



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

**APPROVED**

Monday, December 16, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson, Selectman Corliss Lambert

Member Absent: Selectman Allen Curseaden

Staff Present: Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

Staff 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. "Chairman Puleo 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 opened the meeting followed by their Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Reault.

## **2. Executive Session – No Session this evening.**

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

## **3. Meeting Minutes**

- A. Regular Session Meeting Minutes for Review/Approval

- 1. Monday, December 09, 2013 – Regular Session

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the Minutes of Monday December 09, 2013.

- B. Executive Session Minutes for Review/Approval/Not Release

- 1. Monday, December 09, 2013

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve/and not release the Minutes of Monday December 09, 2013.

## **4. New Business**

- A. Deputy Police Chief Contract – Ratify – Deferred

- B. Police Promotions – Appoint

The Board based on Chief Howe's recommendation voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to promote Officer Michael Casella to the rank of Sergeant effective Tuesday, December 17<sup>th</sup>, 2013.





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### C. Exit 36 – Review Project Status and Feedback

At the request of the Northern Middlesex Council of Governments, the Administrator met with NMCOG and the Nashua Regional Planning Council to discuss the Town's general comments to the Exit 36 South. The Administrator requests a review of these general comments, as well as any additions, prior to their submission to a draft report relative to Exit 36 South. Selectman Jackson supports the project and extends a thank you to Ms. Woods. Selectman Reault follows up on the train station with New Hampshire DOT sponsoring they probably would not be looking to place a station in Massachusetts, Ms. Woods stated that because of the funding NH DOT is supportive of moving over the line. Selectman Lambert comments under Town Center Vision if it encompasses only an area as big as a dot he would not support but if it encompasses a wide circle he would support. This project would reduce the amount of traffic on the Daniel Webster Boulevard towards the Pheasant Lane Mall and that would benefit the Town. Selectwoman Puleo inquired on the outcome of the recommendation of the siting of the second bridge Ms. Woods comment was that the RFP for the ramp alignment configuration does not override the second crossing. The Selectmen is comfortable with this proposal going forward. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to approve with the Selectmen's comments on going forward with the project on Exit 36.

### D. Greater Lowell Regional Vocational Technical High School Permit Fee Request – Review/Discuss

The Administrator has provided a spreadsheet to the board that demonstrates the estimated permit fees associated with the GLTHS project, as well as the estimated staff time required for the project. The initial estimate provided to the Town last week by GLTHS when factoring the requested building permit fee discount was fairly close to the actual anticipated permit fee as calculated by the Town departments, off by about 5% (\$17,000). These fees would be subjected to the results of bidding. Town departments estimate the total permit fees to be paid by subcontractors, as proposed by GLTHS, to be \$260,000. Including the proposed discounted building permit fee of \$79,615, the total to be paid to the Town is projected to be \$340,000. (GLTHS had projected this number at \$357,000). The total estimated cost to all involved departments for all work associated with the project, estimated, is \$92,000. Of this \$92,000, \$22,000 would be for additional hours for the wiring inspector and \$13,000 would be for on-call alternate building commissioner coverage. The balance of work is anticipated to be able to be absorbed within existing staffing. The difference between the actual cost of \$92,000 and proposed payments of \$340,000 could roughly cover the debt service assessment on the project through fiscal year 2017. At this point, GLTHS is proposing that the Town receive payment for all permit fees except for the building permit fee (which was requested to be reduced from \$691,000 to \$79,615). We have been informed by GLTHS that subcontractors will be required to pay the fees directly to the Town (\$260,000) but that the other fees, including the building permit fee, are not reimbursable. Prior to Monday's meeting, the Administrator will attempt to arrange a conference call with MSBA to verify their position regarding reimbursement of permit fees. The Board along with the Treasurer and Building Commissioner welcomed the GLTHS Representatives present at the meeting were New Superintendent, the Finance Director and KBA's Architect. Members of the GLTHS School Committee were also present. After some discussion with the GLTHS delegation the Board wants further conversation and need





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additional information and asked if the GLTHS delegation could return on Monday January 6, 2014 for another meeting. Everyone agreed and will be back on January 6, 2014.

E. Tyngsborough Housing Authority (by request) – LRTA Bus Route for Middlesex Road  
Mr. Rick DeLeo, Chairman of the Tyngsborough Housing Authority came before the Board to ask for their support and assistance in securing a LRTA bus route up Middlesex Road and to have the bus stop at the NDA site to allow Seniors the opportunity to embark on the bus to either go to Chelmsford or the Pheasant Lane Mall. There is a bus that runs the Middlesex Road area but cannot stop to let passengers on at the Middlesex Road area because the door is on the right and Middlesex Road is a very busy byway. There was verbal correspondence with the Representative of Notre Dame Academy and a letter from the Town's liaison to the LRTA but nothing has finalized. Mr. DeLeo is looking for the Boards help in this matter. Chairman Puleo asked that Mr. DeLeo secure the conversation with Notre Dame Representatives in writing and to also coordinate with the Director of the Council of Aging and ask for a report of how many times someone was refused a ride because the bus is full of riders. And to report how many riders would use this service. The Board does support the Housing Authority's initiative to help provide bus service to the residents at Brinley Terrace on Middlesex Road.

#### F. 2014 Travel Reimbursement Rate – Approve

The Internal Revenue Service has set the 2014 standard mileage reimbursement rate at 56 cents per business mile. Pursuant to the Town's collective bargaining agreements, the Board is requested to approve this rate. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve the 2014 standard mileage reimbursement rate at 56 cents per business mile.

#### G. Head of Youth Services (Public Library) – Ratify Appointment

The Library's position of Assistant Director for Children's Services was modified to a position entitled Head of Youth Services. This modification included a change of the title and job description. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to ratify the appointment of Ms. Lori Furtado as the Head of Youth Services at 35 hours per week for \$20.50 an hour starting December 19, 2013.

#### H. Town Offices Holiday Schedule – Review/Approve

In light of the midweek Christmas holiday, potential requests for employee time off, and anticipated low customer volume, the Administrator recommends the Town Offices close at 2:00PM on Tuesday, December 24<sup>th</sup>. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the town offices at 2:00PM on Tuesday, December 24, 2013.

### **5. Citizen/Business Time – No one came forward this evening.**

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.

### **6. Old Business**

#### A. License Renewal Requests – Continue Review and Approve

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the All Alcoholic Beverages License, the Wine and Malt Beverages License, Common Victualler





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Licenses, with the exception of Mario's a certified mail notifying them that their 2013 license will expire January 1, 2014, Weekday and Sunday Entertainment Licenses, with the exception of Three Middlesex Tyngsborough's Weekday Entertainment, and the Automatic Amusement Devices Licenses as read for the calendar year 2014. The Board will ask Three Middlesex Tyngsboro to attend a Selectmen's Meeting to present their application at a future meeting. The Board voted 3-1-0 on a motion by Selectman Reault, second by Selectman Lambert to extend the license to January 30<sup>th</sup>; the Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to withdraw the motion and to send a certified letter notifying Mario's Pizzeria that their license expires on December 31, 2013.

### B. Street Acceptance/Road Repair – Continue Discussion

After receiving comment from the Board and reviewing the 23 streets which have an estimated cumulative engineering cost of \$152,000 for street acceptance discussed last week; and after factoring in the preparation of the 12 streets approved last week (at approximately \$500/street), the balance in the Town Meeting special appropriation will be approximately \$12,000. This amount would only be able to fund up to 2-additional streets, based on the costs of engineering plan preparation for "older" or pre-subdivision control law streets. As requested, the following additional street is recommended within the current special appropriation: Old Kendall Road – Estimated engineering cost of \$7,000. Old Kendall Road was selected due to the access that it provides to the Thompson Cemetery. Poplar Avenue would be an alternative option due to the access it provides to Town fields, having an estimated engineering cost of \$5,000, however both streets likely cannot be sustained by the budget due to anticipated engineering support needs for the street acceptance procedure. We are recommending that a balance is maintained for these support needs. A majority of the other 21 streets are relatively short, dead-end streets. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to fix Old Kendall Road and supports estimate and use of the \$7,000 appropriation.

### C. Government Study Committee - Appoint

The Board has received and reviewed the applicants resume for appointment to the Government Study Committee. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to appoint the following applicants to the Government Study Committee: Ms. Kayn Puleo, Mr. Robert Mercier, Ms. Paula Derby, Ms. Eileen Farrell, Ms. Diana Keohane, Mr. Donald Lampron, and Ms. Jacqueline Schnackertz; with the non-voting members Town Administrator and the Finance Coordinator/Treasurer. The meeting will be twice a month with a one year commitment. A letter of appointment along with the agenda for the first meeting in January will be sent to the appointees.

### D. Old Town Hall Facility Use Policy – Review Draft

The Board received a draft copy of the Old Town Hall Facility Use Policy with the comments from Mr. and Mrs. Jacoppi and also a copy with comments from Selectman Jackson. The first 16 pages is a working draft and if anyone has any comments to reach out to Selectman Jackson. The Board will discuss at their next meeting.





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### **7. Citizen/Business Time – No one came forward.**

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### **8. Correspondence**

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence submitted this evening: Letter from the Board of Library Commissioners, NMCOG Meeting Notice, and Middlesex Community College re English Learner Institute Courses.

### **9. Review of Weekly Warrants**

Weekly Warrants for review this evening are Warrant #25B for \$706,410.40 on 12/16/2013; and Warrant # 25P for \$888,014.27 on 12/16/2013.

### **10. Town Administrator's Report**

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

The Assistant Administrator presented the Board for their consideration a recycling only amnesty available without regard to the 96 gallon toters and recycling along the side for two Mondays following the holidays, December 30<sup>th</sup> and January 6<sup>th</sup>. Republic will collect in excess of the 96 gallon toter, the Board of Health and the Recycling Committee are in agreement with this arrangement. The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Reault to support the recycling amnesty to the Town residents on Monday December 31<sup>st</sup> and on Monday January 6<sup>th</sup>.

### **11. Selectmen's Reports**

Selectman Lambert wishes the Board, town hall staff and all employees a happy and safe holiday. Thank you to the Highway personnel for making all our roads safe during this past snow storm. Selectman Jackson wishes everyone a Happy Holiday and a Happy New Year. Selectman Puleo. "Our thoughts' are with Bob this evening, his wife past away this past week". Selectman Reault wishes everyone a Happy Holiday.

### **12. Executive Session – No session this evening.**

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





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- B. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union; Police Union

### 13. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 7:50PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday January 6, 2014







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- A. Regular Session Meeting Minutes for Review/Approval
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  - 1. Monday, December 09, 2013

### 4. New Business

- A. Deputy Police Chief Contract – Ratify
- B. Police Promotions – Appoint
- C. Exit 36 – Review Project Status and Feedback
- D. Greater Lowell Regional Vocational Technical High School Permit Fee Request – Review/Discuss
- E. Tyngsborough Housing Authority (by request) – LRTA Bus Route for Middlesex Road
- F. 2014 Travel Reimbursement Rate – Approve
- G. Head of Youth Services (Public Library) – Ratify Appointment
- H. Town Offices Holiday Schedule – Review/Approve

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### 6. Old Business

- A. License Renewal Requests – Continue Review and Approve
- B. Street Acceptance/Road Repair – Continue Discussion
- C. Government Study Committee - Appointment
- D. Old Town Hall Facility Use Policy – Review Draft





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- Departmental Information
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- Other

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### 13. Adjournment

#### Future Meetings

**Wednesday, December 25<sup>th</sup>, 2013 Town Offices Closed in Observance of Christmas Holiday**

**Wednesday, January 1, 2014 Town Offices Closed in Observance of New Years Holiday**

**Monday, January 6<sup>th</sup>, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

