



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, April 28, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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

Members Absent: Selectman Rick Reault and Selectman Allen Curseaden.

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

The Chair announced that Selectmen Reault and Curseaden will not be in attendance this evening.

Executive Session

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert 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

and to return to open session. Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 6:05 PM.

The Board returned to open session at 6:15 PM to continue with the regular open session agenda.

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.”

2. 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 Jackson.

3. Meeting Minutes

- A. Regular Session Meeting Minutes for Review/Approval

1. Monday, April 14, 2014

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert, to approve the Minutes of Monday, April 14, 2014.





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

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5. **Old Business**

- A. 11 Indian Lane – Discussion – No discussions this evening
- B. Old Town Hall User Agreement – Review/Discuss – No review this evening

6. **New Business**

- A. Old Town Hall Use Request – Friends of the Tyngsborough Theater

The Board received a request to use the Old Town Hall by the Friends of Tyngsborough Theatre for the Tyngsborough High School Theatre Program's production of *The Addams Family*, the Musical. The show dates will be Friday, June 13th, Saturday, June 14th,; Thursday, June 19th, Friday, June 20th, and Saturday, June 21st. The group is requesting the use of the space for setup and rehearsal from Monday, June 9th until Friday June 13th, the day of the show. Equipment, props, lighting, sound and costumes will be brought in. It is a youth event; food will be catered by a friend, the committee will offer finger sandwiches and they do have a friend who would like to do the desserts, no liquor will be served. The Board advised Ms. Singer to check with the Board of Health for their regulations on food service. The estimated number of hours for the hall use will be 30+ hour. No police detail was requested nor required at this time. The Friends of the Tyngsborough Theatre is a non-profit organization and three names were submitted as the responsible adults. Ms. Ellen Singer, and Ms. Karen Clougher presented their request for the use of the Old Town Hall. Ms. Singer asked about the need for an insurance certificate, the use of a sign for advertising, and if the Friends could use the outdoor balcony for use to have someone stand on the balcony to welcome the guest as they enter the building. The Administrator noted that there is a sandwich board that can be used at the door, he will check with the Building Commissioner about the safety of the outdoor balcony and yes and insurance certificate would be needed. Ms. Singer then asked that the Theatre Group would like to extend the play and add Sunday June 22nd for a total of 6 shows. The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to approve the request to use the Old Town Hall as requested.

- B. Eagle Scout Recognition – no action taken this evening.

- C. Government Study – Receive Interim Report

The Government Study Commission released its interim report of their work. The Commission has reviewed several documents to familiarize itself with the current organization of the Town, including job descriptions, organizational charts, election results, collective bargaining groups, working hours of employees, and appointed versus elected. The group determined that to avoid a large-scale change that might be met with opposition, it would be better to tackle some issues that would be smaller scale and, presuming success with implementation, would be able to move forward with larger scale issues. The following are areas the Commission recommends the Board of Selectmen submit articles to the May 20, 2014 Annual Town Meeting. 1) Collector of Taxes: recommendation is for this position to become an appointed position, with appointing authority being vested in the





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Board of Selectmen; 2)Town Clerk: the recommendation is this position become an appointed position, with appointing authority being vested in the Board of Selectmen. The Board of Selectmen is also requested to file Special Legislation regarding the continued employment of the incumbent Town Clerk by the Board; 3) Cemeteries: the recommendation is to have the authority over the Town's cemeteries be consolidated under the authority of the Board of Selectmen, potentially to a consolidated public works department, or to grant the Board of Selectmen the authority of a Board of Public Works; 4) Tree Warden: the recommendation is for this position become an appointed position, with the appointing authority being vested in the Board of Selectmen, for potential consolidation into a public works department. The report goes on to list the Town Counsel's opinions and recommendations as requested and also the meeting minutes of the discussion that assisted the Commission in their recommendations to the Board of Selectmen. The Committee and the Board discussed the election process vs the appointing and process used to appoint. The Selectmen are the appointing authority with the process being following by the Town Administrator with a selection committee. With the presentation and discussions concluded the Chair asked for a motion. The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to accept the report from the Government Study Commission as presented.

D. Alternate Building Commissioner – Appoint

The Administrator received a letter from the Building Commissioner recommending that Mr. Paul Winchester be appointed as backup Building inspector to be called in for inspection coverage in the event of the Commissioner's absence.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to appoint Paul Winchester as an Interim Building Inspector based on the Town Administrator's recommendation.

E. Library Strategic Plan – Designate Representative – No action taken this evening.

F. Request for Comment – Planning Board (7-23 Middlesex Road) – No action taken.

G. Police Promotional/Appointment Process – Review with Chief

The Chief reviewed his promotional process with the Board. The previous promotional process expired on March 1st. The Chief is expecting to announce the process as soon as possible to give officers adequate time to study, culminating in the testing process taking place at the end of June. There are no vacant positions so far. The Chief will have the list open for 2 years with the right to extend the list for 1 year with the approval of the Board of Selectmen. The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to support the process. The Chief briefly spoke on the process used to fill a patrolman's position. The Chief is prepared to come before the Board with a recommendation. The patrolman position is filled from the Reserve Officers pool. The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to support the Chief on the patrolman's promotion process.

7. 7:00 PM Joint Meeting with Finance Committee

The Finance Committee Members present at the joint meeting are Member Rob Mullin, Darryl Wickens, Paul Morin, Scott Hammer, and Christopher Mellen.

A. Debt Exclusion for Road Repairs / Reconstruction – Initial Discussion

This item was deferred to Monday May 5, 2014.





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B. Annual and Special Town Meeting Warrant Article Review

1. Pedestrian Safety Bylaw

Article 34 is deferred to the Monday May 5 Agenda

2. Government Study actions

Articles 28, 29, 30, 31, and 32 are deferred to the Monday May 5 Agenda

3. Demolition By Neglect Bylaw

Article 33 is deferred to the Monday May 5 Agenda

4. Street Opening Bylaw

Article 35 is deferred to the Monday May 5 Agenda

5. Financial Articles

Article 19. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2015 as follows: That the following sums be appropriated: Salaries - \$236,009; Expenses - \$705,018; Capital Outlay: \$66,750; Debt - \$97,783; Indirect Cost to General Fund - \$84,695; Total - \$1,792,254; That \$1,707,559 be appropriated from the Sewer Enterprise fund - Department receipts - \$1,192,457; Retained Earnings - \$559,797; Total - \$1,792,254. That \$84,695 be included in appropriations from the General Fund for indirect costs and be allocated to the Sewer Enterprise for funding, or take any other action relative thereto.

Submitted by the Sewer Commission.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 19 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 19.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second by member Hammer to recommend Article 19.

Action on Articles 20, 21 and 22 was deferred to the May 5 Agenda.

Article 23. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2015 of up to \$405,035 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto. Submitted by the Board of Selectmen.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 23 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 23.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second by Member Hammer to recommend Article 23.





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Article 24. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY 2014 and FY 2015 shall remain in the revolving accounts for each of the following town entities:

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$50,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	\$ 3,000.00

or take any other action relative thereto.

Submitted by: Town Entities as shown

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 24 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 24.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second Member hammer to recommend Article 24.





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Article 25. To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 25 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 25.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second Member hammer to recommend Article 25.

6. Community Preservation Committee

Article 26. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2015, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses. Appropriations: Admin Expenses - \$30,000; Long Term Debt Services - \$40,000; Interest on Long Term Debt - \$800; Lake Mascuppic Weed Control Program - \$6,000; Interest on Short Term Debt - \$49,931; Total CPC Appropriations - \$126,731. Reserves: To Reserve for Historic Preservation - \$60,000; To Reserve for Affordable Housing - \$60,000; To Reserve for Open Space - \$60,000; FY2015 Budgeted Reserve -\$180,000, or take any action relative thereto. Submitted by the CPC

Mr. Ed Smith, Chairman of the CPC came forward and presented Articles 26. This article is a routine financial article for the operation of the CPC.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 26 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 26.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second by Member Hammer to recommend Article 26.

Article 27. To see if the Town will vote to appropriate by transfer from existing Community Preservation Unbudgeted Reserve a sum of \$155,000 for the purchased of 8 acres of land and associated procurement costs for the property located at 68 Bowers Avenue, or take any other action relative thereto. Submitted by the CPC

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 27 on the Annual Town Meeting Warrant.

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to recommend Article 27.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second by Member Hammer to recommend Article 27.

7. Mosquito Control

Article 16. To see if the Town will vote to become a member in the Central Massachusetts Mosquito Control Project for a minimum of three year period, pursuant to Massachusetts General Laws Chapter 252, Section 5A and other applicable sections of said law, or take any other action relative thereto. Submitted by the Board of Health.

The Board of Selectmen and the Finance Committee agreed to defer the discussion of this article to Monday, May 5th with a funding source or reduction in the budget. The funding for this article will be deducted from the Cherry Sheet and will affect the Town and the School Department budgets. If





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this article is approved on Town Meeting floor the Town's budget will be out of balance and deductions will need to be made.

8. **Correspondence** – No correspondence read this evening.

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.

9. **Review of Weekly Warrants** – No review this evening.

10. **Town Administrator's Report**

The Administrator informed the residents that street sweeping has commenced.

11. **Selectmen's Reports** – No reports this evening.

12. **Adjournment**

The Board voted 3-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to adjourn the meeting at 8:17PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday, May 5, 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. Monday, April 14, 2014

3. Citizen/Business Time

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4. Old Business

- A. 11 Indian Lane – Discussion
- B. Old Town Hall User Agreement – Review/Discuss

5. New Business

- A. Old Town Hall Use Request – Friends of the Tyngsborough Theater
- B. Eagle Scout Recognition
- C. Government Study – Receive Interim Report
- D. Alternate Building Commissioner – Appoint
- E. Library Strategic Plan – Designate Representative
- F. Request for Comment – Planning Board (7-23 Middlesex Road)
- G. Police Promotional/Appointment Process – Review with Chief

6. 7:00 PM Joint Meeting with Finance Committee

- A. Debt Exclusion for Road Repairs / Reconstruction – Initial Discussion
- B. Annual and Special Town Meeting Warrant Article Review
 1. Pedestrian Safety Bylaw
 2. Government Study actions
 3. Demolition By Neglect Bylaw
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 5. Financial Articles
 6. Community Preservation Committee
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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

12. Adjournment

Future Meetings

Monday, May 05, 2014 at Tyngsborough Town Offices, 25 Bryants Lane

***Tuesday, May 13, 2014 Town Election Day 7:00 AM – 8:00PM at:**

Precinct 1 – 135 Coburn Road; Precinct 2 – 180 Lakeview Avenue;

Precinct 3 – 25 Bryants Lane; Precinct 4 – 205 Westford Road

Monday, May 19, 2014 at Tyngsborough Town Offices, 25 Bryants Lane

****Tuesday, May 20, 2014 at 7:00 PM – Annual Town Meeting at Tyngsborough Elementary School, 205 Westford Road**

