



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 24, 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 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. Thursday, March 6, 2014

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson, to approve the Minutes of Thursday, March 6, 2014. Selectman Curseaden abstain, he did not attend the March 6, 2014 meeting.

2. Monday, March 10, 2014

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson, to approve the Minutes of Monday, March 10, 2014. Selectman Curseaden abstain, he did not attend the March 10, 2014 meeting.

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. New Business

A. Old Town Hall Use Request – Eagle Scout Court of Honor

Mr. Jared Moore, Eagle Scout is requesting the use of the Old Town Hall for a reception from 2:00PM to 4:30PM for about 75 patrons. Mr. and Mrs. Moore will be supervisor along with the Scout Leaders of the scout troops that will be in attendance. The participants will bring a pot luck lunch/snack to be served. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the request as submitted. Selectman Jackson inquired on the





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number of patrons to the number of responsible adults, and if scouts in attendance who will be supervising. Mr. and Mrs. Moore will be the responsible adults supervising and the Scout Leaders will supervise the scouts, the hours allows for set up and to coordinate the clean-up. Selectman Lambert volunteered to stop by after the event to assist in clean up if needed.

B. Community Room Use Request – Friends of the Council on Aging

The Friends of the Council is hosting their annual fair on October 25, 2014 from 9:30AM to 2:00 PM and expect at least 125 to 200 people. The Board voted 5-0-0 to approve the use of the Community Room on Saturday, October 25, 2014 from 9:30AM to 2:00PM for their annual fair. The fair will be run at the same time that the building is open.

C. Community Room Use Request – Cathy Richardson / Republican Party

Ms. Richardson telephone and asked about the use of the Community Room to host a political meeting. The Administrator will ask the COA Director to see if she could host the event at the Senior Center. Having additional meetings at the Town Offices is difficult because of all the board/committee meetings scheduled.

D. Comcast Cable Franchise Agreement – Approve

The Agreement is finalized and waiting for the Attorneys to put it in approval form for signatures. And the agreement should be ready for the Board's next scheduled meeting.

E. Authorize Signing of Contract

1. Drummey Rosane Anderson, Inc. – Town Offices Carpet Architectural Services

As was referenced in the Town Administrator's report of March 10, 2014, attached is a proposed agreement for designer services for the replacement of carpets in the Town Offices. This agreement would fund consulting services and generate bid specifications for the replacement of certain carpets in the Town Offices. This contract, valued at \$4,300, would be funded from the May, 2013 Annual Town Meeting appropriation of \$40,000. The designated firm is also working on the Town Buildings Master Plan and therefore has ready access to up-to-date floor plans for the Town Offices, making this an affordable option to expedite this project. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to authorize the Town Administrator to sign a designer services agreement with Drummey Rosane Anderson, Inc., for the Town Offices' carpet replacement.

F. Requests for Comment

1. Planning Board – 50 Middlesex Road

The Board after review voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to notify the Planning Board that the Board has no comment on this project.

2. Planning Board – 107 Lakeview Avenue

The Board after review voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to notify the Planning Board that the Board has no comment on this project.

G. Senior Tax Work-Off – Appoint Participants

The Assistant Town Administrator, working on the Senior Tax Work-off Program, and receiving 32 plus responses to work on the program had petition the Board of Assessors if they could increase the number of position funded from 13 to 16, on Tuesday, March 11th the Board of Assessor's voted unanimously to approve the request to increase the number of work-off participants for this year from 13 to 16 to include an IT Assistant, and OTH Lead Host/Coordinator, and an Old Town Hall Host. Based on qualification, interviews, prior participation, and ongoing departmental projects





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(none), the following are recommendations for appointment: Applicants for the Council on Aging are, Joanne Bowden, Donna Doulamis, Roger Downing, Terry Martineau; applicants for the Library are, Sandra Broady, James Burns, John Kurpiel, Nancy McLaughlin, and Kathleen Ruvido; applicant Alice Carter for the Assessors/Town Administrators; applicants Roger Corey, TA-OTH Host, Ernie Roy for the TA-OTH Lead Host/Coordinator, and Karl Molander for TA-IT Assistant; applicant Patricia Marais for the Conservation/Planning/Zoning; applicant Margaret Skamarycz for the Building Department; and applicant Joan York for the Board of Health.

After discussing with department heads, it is anticipated that this complement will match the anticipated workload. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to appoint the list of applicants as submitted.

H. Annual Report Submission – Review

The Town Administrator reviewed the Selectmen's annual town report submission; the report has been updated per the comments received from Board Members.

The Board review and voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to submit the preliminary approval as amended.

I. Review Draft Annual Town Meeting warrant

The Administrator reviewed the draft warrant for the annual town meeting. The first eleven articles are annual housekeeping articles; articles 12 and 13 are submitted by the Assessor's Office; article 14 is a place holder for review of the zoning bylaws, article 15 was submitted by the Board of Health for membership in the Central Massachusetts Mosquito Control Project, discussion of the funding mechanism for this service, the Board will invite the Board of Health to attend a meeting to present the program; article 16 is a place holder for Capital Asset Management Committee's requests for capital items needing funds; article 17 & 18 submitted by the Sewer Department; article 19 is the Chapter 90 fund; article 20 is the statutory revolving account for various departments; article 21 is the lease/purchase to purchase equipment for town departments; article 22 is the Sewer Dept. operating budget; article 23 is the Community Preservation Commission's operating budget; article 24 is a request to purchase land; article 25 is a place holder in the event the town needs to formally take ownership of the senior center located at Wyndbrook; article 26, 27, 28, 29, and 30 are place holders for the following demolition by neglect bylaw; the panhandling by-law; government study recommendations if any; amend the town by-laws street opening bylaw and amend the town bylaw the recycling bylaw; article 31 is the street acceptance; article 32 is the medical marijuana zoning, articles 33 and 34 are citizen petitions for zoning change. The draft articles will be sent to Town Counsel for review and will bring them forward at a future meeting for review and recommendations.

5. Old Business

A. Fiscal Year 2015 Budget – Review Requests and Revenue Share

The Board will discuss the FY 2015 Budget at a work session on Monday March 31, 2014.

B. Capital Asset Management Committee – Update

The Administrator provided information relative to the CAMC meetings discussing various capital needs and requests. The CAMC's next meeting will be Thursday, March 26 at the High School, and will have a plan by next Monday's meeting. Selectman Lambert left the room while the Board briefly discussed the Sewer Department's Phase 1 West project. Selectman Lambert returned to the meeting.





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C. Government Study – Update

The Administrator provided the Board with a copy of a letter sent to Town Counsel from the Committee's Chair asking the following: steps required to change town elections to occur after the town meeting; steps required to appoint a town collector; the establishment of a finance director; steps to appoint a town clerk, and finally steps required to place the cemetery dept. and the tree warden under the purview of the highway department.

D. Indian Lane – Review Status

The Board received a letter from the Federal Highway Administration (FHWA) to the Massachusetts Department of Transportation. Through no one's fault, FHWA did not in my opinion have all of the information. They did not understand that one proposal was to convey the property to the Housing Authority, which would be a public purpose, nor were they aware that the proposal was also to connect the home to the sewer line on Sherburne Avenue. The author, Ms. Svendsen, has suggested that the Town could write directly to Federal Highway for re-consideration of this request with all of the relevant information, and she acknowledged that there is a potential for case-by-case review of requests for the fair-market exemption. We would presumably want to involve the Congresswoman's office in the discussion. Selectman Lambert left the meeting and did not participate in the discussions. The Administrator has not followed up with the Tyngsborough Housing Authority to see if they were still interested in taking the ownership of the house. Selectman Curseaden had conversation with the Chair of the THA and they are still interested in taking ownership of the house. Selectman Reault has strong reservations about the THA using the house for subsidized housing, the Board did not vote to convey the property to the THA for a subsidized unit. Selectman Curseaden has attended three meetings conducted at the site, he feels it is a good trade off for the town property taken by the State for the reconstruction of the Pawtucket Blvd intersection. Selectman Jackson would like to have the Building Commissioner and Mr. Trearchis inspect the building to see what is needed to keep it internal or use for a Habitat for Humanities' project. It will be expensive to rehab because it does not have utilities needed for habitation.

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

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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. 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 submitted. The Board has received a report from the Police Dept. re a liquor violation that occurred at Thirsty's. The Board will schedule a disciplinary hearing on Monday April 28th or at a hearing in May. The Board has received a request for use of town own property for a non-profit organization and though the Administrator has not spoken to the writer, advises that we cannot support the request at this time. The Community Teamwork has informed the Board that there is additional fuel assistance still available. The information will be placed on the town's cable





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network. A report of a dog bite was referred to the Animal Control Officer, after review it was discovered it was in fact a cat bite and has been taken care of.

8. Review of Weekly Warrants

The Town Administrator read the following Weekly Warrants: Warrant #38B for \$987,302.76 on 3/17/2014; Warrant # 39S for \$211,927.11 on 3/24/2014; Warrant #39B for \$816,439.63 on 3/24/2014; Warrant #39P for \$785,719.19 on 3/24/2014.

9. Town Administrator's Report

- Budget Status

Attached are this year's budget expenditure reports for departments under the control of the Board of Selectmen.

- Departmental Information

I would like to congratulate the Highway Department in their success of completing the Street Sign Replacement Program.

Attached is the correspondence sent to all restaurants having All Alcohol and Beer/Wine Licenses reminding business owners to submit the percentage of gross sales of food and gross sales of alcoholic beverages for calendar year 2013.

Attached is a report of a dog bite and the Animal Control Officer's response.

Attached is the correspondence from the Massachusetts Department of Agricultural Resources (MDAR) regarding the required nomination paperwork for the Town's Inspector of Animals to be completed and returned by April 1, 2014; I will work with Mr. Robson to complete this form and return it to the MDAR.

Attached is the note written by a resident regarding pot holes on Hillcrest Drive and Jacques Road, followed by a response letter sent to the resident by the Assistant Town Administrator.

- Other

Regarding the non-profit events held at the Old Town Hall in January, February, and March, given that the working policy was in draft form at the time of the request, the Board did not have the opportunity to discuss the use fees. The Education Foundation of Tyngsborough (EFT) has sent a check in for \$80.00 which would cover the minimum \$10.00 per hour fee, but does not cover the base fee for events with admission charges. Whereas our financial departments have requested some documentation for the file when depositing the check, if it is the will of the Board, the Board could vote to waive the vase fee for the events held by EFT, the Tyngsborough Scholarship Trust, and the High School Grad Night Committee. Alternatively, we would contact the organizations having an admission charge and request the valance required by the existing policy. The Administrator queried the Board on the \$25.00 base fee for the use of the OTH. The Board recommends the billing of all fees and when a non-profit is before the Board they can always ask for a waiver of the fees.

Attached is correspondence from an applicant which has chosen not to move forward with a potential request.

As provided in last week's report, it is planned that a change of our Streets Opening Bylaws will be proposed in this year's Annual Town Meeting to address the outdated nature of the existing bylaws and to propose a 5-year moratorium on recently paved roadways. In the interim, the Permits to Excavate a Public Way will include the attached conditions.





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Attached is an invitation by the Greater Lowell Chamber of Commerce to its Annual Municipal Breakfast on Thursday, April 10th at 7:30AM. I plan to attend.

Attached is an invitation to attend the YMCA Strategic Plan Forum on Wednesday, April 16th at 8:00AM. I plan to attend.

Chairman Puleo asked that the drivers be patient and cautiously drive slow as there are pot holes on the roads and with some filled with water you cannot see them. If you happen to see/hit one please notify the Highway Department and they will be filled as quickly as the weather permits. The Red Cross had asked to use the OTH for the blood drive but after viewing the location decided the parking area was not adequate, and they will speak with the Director at the COA to see if they can use the building.

The Administrator reports the mailing to the abutters on the street acceptance is in process and the hearing will be Monday April 14th. The Board of Assessors will start the property review shortly, they will post on the website the streets and days they will be going around.

10. Selectmen's Reports – No reports this evening.

11. 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

and to adjourn at the conclusion of the executive session. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Allen Curseaden, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 7:30PM. The Board returned to open session to adjourn at 9:00 PM. Selectman Curseaden left the session at 7:50PM.

12. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting at 9:00PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday, April 14, 2014





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1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

2. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

1. Thursday, March 6, 2014
2. Monday, March 10, 2014

3. Citizen/Business Time

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4. New Business

- A. Old Town Hall Use Request – Eagle Scout Court of Honor
- B. Community Room Use Request – Friends of the Council on Aging
- C. Community Room Use Request – Cathy Richardson / Republican Party
- D. Comcast Cable Franchise Agreement – Approve
- E. Authorize Signing of Contract
 1. Drummey Rosane Anderson, Inc. – Town Offices Carpet Architectural Services
- F. Requests for Comment
 1. Planning Board – 50 Middlesex Road
 2. Planning Board – 107 Lakeview Avenue
- G. Senior Tax Work-Off – Appoint Participants
- H. Annual Report Submission – Review
- I. Review Draft Annual Town Meeting warrant

5. Old Business

- A. Fiscal Year 2015 Budget – Review Requests and Revenue Share
- B. Capital Asset Management Committee – Update
- C. Government Study – Update
- D. 11 Indian Lane – Review Status

6. Citizen/Business Time

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7. Correspondence

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8. Review of Weekly Warrants

9. Town Administrator's Report

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

10. Selectmen's Reports

11. 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

12. Adjournment

Future Meetings

Monday, March 31, 2014 at Tyngsborough Town Offices, 25 Bryants Lane (*potential*)

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

Monday, April 28, 2014 at Tyngsborough Town Offices, 25 Bryants Lane

