



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 Notice

APPROVED

Monday, January 13, 2014 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: 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 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 the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Reault.

2. 6:05 PM Double D Pub, Inc., DBA Duke's Bar and Grille – Weekday/Sunday Entertainment License Hearing

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to open the scheduled hearing.

Mr. Dirocco was before the Board requesting a change in his entertainment license. The change adds the category male and female dancing by performers and Bachelorette and Bachelor Parties. Mr. Dirocco assured the Board that he has no intention of offering adult entertaining at the pub. He wants to offer other venues to bring in more customers. The Town Administrator did consult with the Chief of Police about public safety. The Chief is in the process of reviewing the traffic pattern at the pub and will have a written report to the Board for the next meeting. Selectman Jackson motion to continue the hearing for 2 weeks, second by Selectman Reault for discussion. Discussion on the approval of the request this evening or a continuance so that the Board may receive the public safety report from the Chief, Selectman Jackson removed his motion, Selectman Reault rescinds his second. Town Counsel noticed that no one has raised the issue of public safety. The Chair would like to have further discussions on the issue of public safety. The Town Administrator consulted with the Chief of Police and the Chief had indicated that he was not immediately aware of issues. The Town Administrator recommended that they get a written report from the Chief. Following discussions Selectman Reault, second by Selectman Jackson to close the hearing, after discussion and reconsideration, Selectman Reault withdrew his motion and Selectman Jackson withdrew the second. The Board and Mr. Dirocco were in agreement with the continuation of the hearing.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to continue the hearing to Monday January 27, 2014 at 7PM at the Town Offices 25 Bryants Lane.





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3. 6:15 PM Tyngsboro High School Grad Night Committee – Use of Old Town Hall/One Day Special License.

Ms. Kirby attended the meeting to present the request by the Tyngsboro High School Grad Night Committee to use the newly renovated Old Town Hall for their fundraising. The funds are used to offer a chemical free night to the graduate to party and enjoy themselves without worries of their safety.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert, to approve the request to use the Old Town Hall Building to Tyngsboro High School Grad Night Committee for Comedy Night a fund raiser on March 8, 2014. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve the request for a One Day Special License for a Fund Raiser on March 8, 2014 for approximately 100 guests from 7PM to 11PM at the Old Town Hall Building. Ms. Kirby did submit the TIP Certification of the members serving alcohol.

4. Special Permit Request – 28 Westford Road (continued)

The Special Permit for 28 Westford Road was continued at the request of the property owner and his attorney. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to continue the hearing to Monday January 27, 2014 at 8:15PM at the Town Offices, 25 Bryants Lane.

5. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

1. Monday, January 6, 2014

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the minutes of Monday January 6, 2014.

B. Executive Session Meeting Minutes for Review/Approval

1. Monday, January 6, 2014

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve but not release the executive session minutes of Monday January 6, 2014.

C. Executive Session Meeting Minutes for Release

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to release approved the minutes of Monday August 13, 2012; Monday, January 28, 2013; Monday, March 11, 2013; Monday, March 25, 2013; Monday, October 7, 2013; and Monday, October 21, 2013.

6. New Business

A. Snow and Ice Removal Funding

No action was taken continued to Monday January 27, 2014.

B. Annual/Special Town Meeting Warrant Article Review – Set Schedule

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault, to set the schedule as a working draft.

C. Medical Marijuana – Discuss Zoning Bylaw Amendment

The Town has voted a one year moratorium on the dispensing of medical marijuana, the Planning Board will be working on a by-law amendment to address the dispensing medical marijuana. The Administrator is asking the Board to authorize the Town Administrator and the Assistant





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Administrator to work with the Police Dept., Town Counsel and the Planning Board. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to authorize the Town Administrator and the Assistant Administrator to work with the Police Dept., Town Counsel and the Planning Board. The Administrator asked if any Board member would like to volunteer to assist. Selectman Lambert volunteers his services. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to accept Selectman Lambert's offer to represent the Board.

7. 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.

8. Old Business

A. Old Town Hall Facility Use Policy – Review Draft

The use policy is close to completion. Selectman Jackson had not reviewed the final notes for the meeting this evening but will have it ready for the Board's next meeting. Since there is a function already booked for next weekend Selectman Jackson suggests that the Board accept the policy as a working draft to allow the use of the Building. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to use the Old Town Hall Facility use Policy as a working draft.

B. Street Acceptance/Road Repair – Continue Discussion

The Assistant Town Administrator submitted the following information to the Board for their review. Street Acceptance: For the purpose of generating discussion, attached is a matrix of information relative to the balance of unaccepted streets, for which funding source is not currently available. The list shows a total of 24 streets, with a description of the extents of the street, approximate length, approximate number of homes on the street, the engineering estimate to prepare plans, the construction cost to maintain or repair the street in/to good condition, and the current condition of the street, all where available. The letter from the Town's consulting engineer outlining the estimated engineering costs for plan preparation is attached. Note that Ducharme Lane is highlighted in grey as it was not on the original plans. Old Kendall Road is highlighted in grey also, as the Board in its December 16, 2013 meeting authorized plan preparation, to be funded by the balance in the Town Meeting special appropriation.

5-Year Capital Plan: Under the current funding levels, with a Chapter 90 apportionment of \$374,763 per year the following revised Capital Improvements have been outlined, to be completed over the next 5 years. This includes a carry-over of \$200,000 of uncommitted Chapter 90 funding and \$46,779.62 from the residents of Old Stonehill & Joco Road. This revised Capital Improvements Plan increases the amount of funding spent on Preventative Maintenance (from \$25,000 to \$50,000) and directs more attention to arterial roadways/intersections. As a result, Descheneaux Lane, Hillcrest Drive, and Old Kendall Road are no longer reflected on the 5-Year Capital Plan. In order to complete the engineering to support a State Transportation Improvement Program (STIP) project for Kendall Road, funding dedicated to Kendall Road the in FY20 is estimated to be \$125,000 and in FY21, \$25,000. This does not include improvements to the traffic intersection of Lakeview Ave at





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Coburn Road, given that the study has not been completed. The list also is contingent that major drainage work is not needed. Further, any utility work in disrepair, which is identified during reconnaissance, could delay road work to the following year. The plan proposes to complete approximately 1.324 miles of road reconstruction, 2 culvert replacements and engineering needed to design two federal/state funded projects (for the reconstruction of Sherburne Avenue and resurfacing of Kendall Road) under the STIP (Sherburne/Kendall having a combined mileage of 4.158). This plan is estimated to be within the existing projected funding source.

20 Year Capital Improvements Plan: A "grouped" listing, based on the factors of condition and road classification will be provided at a later date. The listing will group all non-private and non-paper roads into 4 categories: 1) Years 1-5; 2) Years 6-10; 3) Years 11-15; and 4) Years 16-20. These groups will represent when the road is forecasted to be reconstructed. The hope is that this grouping will include drainage, escalation, and deterioration costs, based fixed estimates. These factors substantially increase the cost to maintain /repair roads over a 20 year period.

The Assistant Town Administrator gave a brief overview on the intersection safety and operation assessment report on the Westford/Dunstable Roads by Vanasse & Associates, Inc. According to the report, the short-term improvement strategy of Westford Road lane use modification entails restriping the Westford Road southwestbound approach to accommodate a left-turn lane and a through/right-turn lane with associated modifications to the traffic signal system. These operating conditions represent a significant improvement over current intersection operations. The estimated cost to design and construct the short-term improvements as depicted on Figure 4 is \$20,000. The traffic operations analysis summary of the 2013 existing geometry and the 2014 existing with short-term improvement strategy was touched upon. The Assistant Town Administrator also pointed out improvement alternative 1 showing the layout the left turning lane going southwestbound.

9. 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 as read. The Town Administrator will attend the MMA Annual Business Meeting in Boston on Saturday. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson after discussions to endorse all resolutions. The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault to authorize the Town Administrator and the Assistant Administrator to act in an official capacity representing the Board of Selectmen at the meeting.

10. Review of Weekly Warrants

The Administrator read the weekly warrant as follows: Warrant #29S for \$189,054.58 on 01/13/2014; Warrant # 29P for \$835,015.55 on 01/13/2014 and Warrant #29B for \$735,200.37 on 01/13/2014.

11. Town Administrator's Report

- Response to Selectmen's Requests - None
- Budget





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The FY2015 budget requests will be circulated the week of January 13th.

- Departmental Information

Attached to this report is the following information: a copy of a letter set to Alison Page, Recreation Director, for her work with the organizing of the Festival of Trees and the Tree Lighting Ceremony at the Town Common. A copy of a letter sent to Thomas Feeney for his work at the Town Hall in December; a letter of appointment for Lori Furtado for the position of Head of Youth Services in the Public Library; a letter of complaint from a town resident and the Police Chief's response; a second complaint from a resident and the information relative to the Council on Aging's Cultural Council applications.

- Contracting/Procurement - none
- Other

Copies of correspondence associated with the Exit 36 study and the Town's Green Communities Annual Report submission.

12. Selectmen's Reports

Selectman Lambert proposed the Board of Selectman t6o accept a gift from Selectman Lambert to remove the rugs from the Winslow School Building. Chairman Puleo thanked the OTH committee, the Town Administrator, the Assistant Town Administrator, Selectmen Reault, Lambert, Jackson for their work on the opening ceremonies for the dedication of the newly renovated Old Town Hall Building. Selectman Reault thanked everyone for attending the dedication ceremony.

13. Executive Session

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into Executive Session to discuss the following :

- A. 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.
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body.

and to exit executive session and adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 8:10PM.

1. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting at 9:10PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday January 27, 2014





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- 2. 6:05 PM Double D Pub, Inc., DBA Duke's Bar and Grille – Weekday/Sunday Entertainment License Hearing**
- 3. 6:15 PM Tyngsboro High School Grad Night Committee – Use of Old Town Hall/One Day Special License.**
- 4. Special Permit Request – 28 Westford Road (continued)**
- 5. Meeting Minutes**
 - A. Regular Session Meeting Minutes for Review/Approval
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 - C. Executive Session Meeting Minutes for Release
- 6. New Business**
 - A. Snow and Ice Removal Funding
 - B. Annual/Special Town Meeting Warrant Article Review – Set Schedule
 - C. Medical Marijuana – Discuss Zoning Bylaw Amendment
- 7. Citizen/Business Time**

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10. Review of Weekly Warrants

11. Town Administrator's Report

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

12. Selectmen's Reports

13. Executive Session

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- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

14. Adjournment

Future Meetings

**Town Offices Closed Monday, January 20th, 2014 in Observance of Martin Luther King Day
Monday, January 27th, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

