



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, October 6, 2014 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Robert Jackson, Selectman Rick Reault, Selectwoman Karyn Puleo, (entered the meeting at 6:15 PM) 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 Board was introduced and the Agenda read by Vice Chairman Reault.

(Selectwoman Puleo joined the meeting at 6:16 PM)

2. **6:05 PM – Middlesex 3 Coalition, CIC Grant Application for Transportation & Workforce Development Coordinator.**

Ms. Stephanie Corcoran, member of M3 Coalition, gave an overview of the Middlesex 3 Coalition's request for community support to apply for a FY2015 Community Innovation Challenge (CIC) Grant. This funding would be used to create a Middlesex 3 Transportation Management Association (M3 TMA) and to hire a Transportation and Workforce Development Coordinator to assist businesses, developers and community groups in the towns of Bedford, Billerica, Burlington, Chelmsford, Lexington, Tewksbury, Tyngsborough, Westford and the City of Lowell.

The M3 TMA will create a system to address and coordinate transportation resources as well as like workforce development needs with available workforce and educational resources. A critical component of this grant will be the hiring of a Transportation and Workforce Development Coordinator who will serve as a point of contact linking businesses, developers, and community groups to both transportation and educational resources. Over all, the estimated costs of the M3 TMA and Workforce Development Initiative are \$139,400.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to support the FY2015 Community Innovation Challenge Grant application for the Town of Tyngsborough.

The Board recessed at 6:15 PM for the POW/MIA Remembrance Table Dedication Ceremony. The ceremony was broadcast live.

3. **6:30 - PM Pledge of Allegiance/POW/MIA Remembrance Table Dedication (Town Offices Foyer)** The ceremony was broadcast live. The opening ceremonies were delayed to 6:30 PM due to traffic.

The Board joined the Members of the American Legion Post 247 for a dedication of the POW/MIA Remembrance Table. The ceremony started with the Pledge of Allegiance, opening prayer, the meaning of the table, opening remark by Post Commander followed by a few words by Mary Gail





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Martin for Representative Colleen Garry and by the Chairman of the Board of Selectmen, in closing a prayer offered, taps was played ending the ceremony.

The Board returned to their regular meeting at 7:00 PM

4. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

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 September 8, 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.

6. 6:30 PM – Alcoholic Beverages License Hearing (:icense Transfer & 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.

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. The abutters are not required to be notified for this transaction. The application was reviewed by the Police Department and the CORI check came back with no issues.

Attorney Peter Nicosia is representing Mr. Abhijit “Beej” Das presented the application for a transfer of the All Alcoholic Beverages Inn License and the Wine and Malt Package Store License. The Common Victualler License and the Sunday/Weekday Entertainment Licenses. Mr. Das spoke of his background in the hotel business, he operates a hotel in Andover, MA and has a hotel in India, he is a long time resident of Lowell. He is familiar with all of the local and State licensing rules and regulations. The Chairman inquired if anyone in the audience wished to speak for or against this transfer, no one came forward. The Board welcomed Mr. Das to the community.

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

The Board voted 5-0-0 on a motion by Selectwoman Puelo, second by Selectman Reault to approve the All Alcoholic Beverages Innholders License, and the Wine and Malt Package Store License transfer to Boston East Tyngsboro Holdings, LLC d/b/a Stonehedge Inn & Spa, to Change the Manager of Record to Abhijit “Beej” Das.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the transfer the Common Victualler License and the Weekday and Sunday Entertainment Licenses to Boston East Tyngsboro Holdings, LLC d/b/a Stonehedge Inn & Spa.

7. Old Business





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A. Alcoholic Beverage License Status – Lil Lobster Boat, LLC DBA Lil Lobster Boat, 440 Middlesex Road.

The Board asked if Attorney Nicosia could update the Board on the status of wine and malt license held by the Lil Lobster Boat, LLC. Attorney Nicosia informed the Board that the business is listed with a broker and has one potential interested party. Attorney Nicosia asks for a one month extension.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to continue discussion for one month. Renewals will begin in a month and there may be a different discussion at that time.

B. Alcoholic Beverage License Status – Liquor Shop Tyngsboro, Inc., DBA The Liquor Shop, 440 Middlesex Road.

The Board asked if Attorney Nicosia could update the Board on the status of wine and malt license held by the Liquor Shop Tyngsboro, Inc. Attorney Nicosia informed the Board that the business had a buyer but the buyer withdrew his offer. Mr. Miamis is actively marketing the business through a broker. Attorney Nicosia asks for a 60 day extension.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to continue discussion for one month. Renewals will begin in a month and there may be a different discussion at that time.

C. Alcoholic Beverage License Hearing Status – Double D Pub, Inc. to Double D Pub, Inc. DBA LLD's, 147 Frost Road, and Entertainment License Request, Common Victualler License Request, if needed.

The Board has received notice that they had not voted on the change of DBA when approving the license changes.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to accept the change of the DBA to LLD's.

8. 7:00 PM – Alcoholic Beverage License Hearing Change of Officer and Stock Issuance/Transfer for Outback Steakhouse Restaurant at 440 Middlesex Road and Carrabba's Italian Grill Restaurant at 386 Middlesex Road.

The Board received correspondence by the Law Offices of Demakis, by Attorney Joe Devlin, for a petition for a transfer of Stocks and a change in officers, by Bloomin' Brands, Inc. Due to the size of the transaction, the ABCC has already reviewed and investigated the applications and found that the transaction is in compliance with M.G.L. Chapter 138. Per the letter sent by the ABCC the Board will not be required to send back any other forms other than the Form 43 and the advertisement from the community.

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.

The Chairman inquired if there were any residents who wish to speak for or against this transaction. No one came forward.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second Selectman Reault to approve the Transfer of Stock and the Change of Officers for Bloomin' Brands, Inc db/b/a/ Outback Restaurant, and Carrabba's Italian Restaurant.





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9. **Citizen/Business Time** – No One Came Forward

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10. **New Business**

A. NMCOG, CIC Grant Application for Regional Organic Waste Management Program

The Board reviewed the proposal by NMCOG to establish a Regional Organic Waste Management Program, this proposal is to establish a collaborative type group to meet approximately every 6 weeks (similar to the Northern Middlesex Stormwater Collaborative which we participate in) to "initiate a regional organic waste management system", to include the following: 1) Creation of a Regional Organic Waste Management Program; 2) Creation of a regional GIS organic waste management map that matches organic waste producers to desired end-users. The map would display facilities producing organic waste as well as facilities desiring organic waste (e. g. farms); 3) Development of prototype zoning regulations and standards for compost facilities and anaerobic digestion (AD) facilities that can be used for municipalities; 4) Development of a regional organic waste management strategy; 5) Identification of an appropriate location or locations for the local siting of a compost and/or AD facility; 6) Preparation of bid documents to procure services, equipment, and materials related to the management of organic waste. It is the Assistant Administrator's recommendation to support the Community Innovation Challenge (CIC) Grant proposal, with the Health Agent as the Town's attendee during meetings. The Health Agent plans to make this same recommendation to the Board of Health. The Health Agent notified the Assistant Town Administrator that the Board of Health is willing to oversee this grant.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to support the FY 15 Community Innovation Challenge Grant sought by the Northern Middlesex Council of Governments for a Regional Organic Waste Management Program and to authorize the Chair to sign the attached signature page.

B. Zoning Board of Appeals – Appoint member

The Board received a response from Mr. Charles Doughty for the opening advertised after the resignation of a member in September.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Mr. Charles Doughty serve on the Zoning Board of Appeals, term to expire June 30, 2017.

C. Temporary Old Town Hall Host - Appoint

The Board voted on September 8 to advertise a Temporary position of the Old Town Hall host for a 3 month period at an hourly rate not to exceed \$15.00. The job was posted on the Town website, the Lowell Sun and a link to job and committee openings as placed on social media. Four applicants submitted letters of interest and/or resumes. All four applicants were interviewed and appear to generally possess the minimum qualifications and time flexibility to perform the work. Although at least 3 applicants appear to be a good fit, at this time it is recommended that Mr. Ernie Roy, who has worked in the capacity of the Old Town Hall Host, be appointed to the temporary position for an easy transition, which will not require training time. Mr. Roy has demonstrated the availability,





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willingness, care, and customer service skills required for this type of position and is highly recommended.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to support the hiring of Mr. Ernie Roy as the Old Town Hall Host at a rate of \$10.00 for the period beginning October 7, 2014 and ending December 31, 2014.

D. Old Town Hall Contract Amendment – Approve

The Board will review on Wednesday, October 8, 2014 if the document is complete and available.

E. Sign the State Election Warrant for November 4, 2014

The Town Clerk has submitted the list for the State Election Warrant to be held on Tuesday November 4, 2014. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the signing of the Election Warrant.

F. Planning Board Request for Comment:

i. Definitive Subdivision at Groton Road and Davis Road

The Board after review voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault a no comment response.

ii. Open Space Residential Subdivision Special Permit and Definitive Plan at 37 Willowdale Road

The Board after review voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault a no comment response.

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.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the correspondence in the packet and to accept the additional correspondence submitted this evening as read.

Selectman Reault spoke briefly on the letter submitted by Attorneys that represent Merrimac Landing Realty Trust regarding the Merrimac Landing affordable housing development. The fourth component of the project, which has not been constructed, was a proposes that he be allow to build 10 units on the parcel with the units being 25% affordable and the Town's Veteran preference in exchange for a payment of \$95,000 to the Tyngsborough Housing Authority, The Boards are in agreement of the proposal. A brief comment on the Westford Development proposal. Note that a meeting on October 16 for a public transportation discussion, a Selectman and a Housing Authority representative to attend and to ask Mr. O'Connor, the Town's representative to come to a meeting to give an update.

12. Review of Weekly Warrants

The Assistant Administrator read the weekly warrant: Warrant # 13B for \$259,597.56 on 9/29/2014.

13. Town Administrator's Report

- Response to Selectmen's Requests





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For some time the Board has been interested in a schedule Community Access Television schedule guide. Mr. David Machado, Jr., Media Associate has assembled the attached proposed schedule on the overall existing schedule and has made some adjustments. Mr. Machado is interested in the Board's feedback and comments, if any. The intention is to provide this schedule to the public after the Board's next meeting, by placing it on the PEG channels and on the Town's website.

- Budget – None
- Departmental Information

Attached is the response to the Planning Board for their Request for Comment regarding a Site Plan & Major Business use, Special Permit at 347 Middlesex Road for the potential site of Top Line Granite, Selectman Lambert informs me that the hearing occurred and was continued.

- Contracting/Procurement

Attached is a copy of a grant completed by the Highway Department to acquire a “trench box”. As stated in the application, currently the department has to rent a trench box in circumstances where excavation work is deeper than 3 feet. The grant funding available through this MIIA program is \$5,000. The balance will be paid through the Highway Department budget from savings through non-rentals needed.

- Other

Attached is a response to a Public Records Request.

14. Selectmen's Reports

The Chairman announced the STM at 7PM at the Elementary School, the Board will meet at 6:45 PM for a brief meeting.

Selectwoman Puleo reiterated the Board's position of the last meeting to work with Town Counsel to appeal the ZBA's decision on granting a variance, no appeal has been filed as of this date. A brief comment on the Top Line Granite' plan for develop the property at 347 Middlesex Road for the Southern portion to the light section at Tyngsborough Gardens, the Board provided no comment.

15. 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 – 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 negotiation position of the public body.





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and to come out to open session only 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 7:40 PM. The Board exited the Executive Session at 8:30 PM.

16. **Adjournment**

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

The meeting adjourned at 8:30 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on: Monday, November 17, 2014



Correspondence - Monday, October 6, 2014

Date	Author	Subject	In Packet?
10/1/2014	Friends of the Tyngsborough CoA	Annual Holiday Fair & Tag Sale (Sat. Oct. 25, 9AM-2PM, 25 Bryants)	October 6, 2014
9/25/2014	Perkins & Anctil, P.C.	Sewer Connection Applications/Certification of Commission Position	October 6, 2014
9/23/2014	Town Counsel	Charles George Reclamation Trust Landfill	October 6, 2014
9/30/2014	NMCOG	EPA Draft Stormwater General Permit Released for Comment	October 6, 2014
10/3/2014	NMCOG	Meeting Notice - Public Transportation Discussion on October 16th	October 6, 2014
9/22/2014	NMCOG	2014 Annual Meeting on October 15th	October 6, 2014
9/16/2014	School Committee	Approved Meeting Minutes of September 2, 2014	October 6, 2014
9/29/2014	Sewer Commission	Meeting Agenda for October 2, 2014	October 6, 2014
9/30/2014	Planning Board	Meeting Agenda for October 2, 2014	October 6, 2014
9/26/2014	DHCD	Citizen Planner Training Collaborative, Fall 2014 Workshops	October 6, 2014
9/23/2014	Town Counsel	Monthly Report	October 6, 2014
9/16/2014	EOEA	27th Annual Coastsweep Beach Cleanup	October 6, 2014
10/2/2014	MBTA	October 2014 Newsletter	October 6, 2014
10/3/2014	Lowell Salvation Army	22nd Annual Christmas Castle Breakfast on Nov. 6th	October 6, 2014
9/26/2014	Comcast	Internet Service	October 6, 2014



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Revised 10-03-2014

Board of Selectmen Meeting Notice

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Community Room, Town Offices, 25 Bryants Lane

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- 1. 6:00 PM Open Meeting/Pledge of Allegiance/POW-MIA Remembrance Table Dedication (Town Offices Foyer)**
- 2. 6:15 PM – Board Introduction/Read Agenda** (Anticipated start of live broadcast)
- 3. 6:20 PM – Middlesex 3 Coalition, CIC Grant Application for Transportation & Workforce Development Coordinator**
- 4. Meeting Minutes**
 - A. Regular Session Meeting Minutes for Review/Approval
 - i. Monday, September 8, 2014
 - ii. ~~Monday, September 22, 2014~~
 - ~~B. Executive Session Meeting Minutes for Review/Approval/Not Release~~
 - ~~i. Monday, September 22, 2014~~
- 5. Citizen/Business Time**

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- 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.**
- 7. Old Business**
 - A. Alcoholic Beverage License Status – Lil Lobster Boar, LLC, DBA Lil Lobster Boat, 440 Middlesex Road.
 - B. Alcoholic Beverage License Status – Liquor Shop Tyngsboro, Inc., DBA the Liquor Shop, 440 Middlesex Road.
 - C. Alcoholic Beverage License Hearing Status – Double D Pub, Inc. to Double D Pub, Inc. DBA LLD's, 147 Frost Road, and Entertainment License Request, Common Victualler License Request, if needed.





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10. New Business

- A. NMCOG, CIC Grant Application for Regional Organic Waste Management Program
- B. Zoning Board of Appeals – Appoint Member
- C. Temporary Old Town Hall Host – Appoint
- D. Old Town Hall Contract Amendment – Approve
- E. Sign the State Election Warrant for November 4, 2014
- F. Planning Board Request for Comment:
 - i. Definitive Subdivision at Groton Road and Davis Road
 - ii. Open Space Residential Subdivision Special Permit and Definitive Plan at 37 Willowdale Road

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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





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- 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

16. Adjournment

Future Meetings

***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

Monday, October 27, 2014 at Tyngsborough Town Offices, 25 Bryants Lane

