



# 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, March 10, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

The members present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson, Selectman Corliss Lambert.

Absent: Selectman Allen Curseaden

The 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 Chair opened the meeting followed by The Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Reault.

## **2. Meeting Minutes**

A. Regular Session Meeting Minutes for Review/Approval

1. Monday, October 28, 2013

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault, to approve the Minutes of Monday, October 28, 2013.

2. Monday, January 27, 2014

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to amend the Minutes of Monday, January 27, 2014.

3. Monday, February 24, 2014

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to approve the Minutes of Monday, February 24, 2014.

## **3. 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.

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

A. 6:15 PM The Liquor Shop Tyngsborough DBA The Liquor Shop

Mr. Miamis was present and stated that he is close to finalizing the transfer of his business and has asked the Board for additional time to finalize the deal. The Board has granted a 60 day extension to allow for the transfer to be completed and ask Mr. Miamis to keep in touch.





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### B. 6:30 PM Li'L Lobster Boat, LLC DBA Li'L Lobster Boat

The Board received a letter from Attorney Nicosia who is representing Mr. Varrieur who could not attend this evening. Attorney Nicosia in his letter asks the Board to continue the matter for another 60 days. The Board has granted a 60 day extension to continue to market the license.

### 5. 6:45 PM 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 return to open session at the conclusion of the executive session. 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 6:50PM. The Board returned to open session at 7:10 PM.

### 6. 7:00 PM Joint Budget Hearing #4 (with Finance Committee) (Health Insurance, Other Insurance, Intergovernmental Charges, Public Buildings and Properties, Information Technology, Media)

The Board of Selectmen and the Finance Committee Members met in a joint session to discuss the remaining budgetary items in preparation for the next fiscal year. The Finance Committee voted 5-0-0 came into session on a motion by Member Morin, second by Member Mellen. In attendance were Members Rob Mullin, Daryl Wickens, Christopher Mellen, Scott Hammer and Paul Morin. The Finance Committee joined the Selectmen and the Finance Coordinator/Treasurer, Kerry Colburn-Dion in reviewing the budgets. Finance Coordinator Kerry Colburn-Dion reviewed the Health Insurance, Other Insurance, the Town Administrator presented the Intergovernmental Charges, Public Buildings and Properties, and the Information Technology budget, Media Director Rony Camille presented the Media budget. The Administrator presented the FY 2015 Revenue Allocation; the Administrator presented the fixed expenditures for the Town and Schools, followed by an outlay of projected revenues and also the actual revenue allocation. The Administrator made the budget information and the revenue spreadsheets available to all who were present. The Board and the Finance Committee supported the use of \$250,000 for the Snow and Ice Budget. The Board discussed the setting of a meeting on March 24<sup>th</sup> or 31<sup>st</sup> to discuss the budget further. The Finance Committee Chair said that the Finance Committee will hold a public hearing on the budget. The Administrator thanked the Finance Coordinator/Treasurer and the Town Accountant for all of their work that has been done on this budget cycle. Member Wickens thanked both the Town Accountant and the Finance Coordinator/Treasurer, both have done a good job and they can answer any questions that come up. The Administrator thanked the Finance Committee Chair, Rob Mullin for the creation of the Budget Summary Sheet that the finance preparers use. The Finance Committee voted 5-0-0 on a motion by Member Mellen, second by Member Wickens to adjourn. The Finance Committee meeting adjourned at 8:45PM.





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## 7. New Business

### A. Old Town Hall Use Request – Ruth Margetts

Ms. Margetts has submitted an application to use the Old Town Hall for an event. The Board has welcomed Ms. Margetts and invited her to come forward to present her request. Ms. Margetts performed along with her husband at the grand opening of the Old Town Hall, and she was hoping to be able to have a violin recital for her students at the OTH. The performance will be open to the public with no admittance fee. Mrs. Lambert has sponsored the event with Ms. Margetts. Selectman Lambert left the meeting (8:05PM). The Board classified the event as a resident civic event with no admission fee charged. Selectman Puleo sees it as a thank you and Selectmen Reault and Jackson sees it as a good thing for the community. The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Reault to approve the use of the Old Town Hall to Ms. Margetts' Violin Academy as requested as a resident civic event at a fee of \$10 per hour for 4 hours. Selectman Lambert returned to the meeting at 8:15 PM.

### B. Winslow School carpets

Selectman Lambert has offered to gift his service to the Town of the removal of the carpet in the Winslow School, the carpet will be disposed of via a 3 yard dumpster at the cost of \$400, if the Town does not have the additional funds Selectman Lambert will also gift the dumpster. The board thanked Selectman Lambert for his offer to remove the carpets, but the Board has some concerns about the condition of the building, it is marked as unsafe, it has not been inspected and the Town is in the process of having a building study done and would like to keep the building stay as is for the completion of the study.

### C. Authorize Signing of Contracts

#### 1. CBI Consultants, Inc. – Adams Barn / First Parish Meeting House

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Reault, discussion Selectman Lambert would like to read the contract to understand the scope of the work and would like to defer to the next meeting if it will not jeopardize the contract, the Board authorize the Town Administrator to sign after review and everyone is in agreement of the combined contract with CBI Consultants, Inc. for designer services for the Adams Barn in the amount of \$13,920.00 and the First Parish Meeting House for \$13,900, which will be funded through a 2013 Annual Town Meeting special appropriation.

#### 2. Vanasse and Associates, Inc. – Flint's Corner intersection

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert, to authorize the Town Administrator to sign a contract with Vanasse and Associates, Inc. in the amount of \$8,100.00 for the design of intersection improvements at Flint's Corner to be funded through Chapter 90 funding.

#### 3. FEMA/MEMA: Tyngsborough Elementary School Remediation Grant

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert, to authorize the Town Administrator to sign a contract with the Massachusetts Emergency Management Agency for a \$92,104 grant for culvert improvements at the Tyngsborough Elementary School driveway.

### D. Requests for Comment

#### 1. Zoning Board of Appeals – 41 Woodfern Avenue

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to respond no comment.





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### 2. Zoning Board of Appeals – 400 Business Park Road

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to respond no comment.

### 3. Zoning Board of Appeals – 40B Comprehensive Permit/Tyngsborough Crossing at 125-135 Middlesex Road

The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Reault to provide comments that have been previously submitted to the State Agency. Selectman Lambert suggests that the Administrator notify the School Department of the 40B proposal. The Board voted 4-0-0 on a motion by Selectman Jackson second by Selectman Lambert to authorize the Town Administrator and Selectman Reault to represent the Board at meetings referring to the 40B Comprehensive Permit.

### 4. Planning Board – 4 Trader Circle

The Board voted 4-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to respond no comment.

#### E. Senior Tax Work-Off – Appoint Participants

The interviews were conducted for all first-time applicants to the Senior Tax Work-Off program and with the support of the Board, would like to meet with the Board of Assessors to request that three (3) additional positions be added to this year's program. The additional positions would be as follows: 1) Information Technology Assistant; 2) Old Town Hall Lead Host/Coordinator; and 3) Old Town Hall Host. Out of the group of applicants, we have identified qualified individuals to potentially fill these proposed positions. If the Board is in favor, the Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to meet with the Assessors to discuss the expansion to the Senior Tax-Work Off Program by three (3) participants to include an IT Assistant, an OTH Lead Host/Coordinator, and an Old Town Hall Host.

#### F. M.G.L. Chapter 147, section 47A Notice – Tyngsboro Sports Center

The Massachusetts State Athletic Commission has issued a license to John Ruiz for an event at the Tyngsborough Sports Center, 18 Progress Avenue, Tyngsborough for April 26, 2014. Mr. Wickens owner of the Tyngsboro Sports Center has submitted the Operations Plan for the event on April 26<sup>th</sup>. Mr. Wickens will present a final plan to the Board on Monday night, March 10. The Board has received comments from the public safety Officials citing no issues as Mr. Wickens has spoken with and provide the business plan to the officials and has put in place a plan that has addressed any safety concerns. Mr. Wickens has spoken to his neighbors and will address any issues that will occur. The Board has taken no action on the notification and the event will move forward.

## 8. Old Business

### A. Comcast Cable Franchise Agreement – Approve

Deferred to the Board's next scheduled meeting.

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

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### 10. 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 Jackson, to approve and waive the reading of the correspondence. Selectman Puleo had one piece of correspondence FEMA has sent maps to the Town and the maps will be forwarded to the Conservation Commission

### 11. Review of Weekly Warrants

The Town Administrator read the following weekly warrants: Warrant #36B for \$158,478.93 on 3/13/2014; Warrant #36S for \$301,006.53 on 3/13/2014; Warrant #37S for \$162,484.96 on 3/10/2014; Warrant # 37B for \$722,663.51 on 3/10/2014; and Warrant #37P for \$813,553.57 on 3/10/2014.

### 12. Town Administrator's Report

The Board voted 4-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to accept the Administrator's report as submitted.

- Response to Selectmen's Requests

Attached are copies of the warrant articles that were submitted for the upcoming annual and special town meeting; the information relative to the estimated annual cost for a new street light.

- Budget

A separate budget memorandum will be submitted for Monday night's joint meeting.

- Departmental Information

Attached is the information regarding the new video's and shows to be aired on Cable Television in the upcoming months.

- Contracting/Procurement

I have requested the Town Buildings Master Plan consultant to submit a proposal for contract specification and administration assistance for the Town Offices rug replacement. I expect to bring a final draft for approval at the next Selectmen's meeting.

- Old Town Hall

Attached is a completed Hall Use Agreement and Liability Waiver requesting use of the Old Town Hall on April 23, 2014. The requests will be scheduled for the Boards consideration at its March 24<sup>th</sup> meeting; 2)Attached is correspondence regarding an anticipated request to use the Old Town Hall on the week of June 13<sup>th</sup>, the weekend of June 13<sup>th</sup> and the weekend of June 20<sup>th</sup> by the Tyngsborough High School Theater Program; 3)Attached is correspondence from an applicant which has chosen not to move forward with their request.

- Other

At the Planning Board's Thursday, March 6, 2014 meeting, the Board voted to sign a document releasing Santander Bank, N.A. from the terms of two Tri-Party Agreements for Stonebridge Estates, Phase 2B (portion of Anderson Drive) and 2C (Vista Way). The money associated with these two phases has been received and will be deposited into dedicated accounts for use on then respective streets, if accepted at Town Meeting.

Attached is an informal listing of unaccepted roads and their grouping/status which was put together recently to responds to a resident inquiry.





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### 13. Selectmen's Reports

Selectman Jackson inquired on the next Capital Asset Management Committee next meeting; Selectman Puleo congratulated Ms. Julia Murphy on being a finalist in the Safe Job Poster promoted by OSHA; and mentioned the opening of the new pharmacy in Town. Selectman Reault read to the 1<sup>st</sup> and 4<sup>th</sup> graders at the elementary school it was great reading to the students; and congratulation to the Ladies and the Men's Varsity Basketball Teams.

### 14. Work Session – Charles George parcels

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into a Work Session to discuss the Charles George parcels. Town counsel joined the Board for the discussions on the Charles George parcels. The Board welcomed Mr. Robert Eisenberg, and Attorney Rubin. Mr. Eisenberg and Atty. Rubin represent the Charles George family in their bid to lease their land held by the EPA as a superfund site to the Citizen Enterprises Corporation. Mr. Brian Morrissey and Ms. Emma Kosciak of Citizens Enterprise Corporation presented their plan to operate a solar system on the site. Selectman Lambert has concerns about the disturbance of the membrane that was used to cap the landfill. The project will consist of scattered cluster on 12 to 125 acres of the parcel; the clusters would not be on the membrane. Mr. Morrissey assures the Board that the company will work hand in hand with DEP to ensure that the solar field will not disturb the membrane. DEP is familiar with the system that the Citizen's Energy will be using. The Board indicated that it would helpful to have conversations with DEP. Attorney Rubin and Mr. Eisenberg discussed the first step to take is to resolve the issues with the taxes and the second step would to address any issues with DEP. The Board has named The Administrator as the contact person and Selectman Lambert and Selectman Reault with the Administrator will meet with DEP to discuss the site. Attorney Rubin is to set up an informal meeting with DEP, himself, and the Town Administrator along with Selectman Lambert, Selectman Reault and Town Counsel. The Board has interest in going forward and will have discussions on the 100% waiver of the 5 parcels at a future scheduled work session.

### 15. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting at 10:00PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday March 24, 2014







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Community Room, Town Offices, 25 Bryants Lane

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- A. 6:15 PM The Liquor Shop Tyngsborough DBA The Liquor Shop
- B. 6:30 PM Li'L Lobster Boat, LLC DBA Li'L Lobster Boat

### 5. 6:45 PM 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

### 6. 7:00 PM Joint Budget Hearing #4 (with Finance Committee) (Health Insurance, Other Insurance, Intergovernmental Charges, Public Buildings and Properties, Information Technology, Media)

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- B. Winslow School carpets
- C. Authorize Signing of Contracts
  1. CBI Consultants, Inc. – Adams Barn / First Parish Meeting House





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- D. Requests for Comment
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  3. Zoning Board of Appeals – 40B Comprehensive Permit/Tyngsborough Crossing at 125-135 Middlesex Road
  4. Planning Board – 4 Trader Circle
- E. Senior Tax Work-Off – Appoint Participants
- F. M.G.L. Chapter 147, section 47A Notice – Tyngsboro Sports Center

### 8. Old Business

- A. Comcast Cable Franchise Agreement – Approve

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### 11. Review of Weekly Warrants

### 12. Town Administrator's Report

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

### 13. Selectmen's Reports

### 14. Work Session – Charles George parcels

### 15. Adjournment

### Future Meetings

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

**Monday, April 14, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

