



# 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, September 22, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Robert Jackson, Selectman Rick Reault, Selectwoman Karyn Puleo, 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, September 8, 2014

The Board the approval of the Minutes of Monday, September 8, 2014 till Monday, October 6, 2014.

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

i. Monday, September 8, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the minutes of Monday, September 8, 2014.

### 3. **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.

### 4. **6:05 PM – Town Employee Anniversary Recognition**

The Board recognized the following individuals for their service to the town and presented a Certificate of Appreciation to each. Town Employees receiving a certificate were: Tim Madden, Fire Chief for his 35 years of service; Christopher Chronopoulos, Deputy Police Chief for his 30 years of service; Glenna Greenslade, Dispatcher Supervisor, for her 30 years of service; James Hustins, Senior Highway Foreman, Charles Melanson, Police Sergeant, and Charles Rubino, Police Officer for their 15 years of service; Michael Cassella, Police Sergeant, Kimberly Morrison, PD Administrative Assistant, and Paul Provencher, Assistant Sewer Supt. For their 10 years of service and Susanne Arthur, Library Director, LouAnn Brady, COA Bus Driver, Joshua Clancy, Highway, Robert





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Morency, Highway and Jennifer Wilson, Admin Assistant, Assessors Office for their 5 years of service.

## 5. New Business

### A. Police Chief – Reserve Officer Recommendation

The Chief has submitted a recommendation for the appointment of two Reserve Police Officers, Ms. Alison Bailey and Mr. Dennis Leach. The Candidates has passed a written examination, a physical fitness test, and have at least a part-time police academy certifications. The two candidates were chosen unanimously by the interviewers and are the top two candidates.

The Board voted 5-0-0 on a motion by Selectman, second by Selectman to appoint Ms. Alison Bailey and Mr. Dennis Leach as Reserve Police Officers for a term expiring June 30, 2015.

### B. Board of Health Vacancy – Review/Discuss

The received a letter of interest to serve on the Board of Health. This elected position has been vacant since May 13, 2014, due to a “failure to elect”, given that over one month has passed, the appointment is no longer required to be a joint appointment of the Board of Selectmen and the Board of Health. Although this vacancy has been listed on the Town's website since May, a more formal advertisement process would be recommended.

The Board voted 5-0-0 on a motion by Selectman, second by Selectman to advertise the vacant position beginning on approximately Tuesday, September 23<sup>rd</sup> for a period of 3 weeks, with letters of interest due by Tuesday, October 14<sup>th</sup> to the Board of Selectmen's Office, c/o Therese Gay, Administrative Assistant.

### C. Town Administrator Search Committee – Discuss/Schedule Interviews

The Selection Committee, after screening a large candidate pool and conducting both telephone and in-person interviews, the Committee is pleased to nominate the following candidates as finalists for the position of Town Administrator. 1) Mr. Curt Bellevance, Mr. Bellevance is currently the Director of Economic and Community Development for the Town of North Andover, Massachusetts; 2) Mr. Stephen Crane, MR. Cane is currently the Town Manager for the Town of Longmeadow, Massachusetts; and 3) Mr. Daniel Keyes, Mr. Keyes is currently the Town Administrator for the town of Blackstone, Massachusetts. The Committee recommends that the Board proceed as follows: Invite all three candidates to a public interview, non-televised, before the Board of Selectmen with predetermined questions. Invite candidates to schedule an on-site tour of the Town facilities and meet with Department heads, accompanied by Kerry, with Department heads to provide feedback (strengths and weaknesses to Kerry by consensus. And a final televised interview before the Board of Selectmen.

### D. Ratification of Union Contract – Clerical Union

The Clerical Union, on Tuesday, September 16<sup>th</sup>, voted to ratify the MoA between the Town of Tyngsborough and the SEIU Union, Local 888 – Clerical Union.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to ratify the MoA between the Town of Tyngsborough and the SEIU Union, Local 888-Clerical Union, effective Tuesday, September 23, 2014. The Selectmen would also like to move forward and incorporated the MoA into the Union Contract.

### E. Old Town Hall Use Fee Waiver Request – Education Foundation of Tyngsborough

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Lambert to waive the fee of \$50.00 for the Old Town Hall use by the Education Foundation of Tyngsborough.





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Selectman Jackson discloses that his wife is on the Education Foundation and will not take any action or vote on this matter.

### F. Zoning Board of Appeals – Accept Resignation/Advertise

The Board received a letter of resignation from a Zoning Board of Appeals member. The Town Clerk sent a notice representing that the resignation has been filed properly.

The Board voted 5-0-0 on a motion by Selectwoman Puleo to accept the resignation by Mr. Scott Bordeleau and to advertise the position beginning on approximately Tuesday, September 23<sup>rd</sup> for a period of 3 weeks, with letters of interest due by Tuesday, October 14<sup>th</sup> to the Board of Selectmen's Office, c/o Therese Gay, Administrative Assistant.

### 6. **6:30 PM – Alcoholic Beverage License Hearing (License Transfers & Manager Changes Requests), Entertainment License Request, Common Victualler Request, by Stonehedge Inn Corporation to Boston East Tyngsboro Holdings, LLC DBA Stonehedge Inn & Spa, 160 &170 Pawtucket Boulevard.** (to be continued).

The board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to open the hearing petitioned by Stonehedge Inn Corporation to Boston East Tyngsboro Holdings, LLC DBA Stonehedge Inn & Spa, 160 &170 Pawtucket Boulevard for a transfer of license.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to waive the reading of the legal notice advertised in the local publication.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to continue the hearing for the license transfer of the Stonehedge Inn Corporation to Boston East Tyngsboro Holdings, LLC to Monday October 6, 2014 at 6:30 P.M. At the Town Offices, 25 Bryants Lane.

The Board recessed the meeting at 7:00 PM to allow the Finance Committee to assemble for the 7:00 PM Special Town Meeting Warrant Articles Discussions.

### 7. **7:00 PM – Special Town Meeting Warrant Articles/Set Warrant – Joint Meeting with Finance Committee**

The Finance Committee Members Eric Sonndhi, Darryl Wickens, Mike Hammer, Burt Buchman and Paul Morin joined the Board of Selectmen at 7:08 PM. Fin Com Member Darryl Wickens recused himself he declared that he has a problem involving Westford Road.

#### A. Phase 1 West Sewer Project – Jointly with the Sewer Commission

Sewer Commission Members present were Fred Perrault, Brian Martin and Chairman Jeff Hannaford. Chairman Hannaford presented the Commission's STM Article for the construction of the Phase I West Sewer Project. The Sewer Commissioners formed a study committee to gather information about location where the sewer line would best serve the center of town and how to finance a project the information was gathered and brought forward to the Sewer Commissioners. The Commissioners sent the information to their Consultants, Woodard and Curran. The Consultants have prepared a design and will be available in a couple of weeks. The properties not service by this project are on Old Tyng Road, from Old Tyng Road in the back opposite side of Tyng Road. The Commission will present the complete document by October 15<sup>th</sup>. The filing with MassWorks met the August 29<sup>th</sup> deadline, the requirement needed for the grant were: the complete plans and studies of the CWMP of 2009, the Town Master Plan, the Town Center Plan, the Economic Development plan of the infrastructure, and the 2012 Affordable Housing Plan. There is





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lot of documentation showing the need for infrastructure that is important to the entire Town. There is no benefit to the Sewer Department the Commissioners are promoting this project because of their responsibilities. The Sewer Commissioners purchased the capacity and paid for the design to get this project up and working.

Selectman Lambert declared that his project will go by his home on Middlesex Road and steps down from the discussions.

The Board's Chair Mr. Jackson asked for an account of the funding mechanism that to be used. Sewer Chair Mr. Hannaford answered the funding source will be through betterment assessments charged to the property owners tying into the system. The financing of this project was outlined by the Sewer Commission Chair Mr. Hannaford, Ms Colburn-Dion, Town Treasurer/Finance Coordinator and Ms. Rosemary of Woodard and Curran. After discussions the Board voted 4-0-1 on a motion by Selectwoman Puleo to place Article 1, Phase 1 West Sewer Project, on the Special Town Meeting Warrant.

The Finance Committee Members will make their recommendations on Town Meeting Floor.

#### B. School Traffic Intersections – Jointly with the School Committee

The Engineer, Chief Howe, and School Committee Members, Mr. Paul Mitchel, Mr. Herb Desrosiers, Superintendent Don Ciampa, and Members Mr. Michael Moran and Mr. Anthony Tinnierella. The engineering firm submitted a draft report on the Intersection Safety and Operations Assessment for the School intersections and their recommendations are as follows: 1) Westford Road at the TES Driveway – installation of enhanced school zone signs and pavement markings, including two school speed limit (20 mph) assemblies with flashing beacons; and 2) Frost Road at Norris Road – installation of a full traffic control signal. After a diligent review of school event, Chief Howe and Superintendent Ciampa supplied the engineering firm with potential peak hours of traffic that may not have been considered when the study was first completed (e.g. sporting events). The engineering firm believes that the traffic study should be revisited and will plan to revisit the study in short order. This may result in a change to the recommendation listed for Westford Road at TES intersection. If so, the estimated cost may be upwards of \$600,000 to complete the recommended traffic safety modifications (i.e. potential of 2 recommended signalized intersections). Options for funding was discussed. The School Committee will invite the Chief of Police to their meeting, the Engineers report will be sent to everyone, and to place on the Capital Asset Committee's agenda. The goal is to design the project and start next spring and June for the signals to be working.

#### C. New Senior Center (Multi-Use Facility) – Funding for fixtures and furniture

The Board reviewed the money appropriated ag the May 20, 2014 ATM and STM to determine if it will be sufficient to outfit the new Senior Center/Multi-Use Facility with furniture, fixtures and equipment (FF&E) in additional to a few thousand (approximately \$5k) available in the CoA's operating budget, STM voted to appropriate \$25,000 to the Senior Center Moving, furniture and fixtures, from Free Cash. If, after a review of projected costs, a deficit is identified, a discussion as to additional funding sources will be needed.

#### D. Citizen Petition, Resolution Opposing the Northeast Expansion of Tennessee Gas Pipeline

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to place the Citizen's petition on the Special Town meeting Warrant.





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The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to sign the Special Town Meeting Warrant and to post said meeting as discussed.

**8. 8:00 PM – Alcoholic Beverage License Hearing (License Transfer & Manager Change Requests), Entertainment License Request, Common Victualler License Request, by Double D Pub, Inc. to Double D Pub, Inc. DBA LLD's, 147 Frost Road.**

The Board acknowledged the hour for the scheduled hearing the Board informed the petitioner that the 7PM meeting is falling behind schedule and if they would be amenable to wait and meet after the items of the 7PM meeting were completed, the petitioners agreed to wait.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Gramer to move the opening of the hearing to where it falls within the meeting.

The Board was presented with the transfers on a license issued to Double D Pub, Inc., the posting was completed, the paperwork was reviewed by the Police Dept. and all is in order, the CORI check was performed and no issues were found.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to open the hearing and to waive the reading of the legal notice. Note: the abutters did not need to be contacted. The Board's Chairman Mr. Jackson welcomed Mr. Donato Dirocco, the current owner of Double D Pub, Inc., Attorney John Aeita, and Mr. Steve Caggiano the proposed new owner. Atty. Aeita presented the changed to the license, this evening the petition is to transfer the Stock, new Officers and Directors change in the manager of record. Mr. Caggiano is purchasing the Real Estate. Mr. Caggiano stated he is qualified to operate the restaurant, he is TIPS Certified and he will have all of his employees certified, he is has knowledge of the Massachusetts Liquor Laws. He will maintain the same operations that is in existence at the present time. After a brief discussion the Board Chair asked if there was any one in the audience who wished to speak on this petition. Mr. Christopher Cox began speaking about his plans for a development on the land next to the Dobule D and says it would be a hazard to his project. The Board thanked Mr. Cox for his input. The Board voted 5-0-0 to close the hearing.

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the Change of Officers and Directors, to transfer to stocks and to change the Manager of Record and to submit the application to Town Counsel for his review.

**9. Old Business**

**A. 2014-2015 Meeting Schedule**

There are two items being brought to the Boards attention re the 2014-2015 meeting schedule. Due to logistics needed to prepare the Community room for the State Election of November 4, 2014, it is recommended that the Board modify the schedule to reflect the change of meeting date. And that between December 15, 2014 and the meeting on January 12, 2015 there is a four week gap between meetings has been inadvertently been created and suggests the Board meet on Monday October 24, 2014 and January 5, 2015. The board has updated their meeting schedule to reflect the change in the meeting schedule to Monday, October 24, 2014 and Monday, January 5, 2015.

**B. Tyng Village, Site Approval – Request for Comment by MassHousing**

A meeting on Monday, September 22 was scheduled to discuss the Site Approval, Request for Comment by MassHousing for the proposed 40B project (Tyng Village). At this time the Sewer





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Commission has not provided comment on the proposed project's site. At Town Counsel's recommendation, comment should be provided and a discussion needs to take place such that all parties will understand how the Phase 1 West Project, if approved may impact the availability of capacity for the Tyng Village project. Scheduled to be in attendance are Town Counsel, Brian Martin representing the Sewer Commission, Caryn DeCarteret, Sewer Administrator, Selectman Reault representing the Board of Selectmen and the Assistant Town Administrator. The Board plans to send it's comments to MassHousing, Town Counsel will draft the letter. No action required. Selectman Reault mentioned the comments received by the ZBA and the Planning Board they have issues with density as the project does not specify the number of units. The Board's letter is to support the ZBA and the Planning Board.

#### C. Government Study Commission – Expand Commission/Appoint Members

The Board at their meeting of August 25, 2014, at the recommendation of the Government Study Commission, the Board voted to expand the membership of the Government Study Commission by 2 members, specifically a Finance Committee member as well as an additional Citizen-at-Large. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to appoint Ms. Linda Bown for the position of Citizen-at-Large and Mr. Burt Buchman as the Finance Committee member, to the Government Study Commission, in accordance with the Mission Statement and Regulations revised on August 25, 2014.

#### D. Ambulance Study Committee – Appoint Members

The Board at their August 11, 2014 meeting voted to approve the draft Mission Statement and Regulations of the Ambulance Study Commission, pending the review of Town Counsel. Town Counsel reviewed the Mission Statement and Regulations and has provided comment for which a final Mission Statement and Regulations are attached. During the August 11, 2014 meeting, the Board also voted to appoint Selectman Gramer to the Committee. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault in accordance with the Ambulance Study Commission, Mission Statement and Regulations dated September 16, 2014, to appoint the following members to the Ambulance Study Commission: Mr. Arthur Michaud, Chair of the Board of Fire Engineers; Mr. Darryl Wickens, member of the Finance Committee; Ms. Catherine Gabriel, member of the Capital Asset Management Committee; and David Carney, as the Citizen-at-Large.

#### 10. **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.

The Board moved the following agenda items to the next scheduled Selectmen's Meeting.

#### 11. **Correspondence** - The Board moved this agenda item to the next scheduled Selectmen's Meeting.

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.

#### 12. **Review of Weekly Warrants**





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13. **Town Administrator's Report** - The Board moved this agenda item to the next scheduled Selectmen's Meeting.

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

#### 14. **Selectmen's Reports**

Selectman Gramer enjoyed his scramble egg duty at the Senior Center Breakfast the Selectmen hosted this past week. Selectman Lambert attended the hearing where the ZBA granted the variance for the LED sign to a local business. Selectwoman Puleo at their last meeting the Board received a request for comment by the ZBA, there was much discussion encouraging the ZBA to uphold Zoning Sign By law. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to appeal the decision of the ZBA on their decision to grant the sign variance, being that the variance is in violation of the Zoning By Law's section on signs. Seeing no further comments the Chair entertained a motion to adjourn.

#### 15. **Executive Session – There was no Executive Session discussions this Evening.**

- 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 – 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.

#### 16. **Adjournment**

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to adjourn the meeting at 10:05 PM.

The meeting adjourned at 10:05 PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday, October 20, 2014







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**Revised 09-19-2014**

## **Board of Selectmen Meeting Notice**

Monday, September 22, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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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
  - i. Monday, September 8, 2014
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
  - i. Monday, September 8, 2014

### **3. Citizen/Business Time**

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### **4. 6:05 PM – Town Employee Anniversary Recognition**

### **5. New Business**

- A. Police Chief – Reserve Officer Recommendation
- B. Board of Health Vacancy – Review/Discuss
- C. Town Administrator Search Committee – Discuss/Schedule Interviews
- D. Ratification of Union Contract – Clerical Union
- E. Old Town Hall Use Fee Waiver Request – Education Foundation of Tyngsborough
- F. Zoning Board of Appeals – Accept Resignation/Advertise

### **6. 6:30 PM – Alcoholic Beverage License Hearing (License Transfers & Manager Change Requests), Entertainment License Request, Common Victualler License Request, by Stonehedge Inn Corporation to Boston East Tyngsboro Holdings, LLC DBA Stonehedge Inn & Spa, 160 & 170 Pawtucket Boulevard. (To be continued)**

### **7. 7:00 PM – Special Town Meeting Warrant Articles/Set Warrant – Joint Meeting with Finance Committee**

- A. Phase 1 West Sewer Project – Jointly with the Sewer Commission
- B. School Traffic Intersections – Jointly with the School Committee
- C. New Senior Center (Multi-Use Facility) – Funding for fixtures and furniture
- D. Citizen Petition, Resolution Opposing the Northeast Expansion of Tennessee Gas Pipeline





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**8. 8:00 PM – Alcoholic Beverage License Hearing (License Transfer & Manager Change Requests), Entertainment License Request, Common Victualler License Request, by Double D Pub, Inc. to Double D Pub, Inc. DBA LLD's, 147 Frost Road.**

**9. Old Business**

- A. 2014-2015 Meeting Schedule
- B. Tyng Village, Site Approval – Request for Comment by MassHousing
- C. Government Study Commission – Expand Commission/Appoint Members
- D. Ambulance Study Committee – Appoint Members

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**11. 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.

**12. Review of Weekly Warrants**

**13. Town Administrator's Report**

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

**14. Selectmen's Reports**

**15. 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 – 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

**16. Adjournment**





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### **Future Meetings**

**Monday, October 6, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

**\*Special Town Meeting: Wednesday, October 8, 2014 at 7 PM at the Tyngsborough  
Elementary School, 205 Westford Road**

**Monday, October 20, 2014 at Tyngsborough Town Offices, 25 Bryants Lane**

