



# 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, August 11, 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 Corliss Lambert, Selectman William Gramer.

Staff Present: Assistant 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. "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. Meeting Minutes

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

##### i. Monday, July 21, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday, July 21, 2014.

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

##### i. Monday, July 21, 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, July 21, 2014.

### 3. Citizen/Business Time

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.

Mr. Greenbaum, 81 Baker Street, Warren RI owns 54 acres of developable site located at 422 Middlesex Road. He wanted to discuss the possibility of tying in to the Nashua NH sewer system, since the Phase 2 offered by the Sewer Commission could be at best 5 years off. The Board thanked Mr. Greenbaum for coming in and voicing his concerns.

### 4. New Business

#### A. Exit 36 Southbound – NMCOG & NRPC Presentation

The Board welcomed Ms. Beverly Woods, Director of NMCOG and Tim Roache, Representative of NRPC, Mr. Roache presented the slide show for the plan for Exit 36 Southbound. NMCOG and NRPC have received a Transportation Community System Preservation Grant to improve the





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operation of the major roads in the study area, Route 3 Southbound, Middlesex Road at Exit 36 and Daniel Webster Highway in New Hampshire; it addresses all modes of transportation; to provide efficient access to services and job centers in the area; it gives opportunities for sustainable growth and economic development and opportunities for innovative financing and public/private partnerships, and to mitigate traffic congestion and greenhouse gas emissions. Ms. Woods, and Mr. Roache are part of the Exit 36 Southbound Steering Committee. They have been studying the Existing Conditions and have assessed whether to do nothing or to build a southbound access to Exit 36; they have studied traffic volume, intersection operations and travel time, alternative modes such as a bus service, bicycle/pedestrian travel and passenger rail; also land use and economic development such as access management, vacant parcels and redevelopment opportunities. The Committee presented that if the new ramp is built the traffic will significantly drop in 24 traffic volumes on DW Highway and Spit Brook Road; will mitigate some of the Gateway Hills impact on Turnpike Ramps and west end of Spit Brook Road; and will give direct access to south DW Highway/Northern Middlesex Road locations. Mr. Roach showed a conceptual layout of what the ramp configuration may look like but this is conceptual and may change after further study. The Mayor of Nashua, Donnalee Lozeau spoke in support of this project and is asking if the Board will continue support for this project. The Board stated that this is a positive step for economic development, and in support of the rail transportation project, the Exit 36 ramp will benefit not only Nashua but Tyngsborough also. A resident questions the impact to some land owners if using the shown model of the ramp, Ms. Woods explained that a complete plan will be done in a few hours and may show a different model of the ramp.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to go forward with the project.

The Board thank Ms. Woods, Mr. Roach and Mayor Lozeau for coming tonight to present the Exit 36 proposal.

## B. Bond Anticipation Note (BAN) – Town Treasurer/Finance Coordinator

### i. Approve BAN

The Treasurer/Finance Director presented the \$2,500,000 Bond Anticipation Note. The Town received a very favorable rate on the Old Town Hall \$2,500,000 Bond Anticipation Note issued August 15, 2014, pending the Board's review and approval this evening. The lowest competitive NIC (net Interest Cost) bid the Town received was 0.221%, which consists of a coupon rate of .5% and a premium of \$4,250 which will be used toward the closing costs. The Treasurer attached the following vote:

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the sale of \$2,500,000 0.50 percent General Obligation Bond Anticipation Notes of the Town dated August 15, 2014, and payable March 25, 2015 (the "Notes"), to TD Securities (USA) LLC at par plus a premium of \$4,250.00; and that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated August 4, 2014, and a final Official Statement dated August 7, 2014, each in such forms as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted; and that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond Counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time; and that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are,





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authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

ii. OTH Policy Recommendation by Bond Counsel – Approve

The Town Treasurer/Finance Coordinator in correspondence with Bond Counsel, the suggested modification to the Old Town Hall Use Policy as recommended by Bond Counsel has been incorporated into the Policy in Section 7.17, as follows: “With the exception of those mentioned in Section 4.1 (Town Departments/Committees), no individual or group shall request or be permitted to use the Old Town Hall for more than fifty aggregate days per application request”. In addition to the change with Section 7.17, additional changes have been made to clarify the Policy. These suggested clarifications have been reviewed by the Chairman.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the Old Town Hall Use Policy with the revisions contained in the Policy dated August 11, 2014.

C. Sign the Election Warrant

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to sign the Election Warrant for the upcoming State Primary on Tuesday September 9, 2014.

D. Special Town Meeting Request – Sewer Commission

The Sewer Commission is requesting that a Fall Special Town Meeting be called so that the Commission can take advantage of the currently approved SRF funding, the Commission will need a town meeting vote before the application submission deadline of October 15, 2014. The Board asked Town Counsel if he would be available for October 7<sup>th</sup>, he indicated he could not and discussion on a date ensued, Town Counsel would be available for Wednesday October 8<sup>th</sup>. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Gramer to support the Sewer Commissions request for a Fall Special Town Meeting on Wednesday October 8, 2014.

E. Green Communities Drinking Water/Wastewater – Sign Contract

The Town of Tyngsborough has been awarded a grant funding in the amount of \$89,100 for the replacement of pumps at the Mascuppic Trail Sewer pump Station. The total cost is \$100,500 of which the balance of \$11,400 is budgeted to come out of the Sewer Enterprise Capital. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Assistant Town Administrator to sign a contract with the Commonwealth of Massachusetts for the energy efficiency project.

F. Alternate Building Commissioner – Appoint

The Board received a letter from Building Commissioner, Paul Welcome, asking that the Board appoint Donald Crowell as a backup building Inspector to called in the absence of the Building Commissioner. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Mr. Donald Crowell as the back building inspector at the rate of \$125.00 per day.

G. Street Acceptance – Approve Orders of Taking (Descheneaux Lane & Ducharme Lane)

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the takings for Descheneaux Land and Ducharme Lane to sign in final form and to file such takings at the Land Court Division of the Registry of Deeds.

H. Roadway Reconstruction of Old Stonehill Road & portions of Joco Drive and Kendall Road – Approve Contract





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The seal bids for Roadway Reconstruction of Old Stonehill Road, a portion of Joco Drive, and a portion of Kendall Road were opened and read, six bid packages were received, all from MassDOT pre-qualified companies. After reviewing each bid; D&R General Contracting, Inc. was the apparent low bidder, followed by P.J. Keating Company, and Brox Industries, Inc., respectively. After thorough review of the documents, no errors or informalities were identified in the apparent low bidder's submission (D&R General Contracting, Inc.). The Highway Department contacted three references and ultimately determined that D&R General Contracting, Inc. was the lowest qualified bidder. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Assistant Town Administrator to award the project to D&R General Contracting, Inc. and to finalize the proper paperwork to sign and enter into a contract with D&R General Contracting, Inc.

## I. ZBA Requests for Comment

### i. Tyngsborough Crossing 40B Project

The Board gave no comment on this project, will review further.

### ii. 53 Willowdale Road

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson to support this application. The intention of the Board's support is to recognize that there will be an improvement on the property.

## J. Alcoholic Beverage License Request – Manager Change – Barbeque Integrated, Inc., DBA Smokey Bones, 431 Middlesex Road

This item was taken out of order, will return to address Change in Manager after the violation hearing in Item 5.

The Board received an application for a Change in Manager at Smokey Bones, the paperwork is in order, the new Manager Missy Simpson gave a brief description of her qualifications and has TIP Certification. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the request to Change the Manager of Record to Missy Simpson of Barbeque Integrated, Inc. DBA Smokey Bones BBQ.

## 5. 7:00 PM Alcoholic Beverage License Violation Hearing – Barbeque Integrated, Inc., DBA Smokey Bones BBQ, 431 Middlesex Road (continued)

The Chairman opened the continued hearing (continued from July 21, 2014). The Chairman welcomed the attendees and will preside over the hearing of Barbeque Integrated, Inc. DBA Smokey Bones BBQ, 431 Middlesex Road.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to waive the reading of the Notice of Hearing.

The Chairman read the following statement of procedure to be followed this evening: The procedure this evening for conduct of this hearing is as follows: Each party has a right to be represented by a person of her, her, or its choice; Where the Licensee has agreed to a Stipulation of Facts, the usual procedure will not apply this evening, as testimony will not be necessary; the Chief will present the stipulation of Facts signed by the manager of the Licensed Premises.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to find as facts the following: I, Brian Fowkes, Director of Operations, on behalf of the Licensee, stipulate to: 1) The truth of all of the facts contained in the Police Report by Lt. Bryan V. Nasworthy to Chief Howe, undated, and Summons Report dated April 4, 2014, by Sgt Michael Casella with a report by Police Officer Thomas Walsh, all attached; 2) The following facts: a) Police Officer Thomas Walsh on





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April 4, 2014, at about 11:45 p.m. Investigated the alleged service of alcohol beverages to two persons under the age of 21 years, specifically Marlene Hiraldo (Hiraldo) and Luz Lora (Lora) at Licensee's premises; b) Both Hiraldo and Lora had mixed drinks containing alcohol and were drinking the mixed drinks; c) Neither Hiraldo nor Lora had any identification on their person; d) Both told Officer Walsh that they were not asked for identification by the Licensee's employees; e) On the date of the offense, Hiraldo was under the age of 21, specifically, age 20; and Lora was under the age of 21, specifically, age 18; 3) the Licensee agrees that the following violations were committed: a) M.G.L. C. 138, section 34: Sale, delivery or furnishing alcoholic beverages to two persons under 21 years of age; b) 204 CMR 2.05 (2): Permitting an illegality on the licensed premises, specifically the violation of M.G.L. c. 138, s 34; c) The Town's Alcoholic Beverages Regulations, paragraph 14: Service of alcoholic beverages to persons under 21 years of age. Signed on Monday August 11, 2014 for Barbeque Integrated, Inc. DBA Smokey Bones by: Brian Fowkes, Its Director of Operations.

Attorney Peter Nicosia, representing Barbeque Integrated, Inc., introduced Missy Simpson, Manager, and Brian Fowkes, General Manger, Mr. Fowkes has read and understands, and has the authority to sign the stipulations.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to close the evidentiary portion of the hearing.

The Chairman entertained a motion from the Board. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectwoman Puleo, second by Selectman Lambert based on the findings of fact, move that the Board find the following violations: The Licensee sold, delivered, or furnished alcoholic beverages to persons under the age of 21 years in violation of M.G.L. c. 138, s. 34; Alcoholic Beverages Control Commission (ABCC) Regulation's 204 CMR 2.05 (2); and the Tyngsborough Alcoholic Beverages Regulations (TABR) Section 14.

The Police Department presented its recommendation: relating to the liquor law violations that occurred on April 4<sup>th</sup>, 2014 at Smokey Bones, two minors were alleged to have been served liquor at the establishment, as a result of an investigation by this agency we charged tow minors with "minor possessing alcohol by misrepresentation." Further we charged Smokey Bones with three (3) violations of state law and town liquor regulations. The facts of this incident are clear and well-articulated, further after review of pas incidents at Smokey Bones I have found that in 2010 Smokey Bones admitted to sufficient facts when charged with the following violations; Underage Drinking, failing to ensure safety and orderly facilities and failure to comply with health and sanitary codes. A detailed remedial plan was agreed to of which two sections are of particular note and directly relevant regarding these new violations; 1) "The license holder is purchasing two Eye-D-Tech fake ID detectors which are recommended by the Massachusetts Alcoholic Beverage Control Commission." 2) "The license holder is immediately instituting a "card everyone" policy regardless of age or appearance. With regard to appearance, if the appearance of an individual is in question, the individual will be asked to produce a second form of ID along with having a secondary check of both ID's by the General Manager". Clearly these two (2) remedial steps were not in place on the date of this incident, if they had been the incident would have been avoided. This is a clear example of the licensee failing to enforce it's agreed upon remedial steps that it made with the Board of Selectmen in 2010. Therefore with the seriousness of this latest incident and taking into consideration the failure to abide by the agreed upon remedial plan of 2010 I recommend the following: 1) A suspension of the liquor license for five (5) days, with three (3) days served and two (2) held in abeyance for one (1) year. The days recommenced are Saturday, August 16, 2014;





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Monday, August 25, 2014; and Wednesday, September 3, 2014. 2) A requirement that the licensee will abide by the agreed upon remedies put in place in 2010, specifically the two (2) sections I mentioned above. 3) The Licensee will meet with a member of the Police Department liquor licensing unit on a monthly basis to ensure compliance.

Attorney Peter Nicosia, representing Smokey Bones, presented that the license holder does not object, the licensee has terminated the employee, and met with other members of the unit, and has heard what their concerns are. The individuals have gone over the specifics, to implement and comply with original plan. There will be a monthly proactive meeting and testing of the systems in the establishment. When there is a turnover of employees there as no communication between the former and the new employees. The new team wants to meet the issues head on and to make the changes. The new team had a good meeting and the new manager understands that further violations would limit the business. The new manager will continue the use of details, and will add new floor managers. The Board thanked everyone, welcomed the new team, though disappointing they have set a chart to go forward and hopefully the issues will be resolved. The Chief's recommendation is in line with the ABCC.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert move that the license is suspended for five (5) days, with three (3) days to be served on the following dates: Saturday, August 16, 2014; Monday, August 25, 2014 and Wednesday, September 3, 2014, and the remaining days to be suspended for one (1) year.

Town Counsel thanked Attorney Nicosia for his assistance in resolving the issues this evening and questioned why one employee was terminated but no one else terminated? The underage patrons were there many times.

## 6. Old Business

- A. Alcoholic Beverage License Status – Liquor Shop Tyngsboro, Inc., DBA the Liquor Shop, 440 Middlesex Road.

Attorney Peter Nicosia informed the Board that his client who had intentions to purchase the rights to apply for this license has fallen through. Attorney Nicosia has notified Attorney Greg Curtis, who could not be here this evening, the current license holder has now listed the business for sale with a business broker and is actively marketing to see the business and license rights. Attorney Nicosia is asking that this matter be placed on a further agenda three (3) months from now to check on the status at that time.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to continue the Liquor Shop Tyngsboro, Inc.'s license status update to Monday, October 6, 2014. Attorney Curtis will be notified of the new date.

- B. Ambulance Study Commission

The Board of Fire Engineers presented the Mission Statement and Regulations for a newly formed Ambulance Study Commission. The commission was established to review, evaluate and make recommendations regarding the addition of an ambulance service to the existing set of Tyngsborough Fire Rescue responsibilities and services. Asked why the makeup of the Commission includes a member of the Capital Asset Management Committee, the Ambulance Study Commission wanted a representative because the Commission will be purchasing some capital items. A review from Town Counsel and the advertising for a citizen-at-large member. The Commission will be made up of: a Board of Fire Engineer Member; a Board of Selectman Member; a





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Finance Committee Member, a Capital Asset Management Committee Member; a Citizen at Large and non-voting advisories, the Town Treasurer and the Fire Chief.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the draft Mission Statement and Regulations of the Ambulance Study Commission and reviewed by Town Counsel.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to support Selectman Gramer as the Board's Representative on the Commission.

#### C. First Responder Agreement – Approve/Sign

The Administrator presented a Memorandum of Agreement with Lowell General Hospital for the purpose of Medical Control per 105 CMR 171.225. There is no cost associated with this agreement. The Agreement was with Saints Memorial hospital, since it's merging with Lowell General Hospital the agreement must be signed with Lowell General.

105 CMR 171.225 states "(a)ny first responder agency that chooses to utilize automatic/semi-automatic defibrillation shall maintain a memorandum of agreement with a hospital...to provide medical control for first responders.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Assistant Town Administrator to enter a Memorandum of Agreement with Lowell General Hospital to establish a program of Medical Control, as per the agreement.

#### D. Adams Barn – Update

Selectman Reault after attending multiple meetings and have multiple proposals and finding one within budget. Once the bids are reviewed and if within budget, could start the construction to stabilize the Adams Barn it will remain looking like a barn.

#### E. Annual Appointments (continued)

The following is a recommendation for continued annual appointments wherever letters of reappointment have been received:

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to reappoint Robert Kydd, as a member on the Historical Commission and on the Zoning Board of Appeals for terms expiring June 30, 2017.

#### F. 2014-2015 Meeting Schedule – Comments

The Board briefly discussed ways to shorten the meeting time; one recommendation would be to not read the Town Administrator's Report at the meeting and to make it available online for a period of time and only announce items listed which should be important; another recommendation is not necessary to hear from all of the Board Members is in agreement, and voice only if opposing, silence would mean agreeing.

## 7. Citizen/Business Time

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.

Mr. David Presberg of 51 Farwell Road wanted to address the Board on the matter of the proposed pipeline expansion into Tyngsborough. Mr. Presberg distributed some material in reference to the pipeline. He has been attending coalition meetings gathering information and to voice his support against the pipeline.





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Selectman Lambert decided to change his personal perspective on the pipeline, there has been no demonstration on the necessity of the gas pipeline in New England was made. It is pro-ported that the gas will be sold out of the country. He does favor the pipeline if a tariff is paid to the community that serves the pipeline. Mr. Presberg has given a lot of information to read through. Ms. Kathleen Spaeth of 1 Minuteman Drive asked what the status of the pipeline since no new information has been given. There is no new status, the Board will contact Kinder Morgan to see if someone could attend a meeting of the Board.

## 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 as detailed in the Spreadsheet with the following: A Commendation letter by the Chief of Police recognizing Lt. Wagner, Off. Rubino, Off. Healy and Off. Cote; A response of Notice of Intent to Sell and Affordable Unit by Community Housing, Inc.; Complaint filed with the Commonwealth of Massachusetts regarding unpaid common expenses of an Affordable unit; Tyng Village/Letter from Mass Housing; Requests to Use OTH from COA Director and from Recreation Dept.; Notification on Initial Anchor Shippers for Northeast Energy Direct Project from Kinder Morgan and an Appeal of Decision to cancel license to ABCC re: Ramoura Corp. DBA O'Conley's Pub and new correspondence received from Mr. Greenbaum re his land holdings on Middlesex Road.

## 9. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #5B for \$160,871.92 on 08/04/2014; Warrant #4P for \$365,590.66 on 07/28/2014; Warrant #4B for \$3,583,978.44 on 07/28/2014; Warrant #4S for \$93,726.58 on 07/28/2014; Warrant #6P for \$390,943.16 on 8/11/2014; Warrant 6B for \$773,559.47 on 08/11/2014; Warrant #6B2 for \$7,005.53 on 08/11/2014.

## 10. Town Administrator's Report

- Response to Selectmen's Requests

Attached is an updated list of Tyngsborough's current Road Inventory File, which includes the 15 streets accepted at the May 2014 Annual Town Meeting. Also attached is a copy of the cover letter sent to Town counsel requesting that he file the Order of Street Layout, Acceptance and Taking for the 15 streets accepted.

- Budget - None
- Departmental Information

Attached is a copies of the following: an appointment letter for the Town Collector's Clerk; the submission to the Executive Office of Elder Affairs for a formula grant in the amount of \$13,032.00 for FY2015; of the Purchase and Sale Agreement executed by the CPC and the current owners of 68 Bowers Avenue. The transaction is anticipated to be completed on or before August 21<sup>st</sup>; of the survey sent out by the Sewer Commission to properties within the proposed Phase I West project area. As of July 31,2014, 61 surveys were received, with 56% responded to be in favor; a notice to all license holders from the Building Commissioner regarding yearly safety inspections; correspondence from Mr. Wes Russell, Director of Emergency Management regarding the Hazard





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Mitigation Plan revisions required by FEMA, Mr. Russell attended a meeting and plans to continue to update the Board; on Tuesday, August 5, 2014 and Wednesday, August 16, 2014, after receiving 31 applications, Rony Camille, Media Director and I met with 11 candidates for the position(s) of Media Associate, Rony and I intend to have a recommendation(s) for appointment at the Board's August 25<sup>th</sup> meeting.

- Contracting/Procurement - None
- Other

Selectman Lambert and/or I continue to attend meetings of the Northeast Municipal Gas Pipeline Coalition, which are typically held on Monday's at 10:00 AM. The Last meeting was held in Pepperell on Monday, July 28<sup>th</sup> and the next meeting of the Coalition is on Monday, August 11, 2014 in North Reading.

Selectman Lambert and I met with representatives of AMC Movie Theaters on Thursday, August 7, 2014. Attached is a copy of the information presented by Mr. George Patterson, SVP, Food & Beverage and Attorney Andrew Upton, DiNicola, Seligson & Upton, LLC regarding a proposed alcohol service at the AMC here in Tyngsborough.

## 11. Selectmen's Reports

Selectman Reault reported that the Senior Center being built on Westford Road is on schedule.

## 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 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
- B. Exemption Three – To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigation position of the Board, and the Chair so declares
- 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 9:07 PM. The Board exited the Executive Session at 10:20 PM.

## 13. Adjournment

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Lambert to adjourn the meeting,

The meeting adjourned at 10:20 PM.





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Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday, August 25, 2014



## Correspondence - Monday August 11, 2014

Date	Author	Subject	In Packet?
7/24/2014	Police Chief	Commendation Letter	8/11/2014
07/31/14	Community Housing Inc	Response to Notice of Intent to Sell	8/11/2014
07/28/14	Commonweath of Mass/Summons	40B Merrimack Way	8/11/2014
08/07/14	Tyng Village/Letter from Mass Housing	40B	8/11/2014
07/23/14	COA Director	Request to Use the OTH	8/11/2014
08/06/14	Recreation Director	Request to Use the OTH	8/11/2014
8/1/2014	Kinder Morgan	Notification	8/11/2014
7/18/2014	Kevin Murphy, Esq/Town Counsel Response	Ramoura's Appeal to the ABCC	8/11/2014
07/30/14	Greater Lowell Chamber of Commerce	Radio Show Info	8/11/2014
08/07/14	ABCC	Advisory	8/11/2014
7/30/2014	MassDOT	New Strategic Highway Safety Plan Program	8/11/2014
07/18/14	Town Counsel	Monthly Report for June	8/11/2014
7/24/2014	Allied Waste	Continuation Certificate	8/11/2014
7/9/2014	Mass Cultural Council	Periodic News Letter	8/11/2014
7/24/2014	Mass Dept of Energy Resources	Green Communities Criterion 3 Guidance	8/11/2014
7/30/2014	Town Counsel	Response to a Complaint	8/11/2014
7/25/2014	ABCC	Request info for Outback and Carrabas	8/11/2014
7/25/2014	Town Counsel	Cash for Gold Opinion	8/11/2014
7/30/2014	Mass DOR	Free Cash Approval for Tyngsboro Water	8/11/2014
7/30/2014	Conservation Commission	Notification to Abutters	8/11/2014
08/07/14	Conservation Commission	Hearing Notice	8/11/2014
7/30/2014	NMCOG	State 911 Grant Award	8/11/2014
8/4/2014	Hi-Way Safety Systems, Inc	Thank you note for award	8/11/2014
8/4/2014	Middlesex Sheriff's Office	Graduation Invitation	8/11/2014
8/4/2014	Haystack Observatory Directors	Anniversary Invitation	8/11/2014
08/04/14	Eric Kimnshef CPA	Letter	8/11/2014
07/29/14	Internal Affairs Investigators	Conference Information	8/11/2014
08/01/14	Middlesex Community College	Credit Courses Availability	8/11/2014
07/21/14	Cardinal's Office	Mass in thanksgiving for Safety Personnel	8/11/2014
08/04/14	COA	Newsletter	8/11/2014
08/06/14	MEDC	Conference Information	8/11/2014
08/07/14	Verizon	FIOS TV Notice	8/11/2014



# 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

**Revised 08-08-14**

## Board of Selectmen Meeting Notice

Monday, August 11, 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.

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

**2. Meeting Minutes**

- A. Regular Session Meeting Minutes for Review/Approval
  - i. Monday, July 21, 2014
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
  - i. Monday, July 21, 2014

**3. Citizen/Business Time**

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. Exit 36 Southbound – NMCOG & NRPC Presentation
- B. Bond Anticipation Note (BAN) – Town Treasurer/Finance Coordinator
  - i. Approve BAN
  - ii. OTH Policy Recommendation by Bond Counsel – Approve
- C. Sign the Election Warrant
- D. Special Town Meeting Request – Sewer Commission
- E. Green Communities Drinking Water/Wastewater – Sign Contract
- F. Alternate Building Commissioner – Appoint
- G. Street Acceptance – Approve Orders of Taking (Descheneaux Lane & Ducharme Lane)
- H. Roadway Reconstruction of Old Stonehill Road & portions of Joco Drive and Kendall Road – Approve Contract
- I. ZBA Requests for Comment
  - i. Tyngsborough Crossing 40B Project
  - ii. 53 Willowdale Road
- J. Alcoholic Beverage License Request – Manager Change – Barbeque Integrated, Inc., DBA Smokey Bones, 431 Middlesex Road

**5. 7:00 PM Alcoholic Beverage License Violation Hearing – Barbeque Integrated, Inc., DBA Smokey Bones BBQ, 431 Middlesex Road (continued)**





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## 6. Old Business

- A. Alcoholic Beverage License Status – Liquor Shop Tyngsboro, Inc., DBA the Liquor Shop, 440 Middlesex Road.
- B. Ambulance Study Commission
- C. First Responder Agreement – Approve/Sign
- D. Adams Barn – Update
- E. Annual Appointments (continued)
- F. 2014-2015 Meeting Schedule – Comments

## 7. Citizen/Business Time

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.

## 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.

## 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 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
- B. Exemption Three – To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigation position of the Board, and the Chair so declares





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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

## 13. Adjournment

### Future Meetings

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

**Monday, September 08, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, September 22, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

