



TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen
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APPROVED

Board of Selectmen Meeting Minutes

Monday, April 22, 2013 at 6:15 P.M. Community Room, Town Offices, 25 Bryants Lane
Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectwoman Karyn Puleo, Selectman Corliss Lambert, 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."

5:30 PM Police Department Promotional Ceremony in the Community Room

The Police Department's Promotional Ceremony began with the entrance of the Official Party and Colors, followed by the Pledge of Allegiance. Chairman Robert Jackson welcomed everyone followed by opening remarks. Chairman Jackson announced Lieutenant Richard Howe's promotion to Deputy Police Chief, and passed the honors to the Deputy to introduce the promotion of Sergeant Wagner to Lieutenant, Master Patrolman Melanson to Sergeant and promoting Officers Ronan and Abdallah to Patrolmen. The Town clerk did the swearing in and the badge pinning was done by the respected family members. Chairman Jackson congratulated everyone on behalf of the Board and made closing remarks. The Departure of the Official Party and Colors, following the ceremony a receiving line was formed to congratulate the Officers and refreshments were served.

1. 6:15 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chairman opened the meeting at 6:00 PM. The Pledge of Allegiance was recited. The Agenda was read by Rick Reault, Clerk. The Board was introduced.

Mr. George Charos, Area Chair Massachusetts, Employer Support of The Guard and Reserve, with the Department of Defense, he was notified by the Town's Veterans' Agent who nominated Town Administrator Michael Gilleberto for the Statement of Support for the Guard and Reserve Award for his role in supporting our country's service members and their families while they serve in the armed forces.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Approval

1. Monday April 8, 2013

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to approve the minutes of Monday April 8, 2013 as revised.

B. Executive Session Minutes for Approval but not Release

1. Monday April 8, 2013

The Board voted 5-0-0 on a motion by Selectman Reault second by Selectwoman Puleo to approve but not release the executive session minutes of Monday April 4, 2013.

3. 6:20 New Business

A. Chief of Police – Interview Candidate

The Board knowing that the position of Police Chief will become vacant in June, the Board held discussions on interviewing or appointing a candidate from within the Department. The Board recognized the abilities of the Deputy fill the vacant position. The Board asks the Deputy Richard Howe to come forward and to give an overview of his position and responsibilities of his job and to outline some of the changes and priorities he would initiate to run a more efficient department without additional costs. He is looking to improve investigations without the use of overtime, by adding an investigator on a PM shifts, he is working with the officers to continue the certifications process needed for Accreditation. He is ready to lead the Department into the future with the assistance of his officers. The Board thinks highly and is in support of the Deputy and his abilities to lead his Department. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Curseaden to enter into contractual negotiations with the Deputy to become Chief effective July 1, 2013.

The Board took a 5 minute recess, the Board returned to continue with the meeting.

B. Cable Television Access Plan – Review

The Administrator presented a draft of the capital needs assessment; this document is to be utilized to identify our needs as well as our proposals to our cable franchise providers (specifically Comcast) during our negotiations. The Board had some discussions on the plan, the Board is aware that it is time to update and make improvements. Adding a part-time media associate, asking for a third channel from Comcast. The Board feels that the plan is greater than the Town and would need to discuss further.

C. Facility Use Policy – Discuss

The Board had discussions at a previous meeting on the request from the Farmer's Market officials to be able to do fundraising at the Littlefield Library building. The Administrator was asked by the Board to reach out to Town Counsel for his opinion. The Administrator has the opinion from Town Counsel and he states that the Board has jurisdiction over the Littlefield Library property, therefore, the Board has the authority to allow the use of the land if it so desires. Town Counsel recommends that the Board amend its facility use policy. As to the fundraising by a non-Town entity he finds no prohibition under the Town's by-laws, but the non-profit organization should be registered with the Public Charities Division of the Attorney General's office. Selectman Lambert spoke to the AG's office and there is a dollar limit where the AG's office does not oversee, if they meet the requirements then they should file with the AG's office. A softening of the wording in the policy; at this time the wording is fine. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to make the change in the policy with the modification to add if needed.

D. Exit 36 / Middlesex Road – Discuss

The Town Administrator attended a meeting by a working group regarding the construction of a southbound Exit 36 ramp from Route 3 to South Nashua. The Administrator has identified, at the meeting, the Town's desire and need to construct sewer on the northern end of Middlesex Road, and has been asked by the Sewer Commission to begin a conversation with Nashua on this endeavor, given that most of the land for the proposed ramp is located in Tyngsborough, and that sewer could be brought down into the north Middlesex Road area from Nashua. Would the Board authorize a discussion with the Mayor's office in Nashua, NH. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert the Board authorizes the Town Administrator to begin discussions with the City of Nashua, New Hampshire.

E. Town Accountant – review status

The Town Accountant Screening Committee has completed its review of candidates for the position of Town Accountant. Sixteen applications were received, and of those 16, four were selected for interviews conducted on April 11 and 16. On Tuesday, April 16, the Committee voted unanimously to forward three candidates to the Board of Selectmen for consideration. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to direct the Town Administrator and the Town Treasurer to review and interview the three candidates.

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.

Mr. Chris Mellen came forward and asked if the Town is still active in the Green Communities initiative. The Town Administrator stated that we are working behind the scenes working on improvements and continuing the program that has been started.

5. Old Business

A. Annual/Special Town Meeting Warrant – Review and Discuss

The Board reviewed the warrant articles dealing with Zoning. The Chairman Mr. Tom Delmore and Vice-Chairman Mr. Bill Gramer of the Planning Board were present to review the zoning changes to the Zoning By-laws. The first change is in section 2.11.44 Business uses under Personal Service Facility by adding pet grooming as a service, there has been some inquiries to the Building Commissioner about this service. The second change is in section 2.11.50 Accessory Use Regulation dealing with a side and rear yard set-backs changing from 10 feet to 5 feet and adding a regulation for above ground swimming pools, there is no regulation for above ground swimming pools. The third change is in section 2.15.23 Restoration by adding the wording which has been voluntarily demolished and adding special permit by the Zoning Board of Appeals, deleting Planning Board and the word shall and adding s to find. The fourth change is in section 4.11.30 Decision Criteria correcting the section numbers referred to from 4.20.20 to 4.11.20 and 4.20.21 to 4.11.21 and take out has been made to shall be and deleting 4.20.10 and adding 4.11.10; and delete more than 10%. The fifth change is in section 4.15.30 Decision Criteria paragraph 2 change 700 to 1,200 square feet of living space. The sixth change is the addition of section 5.00.00 Interim Restriction/Moratorium for Medical Marijuana Treatment Centers. The Board thanked the Planning Board Members Mr. Delmore and Mr. Gramer for coming in to explain the changes and to answer the Board's questions.

B. FY 2014 budget – Status Update

The Board deferred the FY 2014 Budget Status Update to a future meeting.

C. Senior Center – Status Update

The Administrator has informed the Board that a funding source for a feasibility study was found. The use of the Capital Asset Stabilization fund could be used, the Capital Asset Management Committee voted to request a sum of \$50,000 at the Town Meeting for a Town Building Master Plan. The Administrator and Selectman Reault will discuss with the developer the proposed Senior Center and give their concerns and see if he will be amendable to not build the center and donate the funds. The developer has made a commitment to the families in his project; the developer will discuss the issue and the views with the residents.

D. Street Acceptance Program – Status Update

The Street Acceptance Hearing is scheduled for Monday April 29 at 6PM at the Tyngsborough High School Auditorium. The notice has been mailed to notify the residents of the hearing.

E. 11 Indian Lane – Status

The Board deferred the Indian Lane Status Update to a future meeting.

F. Legislative Priorities - Update

The Board deferred the Legislative Priorities Status Update to a future meeting.

6. Citizen/Business Time – No one came forward.

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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.

A. Action

The Board received a request for comment from the Planning Board; the Board reviewed and voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to not comment.

B. Informational

The Board deferred the remainder of the correspondence to a future meeting.

The Board deferred the agenda items 8 through 10 to a future meeting.

8. Review of Weekly Warrants

9. Town Administrator's Reports

10. Selectmen's Reports

The Board of Selectmen voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to enter into a Work Session and will enter into an Executive Session at the end of the Work Session only to adjourn the meeting at the end of the Executive Session.

11. 8:00 PM Work Session – Charles George parcels

Mr. Robert Eisenberg representing the George family and Attorney Michael Rubin the Attorney for the George Family were present tonight to discuss the property taxes that are owed to the Town. The George family owns the Charles George Landfill property in Tyngsborough it is the superfund site that has been under the management of the EPA. The George family would like to pursue a lease offer from a company. The lease offer would help the George family pay down the taxes, fines and penalties that have accrued. Attorney Rubin is asking if the Board will allow the George family move forward with the lease option. The Board concurs with moving it forward. Mr. Eisenberg and Attorney Rubin thanked the Board for their time and Town Counsel and Attorney Rubin will talk and generate the comments from the Board.

12. 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.

The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to enter into Executive Session to discuss for the following :

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief and Police Chief benefits
- B. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board and the chair so declares – Clerical Union; Mid-Managers Union
- C. Exemption Seven - To comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – MGL Ch. 214 Sec. 1B

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes; Selectman Curseaden, yes; Selectman Corliss Lambert, yes.

The Board entered into Executive Session at 9:16 PM.

13. Adjournment

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to adjourn the meeting at 9:25 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday May 6, 2013