



# 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, January 27, 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 Allen Curseaden, Selectman Corliss Lambert.

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 Verizon Pole Petition – Lakeview Avenue near Coburn Road**

The Board received a petition from Verizon to place a stub pole on Lakeview Avenue per plan #738, dated 12/11/2013. Mr. Joe Gleason was in attendance to answer any questions the Board or abutters may have. The Board voted on a motion by Selectman Reault, second by Selectman Jackson to open the meeting at 6:15 PM and to waive the reading of the hearing notice and the list of abutters. Mr. Gleason explained that this is a request for a stub pole used to support the upgraded pole at 126 Lakeview Avenue, this stub pole will be placed in the town's right of way. Mr. Garland of 126 Lakeview Avenue came forward to ask if the stub pole will be at the same location or across the street. Mr. Gleason said that the stub pole will be across the street. Hearing no further questions the Chairman entertained a motion by close the hearing. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the hearing. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the petition to place a stub pole at 126 Lakeview Avenue per plan #738 dated 12/11/2013.

## **3. 6:20 PM Alcoholic Beverage License Hearing – Ramoura Corp. DBA O'Conley's Pub**

The Board voted 4-1-0 on a motion by Selectman Jackson, second by Selectman Reault to open the hearing. Selectman Jackson voting against, Selectman Jackson believes the licenses should be returned to the Town after the closing of an establishment. The Board set the hearing for review of status of Ramoura Corp's all alcoholic license, Ramoura Corp, dba O'Conley's Pub has been closed for about 2 years. The Board received notice that Ramoura Corp is in the process of securing a P&S Agreement and will need more to submit the paperwork needed to transfer the license. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to continue the hearing to Monday, April 14, 2014 at 6:05 PM at the Town Offices, 25 Bryants Lane, Tyngsborough, MA as requested by the Attorney representing Ramoura Corp.





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#### 4. Review Status of Alcoholic Beverage Licenses

##### A. The Liquor Shop Tyngsborough DBA The Liquor Shop

The owner of the Liquor Shop was notified by letter of the intent of the Board to review the status of the all alcoholic off premise license that the Liquor Shop owns. The owner has submitted a letter to the Board asking for consideration to allow the owner time to sell the license. The Board considered the request and voted 5-0-0 on a motion Selectman Reault, second by Selectman Lambert to meet with the owner at meeting on March 10, 2014 to discuss the status of the license at which time the Board may schedule a cancelation hearing.

##### B. Li'l Lobster Boat, LLC DBA Li'l Lobster Boat

The owner of the Li'l Lobster Boat, LLC was notified by letter of the intent of the Board to review the status of their wine and malt on premise license. The owner has notified the Board through their attorney asking for consideration to allow the owner time to sell the license. The Board considered the request and voted 5-0-0 on a motion Selectman Reault, second by Selectman Lambert to meet with the owner at meeting on March 10, 2014 to discuss the status of the license at which time the Board may schedule a cancelation hearing.

#### 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.

The Board recessed at 6:55PM for five minutes to set up for the 7:00PM Tri-Board Meeting.

#### 6. 7:00 PM Tri-Board Meeting with Finance Committee and School Committee

##### A. Fiscal Year 2015 Budget

(Senator Eileen Donoghue and Representative Colleen Garry)

The Board returned to their scheduled meeting at 7:00PM, welcoming Senator Eileen Donoghue and Representative Colleen Garry as well as the School Committee members Hillary Wennerstrom, Paul Mitchel, Anthony Tinnerella, and Don Ciampa, Superintendent, and Finance Committee members Rob Mullin, Scott Hammer, Darryl Wickens and Paul Morin, along with the Finance Coordinator/Treasurer Kerry Colburn-Dion. The Town Administrator began the meeting by briefly viewing the Board's budget schedule for the month of February and turned the meeting over to the Senator and Representative for discussion on the Governor's budget and the process and time line used to formulate the final budget submitted to the towns and cities. As the process moves forward the Senator and Representative will assist the Town with Local Aid. School Committee Chairman Ms. Wennerstrom pointed out the priorities from the school department there are three items the first being the MSBA reimbursement for the roof replacement at the Lakeview School Bldg. on Coburn Road, the school department did not receive the final reimbursement and is waiting for final sign off. The department cannot add any other projects until the final sign off is done and the final reimbursement is received; the second is then increase in Chapter 70 funding, the allocated amount per student is less than the per student needs, the foundation budget does not adequately fund student education. And lastly the funding issue with Transportation Funding, with having three schools in town, the charter school, a private school and the trade school the cost of scheduling





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transportation differs greatly. The School Committee members are asking for a review of the formula used. The Senator and the Representative have been in touch with the Administrator and will schedule a meeting to bring resolution; all is in agreement that the Transportation needs to be addressed. Finance Committee Chairman Rob Mullin spoke to the economic recovery, he disagrees with it getting better the creation of jobs would address the recovery better than what is reported on paper. Mr. Mullin asked if the Transportation funds could be used for sewer projects. This would help to increase industrial building on the Route 3 corridor and create jobs and in turn help the economy. The Senator and Representative said that unfortunately the sewer projects are not part of the Transportation Budget. They suggest checking into the SRF loan. This venue has worked well for Dracut. Chairman Puleo touched on the fact that with level funding we, the Town, really are losing and the Town has worked very hard in trying to keep going. Selectman Jackson spoke on the transportation funding for the roads. The town funding on the Cherry Sheet decreased from last year and is hoping to see a portion increase, the Governor's did not support the infrastructure. Representative Garry asked how many miles the large street acceptance added, it was 5-6 miles of roads. The Senator and Representative outlined the budget process at the State with the House reviewing the budget in April and then send it over to the Senate in May for their review and the budget is review by both the House and Senate in July. The Senator and Representative ask that then Board send their legislative priorities to them before they start to meet. The Board thanked everyone for attending this evening.

## **7. Joint Meeting with Finance Committee**

### **A. FY 2014 Snow and Ice Removal Budget**

The Board of Selectmen and the Finance Committee met jointly to discuss and vote on the request from the Forman of the Highway Department for additional funds to continue to expend monies for the removal of snow and ice. The Administrator presented the request and asked the board and commission to vote to add \$150,000 to the snow and ice removal budget. The Board of Selectman voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to add the \$150,000 to the snow and ice removal budget. The Finance Committee voted 4-0-0 on a motion by Member Hammer, second by Member Wickens to add the \$150,000 to the snow and ice removal budget.

## **8. 8:00 PM Double D Pub, Inc., DBA Duke's Bar and Grille – Weekday/Sunday Entertainment License Hearing**

The Chairman opened the continued hearing. Mr. Don Dirocco was present to answer any questions the Board may have. The Administrator presented the Police Chief's written report, The Chairman asked that the Chief come forward and present his findings. The Chief read through his report and that most of the incidents were minor, and Mr. Dirocco has been cooperative with law enforcement and has contacted the PD when appropriate or required to do so. The Chairman did asked if Mr. Dirocco has a plan showing where the entertainment is to be presented, Mr. Dirocco stated he had no format at this time he wants the option to schedule the performances as it presents itself for a particular evening. The Chairman asked about the requested hours 8AM to 2AM that Mr. Dirocco has on his entertainment license. Mr. Dirocco stated he is not opened at 8AM but reserves the option to offer an earlier opening time. Mr. Dirocco is planning on having security plus himself. The Chairman asked about the performers will they be on stage or among the patron and will there be table dancing. There will be no performers dancing on the tables though they may





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dance at the tables, there will be no intentional touching, The patrons can hand tips to the performers. The Band will play on the stage or anywhere else on the floor. Mr. Dirocco does plan to put in security cameras. The entrance, exit and parking is the same for performers and patrons. There are separate changing rooms for men and women. The Chairman and the Board having no opened the floor to any abutter who wished to speak for or against the license. Mr. Clark at 7 Katy Lane came forward and voiced his objection saying that he lives behind the bar and you can hear the music until 9PM and with The Club it is an embarrassment to the town. Mr. Dirocco stated that he is not going to offer adult entertainment, and Mr. Dirocco will stipulate to that fact. Town Counsel has prepared a form for Mr. Dirocco to sign stipulating that any dancing shall not be adult dancing or entertainment or nudity as defined in M.G.L. c. 272 s31, that there shall not be any so-called lap dancing, that Patrons will not touch, fondle, caress, or the like, performers, and performers will not touch fondle, caress, or the like, patrons and adequate security will be in place. The Chief is confident that Mr. Dirocco is well versed in security and he has always run a well-run establishment. Selectman Lambert asked about the dancers wearing transparent bikinis, Town Counsel stated from MGL that clothing such as "g" strings and bikinis is to be opaque and not all wearing attire such as nylon stockings. Mr. Dirocco did sign the stipulation. The Chairman did entertain a motion to close the hearing. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to close the hearing.

The Board voted 3-2-0 on a motion by Selectman Reault, second by Selectman Curseaden to approve the weekday and Sunday Entertainment License Application with the stipulation signed by Mr. Dirocco. Chairman Puleo and Selectman Jackson will vote against the license for reasons that more information was needed and no business plan was presented. If the Selectmen vote in favor puts the onus on the manager to have all go well. Town Counsel inquired of the Selectman absent from the first part of the hearing on Monday January 13, 2014 reviewed the meeting. Selectman Curseaden indicated that he did view the hearing of January 13, 2014. Mr. Dirocco stated he will be honorable and thanked the Board for their vote of confidence.

### **9. Special Permit Request – 28 Westford Road (continued)**

The Board acting a letter received from the petitioner Performance Sales requesting to withdraw his request to modify the light wheel vehicle sales license. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to close the hearing.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to allow the withdrawal of his petition for a modification to the light wheel vehicle sale license issued to Performance Sales. The Board further voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to deny the Special Permit Request for the modification of the light wheel vehicle sales license to Performance Sales, the petitioner failed to report the dissolution of the Corporation, has not submitted a certified plot plan, the petitioner did not show it would not be detrimental to the neighborhood and did not submit an affidavit as to the use of the location.

### **10. Meeting Minutes**

#### **A. Regular Session Meeting Minutes for Review/Approval**

##### **1. Monday, January 13, 2014**

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve the minutes of Monday January 13, 2014.





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B. Executive Session Meeting Minutes for Review/Approval (but not for release)

1. Monday, January 13, 2014

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve but not release the minutes of Monday January 13, 2014.

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

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## 12. Old Business

A. Old Town Hall Facility Use Policy – Review Draft

The Administrator presented the Old Town Hall Use Policy. A significant amount of work has gone into putting together this policy and encourages a reminder that a recycling policy be placed in this policy, also to notate the limitation of the one day alcohol licenses to be given. The Board will continue discussion on section 4.2 to their February meeting also to add that the lessees leave the building clean ready for the next lessee. Selectman Lambert will speak within the Administrator about what cost is incurred after events, safety issues with the parking signage and also Section 7.16 the insurance coverage needs. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to accept this document as a working/operating draft document.

## 13. New Business

A. Library Circulation Assistant – Ratify Appointment

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to ratify the appointment of Ms. Naomi Needle to the position of Library Circulation Assistant for 10 hours per week, with a starting hourly wage of \$14.24 per hour, effective January 30, 2014.

## 14. 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 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence. Chairman Puleo brought forth a letter from the Tennessee Gas Pipeline conducting a survey to expand the gas pipeline through Tyngsborough. The Board was not aware of the survey included representatives knocking to town residents doors for information. The Board has tasked the Administrator to reach out to the company and invite them to attend the next Board's meeting. Also a letter from Tyngsboro Partners requesting a waiver from fees associated with the building of the new senior center. The Board will schedule to meet with the Inspectors and with the Water and Sewer Department at the Board's next meeting of February 10<sup>th</sup>.

## 15. Review of Weekly Warrants

The Administrator read the following Warrants: Warrant #30B for \$143,187.33 on 01/21/2014; Warrant #31B for \$1,123,607.65 on 01/21/2014; Warrant #31P for \$814,537.31 on 1/27/2014.





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### 16. Town Administrator's Report

- Budget Status

Attached is a copy of the budget request documents, the responses are due January 31<sup>st</sup>. For the Board's capital request, the recommendations are as follows: 1) Street Acceptance documents (\$175,000); 2) Street repairs (\$1,650,000); 3) Town Offices repairs: a) sprinklers (amount TBD); b) fascia board (amount TBD); c) HVAC system and controls evaluation (possible grants) (amount TBD) and d) security improvements (TBD); 4) Winslow school carpet removal (\$25,000; CPC).

- Departmental Information

Attached are copies of Local Cultural grants issued to non-Town entities for performances at the Council on Aging.

Attached are copies of voluntary bond release letters sent out to developers, as has been authorized by the Planning Board, this is part of our ongoing street acceptance efforts.

- Other

Attached is some information that was provided to the Board by Tennessee Gas in response to our request. Information has been placed on the Town website. Attached is a final copy of the new underground storage tank insurance policy.

### 17. Selectmen's Reports

Selectman Lambert thanks our Highway Department for their efforts in keeping our roads clear and safe during the inclement weather we are experiencing. Selectman Lambert attended the dinner play this past weekend, the play was great, the food was good and it happened here in Town at the newly renovated Old Town Hall. And continues to offer his services to remove the carpet in the Winslow Bldg. and to request the Board hold a hearing on the Westford/Dunstable Road realignment. Selectman Curseaden has had a number of complaints regarding the panhandlers stationed at the end of Exit 36 in front of the Mall entrance and the median strip at the Bridge, the Administrator is in discussion with the Police Chief and is looking at options. Selectman Jackson also attended the plan and commented how well the play went and thanked the Administrator and the Police and Fire Departments for their assistance. Chairman Puleo echoes the comments on the Dinner Theatre and thank you and congratulation to all who worked on the restoration. Selectman Reault said that he enjoyed the show.

### 18. Executive Session

The Board voted 5-0-0 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





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and to exit executive session and adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Allen Curseaden, Selectman Corliss Lambert, yes. The Board entered into Executive Session at 9:35PM.

### **19. Adjournment**

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting at 10:30PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday, February 10, 2014  
Approved Amendment on: March 10, 2014







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## Board of Selectmen Meeting Notice

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Monday, January 27, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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- 1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**
- 2. 6:05 PM Verizon Pole Petition – Lakeview Avenue near Coburn Road**
- 3. 6:20 PM Alcoholic Beverage License Hearing – Ramoura Corp. DBA O’Conley’s Pub**
- 4. Review Status of Alcoholic Beverage Licenses**
  - A. The Liquor Shop Tyngsborough DBA The Liquor Shop
  - B. Li’L Lobster Boat, LLC DBA Li’L Lobster Boat
- 5. Citizen/Business Time**

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- 6. 7:00 PM Tri-Board Meeting with Finance Committee and School Committee**
  - A. Fiscal Year 2015 Budget  
(Senator Eileen Donoghue and Representative Colleen Garry)
- 7. Joint Meeting with Finance Committee**
  - A. FY 2014 Snow and Ice Removal Budget
- 8. 8:00 PM Double D Pub, Inc., DBA Duke’s Bar and Grille – Weekday/Sunday Entertainment License Hearing**
- 9. Special Permit Request – 28 Westford Road (continued)**
- 10. Meeting Minutes**
  - A. Regular Session Meeting Minutes for Review/Approval
    1. Monday, January 13, 2014
  - B. Executive Session Meeting Minutes for Review/Approval (but not for release)
    1. Monday, January 13, 2014

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## 12. Old Business

- A. Old Town Hall Facility Use Policy – Review Draft

## 13. New Business

- A. Library Circulation Assistant – Ratify Appointment

## 14. Correspondence

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## 15. Review of Weekly Warrants

## 16. Town Administrator's Report

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

## 17. Selectmen's Reports

## 18. Executive Session

- 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

## 19. Adjournment

### Future Meetings

**Monday, February 10, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

**Thursday, February 13, 2014 at Tyngsborough Town Offices, 25 Bryants Lane (FY 2015 Budget)**

**Town Offices Closed Monday, February 17, 2014 Due to President's Day Holiday**

**Monday, February 24, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

