



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

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APPROVED

Board of Selectmen Meeting Minutes

Monday, January 7, 2013 at 6:00 P.M. Community Room, Town Offices, 25 Bryant Lane
Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectwoman Karyn Puleo, Selectman Allen Curseaden
Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay

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. "Chairman Jackson read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman called the meeting to order. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

2. New Business

A. 6:05 PM Joint Meeting with Board of Library Trustees

1. Appointment

The Board met jointly with the Board of Library Trustees to appoint a new Trustee to the Library Board. The Library Board of Trustees present were William Leakas, William Shambley, Paula Flaherty, Anne Marie Conant, and Library Director Sue Arthur, the Trustees recommend Lisa for the appointment. The Library Board of Trustees voted to come into session at 6:00 PM on a motion by Member Anne Conant, second by Member Paula Flaherty. The Board acknowledged the receipt of the letter of interest from Lisa Camacho. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Lisa Camacho as a member to the Board of Library Trustees. The Board of Library Trustees voted 4-0-0 on a motion by Member Conant, second by Member Paula Flaherty, to appoint Lisa Camacho as a member to the Board of Library Trustees. The Library Trustees voted 4-0-0 on a motion by Member Conant second by Member Flaherty, to adjourn their meeting at 6:07 PM.

B. 6:15 PM Joint Meeting with Planning Board

1. Alternate Appointment

The Board met jointly with the Planning Board Members to appoint an associate member to the Planning Board. The Planning Board Members present were William Grammer, Steve Nocco and Caryn DeCarteret. The Planning Board voted 3-0-0 to open their meeting at 6:15 PM on a motion by Member Nocco, second by Member DeCarteret. The Board acknowledged the receipt of the letter of interest from Steve Bethiaume to serve as an associate member. The Planning Board recommends Steve Bethiaume for appointment. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to appoint Steve Bethiaume as an associate member to the Planning Board. The Planning Board voted 3-0-0 on a motion by Member Nocco, second by Member Decarteret to appoint Steve Bethiaume as an associate member to the Planning Board. The

Planning Board voted 3-0-0 on a motion by Member Nocco, second by Member DeCarteret to adjourn their meeting at 6:20 PM.

Selectman Curseaden asked for a moment of silence out of respect for the passing of retired Tyngsborough Police Officer Paul Deslaurier.

C. 6:25 PM Class II License Amendment – Mike’s Motors DBA Simons

The Board received an application to modify a Class II License from Mr. Simon Raad. He is requesting an increase of 25 used motor vehicles for sale. His permit was for only 9 used motor vehicles. Mr. Raad came forward and informed the Board that he has paved a portion of the parking lot to the left of his repair shop and can now accommodate more vehicles.

3. Citizen/Business Time – No one 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.

4. Meeting Minutes Pending

A. Meeting Minutes to Approve

1. Monday November 19, 2012

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Monday November 19, 2012. Selectwoman Puleo abstains; she was not in attendance.

2. Monday December 3, 2012

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the minutes of Monday December 3, 2012.

3. Monday December 17, 2012

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Monday December 17, 2012. Selectman Curseaden abstains; he was not in attendance.

B. Executive Session Minutes to Approve but Not Release

1. Monday October 1, 2012

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the Executive Session Minutes of Monday October 1, 2012.

2. Monday October 22, 2012

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Executive Session Minutes of Monday October 22, 2012.

3. Monday, November 19, 2012

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Executive Session Minutes of Monday November 19, 2012.

4. Monday December 3, 2012

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Executive Session Minutes of Monday December 3, 2012.

5. Monday December 17, 2012

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Curseaden to approve the Executive Session Minutes of Monday December 17, 2012.

5. New Business (continued)

A. Police Department vacancies – discussion and appointment(s)

The Board is in receipt of a memo from Chief Mulligan informing the Board of Deputy Burrows resignation and recommends the Board consider Lt. Richard Howe for the position of Deputy Police Chief. Lt. Howe was present and came outline his accomplishments to the Board. Lt. Howe has been working on a plan on a hiring process and promotional training. He will also be involved with the budget process. The Board spoke highly of the Lieutenant's professionalism and for his eagerness to step into the position. The Board in full support voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Richard Howe as Deputy Police Chief, subject to successful negotiation of an employment contract between Mr. Howe and the Board of Selectmen.

B. Highway Department – Skilled Laborer Vacancy

There being a vacancy in the Highway Department for a skilled laborer, the position was advertised in the Lowell Sun as a result 43 applications were received, after review 10 candidates were brought forward for interviews with the Highway Senior Foreman and the Assistant Town Administrator. Two candidates were brought back to answer additional questions. The Highway Senior Foreman and the Administrator met with the finalist candidate Mr. Thomas Feeney. Mr. Feeney has worked for the Highway Department as a temporary employee for three winter seasons, and filled in during a short-term absence of a full-time employee. Mr. Feeney has all of the required qualifications and experience, the Assistant Town Administrator and the Administrator recommend the Board appoint Mr. Feeney to the position of Skilled Laborer in the Highway Department. The Board after review of the applicant's qualifications did vote 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Mr. Thomas Feeney to the position of Skilled Laborer in the Highway Department subject to a 120calendar day probationary period and conditional to a physical examination, drug test, an CORI check.

C. Review Draft “BYOB” Regulations

The Assistant Town Administrator has prepared a draft policy and procedure for BYOB. The draft is now referred to this request as “Carry In Alcoholic Beverages”. The draft policies have been forwarded to Town Counsel for review. This permit would allow any restaurant with a common victualler license without a liquor license to allow their patrons to have a glass of wine or beer with their meal. A question was posed could the policy include Town buildings. The Town does have a by-law prohibiting alcoholic beverages on town property. The Administrator is looking at the State Laws. The Board discussion on the prospect of leasing town buildings for functions and changing the policy so as not to limit to establishments holding a common victualler license; the question will be posed to Town Counsel. Other issues of concern are the drinking age, who will monitor how much is consumed; who will oversee if there are violations, penalties and fees. The Board favored limiting the beverages to wine and beer. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to reaffirm its former vote to continue looking in the possibility of licensing Carry In Alcoholic Beverages. The Assistant Town Administrator will review the Boards questions and concerns with Town Counsel and will discuss further on the Monday January 14th meeting.

D. Free Cash policy – discuss

The Board discussed briefly a free cash policy. Selectwoman Puleo recommends a committee of three made up of one member of the Board of Selectmen, one member of the School Committee and one member of the Finance Committee. The committee will review the certified free cash number and will discuss the distribution of the free cash that is certified with the Finance Committee and the Board of Selectmen. The committee is advisory only. Selectwoman Puleo volunteered to serve on the committee. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Selectwoman Puleo to the Free Cash Advisory Committee. The Administrator will contact the Finance Committee and the School Committee to submit a designee to the Free Cash Advisory Committee.

E. Legislative Priorities –discuss

The Administrator has compiled a list of Legislative Priorities from the discussions with the Board at their last meeting. The Administrator read through the draft of priorities. 1) Technical School funding – funding formula and impact on Town budget (\$250,000 increase projected for FY 2012), *Letter to State Auditor?* 2) Police Career Incentive Program – funding or legislative solution to add MGL Chapter 41 Section 108L to MGL Chapter 150E Section 7D (impact of approximately \$90,000), 3) State assistance with water/sewer expansion to promote economic and housing development (funding to alleviate the burden on local taxpayers and ratepayers), 4) Pawtucket Boulevard realignment project, 5) Bridge reconstruction project (completion), 6) MassDot relationship (maintaining open lines of Communication; improved in recent months), 7) Unfunded Mandates added – Prevailing Wages for public construction, Owner’s Project Management requirement for projects over \$1.5 million, Chapter 149 Building Construction procurement thresholds, require Impact Fees for developments, Sharp disposal, Gas Tax on municipal vehicles, Voting changes (checkout requirement and ADA machine programming), Funding for police training, Assistance to reflect four schools, Chapter 90 funding and Other road funding. Selectman Curseaden says the though the communications have improved the follow through has not been quick. The trailer is still in the road and no work on the house on Indian Lane. The Administrator will contact the State Representatives and the District Director and apprise them of the issue. The Administrator and the School will work together to pull the numbers for the unfunded mandates. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the list with the changes.

F. Norton Property Access - Discussion

The licenses for agricultural use of the Hunter/Norton Properties expired December 31, 2012. There is a gate, which was installed on the fence between the Hunter and Norton properties by the former licensee using the Norton Property. The licensee has been requested to remove the gate. The Board discussed the pros and cons on removing the gate, one member mentioned that there is no reason to remove the gate because the Board has a key and there could be potential alternative uses. The majority of the Board were in support of removing the gate. The Board voted 4-1-0 on a motion by Selectman Lambert, second by Selectman Curseaden to request the gate be removed.

6. Citizen/Business Time – No one 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.

7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law and may be posted online at www.tyngsboroughma.gov. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to accept the correspondence as submitted. The Board received correspondence from ZBA requesting comment on 9 Madeleine Terrace it will returned to the ZB A with no comment. The Administrator is moving forward with the FFEMA grant application, and will submit for grant funding for the upgrade of the road drainage. Received a complaint letter from the Church of the Jehovah’s Witnesses the Administrator consulted with the Deputy and corrective action was completed. Inquiry into the Veterans’ Agent’s training the Agent has signed on, also received a letter of interest from a resident to fill a vacant position on the COA. A letter of inquiry was received the Town Administrator and the Assistant Town Administrator have met with the parties of interest. Selectman Reault read a letter from Ms Carol Doig thanking the Tyngsboro Sportmen’s club for a wonderful Christmas party they gave the Seniors.

8. Review of Weekly Warrants

Warrant # 27P on 12/31/2012 for \$779,412.41; Warrant # 27S on 12/31/2012 for \$280,901.82; Warrant #27B on 12/31/2012 for \$1,205,913.20 and Warrant #28B on 01/07/2013 for \$159,250.17.

9. Town Administrator's Reports

The Administrator had a couple of updates. There is activity in the Town Hall parking lot, the work to install the two charging stations has begun and should be complete by next week. The change in weather has halted the progress of the repair to the Adams Barn, it has been boarded up for the winter and the OTH Committee will be evaluating options on the best way to proceed with the renovations in the Spring time. This month is a busy meeting schedule for the Boards and Committees. The Finance Committee meetings are now being recorded. The Administrator will respond to a request from the Lowell Sun.

10. Selectmen's Reports

The Board wishes everyone a Happy New Year. Selectwoman Puleo announced the Tree Warden will conduct a hearing on Wednesday January 9 for the cutting/pruning of trees that pose a threat to electric lines. Selectman Reault announced the bid opening of Friday January 4 for the general contractor who will be renovating the Old Town Hall, the low bidder was Metals Construction of Newburyport, all looks good for awarding the bid. The Board deferred discussions on the Adams Barn to the Selectmen's meeting on Monday January 14th.

11. Executive Session (if needed)

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.

A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Deputy Police Chief.

B. Exemption Three – To discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Mid Managers Union

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to enter into Executive Session to discuss the following : Exemption two to conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Deputy Police Chief and Exemption three to discuss strategy with respect to collective bargaining if an open meeting may have a detrimental effect on the bargaining of the public body and the chair so declares – Mid Managers Union and to adjourn the meeting. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Corliss Lambert, yes, Selectman Allen Curseaden, yes. The Board entered into Executive Session at 8:35 PM.

12. Adjournment

The Selectmen voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting.

The meeting adjourned at 10:04 PM.

Respectfully Submitted,

Therese Gay
Admin Assist

Approved on: Monday January 14, 2013