 The employee shall be granted ~~four (4)~~ **five (5)** business days without loss of pay or benefits for the loss of: mother, father, spouse or child of the employee or the employee's significant other.

9.4 The employee shall be granted ~~three (3)~~ **five (5)** business days without loss of pay or benefits for the loss of: grandparent, grandchild, brother, sister, ~~mother/father – in – law~~, of the employee or the employee's ~~spouse~~ **significant other** and any other relative residing with the employee and the death of any person for whom the employee is responsible for making funeral arrangements.

9.5 The employee shall be granted one (1) business day without loss of pay or benefits for the loss of: ~~brother/sister – in – law~~, aunt, uncle, niece, nephew, cousin, and all other relatives of the employee or of the employee's ~~spouse~~ **significant other**.

9.6 There shall be no distinction of foster, step of half-relatives in the granting leave under this section.

MID MANAGERS UNION PROPOSAL NUMBER 2 August 19, 2010

Article 16: Sick Leave

16.1 Except as otherwise provided by any special or general laws, each employee who sustains injury or illness arising out of his employment in the Town service, shall be entitled to receive his full pay for the period of his incapacity up to eight (8) weeks, less those benefits payable by Workmen's Compensation Insurance or other insurance plans paid for in whole or part by the Town. If such period exceeds thirty (30) days, continued payment beyond such period shall be subject to approval by the Department Head, which may require periodic written testimony from a licensed physician supporting the claim of continued incapacity as a condition precedent to his approval. All permanent Town Employees shall not have sick leave deducted while absent because of an occupational injury.

All permanent Town Employees shall not accrue sick or vacation leave for the period of their incapacitation while on occupational sick leave.

16.~~1~~**2** **Every full-time and part-time** ~~E~~ employees ~~of the unit~~ **subject to this Agreement** shall ~~accrue one and one-quarter (1 ¼) days per month as a sick leave benefit, not to exceed fifteen (15) days per year.~~ **be allowed sick leave with pay for a period of up to seventeen (17) business days during each fiscal year.** A day shall be calculated based upon the employee's average number of hours worked per week divided by the number of days worked per week. Employees may accumulate ~~sick days~~ up to ~~150~~ **215** ~~sick~~ days ~~for the purposes of sick leave buyback upon retirement/death~~ **of unused sick leave.** ~~For the purposes of usage, there shall be no limitation on sick leave accrual.~~ **Fractional employees shall be allowed sick leave with pay for a period of ten (10) business days during each fiscal year. Fractional employees may accumulate up to a maximum of 100 days of unused sick leave.**

~~16.2 All new employees shall accrue, but not be eligible to draw upon sick days during their probationary period. (First 120 days of employment)~~

16.3 Upon notification to the Town by the County Retirement Board that an employee has retired or upon death of an employee, the employee, or any person designated by the employee as his/her beneficiary in the event of his/her death, shall be compensated for unused accumulated sick at a ~~20%~~ **50%** rate of their salary.

In the event an employee is laid off, the Town shall buy back 100% of the accumulated sick days at the employee's rate of pay at the time of lay-off.

MID MANAGERS UNION PROPOSAL NUMBER 3 September 2, 2010

Article 7, new section 7.5

Annual Buy-Back: An employee may elect to receive a cash payment of accumulated personal leave credits, during any fiscal year. Payment will be made within the pay period following the date the request was made. Payment will be at the employee's then current rate of pay.

MID MANAGERS UNION PROPOSAL 5 September 20, 2010

Article 1: Recognition

1.2 The Town recognizes the Union for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment and other conditions of employment for the unit described below:

Assistant Assessor, Town Treasurer, Director of Veteran's Services, Director of the Council on Aging, Director of Planning and Community Development, Sewer Superintendent, **Sewer Administrator** and Building Commissioner; Highway Superintendent, Director Board of Health, **Health Agent**, Town Engineer; Town Accountant, Conservation Director, Recreation and Parks Director, **Human Resources Generalist**

New Section:

The Union shall be allowed the use of facilities of the Employer for meetings, providing that written approval of the Town is secured subject to the following conditions:

- **Such Employer facilities are available and their use for such meetings would not conflict with the Employer's business.**
- **Such approval shall be subject to such other reasonable conditions as may be imposed by the Employer.**
- **Such approval, if given, will be limited to members of the Union, full and part-time bargaining unit employees, Union staff members, and guest.**
- **Nothing in this provision shall be construed as a limitation of the rights of the Union, its chapters or committees to utilize the Employer's facilities that are otherwise available for public use.**

New Section:

Staff representatives of the Union shall be allowed to visit work areas of employees during working hours and confer on conditions of employment to the extent that such visitations do not disrupt the work activities of the area being visited. Prior to entering the work area, the representative shall receive permission from the appropriate department head or his/her designee stating the reason(s) for such visitations. Permission shall not be unreasonably denied.

MID MANAGERS UNION PROPOSAL 6

September 20, 2010

New Article

Minimum Staffing Requirements

Departments shall be staffed at the minimum staffing levels set forth herein. In the event the Town must reduce any department's staffing level, the Town shall notify the Union and, upon written request received within 21 days of said notification, will meet with the Union once to confer relative to said alteration(s). Additional meetings may be scheduled thereafter if there is mutual agreement that such meetings are necessary.

Department	Minimum Staffing Level & (Hours)
Assessor	1 Full-Time (≥40)
Accounting	1 Full-Time (≥40)
Treasurer	1 Full-Time (≥35)
Board of Health	1 Part-Time (≥30)
Building	1 Full-Time(≥40)
Conservation	1 Part-Time (≥25)
Council on Aging	1 Full Time (≥40)
Recreation & Parks	1 Part-Time (≥30)
Veterans	1 Full-Time (≥40)
Sewer	1 Full-Time (≥40) & 1 Part-Time(≥30)
Human Resources	1 Part-Time (≥20)

MID MANAGERS UNION PROPOSAL 7

September 20, 2010

New Article

Longevity

An annual longevity step will be added to a Mid-Managers salary according to the following schedule:

A. **Mid-Managers eligible for the longevity increment must have completed five (5) years of service in the Tyngsborough Min-Management Union.**

B.

5 years	**$500 in addition to salary**
10-14 years	**$1000 in addition to salary**

C. **It shall be the responsibility of the employees covered by this contract to submit (forms to be provided by Payroll) to the Town Administrator, not later than January 1, a request to be granted the longevity payment for the ensuing year. Once an employee has been deemed eligible, the increment will continue in force.**

MID MANAGERS UNION PROPOSAL 8 September 20, 2010

Article 10: Certification, Licenses, Professional Affiliations and Professional Development

10.4

Position	Association or Agency	Certification Requirements
~~Building Commissioner~~	~~MA Building Inspectors and Commissioners Assn.~~	~~per Association~~
~~Building Commissioner~~	~~International Code Council~~	~~per Council~~
Health Agent	**NEHA (Registered Sanitarian)**	**per Association**

MID MANAGERS UNION PROPOSAL 9 September 20, 2010

Article 15: Family Medical Leave Act (FMLA)

New Sections

15.2 **All full, part-time, and fractional employees who have been employed by the Town of Tyngsborough for at least twelve months, not necessarily consecutively, and have worked a minimum of 1,250.00 hours during the immediately preceding twelve months are eligible for a leave of absence under this policy.**

15.3 **In accordance with the Family and Medical Leave Act of 1993 (FMLA), the Town of Tyngsborough will grant eligible employees up to twelve weeks of leave during any twelve-month period for any of the following reasons: (1) to care for the employee's child within one year of birth, adoption, or the initiation of foster care; (2) to care for a child, spouse, or parent with a serious health condition; or (3) because the employee's own serious health condition makes the employee unable to perform his or her job. Upon the completion of FMLA leave, an employee generally will be reinstated to the position that the employee held when the leave commenced, or to an equivalent position with equivalent pay, benefits and other terms and conditions of employment. FMLA leave will be without pay except when an eligible employee uses accrued sick, vacation, or personal time to qualify for compensation during leave. Employees may elect or the Board of Selectmen or its designee may require that employee's substitute accrued paid benefits for an equivalent amount of unpaid FMLA leave.**

15.4 **Scheduling Of Leave**

a. **Eligible employees may take a maximum twelve weeks of leave during any twelve month period. In all cases, the twelve-month period shall be measured from July 1 to June 30.**

b. **Family leave, i.e., leave for childbirth, adoption, or foster care must be taken and completed within one year of the birth, adoption, or the initiation of foster care. Such leave ordinarily must be taken all at once unless the Town Administrator agrees to an alternative leave arrangement that satisfies the operational needs of the Town of Tyngsborough.**

c. **Medical Leave, i.e., leave for the serious health condition of an employee or the employee's relative, may be taken whenever medically necessary. Depending on the circumstances, medical leave may be taken all at once, intermittently, or on a reduced leave basis. However, if the employee's need for intermittent leave or leave on a reduced basis is foreseeable based on planned medical treatment, the employee must make a reasonable effort to**

schedule the treatment in a way that will minimize disruptions to the Town of Tyngsborough's operations. The Board of Selectmen or its designee may, with justifiable cause, ask an employee to modify his or her treatment schedule, with the approval of the medical provider, in order to better accommodate the Town of Tyngsborough's needs.

15.5 Employee Notice Requirements.

a. If an employee's need for FMLA leave is foreseeable, the employee must provide his or her supervisor with at least thirty days advance verbal notice before the leave can begin, or as much notice as is practicable under the circumstances. Such notice should include the employee's reason for requesting leave as well as its anticipated timing and duration. [Note: under the Massachusetts Maternity Leave Statute, only two weeks notice is required. If an employee requests eight weeks of leave or less, only two weeks notice may be required].

b. If an employee's need for FMLA leave or its approximate timing is not foreseeable, the employee is expected to give his or her supervisor notice as soon as possible under the circumstances. Ordinarily, such notice should be provided within one to two working days after the employee learns of the need for the leave.

c. Employees will be provided a detailed notice at the time they request FMLA leave, which specifies the expectations and obligations of the employee during FMLA leave and the consequences of any failure to meet these obligations.

15.6 Medical Certification Requirements

a. Any employee requesting a medical leave, either to care for a sick relative or because of the employee's own medical condition, must provide a doctor's statement supporting the employee's need for leave within fifteen days after requesting leave. Employees should contact the Town Administrator's office as soon as their need for a medical leave is determined to obtain the Town of Tyngsborough's Medical Certification form.

b. A doctor's statement must be submitted monthly while an employee is on medical leave in order to certify the employee's continuing need for leave. A doctor's statement also may be required if an employee requests an extension of leave, or if there is a significant change in circumstances related to the employee's need for leave.

c. As a condition of returning to work, an employee who has been on medical leave must present a doctor's statement certifying that the employee is well enough to resume work. A medical certification also will be required in any case where an employee on FMLA leave represents that he or she is unable to

return to work for medical reasons. If an employee fails to return from FMLA leave, Board of Selectmen may seek reimbursement for any health insurance premiums that it paid during leave unless the employee cannot return for medical reasons or other circumstances beyond the employee's control. The Board of Selectmen reserves the right to seek a second and third medical opinion on the need for Family of Medical Leave. Additional opinions will be paid for by the Town.

d. In the event of two disputed opinions on the need for leave, the third opinion shall be by a health care provider designated and approved jointly by the employee and the Town, and shall be final and binding on the Board of Selectmen and the employee.

15.7 Status of Compensation and Benefits While On FMLA Leave

a. FMLA leave will be without pay except when an eligible employee uses accrued sick, vacation, or personal time to qualify for compensation during leave. Employees may elect or the Board of Selectmen or its designee may require that employee's substitute accrued paid benefits for an equivalent amount of unpaid FMLA leave.

b. The Town of Tyngsborough will maintain an employee's health insurance coverage for the duration of the employee's FMLA leave as though the employee were continuously employed. The Town of Tyngsborough will continue to pay its portion of the employee's health insurance premiums provided that the employee pays his or her contributory portion on a timely basis. Employees requesting leave should contact the Town Administrator's office to arrange an acceptable payment schedule.

c. The Town of Tyngsborough will maintain and pay its portion of the premiums for other benefits during FMLA leave, including life and disability insurance, provided that the employee pays his or her contributory portion on a timely basis. [Note: The Town of Tyngsborough is not required to continue any benefits other than medical insurance during FMLA leave unless a lapse in coverage would jeopardize the resumption of such benefits at the conclusion of FMLA leave].

d. Employees will not accrue seniority or any benefits, such as for vacation or sick leave, during any periods of FMLA leave. However, such leave periods will be treated as plan vesting and eligibility.

15.8 Return to Work

a. An employee on FMLA leave is expected to report periodically to the employee's supervisor on his or her status and intent to return to work.

The Board of Selectmen will make every effort to restore all employees on leave to their original or equivalent positions with equivalent pay, benefits, and other employment terms. However, it may be necessary to deny restoration to certain highly compensated "key employees" in order to avoid substantial and grievous economic injury to the Town of Tyngsborough's operations. The Town Administrator will notify any employee who qualifies as a "key employee" and thus might be denied restoration, as soon as possible after the employee requests leave.

MID MANAGERS UNION PROPOSAL 10 September 20, 2010

Article 24: Wages

If the Town's population reaches 12,000 inhabitants, the Veteran's Agent position would be increased to 40 hours per week and the base salary for said position would be increased to ~~$40,000.~~ **the minimum pay grade for M-2.**

(~$44,000)

New Section

Effective November 1, 2010, each employee shall receive a base salary equivalent to the sum of the following: FY 2010 pay rates plus 3% increase at minimum staffing levels defined in the new article title Minimum Staffing Requirements

MID MANAGERS UNION PROPOSAL 12

September 20, 2010

Article 22: Protective Clothing

New Section

The Town will provide the Sewer Superintendent with standard uniforms for the performance of his duties, along with a laundry service for cleaning of the uniforms to allow for sanitary working conditions as recommended by the Center for Disease Control.

MID-MANAGERS PROPOSAL 13 September 30, 2010

Article 8: Vacation

8.2 An employee may carry forward any accumulated vacation that he/she previously accumulated prior to the execution date of this agreement. Effective July 1, 2005, an employee may accumulate vacation time and carry over up to thirty (30) days of vacation time per fiscal year. **The Town will buy back up to ten (10) days of vacation time at the employee's current rate of pay at the end of each fiscal year.**

MID-MANAGERS PROPOSAL 14 September 30, 2010

Article 6: Holidays

6.1 The following days or days as such, shall be recognized as holidays by the Town of Tyngsborough on the day on which they are legally observed by the Commonwealth of Massachusetts, and on these days employees shall be excused from duty. **In addition, all employees will be eligible to one (1) floating holiday to be taken on any day of the employee's choosing.**

New Year's Day	Martin Luther King Day
Presidents Day	Patriot's Day
Memorial Day	Independence Day
Labor Day	Columbus Day
Veteran's Day	Thanksgiving Day
Day after Thanksgiving Day	Christmas Day
Day after Christmas	**(1) Floating Holiday**

Mid Mangers Proposal **9/30/10**

Article 24: Wages

24.1

Effective July 1, 2010, each employee shall receive a 3.0% base salary increase.

Effective July 1, 2011, each employee shall receive a 3.0% base salary increase.

Effective July 1, 2012, each employee shall receive a 3.0% base salary increase.

24.2 Annual Step Increases

An annual 2.2% step increase shall be added to the base wages for all Mid-Mangers in the bargaining unit on July 1st of each fiscal year. Such annual step increase shall be paid to any new bargaining unit member given that they have been employed at least 6 months prior to July1st date.

Town of Tyngsborough

Clerical/Library Chapter 888
25 Bryants Lane
Tyngsborough, MA 01879

2010 SEP 27 AM 9:18
TOWN COLLECTOR
TYNGSBOROUGH, MA.

Gloria Clancy
Chapter Chairwoman
978-649-2300, ext. 127

Pamela Berman
Chapter Steward
978-649-2300, ext. 115
pamberm@aol.com

September 27, 2010

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

RE: Building Department Hours Proposal

Dear Mr. Gilleberto,

In a letter dated September 20, 2010, the Town proposed to "consider" changing the hours for the Building Department Administrative Assistant from 25 to 35 hours per week. The position was cut from 35 to 25 hours per week July 1, 2009, thus the Town's proposal is a restoration of hours.

The Union is sincerely grateful that the Town has recognized that the depleted hours for this position have left the department unable to maintain the crucial level of service that the citizens of Tyngsborough deserve.

The Union as the bargaining agent with regards to wages, hours and other conditions of employment, would be open to discuss this issue and the related issue of all clerical position hours cut in 2009 for the FY 2010 budget. As such, the Union looks forward to a productive dialogue at the next Collective Bargaining meeting scheduled for September 30, 2010.

Thank you for your prompt attention to this matter.

Sincerely,

Pamela A. Berman

Pamela A. Berman
Steward
Clerical Chapter of SEIU Local 888

cc: G. Clancy, P. McCabe, M. Foster

Town of Tyngsborough

Clerical/Library Chapter 888
25 Bryants Lane
Tyngsborough, MA 01879

Gloria Clancy
Chapter Chairwoman
978-649-2300, ext. 127

Pamela Berman
Chapter Steward
978-649-2300, ext. 115
pamberm@aol.com

2010 SEP 27 AM 9:19
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

September 27, 2010

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

RE: Highway Department Hours Proposal

Dear Mr. Gilleberto,

In a letter dated September 20, 2010, the Town proposed to "consider" changing the hours for the Highway Department Clerk from 18 to 25 hours per week. The position was cut from 20 to 18 hours per week July 1, 2009, thus the Town's proposal is a restoration and an increase of hours.

The Union is sincerely grateful that the Town has recognized that the depleted hours for this position have left the department unable to maintain the crucial level of service that the citizens of Tyngsborough deserve.

The Union as the bargaining agent with regards to wages, hours and other conditions of employment, would be open to discuss this issue and the related issue of all clerical position hours cut in 2009 for the FY 2010 budget. As such, the Union looks forward to a productive dialogue at the next Collective Bargaining meeting scheduled for September 30, 2010.

Thank you for your prompt attention to this matter.

Sincerely,

Pamela A. Berman

Pamela A. Berman
Steward
Clerical Chapter of SEIU Local 888

cc: G. Clancy, P. McCabe, M. Foster

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Town Accountant

Remove the position of Town Accountant from the Mid-Managers unit.

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Town Treasurer

Remove the position of Town Treasurer from the Mid-Managers unit.

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Custodian (Council on Aging)

Remove the position of Custodian (Council on Aging) from the Clerical unit and place the position in the Highway unit.

ADD POLICE DEPARTMENT CUSTODIAN

GMP
MAB

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Building Department Secretary

Increase the number of weekly hours for the position of Building Department Secretary Clerk from 25 to 35. (non-CBA proposal - see related letter)

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Building Department administrative assistant from 25 to 35 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Proposal concerning the position of Highway Clerk

Increase the number of weekly hours for the position of Highway Clerk from 18 to 25.
(non-CBA proposal - see related letter)

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

September 20, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

In accordance with Article 8.07 of the parties' collective bargaining agreement, please be advised that the Town is considering changing the hours for the Highway Department clerk from 18 to 25 hours per week. Prior to any final decision being made, however, the Town would like to give the Union an opportunity to discuss this issue or any related issues. Please contact me by September 27, 2010 so that a meeting can be scheduled for this purpose. If I do not hear from you or another Union Representative by September 27th, I will assume that the Union does not wish to discuss any of these issues.

If you have any questions, please let me know.

Sincerely,

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Darren Klein, Esquire

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

Counterproposal concerning release/reassignment of Highway employees during inclement weather

New Article XXII – Inclement Weather

If the temperature reaches 93 degrees or higher at any work location the employer may release all those bargaining unit employees in the affected area with no loss of pay or reassign said employees to other duties, provided that all work deemed necessary by the Town is completed.

Town's Counter Proposal on Bereavement Leave:

Replace existing Article in Mid-Managers Union (Article 9), Highway Union (Article IX), and Clerical Union (Article 10) with the following:

A. All unit members shall be granted bereavement leave.

B. Such leave shall not be charged as sick, vacation, or personal time.

C. The employee shall be granted five (5) business days (including holidays) without loss of pay or benefits for the loss of: mother, father, spouse, child, brother, sister, mother-in-law, father-in-law, son-in-law, daughter-in-law, grandchild, or any dependent residing with the employee.

D. The employee shall be granted three (3) business days (including holidays) without loss of pay or benefits for the loss of: grandparent, brother-in-law, sister, in law, and any other non-dependent person permanently residing with the employee.

E. The employee shall be granted one (1) business day without loss of pay or benefits for the loss of: aunt, uncle, niece, nephew, or cousin of the employee or the employee's spouse.

F. There shall be no distinction of foster, step or half-relatives in the granting of leave under this section as it relates to parents, children, or siblings.

Town's Counter Proposal on Sick Leave Buyback:

Replace existing Article in Mid-Managers Union (Article 16.1/16.3) and Highway Union (Article X, Section 4) with language that exists in Clerical Union contract (Article 9.06), which is the following:

> "Upon notification to the Town by the County Retirement Board that an employee has retired or upon death of an employee, the employee, or any person designated by the employee as his/her beneficiary in the event of his/her death, shall be compensated at 20% rate of their daily wages at the time of their retirement/death for all unused sick days up to the maximum of 120 unused sick days.

SEIU Local 888

to

Town of Tyngsborough

Groundrules for Collective Bargaining

1. We arrive on time for all meetings.

2. All proposals will be presented in writing.

3. No new proposals will be submitted after the fourth bargaining session, excluding any amended or counter-proposals. The groundrules session is considered the first session.

4. Either party can call a caucus at any time.

5. All tentative agreements will be initialed by a representative of each party. All tentative agreements are then subject to an entire agreement being reached by the parties. Once an entire agreement is reached, a memorandum of agreement will be drafted incorporating all of the changes to the collective bargaining agreement.

6. The memorandum of agreement will be subject to ratification by the Union membership and the Board of Selectmen and subject to funding at Town Meeting.

7. The Town reserves the right at any time to insist that future bargaining sessions be held separately with each bargaining unit.

Side Letter of Agreement Between Town of Tyngsborough and the New England Police Benevolent Association, Inc., Local 8

WHEREAS, the New England Police Benevolent Association, Inc., Local 8 ("Union") represents patrol officers and sergeants who are currently employed by the Town of Tyngsborough ("Town");

WHEREAS, the applicable collective bargaining agreement between the parties also includes the position of Lieutenant, although said position has been vacant in recent years;

WHEREAS, the Town filed a petition with the Division of Labor Relations ("DLR") seeking to have the sergeants and lieutenant positions separated from the same bargaining unit as the patrol officers, and said petition has been docketed by the DLR as CAS-10-3751 and is currently pending;

WHEREAS, the parties are commencing negotiations on a successor collective bargaining agreement;

WHEREAS, the Town and the Union wish to mutually and amicably resolve the pending dispute;

BE IT THEREFORE RESOLVED, that

(1) The parties agree that patrol officers and communication specialists will be represented by the Union, as Unit A, while sergeants and lieutenants will be represented by the Union as Unit B, which will be a separate bargaining unit covered by a separate collective bargaining agreement. The parties agree that until such time as new collective bargaining agreements are agreed upon that the sergeants and lieutenants will continue to be covered under the terms of the existing collective bargaining agreement between the parties.

(2) The Town agrees that it will fill three (3) Lieutenant Positions by July 1, 2011, the terms and conditions of which will be negotiated by the parties during collective bargaining negotiations.

(3) The Town agrees that it will withdraw the above referenced petition from the DLR.

FOR THE NEPBA, LOCAL 8:

_____

Dated:

FOR THE TOWN OF TYNGSBOROUGH:

_____

Dated:

Dated:

Dated:

Dated:

Dated:

Dated:

GROUND RULES

1. No tape recording or transcription of the negotiations shall be made. Each party is free, however, to keep its own notes.

2. Each party shall have the right to caucus at any time for a reasonable period of time and will provide the other party with the anticipated length of caucus. - PRH - 11/1/10

3. Initial proposals will be exchanged by the parties at the first negotiation session that follows the ground rules session. No new proposals, excluding counter-proposals and amended proposals, may be submitted subsequent to the ~~sixth~~ fourth bargaining session that follows the ground rules session. The parties, however, may mutually agree in writing to extend the time to submit proposals. 11/1/10

4. All tentative agreements will initialed by a representative of each party. All tentative agreements are subject to an entire agreement being reached on all other issues. At the conclusion of negotiations, a Memorandum of Agreement will be drawn up and signed by the parties.

5. The Memorandum of Agreement is subject to ratification by the Union membership and the Board of Selectmen and subject to funding by Town Meeting.

6. At the conclusion of each meeting, the parties shall endeavor to set a date and time for the next two (2) meetings.

7. All bargaining shall take place at the bargaining table. Off-the-record discussions and conversations that take place away from the bargaining table shall not be binding on the parties and cannot form the basis for an agreement between them.

For the Town: GMP

Dated: 11/1/2010

For the Union:

Dated: 11/1/10

Jackson, Robert

From: Jackson, Robert
Sent: Monday, October 18, 2010 10:59 AM
To: 'Ashley O'Neill'
Subject: FW: Insisting on Public Negotiations and Releasing Information to Public

Greetings Ashley,

FYI.

Best,

Bob

From: Darren Klein [mailto:DKlein@k-plaw.com]
Sent: Friday, October 15, 2010 8:41 PM
To: Robert Jackson
Cc: Michael P. Gilleberto
Subject: RE: Insisting on Public Negotiations and Releasing Information to Public

Bob,

As a follow-up to our conversation, I wanted to provide you with a brief update regarding the state of the law concerning insisting that negotiations be held in public, and regarding whether or not either party is allowed to make statements to the media when there is no ground rule prohibiting either party from making such statements.

Insistence on Bargaining in Public

In my opinion, the traditional rule that insisting on bargaining in public is a violation of § 10(a)(5) remains good law. I reviewed the primary cases on this topic, Town of Marion, 2 MLC 1256 (1975), and the Appeals Court decision upholding the DLR in that case, Board of Selectmen of Marion v. Labor Relations Commission, 7 Mass. App. Ct. 360 (1979), as well as a handful of other decisions including City of Attleboro, 3 MLC 1408 (1977), Ghiglione v. School Committee of Southbridge, 376 Mass. 70 (1978), and Falmouth School Committee, 12 MLC 1383 (1985). All of these cases provided that it was an unfair labor practice for either party to insist that negotiations be held in public. The most recent Division of Labor Relations ("DLR") case was North Middlesex Regional School District Teachers' Association, 28 MLC 160 (2001), which cited the DLR and Appeals Court decisions in Marion. Although not decided specifically on the grounds set forth in the Marion decision, that decision cites favorably to the Marion and Falmouth language that "the presence of third parties necessarily inhibits [ ] compromises and reduces the flexibility management and unions have to reach agreement." **As we discussed, the above cases do not prevent the parties from mutually agreeing to negotiate in public.**

Providing Information to the Public

In my opinion, absent an agreement or ground rule that prevents either party from speaking to the press or from releasing information to the public, either party may make reasonable disclosures about negotiations to the public or the media. In Town of Stoneham, 3 MLC 1355 (1977), the Union

contacted the Town and informed them it wished to commence bargaining. The Town responded that its typical procedure was to make initial proposals of the parties available in the press in order to allow Town's people to comment on the Union's and City's positions. Evidence indicates that the Town did not inform the press or individuals of what took place in negotiations, but merely published the proposals and accepted comment without explaining further. The Union would not agree to forward any proposals so long as the Town indicated it wished to publish them.

The Union filed a Unfair Labor Practice Charge alleging that the Town violated § 10(a)(5) by "refusing, to the point of bargaining impasse, to compromise its stated intention to publicize in the local newspaper, the entire initial proposal package as submitted by [the Union]." Id. at 1356. After considering three (3) decisions on the subject, the DLR stated that:

> "A party may impart information to the press so long as his conduct does not frustrate collective bargaining. Put another way, a party has the privilege of access to the press, and another party has no right to prevent the proper exercise of that privilege…An employer may release information to the press, and the mere exercise of that privilege, without more, does not violate the duty to bargain in good faith. Such release can, however, trigger a violation in one of three ways…First, the act of access may be a violation if the privilege has been forgone. The privilege may be forgone either voluntarily, for instance by agreement to a ground rule specifying a media blackout, or the privilege may be overridden by statute…Second, statements to the press may contribute to a finding of bad faith if their character indicates a state of mind incompatible with the duty to bargain…Third, the timing or quantity of statements may be so inopportune as to constitute an abuse of the privilege."

The DLR went on to opine that "[t]he practical effect of this is very simple. Parties to collective bargaining have certain rights and privileges which they do not lose immediately upon the commencement of contract negotiations. One such privilege is that of access to the press. Unless circumscribed in the fashion described above, the parties are free to continue as before."

The Town of Stoneham decision has not been overturned. Accordingly, it is my opinion that unless the parties have agreed to a ground rule that prevents them from speaking or releasing information to the media, either party may make reasonable disclosures to the media provided: (1) they are not aimed at frustrating the bargaining process; (2) the statements do not indicate an unwillingness to bargain in good faith; or (3) the statements are not of such a nature or frequency as to potentially become an abuse of privilege. It should be noted that in the Town's current negotiations there is not any ground rule limiting either party's ability to release information to the public or the media.

Please contact me if you have any further questions. Thank you.

Very truly yours,

Darren R. Klein, Esq.
Kopelman and Paige, P.C.
101 Arch Street
12th Floor
Boston, MA 02110
Phone: 617 556-0007
Fax: 617 654-1735

Cell: 617 257-9576
E-mail: dklein@k-plaw.com

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From: Robert Jackson [mailto:rjackson@tyngsboroughma.gov]
Sent: Wednesday, October 06, 2010 1:45 PM
To: Darren Klein
Subject: Public contract negotiations

Greetings Darren,

Can we set a time to discuss what would be involved in changing the way Tyngsboro conducts contract negotiations? I'd like to move to a more transparent system where information is shared with the public much faster. I think I would need about 15 - 20 minutes of your time. I know certain states, such as Florida, have very progressive laws in this area and that Massachusetts has adopted portions of these laws. It is my understanding that if both sides are agreeable, negotiations can be done in public. What if one side is not agreeable? Can the negotiations portion be private, with the information in that (private) session being made public afterwards?

I see negotiations in Tyngsboro as a two step process, the first where Union and Management talk and share ideas, the second where the BOS is updated (always in executive session). If the Union didn't want to negotiate in public, can the BOS deliberate in public on what was spoken about in private?

I'd also like to understand your thoughts on public negotiations, positive and negative.

I would like to see Tyngsboro adopt a public negotiating process, or as close as the law will allow.

Best,

Bob

--
Robert Jackson
Tyngsborough Board of Selectmen
Town Hall: 978-649-2300
Mobile: 978-697-9315

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.
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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.

TOWN OF TYNGSBOROUGH

Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

TO: Board of Selectmen MP

FROM: Michael P. Gilleberto, Town Administrator

DATE: December 5, 2010

SUBJECT: Town Administrator's Report for the weeks ending November 26 and December 3, 2010.

Response to Selectmen's Requests

- Information regarding the Tyngsboro Sports Center is in your packets. This includes: operational plan for the Sports Center, the pending entertainment license, Police report from the November 6 event, report from the Building Commissioner concerning occupancy, current entertainment license in effect, opinion from Town Counsel, application from January that was deemed unnecessary, the liquor license, the special permit approved for the site, and background information from the special permit review and approval process. The petitioner has agreed to extend the deadline for a decision on his pending application to January 3, 2011 while associated questions are researched. He will be in attendance on Monday night to answer any questions and to hear any concerns.
- The Westford Road agreement, along with comment from Town Counsel, is in your packets. My understanding is that the Planning Board is also consulting with Town Counsel prior to approval.
- The agreement with NMCOG to extend the deadline for completing the affordable housing study to March 31st has been signed and returned to NMCOG. A copy is attached.
- The Director and Counsel for the Dracut Water Supply District will attend the December 20th meeting.
- New Building Commissioner Paul Welcome starts today; his updated appointment letter (with correct start date) is attached. Don Crowell will work alongside him for a few days this week.
- A copy of my letter responding to an inquiry about Verizon franchise fees is attached.
- Approval memo sent to the Recreation Committee for the Festival of Trees is attached.

Budget Status

- An update of the five year financial plan is nearly complete. A Tri-Board meeting is tentatively scheduled for Thursday, December 16th at 6:30 pm to review the plan and kick off the FY 2012 budget process.
- The Capital Asset Management Committee has begun the process for updating the Five Year Capital Plan. We await the school request and are also evaluating how much money might be available for expenditure this FY or next.
- Attached please find final state Recapitulation documents as approved by the Department of Revenue.

Departmental Information

- Highway Clerk: we have completed interviews. After meeting with approximately 10 candidates, and bringing two back for final interviews at the Highway garage, he Highway Director and I recommend the appointment of Ms. Kristine Hartwell to the position. Her resume is attached, as well as all who were interviewed.
- A memorandum concerning salary adjustments associated with the recent Special Town Meeting is attached.
- With the recent generous gift of a flat screen television to the Senior Center, we now have a surplus television. A request has gone out to departments to see if this property can be utilized elsewhere. Otherwise, we will surplus it off to the highest bidder via an advertisement on Channel 8 and the Town website.

Other

- Response to a Freedom of Information Act request from an Attorney concerning Thirsty's is attached.

Northern Middlesex Council of Governments

October 28, 2010

Multi-Disciplinary
egional Planning
gency Serving:

illerica
elmsford
acut
nstable
well
pperell
wksbury
ngsborough
stford

nes G. Silva
air

verly A. Woods
ecutive Director

Church Street
te 200
vell, MA
52-2686
: (978) 454-8021
: (978) 454-8023
w.nmcog.org

Michael Gilleberto, Town Administrator
Tyngsborough Town Hall
25 Bryants Lane
Tyngsborough, MA 01879-1042

Dear Mr. Gilleberto:

I am hereby requesting an extension to the contract dated December 20, 2006, between the Town of Tyngsborough and the Northern Middlesex Council of Governments (NMCOG) for the performance of certain technical and/or professional services related to the development of an Updated Housing Study for the Town of Tyngsborough. NMCOG requests that the completion date of the contract be extended from October 29, 2010 to March 31, 2011.

Assuming the Town of Tyngsborough agrees to this proposed extension, please endorse both original copies of this letter. Retain one copy for your files and return one copy to NMCOG.

Should you have any questions or require additional information, please do not hesitate to contact me.

Sincerely,

Beverly A. Woods
Executive Director

cc: Jay J. Donovan, NMCOG
Assistant Director

The Town of Tyngsborough hereby agrees to amend the Updated Housing Study contract as described above.

11/30/2010 — BP

Date — Michael Gilleberto, Town Administrator

/lb

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

CORRECTED COPY

November 17, 2010

Mr. Paul Welcome
151 West Meadow Road
Lowell, MA 01854

Dear Mr. Welcome:

This letter serves to notify you of your appointment to the position of Building Commissioner for the Town of Tyngsborough effective December 6, 2010, pending the outcome of a CORI check, physical, and reference check.

This is a union position, with salary and benefits provided per the Mid-Manager's collective bargaining agreement. Your starting salary will be $64,753 for a typical work week of 37 hours. As we have discussed, the Board of Selectmen is hopeful that reductions in hours for Mid-Managers effected in 2009 can be restored soon. In the event that hours are restored, you would remain at the salary of $64,753 for a work week of 40 hours. There is a probationary period of 120 days.

The Board of Selectmen looks forward to your becoming a part of the Town of Tyngsborough.

Sincerely,

MP

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Kerry Colburn-Dion, Town Treasurer
Jacqueline Cronin, Town Accountant

TOWN OF TYNGSBOROUGH

Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

November 24, 2010

Mr. Michael Sokolowski
25 Rock Road
Tyngsborough, MA 01879

Dear ~~Mr. Sokolowski:~~ MIKE —

This letter is sent in response to your letter dated October 19, 2010, relative to PEG grant payments to the Town by Verizon. In your letter, you questioned why the Town has not received an "Annual Grant (PEG Grant)" for fiscal years 2008 or 2009.

Upon receipt of your letter, I have consulted with the Town Accountant, Media Director, files of the Selectmen, and the Special Legal Counsel utilized by the Town when negotiating the agreement with Verizon that you reference. The payment you have questioned is a one-time payment intended for capital use that was due to the Town no later than 90 days after the effective date of the agreement. The payment was received in 2006 and no further capital payment is required. Notwithstanding this fact, Verizon is annually obligated to provide the Town payment in the form of 3% of annual gross revenues and 50 cents per subscriber; which by my review of Town record has been received by the Town as required.

For your information, I have included a redacted copy of the legal opinion and account records I reviewed to address your concern.

Thank you for your continued interest in Town government.

Sincerely,

MP

Michael P. Gilleberto
Town Administrator

cc: Board of Selectmen
Rony Camille, Media Director
Jacqueline Cronin, Town Accountant
William Hewig, Special Legal Counsel

Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

Question regarding Tyngsborough's agreement with Verizon for PEG grant

William Hewig [redacted] **Fri, Nov 19, 2010 at 2:33 PM**
To: "Michael P. Gilleberto" <mgilleberto@tyngsboroughma.gov>
Cc: Richard Bowen [redacted]

Good Afternoon, Michael,

Although the Verizon License calls the $100,000 an "annual" grant, that was not the intent of the Verizon license at the time, nor was is understood to be so by the Town. The actual annual payment obligation is the 3% of GAR payment identified in section 5.2.2. Annual grants for support of PEG access are now, and were then, almost always referred to in terms of a percentage of the cable operator's Gross Annual Revenues (so-called "GAR", or in this license "Gross Revenue").

Equipment or capital grants, which is what section 5.2.1 was intended and I would add understood to be, are customarily referred to in actual dollar values, such as we have here ($100,000). They are frequently one-time grants; or sometimes a license may provide for separately-specified lump sum payments spread out at specified times during the term of the license, such as we have in the other license: $60,000 in year 1, and $15,000 in year 5, etc. etc. In the case of our Verizon license, the one-time intent of the $100,000 grant is made clear (notwithstanding the "annual grant" language) by the fact that the section continues on to say, in its final sentence: "The PEG Grant provided by Licensee hereunder shall be One Hundred Thousand Dollars ($100,000) payable within ninety (90) days of the Effective Date."

Just to confirm this, I have reviewed the file for the Verizon licensing process we undertook back in the fall of 2006. Attached is an executive summary letter that I wrote to then-Town Administrator, Rosemary Cashman, which summarized for the selectmen the terms of the Verizon license that we had negotiated, and which we were proposing for execution by the selectmen on Monday, October 30, the date set by the selectmen for the public hearing. As you will see in paragraph (g) (2) of that letter,

I refer to the $100,000 as "a capital grant", which was "payable to the Town within 90 days". In parentheses, I compared that amount to the Comcast capital grant, which consisted of two payments, $60,000 after year 1, and $15,000 after year 5. Moreover, the larger amount of the Verizon grant was reflective of our common practice at the time of demanding from Verizon capital grants proportionately larger (or approximately proportionately) than those of the incumbent cable operator in exchange for granting Verizon a license term of 15 years, instead of 10, as the incumbent had. Finally, you can see that my discussion of the 3% GAR grant treats it as the annual operations grant, also supporting the idea that the other grant (that is, the $100,000) was intended to be the one-time equipment grant. See paragraph (g) (3) of the attached letter.

In conclusion, the $100,000 grant was intended by Verizon, and understood by the Town at the time of the license execution, to be a one-time grant.

Please let me know if I can be of any further assistance to you at present.

Very Truly Yours,

Bill

William Hewig III, Esq.
Kopelman and Paige, P.C.
101 Arch Street, 12th Floor
Boston, MA 02110-1109
Phone: [redacted]
Fax: [redacted]

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited.If you have received this communication in error, please delete all electronic copies of this message and its attachments, if any, and destroy any hard copies you may have created and notify me immediately.

From: Michael P. Gilleberto [mailto:mgilleberto@tyngsboroughma.gov]
Sent: Friday, November 19, 2010 12:45 PM
To: William Hewig
Subject: Question regarding Tyngsborough's agreement with Verizon for PEG grant

[Quoted text hidden]

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.

6d3@01!.DOC
35K

TOWN OF TYNGSBOROUGH
Public Educational Access Fund
July 1, 2006 - June 30, 2010

	FY 2007	FY 2008	FY 2009	FY 2010
Balance Forward July 1st	**$ 193,486.92**	**$ 219,107.74**	**$ 230,089.96**	**$ 258,405.66**
Revenues				
Comcast Receipts	86,889.55	78,421.43	73,377.91	67,801.61
Expenditures				
Wages	36,074.37	42,306.68	28,684.99	42,999.75
Employee Benefit Costs	6,230.15	8,919.66	8,456.64	13,462.66
Equipment, Supplies & Other	18,964.21	16,212.87	7,920.58	50,517.05
	(61,268.73)	(67,439.21)	(45,062.21)	(106,979.46)
Ending Balance June 30th	**$ 219,107.74**	**$ 230,089.96**	**$ 258,405.66**	**$ 219,227.81**

TOWN OF TYNGSBOROUGH
Verizon Education Access Fund
July 1, 2006 - June 30, 2010

	FY 2007	FY 2008	FY 2009	FY 2010
Balance Forward July 1st	**$ -**	**$ 102,463.12**	**$ 119,848.25**	**$ 151,780.93**
Revenues				
Verizon Receipts	102,463.12	17,385.13	31,932.68	45,230.86
Expenditures	-	-	-	-
Ending Balance June 30th	**$ 102,463.12**	**$ 119,848.25**	**$ 151,780.93**	**$ 197,011.79**

Board of Selectmen
Tyngsborough Town Hall
25 Bryant Lane
Tyngsborough , MA 01879

19 October 2010

2010 OCT 20 PM 1:16

TYNGSBOROUGH, MA.

Subj: Missing Funds ($200,000), Verizon TV Cable Agreement

Tyngsborough signed a license agreement with Verizon to provide cable TV services with an effective date of October 30, 2006 and a expiration in fifteen(15) years. This agreement, sections 5.2.1, 5.2.2 and 6.1 requires Verizon to provide the following annual payments to Tyngsborough:

A- $100,000 annual grant (PEG Grant)—Section 5.2.1
B- 3% of annual gross revenues (PEG Access Support)—Section 5.2.2
C- $.50 per subscriber/year (License Fee)—Section 6.1

Per the audited Town reports, the following payments were provided:

	Annual Grant(PEG Grant)	3% of Annual Gross Revenues	$.50 per subscriber/year
FY 2007	$100,000 Received	Payment Received	Payment Received
FY 2008	None Received	Payment Received	Payment Received
FY 2009	None Received	Payment Received	Payment Received

I discussed the missing $100,000 for FY2008 and FY2009 with the town auditor who indicated that its not in her position description to check to ensure that all the required payments were received, but its up to the Department who signed the agreement, in this case the Selectmen.

I request that the Selectmen investigate to determine what happened to the $100,000 for FY 2008 and $100,000 for FY2009. Did Verizon fail to provide the $100,000 annual grant for FY2008 and FY2009 or did Verizon provide them but the Town misdirected the $200,000 to some other department (e.g. School, Police etc.)?

Please inform me, in writing, within 30 days when I may expect the results of this investigation.

Thank you,

Michael Sokolowski

Michael Sokolowski
25 Rock Road
Tyngsborough , MA 01879

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator MG

TO: Alison McNamara, Recreation Director

DATE: November 24, 2010

RE: Festival of Trees and Tree Lighting

The Board of Selectmen has received your request to conduct the Festival of Trees at the Town Center utilizing the Littlefield Library.

At their meeting of November 22, 2010, the Selectmen approved the request.

cc: Board of Selectmen

State Tax Form 31C

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
TAX RATE RECAPITULATION

FISCAL 2011

OF

TYNGSBOROUGH

City / Town / District

I. TAX RATE SUMMARY

Ia. Total amount to be raised (from IIe)	$	35,942,197.49
Ib. Total estimated receipts and other revenue sources (from IIIe)		16,394,596.00
Ic. Tax levy (Ia minus Ib)	$	19,547,601.49

Id. Distribution of Tax Rates and levies

CLASS	(b) Levy percentage (from LA - 5)	(c) IC above times each percent in col (b)	(d) Valuation by class (from LA - 5)	(e) Tax Rates (c) / (d) x 1000	(f) Levy by class (d) x (e) / 1000
Residential	85.6941%	16,751,141.17	1,182,154,705	14.17	16,751,132.17
Net of Exempt					0.00
Open Space	0.0000%	0.00	0		0.00
Commercial	7.4331%	1,452,992.77	102,540,413	14.17	1,452,997.65
Net of Exempt					0.00
Industrial	3.9849%	778,952.37	54,972,005	14.17	778,953.31
SUBTOTAL	97.1121%		1,339,667,123		18,983,083.13
Personal	2.8879%	564,518.18	39,838,981	14.17	564,518.36
TOTAL	100.0000%		1,379,506,104		19,547,601.49

MUST EQUAL 1C

Board of Assessors of TYNGSBOROUGH

City / Town / District

NOTE : The information was Approved on 12/02/2010.

Joseph A. Gibbons, Assistant Assessor,
Tyngsborough, 978-649-2300
Assessor

11/23/2010 10:50 AM Signed on behalf of Assessors; hard copy on f...
Date (Comments)

Do Not Write Below This Line --- For Department of Revenue Use Only

Reviewed By Amy Januskiewicz
Date : 02-DEC-10
Approved : Dennis Mountain
Director of Accounts

Gerard D. Perry

(Gerard D. Perry)

Print Date : 12/2/2010 11:37 am

LOCAL RECEIPTS NOT ALLOCATED *

TAX RATE RECAPITULATION

TYNGSBOROUGH

City/Town/District

		(a) Actual Receipts Fiscal 2010	(b) Estimated Receipts Fiscal 2011
==>	1 MOTOR VEHICLE EXCISE	1,405,798.21	1,400,000.00
==>	2 OTHER EXCISE	159,389.55	195,000.00
==>	3 PENALTIES AND INTEREST ON TAXES AND EXCISES	98,758.26	75,000.00
==>	4 PAYMENTS IN LIEU OF TAXES	29,521.96	25,000.00
	5 CHARGES FOR SERVICES - WATER	0.00	0.00
	6 CHARGES FOR SERVICES - SEWER	0.00	0.00
	7 CHARGES FOR SERVICES - HOSPITAL	0.00	0.00
	8 CHARGES FOR SERVICES - TRASH DISPOSAL	17,350.00	10,000.00
	9 OTHER CHARGES FOR SERVICES	220,388.95	194,350.00
	10 FEES	0.00	0.00
	11 RENTALS	0.00	0.00
	12 DEPARTMENTAL REVENUE - SCHOOLS	0.00	0.00
	13 DEPARTMENTAL REVENUE - LIBRARIES	2,274.10	2,000.00
	14 DEPARTMENTAL REVENUE - CEMETERIES	15,655.00	9,000.00
	15 DEPARTMENTAL REVENUE - RECREATION	0.00	0.00
	16 OTHER DEPARTMENTAL REVENUE	0.00	0.00
	17 LICENSES AND PERMITS	347,879.43	280,000.00
	18 SPECIAL ASSESSMENTS	0.00	0.00
==>	19 FINES AND FORFEITS	7,548.15	6,000.00
==>	20 INVESTMENT INCOME	28,494.99	24,000.00
==>	21 MISCELLANEOUS RECURRING (PLEASE SPECIFY)	20,865.44	20,000.00
	22 MISCELLANEOUS NON-RECURRING (PLEASE SPECIFY)	39,923.29	10,000.00
	23 TOTALS	$ **2,393,847.33**	$ **2,250,350.00**

I hereby certify that the actual receipts as shown in column (a) are, to the best of my knowledge correct and complete, and I further certify that I have examined the entries made on page 4 of the Fiscal 2011 tax rate recapitulation form by the City, Town or District Clerk and hereby acknowledge that such entries correctly reflect the appropriations made and the sources from which such appropriations are to be met.

Jacquelyn Cronin, Accountant, Tyngsborough, 978-649-2300 — 11/22/2010 10:39 AM

Accounting Officer — Date

* Do not include receipts in columns (a) or (b) that were voted by the City / Town / District Council or Town Meeting as offset receipts on Schedule A-1, enterprise funds on Schedule A-2, or revolving funds on Schedule A-3. Written documentation should be submitted to support increases / decreases of estimated receipts to actual receipts.

==> Written documentation should be submitted to support increases/ decreases of FY 2010 estimated receipts to FY2011 estimated

CERTIFICATION OF APPROPRIATIONS AND SOURCES OF FUNDING

TAX RATE RECAPITULATION **FISCAL 2011**

TYNGSBOROUGH

City / Town / District

APPROPRIATIONS							AUTHORIZATIONS MEMO ONLY	
City / Town Council or Town Meeting Dates	FY*	(a) Total Appropriations of Each Meeting	(b) ** From Raise and Appropriate	(c) From Free Cash See B-1	(d) From Other Available Funds See B-2	(e) From Offset Receipts (See A-1), Enterprise Funds (See A-2), or Community Preservation Fund (See A-4)	(f) *** Revolving Funds (See A-3)	(g) Borrowing Authorization
03/02/2010	2010	445,411.00	0.00	370,271.00	75,140.00	0.00	0.00	0.00
05/18/2010	2010	101,000.00	0.00	20,000.00	0.00	81,000.00	0.00	0.00
05/18/2010	2011	32,413,644.00	29,850,211.00	28,000.00	280,950.00	2,254,483.00	201,000.00	0.00
11/16/2010	2011	1,562,662.18	204,269.18	474,560.00	92,915.00	790,918.00	0.00	0.00
Totals		34,522,717.18	30,054,480.18	892,831.00	449,005.00	3,126,401.00		
		Must Equal Cols. (b) thru (e)						

I hereby certify that the appropriations correctly reflect the votes taken by City / Town / District Council.

TYNGSBOROUGH — City/Town/District

Joanne Shifres, Town Clerk, Tyngsborough, 978-649-2300 — Clerk

11/22/2010 10:25 AM — Date

THE COMMONWEALTH OF MASSACHUSETTS
DEPARTMENT OF REVENUE
FISCAL 2011 TAX LEVY LIMITATION FOR

TYNGSBOROUGH

FOR BUDGET PLANNING PURPOSES

Final Tax Rate Set

I. TO CALCULATE THE FY 2010 LEVY LIMIT

A. FY 2009 Levy Limit	18,400,177		
A1. ADD Amended FY 2009 Growth	0		
B. ADD (IA + IA1) * 2.5%	460,004		
C. ADD FY 2010 New Growth	279,084		
D. ADD FY 2010 Override	0		
E. FY 2010 Subtotal	19,139,265	I.	$19,139,265
F. FY 2010 Levy Ceiling	34,684,508		FY 2010 Levy Limit

II. TO CALCULATE THE FY 2011 LEVY LIMIT

A. FY 2010 Levy Limit from I.	19,139,265		
A1. ADD Amended FY 2010 Growth			
B. ADD (IIA + IIA1) * 2.5%	478,482		
C. ADD FY 2011 New Growth	363,175		
D. ADD FY 2011 Override	0		
E. FY 2011 Subtotal	19,980,922	II.	$19,980,922
F. FY 2011 Levy Ceiling	34,487,653		FY 2011 Levy Limit

III. TO CALCULATE THE FY 2011 MAXIMUM ALLOWABLE LEVY

A. FY 2011 Levy Limit from II.	19,980,922
B. FY 2011 Debt Exclusion(s)	-431,290
C. FY 2011 Capital Expenditure Exclusion(s)	0
D. FY 2011 Stabilization Fund Override	0
E. FY 2011 Other Adjustment	0
F. FY 2011 Water / Sewer	0
G. FY 2011 Maximum Allowable Levy	$19,549,632

NOTE : The information was Approved on 12/02/2010.

FINALIST

Candidate: KRISTINE HARTMAN

Kristine Hartwell
30 Main Street
PO Box 661
Pepperell, MA. 01463

2010 OCT 26 PM 1:20
TYNGSBOROUGH, MA.

October 25, 2010

Re: Highway Clerk Position

Town Administrator – Michael Gilleberto
25 Bryants Lane
Tyngsborough, MA. 01879

Dear Mr. Gilleberto,

Enclosed is my resume in response to your help wanted advertisement in the October 24th edition of the Lowell Sun. I am sending my resume via email and by postal service to ensure you have time to review my qualifications prior to the Friday deadline.

As you will see from my resume, I have extensive customer service and office experience. I am proficient at multi tasking and enjoy taking on new challenges. I am a team player in both my personal and professional life. I am very comfortable working independently and just as comfortable working in group situations.

Being co-owner of CJ Landscaping permits me the freedom to handle my own work obligations at my discretion. As a business owner, I understand the importance of providing sincere customer service while multi tasking and performing my office duties with strict attention to detail. I am a people person and I have included several references that, if you wish to contact, may provide you with insight to my personal and work ethics.

I appreciate your time reviewing my resume in consideration for this position and look forward to an opportunity to meet with you to discuss your employment details and my qualifications in helping you fill this position.

Sincerely,

Kristine Hartwell

Kristine Hartwell

30 Main Street
PO Box 661
Pepperell, MA. 01463

Objective:

To find a professional organization that may afford me the opportunity to utilize my sparkling customer service skills and extensive office experience within a positive team environment.

Skills:

Sincere Customer Service
Strong knowledge of general accounting principles
Quick Books Accounting Software
MS Word & MS Excel
Organizational & Prioritizing Skills
Planning & Scheduling
Excellent Written & Oral Communication
Interdepartmental Coordination
Purchasing
Telephone & Office Reception
Internet Research
Ability to be objective & welcome new learning situations

Business & Personal References:

Michael L. Hartnett, CPA
Treasurer / Collector Town of Pepperell

John McNabb
McNabb's General Store - Pepperell

Dana Hanson
Hanson's Flooring - Pepperell

Brian Babineau
Kriad Construction - Pepperell

Nita Ledger Casey
Gingerbread Art Gallery - Pepperell

Janet Tice
GMP Piping Inc. / Co-owner / Marketing Manager - Littleton, MA.

Kristine Hartwell

30 Main Street
PO Box 661
Pepperell, MA. 01463

Employment:

CJ Landscaping Pepperell, MA.
August 2000 - Present Co-Owner / Bookkeeper / Office Manager:
Responsible for all aspects of landscaping office; A/P, A/R, Payroll Processing, Quoting, Scheduling, Purchasing, Advertising, Marketing, Hiring and Training. Landscape Designer for both Hardscape & Floral Scape Designs. Work closely with employees on projects ensuring all customer requests are met in a timely fashion.

GMP Piping, Inc. 80 Taylor St. Littleton, MA. 01460
July 2008 - March 2009 Purchasing Agent
Feb. 2007 - July 2008 Administrative Assistant to Business Manager
Originally hired as Assistant to Business Manager. Various duties included assisting in A/P & A/R clerical functions. Data entry, filing, collection calls and payroll processing. Update employee files, maintain listings of individual qualifications and certifications earned to be used in job quoting packages. Order office supplies and company attire (t-shirts & sweatshirts). Assist Project Managers with typing, scanning, printing of blueprints, prepare marketing materials and update safety manuals. Responsible for distribution and documentation of OSHA required safety sheets for weekly safety meetings.
Occasional coverage for the Purchasing Department developed into full time Purchasing Agent. This was a fast paced, multi-tasking position responsible for working closely with Project Managers and Lead Team Members. Schedule all supplies, materials and tools needed for job sites throughout New England. Upon job specs received, fill orders in house, stage job materials and tools for distribution. Selectively purchase all other materials needed throughout duration of project. Coordinate equipment rentals. Dispatch two full time drivers daily. Strive to provide anything and everything at a moment's notice. Provide daily schedules for next day operations. Seek out new vendors and work closely with current vendors to achieve best pricing and quality of materials.

Hanson's Flooring Dana Hanson Pepperell
May 2002 - Sept. 2005 PT Office Manager
Organize and set up functioning office for small independent contractor. Work independently from both home & office. Handle all office related tasks. Submit reports and documents to accountant for tax filing purposes.

Lorden Oil Ted Lorden Townsend
Nov. 2001 - March 2002 Seasonal Night Dispatcher. Provide customer service, some light office duties.

Kriad Construction Brian Babineau Pepperell
May 1996 - Oct. 2001 PT Bookkeeper / Office Manager.

Nashoba Publications Inc. Frank Hartnett Sr. & Family Ayer, MA.
March 1994 - Oct. 1995 Office Manager
April 1993 - March 1994 Circulation Manager
Aug. 1990 - April 1993 Classified Ad Sales Rep
May 1988 - Aug. 1990 Receptionist

FINALIST

Candidate: CECILIA HARDY

Cecilia M Hardy, 23 Long Pond Road, Tyngsboro, MA Ph

POSITION OBJECTIVE: To apply my skills in a job related position
Software: Windows 95, 98 and Windows XP, Database, MS Word, Excel, Lotus Notes, Outlook, Oracle PeopleSoft

EXPERIENCE:

1999- 2010 **MetLife Group Auto & Home** Tewksbury, MA

Business Analyst

The point person for the Sales Organization's business and operational needs. Tracking, monitoring, and communicating necessary business information to the management team and organization. The ability to handle multiple projects simultaneously and impromptu assignments when needed, under very minimal supervision if any.

- Responsible for overseeing budget and providing feedback and suggestions to reduce costs. Verify that all expenses are accurate and properly recorded. Managing and organizing all company events and functions.
- Process payments to vendors, track and maintain billing invoices for Sales
- Assist in managing and overseeing office supplies and equipment, as well as ordering
- Key Attendance, overtime pay, and mange Paid Time off for the employees
- Create and manage weekly schedule, provide and collect timesheets, Key prior weeks schedule changes and Track Sales field time for scheduling
- Scheduling for Saturdays and holidays, as well as vacations based on rotation. This includes management. Determine staffing needs for holiday weekends, and complete the booking of vacation for the staff.
- Ongoing confidential staffing changes: (disability, termination, new hires, desk changes)
- New hire processing, work station setup, phone setup, obtain Ids, Alarm system

Works well with Confidential and Personal information, maintaining relationships with the employees. Liaison for the Payroll dept, Phone system, IT Dept, System problems, Fax2mail, Cleaning Company, Building management and many other departments and Vendors.

Metrics Analyst

- Tracks revenue factors for an operations organization
- Creates reports of operational, financial and performance results
- Maintains project plans and may assist as a project team member on phases of projects
- Performs research, conducts cost analysis, and creates reports and feasibility studies in support of metrics, consultants and the business.

Team Lead

Be available for the Customer Service department to assist with general questions, Process and approve various situations regarding late and payment fees, write offs, and handle Elevated complaints

Sales Assistant with Producers License

Taking phone calls, perform policy changes for customers, Explaining coverage for Auto & Home

997- 1998 **Acton Lincoln Mercury** Acton, MA

Biller Fleet Dept

Stock incoming cars, create invoices, Bill out each individual car to specific customer, and Cut checks when needed for billing

996- 1997 **Jeanne D'Arc Credit Union** Lowell, MA

TELLER

Process & cash checks, money orders, bank checks, processing payments for mortgage, loans, and visa accounts. Making deposits, withdrawals, transfers and balancing out at end of day

EDUCATION:

Class of 1994 - Greater Lowell Regional, Tyngsboro MA 01879, Data Processing, GPA B+

PERSONAL information:

Multiple Customer Service Awards, Peer recognition awards, Employee of the year,
Perfect Attendance. Dependable, Reliable, Strong Customer Service and Communication skills. I can speak Portuguese Fluently

REFERENCES: Available upon request

Candidates for interview – Highway Clerk

Louanne Brady 1:00

PeggyLyn Decker 12:00

Bobbie-Jean Devine 12:30

Pauline Foote 11:30

Cecilia Hardy 10:30

Kristine Hartwell 10:00

Gina Langone 10:40

Heather Lowe 11:40

Laurie Somers 11:00

Kumari Weliwitigoda

GAYLE BOSWORTH 12:40

TOWN OF TYNGSBOROUGH

Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

TO: Kerry Colburn-Dion, Town Treasurer

FROM: Michael P. Gilleberto, Town Administrator MP

DATE: November 19, 2010

SUBJECT: Annual Salary for the positions of Town Clerk, Town Collector, and Media Director

---

The November 16, 2010, Special Town Meeting approved the raising and appropriation of funds to restore hours for certain Town employees whose hours were reduced in Fiscal Year 2010, or whose wages were frozen at the Fiscal Year 2009 rate. Consistent with this approval, please increase the salary of the positions of Town Clerk, Town Collector, and Media Director three percent effective December 2, 2010. Thank you.

cc: Board of Selectmen
Jacqueline Cronin, Town Accountant
Joanne Shifres, Town Clerk
Gene Spickler, Town Collector
Rony Camille, Media Director

TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

November 22, 2010

Attorney Jeffrey T. Karp
Newman and Newman, PC
One McKinley Square
Boston, MA 02109

Dear Attorney Karp:

Attached please find a response to your request dated October 15, 2010. Where appropriate, phone numbers, social security numbers, federal identification numbers, and/or bank account/transaction information has been redacted.

While Massachusetts Public Records Law provides that cities and towns may charge for copies and staff time to review documents, you are not being charged for this response. This act should not be considered to be precedent-setting.

Thank you for your patience.

Sincerely,

MP

Michael P. Gilleberto
Town administrator

cc: Board of Selectmen (without attachment)
Charles Zaroulis, Town Counsel (without attachment)

NEWMAN & NEWMAN, P.C.
ATTORNEYS AT LAW
ONE MCKINLEY SQUARE
BOSTON, MASSACHUSETTS 02109
(617) 227-3361
FACSIMILE (617) 723-1710
WWW.NEWMANLEGAL.COM

MARSHALL F. NEWMAN
JEFFREY T. KARP*
RICHARD JOYCE
DAVID M. BRYAN**
BENJAMIN BROOKS

*ALSO ADMITTED IN NEW HAMPSHIRE
**ALSO ADMITTED IN KANSAS AND MISSOURI

ABRAHAM NEWMAN
(1915 - 1995)
SAMUEL NEWMAN
(1912 - 2008)

October 15, 2010

Via email (tgay@tyngsboroughma.gov) & reg. mail

Keeper of Records
The Office of the Town Administrator
Tyngsborough Town Hall
25 Bryants Lane
Tyngsborough, MA 01879

Re: Dracut Food Service Corp. d/b/a Thirsty's
25 Parham Rd., Tyngsborough, MA

Dear Sir/Madam:

Please consider this letter a request under the Massachusetts Public Records Law (i.e., G.L. c. 66, § 10).

Please disclose to this office the following records which should be sent to me at the above-referenced address or may be emailed to me in "pdf" format to jkarp@newmanlegal.com.

1. Any and all documents regarding the application for, and issuance, reissuance, transfer, or renewal of Dracut Food Service Corp. d/b/a Thirsty's (hereinafter "Thirsty's") liquor license from January 1, 2008, to the present.

2. Any and all documents regarding the application for, issuance, reissuance, transfer, or renewal of Thirsty's common victualler, food service, restaurant, or similar license from January 1, 2008, to the present.

3. Any and all documents regarding alleged violations by Thirsty's of any town bylaws, town ordinances, town regulations, Zoning By-Laws, State Public Health Code, State Sanitary Code, and State Building Code from January 1, 2008, to the present.

4. Any and all documents regarding alleged violations by Thirsty's of any town bylaws, town ordinances, town regulations, and Massachusetts statutes pertaining to the sale of alcoholic beverages from January 1, 2008, to the present.

5. All documents that were submitted as exhibits at any hearings before, or meetings of, the Board of Selectmen pertaining to Thirsty's from January 1, 2008, to the present. This should include, but not be limited to, exhibits at the Liquor License Violations Hearing on June 14, 2010.

Thank you for your prompt response.

Very truly yours,

NEWMAN & NEWMAN, P.C.

BY:
JEFFREY T. KARP

cc: Tram Dang
Thien Dang