



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

Tuesday, May 20, 2014 at 5:45 P.M.

Tyngsborough Elementary School, 205 Westford Road

APPROVED

Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson, Selectman Corliss Lambert, Selectman William Gramer..

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.

1. 5:45 PM Open Meeting

The Chair opened the meeting at 5:50 PM. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the Agenda.

2. 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:

Exemption Three – To discuss strategy with respect to litigation and to consider the purchase, exchange, lease or value of real property because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares,

and to exit the Executive Session to return to open session . Roll Call Vote: Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman Corliss Lambert yes; and Selectman William Gramer, yes.

The Selectmen entered the Executive Session at 5:50 PM and returned to open session at 6:15 PM.

3. 6:05 PM Pheasant Lane Mall, 435 Middlesex Road / “Touch A Truck” Hearing – Special Permit

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault, to open the hearing at 6:15 P.M.. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the notice. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to waive the reading of the abutters' list. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to open the evidentiary portion of the hearing.

Ms. Beaulier was present and gave a brief overview of what is being proposed. The touch a truck event is the same as last year no changes, the Mall Security will be present as will the Tyngsborough Police Department. Ms. Beaulieu will meet with the Health Agent to review the food service. The Chair asked if there were any abutters present who wish to speak for or against the petition, hearing no questions and/or comments the Chair entertained a motion to close the evidentiary portion of the hearing.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the evidentiary portion of the hearing. Following the hearing the Board of Selectmen made the following specific findings regarding the land in question and the proposed use is listed below:





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

The use is in harmony with the purpose and intent of this By-law.
The use will not be detrimental or injurious to the neighborhood.

The use is allowed in the B-2 Zone with a Special Permit from the Local Licensing Authority (Board of Selectmen). The use complies with all applicable requirements of this by-law.

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to grant the petition as presented.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the hearing at 6:25 P.M..

4. 6:10 PM Old Town Hall Use Request – Eagle Scout Court of Honor (May 27, 2014)

The Board received and reviewed a request to use the Old Town Hall to hold a court of honor award ceremony for Boy Scout Troop 46. There will be no sale of food only snacks will be provided.

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to approve the civic function request as presented.

5. 6:15 PM Joint Meeting with Finance Committee

The Finance Committee Members present: Rob Mullin, Burt Buchman, Scott Hammer, Paul Morin, and Daryl Wickens joined the meeting at 6:30 PM.

1. Review Special Town Meeting Transfers

SPECIAL TOWN MEETING DRAFT/REVISED ARTICLES

Article 1. To see if the Town will vote to appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts, a sum of money to supplement various municipal government groups for fiscal year 2014, or take any other action relative thereto.

FROM:

	Free Cash	\$274,755.27
122	Selectmen Salaries & Wages	\$22,980.00
123	Town Administrator Salaries & Wages	\$3,900.00
131	Finance Committee Expenses	\$300.00
136	Annual Audit Expenses	\$2,750.00
145	Treasurer Expenses	\$4,930.28
175	Planning Board Expenses	\$1,000.00
215	Communication Center Salaries & Wages	\$10,000.00
241	Building Inspection Expenses	\$2,600.00
242	Gas Inspection Expenses	\$900.00
243	Plumbing Inspection Expenses	\$900.00
245	Electrical Inspection Expenses	\$1,800.00
410	Engineering Expenses	\$3,000.00
430	Waste Collection and Disposal Expenses	\$3,701.50
491	Cemetery Salaries & Wages	\$5,000.00





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

543	Veterans Services Expenses	\$30,000.00
940	Other Insurance	\$6,000.00
		<hr/>
		\$374,517.05

TO:

423	Snow and Ice Removal Salaries & Wages	\$93,769.96
423	Snow and Ice Removal Expenses	\$180,985.31
122	Selectmen Expenses	\$300.00
122	Analysis of Town Roads and Parcels	\$3,080.00
132	Reserve Fund	\$10,000.00
135	Accountant Expenses	\$450.00
159	Other Legal Services Expenses	\$9,000.00
160	Town Clerk Salaries & Wages	\$233.00
171	Conservation Salaries & Wages	\$950.00
175	Planning Board Salaries & Wages	\$1,300.00
176	Zoning Board Salaries & Wages	\$200.00
192	Public Buildings & Property Expenses	\$16,000.00
193	Information Technology Expenses	\$9,500.00
210	Police Department Salaries & Wages	\$28,000.00
211	Police Station Salaries & Wages	\$289.00
241	Building Inspection Salaries & Wages	\$20.00
242	Gas Inspection Salaries & Wages	\$950.00
243	Plumbing Inspection Salaries & Wages	\$950.00
245	Electrical Inspection Salaries & Wages	\$2,250.00
422	Highway Department Salaries & Wages	\$1,800.00
424	Street Lighting Expenses	\$13,000.00
543	Veterans Services Salaries & Wages	\$450.00
270-175-3570-056	Planning 321 Westford Road	\$1,000.00
280-122-3580-125	Christmas Lighting	\$39.78
280-122-3580-128	Project Ericson Gas Station	\$298.50
		<hr/>
		\$374,517.05

Submitted by: Board of Selectmen

The Administrator presented Article 1 with an amendment to strike the last line 280-122-3580-128 for &298.50.





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

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to place Article 1 as amended (to strike out line 280-122-5380-128) for a total of \$374,517.05 on the Special Town Meeting Warrant.

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend Article 1.

The Finance Committee voted 5-0-0 on a motion by Member Buchman, second by Member Hammer to recommend Article 1.

Article 3. To see if the Town will vote to appropriate by transfer from Free Cash the sum of \$117,494 to supplement the Tyngsborough School Budget for fiscal year 2014 to be expended by the School Committee. Said amount represents reimbursements made through June 30, 2013 from the Municipal Medicaid Program for school services provided to eligible residents, or take any other action relative thereto.
Submitted by: School Committee

Article 4. To see if the Town will vote to appropriate by transfer from Fiscal Year 2014 departmental appropriations the following amounts to prior years' bills, or take any other action relative thereto.

<u>Unpaid Bill</u>	<u>Fiscal Year</u>	<u>Amount</u>	<u>Department</u>
Carbon Colors	2013	\$160.00	Board of Selectmen
Dorothy Giroud	2013	\$66.22	Board of Assessors

Submitted by: Board of Selectmen

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to place Article 4 on the Special Town Meeting Warrant.

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend Article 4.

The Finance Committee voted 5-0-0 on a motion by Member Buchman, second by Member Hammer to recommend Article 4.

2. Annual/Special Town Meeting Warrant Article Review / Recommendations

ANNUAL TOWN MEETING DRAFT ARTICLES

Article 32. To see if the Town will vote to amend the General Town By-laws, Article IV Public Ways, by adding a section relative to pedestrian safety, or take any other action relative thereto.

Section 5. Public Safety, Pedestrians, Traffic Islands

5.1 Purpose

Traffic islands, also known as traffic medians, regulate the safe flow of motor vehicle traffic and are not designed for persons to stand, sit, or place signs on. The use of such traffic islands for demonstrations, political campaigns, solicitation of monies for charities, religious organizations, and youth organizations, the placing of signs, panhandling, and the like presents safety and public welfare concerns for persons standing or sitting or placing signs on such traffic islands and for motorists who may be distracted by such use. –

Consequently, the intent and purpose of this Bylaw is to regulate such use for the safety and public welfare of all such persons or activities, which activities and the like may more safely be exercised on sidewalks and other public places and not by standing, sitting, or placing signs upon traffic islands.

5.2 Notice by Police Officer

No person shall, after given notice and warning by a police officer, persist in walking, standing, or placing any signs on any roadway traffic island, including but not limited to the below specified, except for the purpose of





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

crossing the roadway at an intersection or designated crosswalk or for the purpose of entering or exiting a vehicle at the curb or for repairing or maintaining the traffic island. Any police officer observing any person violating this provision shall first request such person to remove himself or herself and/or the signs from the traffic island and, if such person declines or refuses to do so, shall next give notice and warning and order such person to remove himself or herself and/or the signs from the traffic island and may arrest such person if he or she fails to comply with such request and order.

5.3 Traffic Islands

At Exit 36, (Middlesex Road / entrance to Pheasant Lane Mall),
At Middlesex Road at entrance to Pheasant Lane Mall & Plaza entrance,
At Kendall Road & Middlesex Road intersection,
At Chronopoulos Way & Frost Road,
At Old Pawtucket Boulevard & Frost Road,
At Westford Road at Exit 34, North and Southbound,
At Kendall Road at Exit 35, North and Southbound.

5.4 Penalties and/or Fines

First Offense: \$ 25.00
Second Offense: \$ 50.00
Third and Subsequent Offense: \$100.00

or take any action relative thereto.

Submitted by: Board of Selectmen

The Town Administrator presented Article 30, this article was voted by the Board to place on the Annual Town Meeting at their May 5, 2014 Meeting.

The Board of Selectman voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to recommend Article 32, with the added language or any adjacent way.

The Finance Committee voted 5-0-0 on a motion by Member Wickens, second by Member Hammer to recommend Article 32 with the added language or any adjacent way.

Article 34. To see if the Town will vote to amend Article XLII of the Town of Tyngsborough Bylaws, Mandatory Recycling, by deleting the Article in its entirety and replacing it with the following language:

ARTICLE XLII - MANDATORY RECYCLING BYLAW

Section 1. AUTHORITY:

1.1) In accordance with Massachusetts General Law Chapter 40 Section 8H, the Board of Health (Board) of the Town of Tyngsborough (Town) shall be charged with the promulgation and implementation of this By-Law and any regulation adopted under this By-Law.

Section 2. PURPOSE:

2.1) In order to protect the environment, promote recycling, and in compliance with Massachusetts mandated waste bans; the Town hereby establishes mandatory separation of recyclable and compostable yard waste from the solid waste stream.

Section 3. APPLICABILITY

3.1) This applies to all owners, tenants, occupants, and property managers of residential, multifamily, commercial, industrial, municipal, and institutional structures and properties in the Town and to any and all waste haulers duly licensed by the Board.

Section 4. WASTE HAULERS

4.1) Every waste hauler must be duly licensed by the Board on an annual basis to operate within the Town.
4.2) Every waste hauler shall provide an integrated waste management service whereby collection of recyclables is provided to all trash collection customers.





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

- 4.3) Every non-municipal waste hauler shall, upon request, provide the Board with an updated customer list, which includes the names and addresses of customers within the Town, the degree of service, and pick-up schedule. Upon request by the Board, every waste hauler shall also provide educational material to customers.
- 4.4.) Waste haulers may not accept a load of refuse with greater than 5%, by volume, recyclables or compostable yard waste. In addition, every waste hauler shall report, in writing, violations of this provision to the Board or its agent(s).
- 4.5) Waste haulers may not accept compostable yard waste, except on designated dates established by the Board.
- 4.6) Waste haulers shall allow for unannounced inspections of collected refuse or recyclables by the Board or its designated agent(s) where the Waste Hauler is required to demonstrate satisfactory collection procedures.

Section 5: OWNERSHIP OF RECYCLABLES

- 5.1) Once recyclable materials or compostable yard waste are placed at the curbside or designated collection area these materials shall become property of the Town. No person, business, or other legal entity other than licensed waste hauler and/or authorized agent(s) of the Town, acting in the course of their employment, may collect or pick up any recyclable materials so placed.

Section 6: SEVERABILITY

- 6.1) If any section of this By-Law is declared invalid or unenforceable for any reason, said decision shall not affect any other section of this By-Law, which shall remain in full force and effect.

or take any other action relative thereto.

The Administrator presented Article 34, this article modified the technical language.

The Board of Selectmen voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to recommend Article 34.

The Finance Committee voted 5-0-0 on a motion by Member Buchman, second by Member Wickens to recommend Article 34.

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault to recess the meeting.

The meeting was recessed at 6:50 P.M.

6. 7:00 PM Annual Town Meeting

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to reconvene the Board meeting at 9:21 PM to discuss the withdrawal of Article 30. The Board voted 5-0-0 on a motion by Selectman by Selectman Lambert, second by Selectman Reault to withdraw Article 30. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to recess . The Board meeting recessed at 9:22 PM.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to reconvene the Board meeting at 9:31 PM to discuss the withdrawal of Article 31. The Board voted 5-0-0 on a motion by Selectman by Selectman Reault, second by Selectman Jackson to withdraw Article 31. The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault to recess . The Board meeting recessed at 9:32 PM.

7. 7:30 PM Special Town Meeting

The Board attended, made motions and recommendations on the Articles for Special Town Meeting.

8. Adjournment





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

The Board of Selectmen voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adjourn the meeting. The meeting was adjourned at 10:00 PM.

Respectfully Submitted

Therese Gay
Admin Assistant

Approved on Monday June 2, 2014





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

Tuesday, May 20, 2014 at 5:45 P.M.

Tyngsborough Elementary School, 205 Westford Road

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.

1. **5:45 PM Open Meeting**
2. **Executive Session**
Exemption Three – To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares
3. **6:05 PM Pheasant Lane Mall, 435 Middlesex Road / “Touch A Truck” Hearing – Special Permit**
4. **6:10 PM Old Town Hall Use Request – Eagle Scout Court of Honor (May 27, 2014)**
5. **6:15 PM Joint Meeting with Finance Committee**
 1. **Review Special Town Meeting Transfers**
 2. **Annual/Special Town Meeting Warrant Article Review / Recommendations**
6. **7:00 PM Annual Town Meeting**
7. **7:30 PM Special Town Meeting**
8. **Adjournment**

Future Meetings

Monday, June 2nd, 2014 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

Monday, June 16th, 2014 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane

