



# 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, July 21, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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. "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 Selectwoman Puleo.

## 2. 6:01 PM Police Patrolman Swearing In

The Board held a swearing in ceremony for the newly appointed Patrolman Evan Donnelly. The Chief of Police introduced Patrolman Donnelly and the Town Clerk, Joanne Shifres, performed the oath of office.

## 3. 6:05 PM Alcoholic Beverage License Violation Hearing – Barbeque Integrated, Inc., DBA Smokey Bones BBQ, 431 Middlesex Road (continued)

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to open the hearing. Due to the unavailability of Counsel the Board voted 5-0-0 to continue the hearing to Monday August 11, 2014 at 7:00 PM at the Town Offices, 25 Bryant Lane.

## 4. Meeting Minutes

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

#### 1. Monday, June 30, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday, June 30, 2014.

### B. Executive Session Meeting Minutes for Review/Approval/Not Release

#### 1. Tuesday, June 24, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not to release the minutes of Tuesday, June 24, 2014.

#### 2. Monday, June 30, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not to release the minutes of Monday, June 30, 2014.

## 5. Citizen/Business Time - No one came forward.

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.





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## 6. Old Business

### A. Town Buildings Master Plan – Continue Discussion

The Board has asked Ken to bring forward a report on the different options for the use of the Town's buildings. Mr. Ken of DRA presented his findings of the different options for the use of the Town's buildings; followed by the determination of potential uses for the remaining buildings. Ken viewed the floor of the different options for the Town Offices, and the Police Department. The Town Offices is relatively new but is in need of added space for record retention, two solutions were offered, 1) is to expand the current building and the second solution is to relocate the Town Offices to the Winslow School building. This last solution will provide a permanent use of the Winslow School ensuring its preservation.

If the move to the Winslow School Building occurs the current Town Offices would be made available. One options would be to create a larger Recreation Department Space, and the current Recreation Building could be sold or used for other uses. The Library would benefit with the program room dedicated to Library use and would have additional space.

The Police Department there were different scenarios on trying to expand the building but the need is such that they would need a new building. Ken suggested that the Board wait before sending the request to have the Winslow School and the Littlefield Library in the Historic Register. The listing may make it more difficult to restore and/use the buildings in the future. The Board would support the wait until the Town's Buildings Master Plan is complete. The Board will hear from the Historical Commission.

### B. Historical Commission; Littlefield Library & Winslow School Nominations

The Historical Commissioners Chairman Warren Allgrove, Jr., Vice-Chair Mrs. Marie Lambert and Member Rodney Wood were present to ask the Board to sign and send the Registration Form to the Massachusetts Historical Commission to place the two buildings on the register. In 2010 the Board of Selectmen supported the application of the Historical Commission to place the Winslow School Building and the Littlefield Library building on the National Register of Historic Places. At that time the Commissioners sent the application but because it was not finished properly the application kept coming back. Now with the Assistant's help the form is nearly complete and the Commissioners would like to submit the application before the deadline of September. The Board and the Commissioners agreed to wait the couple of weeks for the Town's Master Plan, and the two projects can be done in a timely fashion to send the application out for September.

### C. Adams Barn – Update

The Old Town Hall Committee met on Monday afternoon to discuss the scope of work to be done. Selectman Reault updated the Board on were the committee is at. The scope of the work is in line with the cost, the committee will bring the design and scope of work to the Board for review and will be ready to out to bid shortly.

### D. Street Acceptance – Approve Order of Taking

In accordance with the procedures for the layout and acceptance for town ways, M.G.L. c. 82, subsection 24, enclosed is an Order of Street Layout, Acceptance, and Taking for the Board's signature. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to accept and sign the Order of Taking and authorized the Administrator to work with Town Counsel to record the Takings at the Middlesex North Registry of Deeds.

### E. Annual Appointments (continued)





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The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to reappoint the following individuals to the following boards/commissions/committees for terms expiring June 30, 2017: Rodney Wood – Historical Commission; Edward Smith as the Conservation Commission Representative to the Community Preservation Committee.

Additionally, we have received a letter of interest from Ashley Mackevich for appointment to the Historical Commission as an alternate. I would recommend we refer the matter to town Counsel for options as there is currently no available seat on the Commission.

## 7. 7:00 PM New Business

### A. Underground Electrical Conduit Installation Hearing – Industrial Way

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to open the hearing. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault, to waive the reading of the legal notice and the reading of the abutters' list.

The Board has received a request for permission for the installation of an underground electrical conduit from Utility Pole #16-2 (located on the northeastern side of Industrial Avenue), running to a transformer to be installed on the property of 81 Westford Road. Our Electrical Inspector, Joe Smith has reviewed the request and does not feel that there are any concerns as the installation will not impact abutting properties. Mr. Dave Aguiar is present to answer any questions or concerns the Board or any abutters may have. There was an abutter in attendance asking if any of the wires will be crossing his property, Mr. Aguiar assured the resident the wires will not be crossing his property, the gentleman was satisfied with the answer. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to close the hearing. The Board voted 5-0-0 on a motion by Selectwoman Puleo, that after notice having been given and a public hearing held, as provided by law, that the Nation Grid be and it is hereby granted permission to excavate the public highways and to run and maintain underground electric conduits, together with such sustaining and protecting fixtures as said company may deem necessary, in the public way or ways hereinafter referred to, and to make the necessary house connections along said extensions, as requested in petition with said company dated the 2<sup>nd</sup> day of July, 2014.

Said underground electric conduits shall be located substantially in accordance with the plan filed herewith marked – Westford Road, Tyngsborough, MA #17155771

The following are the public ways or part of ways along which the underground electric conduits above referred to may be laid: Westford Road-Install underground Facilities, three phase electrical conduit @ pole 16-2 Industrial Way and continuing to 81 Westford Road.

### B. Old Town Hall Use Request – Enterprise Bank

The Board received an application to use the OTH to host a home buyer's seminar to local residents for free. Ms. Jessica Silva from Enterprise Bank was present to answer any questions or concerns the Board may have. The Board identified a \$200.00 fee for the use. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the Hall Use Agreement for use of the OTH for a homebuyer's seminar as presented at the rate of \$200.00 on September 24<sup>th</sup>, 2014 from 5:30 PM to 8 PM. For approximately 50-60 people.

### C. Cash for Gold, 404 Middlesex Road

The Board received an application for a license as a Pawnbroker and Second Hand Dealer License by Mr. Chosse to operate and his business. In researching the request the Administrator found that the Board is restricted since no by-law has been adopted to govern pawnbrokers. Mr. Chosse





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gave a brief presentation on his operation to buy and sell jewelry, gold silver, and diamonds. He is not operating a pawn shop though he needs a pawnbroker's license. The Chief spoke in favor of Mr. Chosse's business, he is familiar with his operation in Nashua, NH and he contacted the Nashua PD. He has a template of the requirements, the Chief is comfortable with this business is good. The Administrator will set up a meeting with the Building Commissioner, Police Chief, and Town Counsel to discuss the licensing issue.

#### D. Tax Collector's Clerk – Appoint

The Vacancy in the Tax Collector's Office in the position of Clerk generated a good amount of interest, with a total of approximately 50 resumes submitted. The vacancy was advertised in the Lowell Sun newspaper. Out of the 50 applicants 7 candidates were contacted for an initial discussion on the hours, for which 5 applicants were interviewed. Two candidates were brought back for a second interview. Based on her qualifications, and experience the Town Collector and the Administrator recommend Ms. Brenda Feeney for appointment.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Ms. Brenda Feeney to the position of Town Collector's Clerk, effective July 22, 2014.

#### E. 2014-2015 Meeting Schedule – Review/Discuss Revised Schedule

The Board reviewed the new meeting schedule accommodating a three week span. The Board preferred to keep the schedule at the 2 week span to better accommodate the agenda items. They are not opposed to omitting a meeting if one is not needed. The Chairman welcomes any thoughts or ideas the Board may have.

#### F. Green Communities Competitive Grant – Sign Contract

The Town has been awarded a \$115,489 Green Communities Competitive Grant funding for the following projects: 1) \$5,000 Town Offices/Library – Attic Insulation; 2) \$30,732 Tyngsborough High School – lighting controls; 3) \$61,790 Tyngsborough Elementary School – lighting controls; 4) \$17,967 Tyngsborough Library – lighting controls.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Town Administrator to sign a contract with the Commonwealth of Massachusetts for the above referenced energy efficiency projects.

#### G. Town Offices/Library Painting – Sign Contract

The Board received and reviewed the contract for trim repair and painting services for the Town Hall. The project is estimated to cost \$9,800 and the funding source is the May, 2014 Annual town Meeting capital appropriation. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Town Administrator to sign a contract with Tom's Restoration for trim repair and painting at the Town Hall.

#### H. Local Liquor License Control

The Administrator has provided to the Board the Senate bill that includes language, supported by the MMA and local officials across the state that would remove the statutory limit on the number of liquor licenses that a municipality can issue. This change would eliminate the burdensome home rule petition process that each city or town must undertake for each additional licenses. Instead, each municipality, at its discretion, would be able to create a plan for the number of liquor licenses that it deems appropriate. The Board is in support of this bill, it would be an economic plus for the Town.

#### I. Tax Exempt Parcels





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The Administrator has provided the Board with a copy of a listing of tax exempt parcels as well as the estimated tax value for each parcel. The Board has reviewed and would like to set up a work session with the Assessor's Board to discuss. Selectmen Lambert and Gramer volunteered to work with the Assessors on this agenda item.

## 8. 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 Selectwoman Puleo, second by Selectman Lambert to accept the correspondence as presented. The Board discussed the following items: the setting of the Fall Town Meeting; the resignation of a Finance Committee Member, the Finance Committee will meet with Rob Kydd to appoint a new member, a letter of interest was received. The Board will meet with Habitat for Humanities at their next meeting. The AMC request for a liquor license. An affordable unit has become available the Board wants the unit to remain affordable so that it can be sold as an affordable unit. The Administrator was asked to contact CTI for a waiting list of applicants. The Pedestrian Safety By-law is not enforceable on State owned property. The Administrator is asked to contact Town Counsel and ask how to move forward and to also connect with the PD. The pipeline coalition provided a draft letter, attend the next meeting with Selectman Lambert's recommendation to endorse the slowdown. The Board received information relative to the Tyngsborough Water District and the proposal for community wells on land on River Road. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to extend the license agreement between the Town and the Tyngsborough Water District to September 15, 2014.

## 9. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #54B for \$294,821.23 on 6/30/2014; Warrant #55S for \$349,066.94 on 6/30/2014; Warrant #55B for \$91,387.93 on 6/30/2014; Warrant #1B for \$2,009,495.93 on 7/7/2014; Warrant #2B for \$657,497.90 on 7/14/2014; and Warrants 55P (FY14) and 2P (FY15) for \$389,291.49 on 7/14/2014.

## 10. Town Administrator's Report - for the period ending July 18, 2014;

- Response to Selectmen's Requests

Attached is a copy of a letter sent to Congresswoman Tsongas, including the corresponding attachments, regarding the vacant state-owned single family home located at 11 Indian Lane. Attached is a copy of the Hearing Decision sent to the owner of Ramoura Corp. d/b/a O'Conley's Pub regarding the cancellation of the All Alcoholic Restaurant License.

- Budget

Attached is a copy of the FY13 Management Letter.

Attached is a request for a Reserve Fund Transfer for FY14 costs relating to Special Legal Counsel. Attached is the information from the Massachusetts Interlocal Insurance Agency regarding savings in the Town's FY14 workers compensation and property casualty insurance costs.

- Departmental Information

Attached is the correspondence from Town Counsel regarding the collection process for dishonored checks.





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Attached is a letter sent to the Massachusetts School Building Authority regarding the actual and/or forecasted dates for funding votes for a potential roof and/or boiler replacement project at the Tyngsborough High School.

- Contracting/Procurement

Attached is a summary of the bid results for the Highway Department's Annual Road Material and Service solicitations. Award letters to the lowest responsible bidders (shown in highlighting) will be sent in the upcoming week.

Nearly 100% of the computer workstations in the Town Offices, Council on Aging and Highway Department have been replaced with newly procured workstations or repurposed computers to eliminate the use of Windows XP or older operating systems which are no longer supported. Minor work, including clean up and punch list times remain. We would like to thank Rony Camille for all of his work on this important project.

- Other

Attached is a letter sent to the Tyngsborough Water District, Board of Water Commissioners regarding the extension of the license to continue exploratory testing for a potential public water supply on Town owned parcels.

Attached is the information relative to the Middlesex 3 Coalition's invitation to join as a municipal Member for the Town of Tyngsborough. The Executive Director has agreed to present to the Board answer any questions in an upcoming meeting.

The Northern Middlesex Council of Government has requested to use the Community Room on Thursday, July 31<sup>st</sup> at 6:00 PM for the purpose of holding a public meeting on the Exit 36 study. The room is available and I plan to attend, therefore I plan to approve this request by notifying NMCOG on Tuesday.

## 11. Selectmen's Reports

Selectman Lambert updated the Board on the meeting he attended on the gas pipeline, he stated that the Town will remain neutral until more information is gathered. The Board thanked Michael, he will be missed by all. Selectwoman Puleo was proud of hiring Michael, supporting him and thanked him.

The Board presented Michael with a desk clock as a parting gift. Everyone thanked him and wished him well at his new position. Michael thanked everyone for their support during his tenure as the Town Administrator.

## 12. Executive Session

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to enter into Executive Session to discuss the following:

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Assistant Town Administrator
- B. 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; Highway Union; Police Union





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- c. 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 come out to open session to adjourn. 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 Board entered into Executive Session at 9:02 PM. The Board exited the Executive Session at 9:45 PM.

### 13. Assistant Town Administrator – Compensation

The Board returned to open session to address compensation for the Assistant Town Administrator. The Board has asked the Assistant Town Administrator to take on the responsibilities of the Town Administrator until such time that a Town Administrator is appointed. The Board after discussions voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to increase the Assistant Town Administrator's base salary from \$61,200.00 to \$71,200.00, effective July 1, 2014. In addition, while a vacancy exists in the position of the Town Administrator and the Assistant Town Administrator is taking on those duties, starting August 4, 2014 due to these increased responsibilities the Board offered a \$250.00 weekly stipend to the Assistant Town Administrator.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to designate Nina Nazarian, Assistant Town Administrator as the Chief Procurement Officer.

### 14. Adjournment

The Board voted 5-0-0 on a motion by Selectman Puleo, second by Selectman Lambert to adjourn the meeting. The meeting was adjourned at 9:56PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday, August 11, 2014



## Correspondence - Monday July 21, 2014

Date	Author	Subject	In Packet?
7/14/2014	David Robson	Letter of Thanks for Scholarship	7/21/2014
7/2/2014	Town Administrator	Temporary Hours	7/21/2014
7/15/2014	Town Counsel	Info on Pedestrian Safety By-law	7/21/2014
7/14/2014	Sewer Commission	Re Fall Special Town Meeting Schedule	7/21/2014
7/11/3014	Town Administrator	Project Update NED Landowner Survey	7/21/2014
7/11/2014	Town Administrator	NED/Kinder Morgan Pipeline Info	7/21/2014
7/8/2014	Town Administrator	Letter to MSBA	7/21/2014
7/8/2014	Town Administrator	Re Tyngs Water District Extension Request	7/21/2014
7/2/2014	town Clerk	Letter of Resignation from Fin Com Member	7/21/2014
7/2/2014	ABCC	Manager Transfer Approved	7/21/2014
7/7/2014	Tyngs Fire Fighters Assoc	RE Annual Ron Corcoran Memorial Scholarship	7/21/2014
7/15/2014	Comprehensive Environmental Inc	Re Stormwater Phase II Survey	7/21/2014
7/19/2014	MMA	Re Oppose Telecom Industry Proposal	7/21/2014
7/14/2014	Merrimack Valley Food Bank	21 <sup>st</sup> Annual Gold Scramble	7/21/2014
7/7/2015	US of A FERC	Granting Late Intervention	7/21/2014
7/7/2014	Good Energy	Municipal Energy Aggregation	7/21/2014
7/2/2014	DCR	Public Meeting Notice	7/21/2014
7/2/2014	Habitat for Humanities	Welcoming the New Fiscal Year	7/21/2014
7/9/2014	North Chelmsford Water District	Water Management Act Regulations/Report	7/21/2014
7/16/2014	School Committee	Meeting Minutes	7/21/2014
07/14/14	Comcast Connections	Newsletter	07/21/14
07/08/14	NE Council of Carpenters	CTA Signs Carpenters Union Agreement	07/21/14
06/26/14	Diversified Technology	Info on Visual Utility Billing	07/21/14
07/07/14	Mass Retirees Assoc	Newsletter (cover page only newsletter in Office)	07/21/14
07/07/14	Trans Med USA	Complaint on condition of Roads	07/21/14
07/07/14	DEP	Tyngs Water District Approval of Site	07/21/14
07/16/14	AMC Movie Theaters	Request for Theater	07/21/14
7/17/2-14	Dept of energy Resources	Approved Grant	07/21/14
07/17/14	Gulf Wex	Program for vehicle fuel expense	07/21/14
07/18/14	Ms Hoysradt	Property Sale	07/21/14



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2. **6:01 PM Police Patrolman Swearing In**
3. **6:05 PM Alcoholic Beverage License Violation Hearing – Barbeque Integrated, Inc., DBA Smokey Bones BBQ, 431 Middlesex Road (continued)**
4. **Meeting Minutes**
  - A. Regular Session Meeting Minutes for Review/Approval
    1. Monday, June 30, 2014
  - B. Executive Session Meeting Minutes for Review/Approval/Not Release
    1. Tuesday, June 24, 2014
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6. **Old Business**
  - A. Town Buildings Master Plan – Continue Discussion
  - B. Historical Commission; Littlefield Library & Winslow School Nominations
  - C. Adams Barn – Update
  - D. Street Acceptance – Approve Order of Taking
  - E. Annual Appointments (continued)
7. **7:00 PM New Business**
  - A. Underground Electrical Conduit Installation Hearing – Industrial Way
  - B. Old Town Hall Use Request – Enterprise Bank
  - C. Cash for Gold, 404 Middlesex Road
  - D. Tax Collector's Clerk – Appoint
  - E. 2014-2015 Meeting Schedule – Review/Discuss Revised Schedule
  - F. Green Communities Competitive Grant – Sign Contract
  - G. Town Offices/Library Painting – Sign Contract
  - H. Local Liquor License Control
  - I. Tax Exempt Parcels





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### 8. **Correspondence**

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### 9. **Review of Weekly Warrants**

### 10. **Town Administrator's Report**

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

### 11. **Selectmen's Reports**

### 12. **Executive Session**

- A. Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Assistant Town Administrator
- B. 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; Highway Union; Police Union
- C. 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

### 13. **Assistant Town Administrator – Compensation**

### 14. **Adjournment**

### **Future Meetings**

**Monday, August 11, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

