



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 Minute

APPROVED

Monday, October 20, 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 22, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the Minutes of Monday, September 22, 2014.

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

i. Monday, September 22, 2014

The Executive Session Minutes of Monday, September 22, 2014 were approved on October 6, 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. New Business

A. Board of Selectmen Discussion Town Administrator Finalists

The Board having interviewed the three finalist on Thursday, October 16, 2014 voted to bring forward the most qualified candidates for the final interview on Monday, October 27, 2014.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectwoman Puleo to bring forward Mr. Curt Bellavance for a second interview before the Board. Selectman Reault thanked the screening committee for a pool of candidates and feels confident that Mr. Bellevance would work well with our departments.

The Board voted 3-2-0 on a motion by Selectman Lambert, second by Selectwoman Puleo, for discussion, to bring forward Mr. Stephen Crane for a second interview before the Board, Selectman





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Lambert fines Mr. Crane has significant experience and has been successful in many communities and the town would benefit with a second interview.

The Board voted 1-4-0 on a motion by Selectman Lambert, second by Selectwoman Puleo, for discussion, to bring forward Mr. David Keyes for a second interview before the Board. Selectman Lambert expressed that Mr. Keyes has superior experience as a Town Administrator, he demonstrated that he is experienced and conducts himself well and is proactive, the Town would benefit from his second interview.

Selectman Jackson finds that though Mr. Keyes has good qualities he would not support him. Selectman Lambert expressed displeasure with the outcome of the process.

At this point the Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Gramer to enter into Executive Session under 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. The Board entered into Executive Session at 6:15 PM. The Board left the meeting and convened in Executive Session in the Selectmen's Conference Room.

The Board returned to open session at 6:20 P.M.

The Board briefly discussed the review process, and will notify the individual candidate to walk through the departments and meet with the staff along with the Town Treasurer/Finance Coordinator and the Assistant Town Administrator. Monday has been cleared for the candidates. A suggestion was offered to ask the candidates to offer their views on the Town with an opening and closing statement.

The Board recessed briefly at 6:30 PM for the opportunity to contact the three candidates for their availability to attend the Monday, October 27th meeting. The Board returned to open session at 6:45 PM to continue with their agenda.

B. 2014 – 2015 Meeting Schedule

The Board reviewed the modification made to the Meeting Schedule. From October 27 to November 17th there was a three week gap, the suggestion was to meet on Monday November 3 in the Meeting Room 1, the room is equipped for live broadcast of meeting in that room.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to make the modifications to the Selectmen's Meeting Schedule.

C. Littlefield Library Use Request – Boy Scout Troop 46, weekly meetings on Tuesdays

The Board reviewed the receipt of a Town Facility Application Form at the request of Chairman Jackson to formalize the use of the Littlefield Library by Boy Scout Troop 46, a Certificate of Liability Insurance has been included. Mr. Tom Savage, Mr. Andrew Taylor and Mr. Steve Berthiaume were present as a group to present their petition. The hours would be between 6PM to 8:30PM on Tuesday evenings. The Troop is sponsored by the Fire Fighters' Organization. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the use of the Littlefield Library by Boy Scout Troop 46 for weekly Troop meetings on Tuesday evenings between approximately 6:00 PM and 8:30 PM between September 2014 and June 2015.

D. Old Town Hall Use Request – Boy Scout Troop 46, Court of Honor on October 21, 2014

The Board reviewed the receipt of a request from Boy Scout Troop 46 to use the Old Town Hall on Tuesday, October 21, 2014. A copy of the Certificate of Liability Insurance has been submitted. Mr. Ernie Roy, Temporary Old Town Hall Host is available to host this event.





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The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to approve the use of the Old Town Hall on Tuesday, October 21, 2014 by Boy Scout Troop 46 for a civic event, the fees established by the Policy for "Residential/Local Business, Civic". This would be an hourly rental of \$10 per hour with a minimum of 4 hours, not including the required \$250 security deposit.

E. Old Town Hall Contract Amendment – Approve

The Board reviewed the Change Order #4 for the amount of \$30,346.72, which the Old Town Hall Committee has approved. Sufficient funding is available. A brief discussion the replacement of the stage curtain, at this time there is an issue of safety on a small portion of the stage in front of the curtain. The Board will review at a later date and the funding will be available to replace the stage curtain.

The Board voted 5-0-0 motion by Selectwoman Puleo, second by Selectman Gramer to approve Change Order No. 4 in the amount of \$30,345.72 for the installation of a snow fence, dedicated return main lines, and a relay system at the Old Town Hall.

F. Board of Health – Appoint Member

The Board is in receipt of one response from Ms. Carolyn Rae Ryan for the opening advertised from approximately September 23, 2014 and October 14, 2014 on the Board of Health, due to a "failure to elect", per Mass General Law. This advertisement period was placed on the Town website, and a link to job and committee openings and was placed on social media. Ms. Carolyn Rae Ryan's letter of interest and resume was attached.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Ms. Carolyn Rae Ryan to serve on the Board of Health for a term ending on Tuesday, May 12, 2015.

G. Board of Registrars – Appoint Member

This item was deferred to a future meeting.

H. Zoning Board of Appeals – Appoint Alternate Member

The Board has received on response from Ms. Adriana Giombakis for the opening advertised from September 23, 2014 and October 14, 2014 on the Zoning Board of Appeals, due to the resignation of Mr. Scott Bordeleau, Alternate Member. This Advertisement period was placed on the Town website, and a link to job and committee openings was placed on social media. Ms. Adriana Giombakis' letter of interest and resume were received.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Ms. Adriana Giombakis as an Alternate Member to serve on the Zoning Board of Appeals for a term ending on June 30, 2015.

I. Westford Road at Dunstable Road, Lane Reconfiguration Project – Approve Contract

The Bid Opening of October 9, 2014 the lowest bidder for the Westford Road at Dunstable road, Lane Reconfiguration Project, Coviello Electric & General Contracting Co., Inc. has been determined to be the lowest eligible bidder. This contract has been reviewed and will be further reviewed by Town Counsel.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Gramer to approve the contract and to authorize the Assistant Town Administrator to enter into a contract with Coviello Electric & General Contracting Co., Inc.

J. District Local Technical Assistance (DLTA) Funding through NMCOG – Discuss

In January of this year when it was anticipated that there was a potential Chapter 40R project to be proposed to the Town, District Local Technical Assistance (DLTA) Funding was requested and





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awarded by NMCOG to support technical review of the project as well as Zoning Bylaw amendment(s), where needed. The Town has regularly been requesting updates from the proposed developer's attorney, however, the proposed Chapter 40R has not come to fruition over the course of the last 10 months and the DLTA funding must be expended by December 31, 2014. Assistant Director Jay Donovan of NMCOG has provided the attached listing of other types of DLTA projects that have been awarded. These types of projects would be eligible should the Board want to request funding be shifted to another type. This topic was deferred to a future meeting for more discussion.

K. 16C Merrimack Way – Affordable Unit

The Board has been notified by Mr. Abraham Glaser, monitoring agent for the Monitoring Agency, Community Housing, Inc. regarding Merrimack Way, Unit 16-E. The property has been marketed for sale for a 90 day period, which ends on October 25, 2014 according to Mr. Glaser. Mr. Glaser has advised that if the Town would like to maintain the affordability status of this unit, the Town has the following 3 options: 1) Increase the Income Eligibility thresholds and market the unit. Assuming a qualified buyer (underneath the increase threshold & primary residency), the buyer would be required to enter into a deed rider restricting them to selling the unit at the affordable price; 2) market the affordable unit on the Multiple Listing Service, commonly known as MLS. This would entail the Town providing a 2% commission to the buyer's agent; 3) The Town could purchase the unit and manage or have it managed.

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Gramer to advise the Monitoring Agent that the Board is supporting Option 2. Selectman Reault states that when an affordable unit goes on the market for 90 days the Board has options the problem is when a unit is on the market the seller doesn't have to pay a Realtor a fee but the Town would have to. Selectman Reault would like to look at using the money paid in to be used for issues as this, would be able to give a recommendation next week.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert that in the event a buyer cannot be identified, the Town increase the Town's threshold and authorize the Monitoring Agent to tell the Board it is okay to fall back with Option 3 as an affordable unit will remain the same for marketing.

L. Post Special Town Meeting (October 8, 2014) – Discussion

At the Special Town Meeting of October 8, 2014 question 1 on the vote to approve funding for the phase 1 west sewer expansion. This article was voted down as it did not get the necessary 2/3 minimum vote. Selectman Reault knew a lot about this proposal and wished he would have spoken more about it. Question 2. A vote to see if the Town would adopt the following non-binding resolution opposing the Northern Expansion of the Tennessee Gas Pipeline in Massachusetts. This article passed favorable getting the required majority vote. The Board of Selectmen (Board) did vote not to support question 2. The Chairman spoke with Town Counsel as to how the Board is required to move forward and how the Board should move forward after the passage of article two on special town meeting floor. Counsel advised that as the article stated 'non-binding resolution' we are not required to any action on article 2. Not being required to take action does not mean that we cannot take action however. On June 30th, 2014 the Board by a vote of 5-0-0, joined the Northeastern Municipal Gas Pipeline (TGPL) coalition to gather information and remain neutral. It is my understanding that the mission statement for the coalition has changed since our joining. (The Mission Statement of the Northeast Municipal Gas Pipeline Coalition reads as thus: Gathering knowledge and working collaboratively, this coalition of municipalities shall provide representation





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and information to relevant government bodies and the public concerning the Tennessee Gas Pipeline project proposed by Kinder-Morgan and its effect on our communities. Major Considerations: 1) Validate the need for additional energy, particularly in the Northeast Region of New England; 2) Investigate alternatives: alternative energy sources, conservation measures and alternative routes; 3) Identify the impacts to the Public: economic, environmental, quality of life and safety; 4) identify and provide information regarding the permitting processes and opportunities for public input). Counsel did advise that if the Selectmen were to take a position of anything other than staying independent and objective, what we have already done, as this process moves forward and we may need to negotiate or litigate to manage where and how this pipeline is placed in our town, we would most likely find ourselves in a weakened position because we did not stay independent. The Chair was also advised that any position we would taker, other than one of being independent, would most likely only serve at the federal level to support a decision that was made, not to be used to make the decision. The Board recognizes that this pipeline will affect residents, businesses, forests, wetlands, open space, the river and perhaps more if it moves forward. This is the reason why we took and should maintain the position of staying independent and objective. This will allow the town and the Board to help fight for everyone's rights if the pipeline should go forward. The Chairman's question to the Board is do we want to have further discussion on Question 2 from the special town meeting vote? Do we want to have discussion at a future meeting on the change of mission statement for the coalition and bring that to a new vote? The Board had no further comments.

Selectman Lambert stated that initially the Town had adequate representation to cover the meetings, Selectman Lambert's availability has suddenly changed with the change of his schedule. The town is relying on Ms. Beverly Wood, Director of NMCOG and personal communication of other people on the web site. Two changes need to happen a new review and a vote.

5. Old Business – None at this time

6. Citizen/Business Time

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Mr. Presberg, Farwell Road came forward to speak, that he has a difficulty with the decision with town to support or not to support the pipeline. All the Towns have passed the question. Some of all the Towns have attorneys, also other towns have taken positions. Mr. Presberg is disappointed that the town didn't take a position, a lot of information on line, some 245 citizens signed the petition that they agree that the pipeline is not in the best interest of the town. The Chairman responded that he cannot say as to other town's attorneys only what Town Counsel has advised the Board.

7. 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 in the packet and also the 12 pieces received this evening. The Chair asked that the Kinder Morgan correspondence be placed on the town's website. The Board asked that the





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Chief attend the November 3rd meeting to discuss the policy changes and ask that he highlight the changes for easy viewing. And to have Labor Counsel and Town Counsel review the policy changes. Selectman Reault after reading the Mass Housing letter referencing Tyng Village stated that we did not have a Housing Production Plan. The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to submit a letter stating that the Town has submitted a Housing Production Plan in December of 2012 and approved a Housing Production Plan in January 2013.

8. Review of Weekly Warrants

The Assistant Town Administrator read the following warrants: warrant #14B for \$813,926.71 on 10/06/2014; warrant #14P for \$845,463.12 on 10/11/2014; warrant #15B for \$48,484.74 on 10/14/2014; warrant #15S for \$265,156.69 on 10/14/2014; warrant #16V for \$10,079.61 on 10/20/2014; Warrant 16B for \$1,289,565.65 on 10/20/2014; warrant #16P for \$802,124.21 on 10/20/2014.

9. Town Administrator's Report

- Response to Selectmen's Requests

Attached is communication with Mr. Kevin O'Connor and Ms. Barbara Roche regarding NMCOG's public transportation discussion of October 16th. According to Ms. Roche, transportation services for CoA participants is functioning properly. According to Mr. O'Connor any expansions of public transportation will come at a significant cost.

Attached is an official communication with Town Counsel of the Board's vote to appeal the decision of the Zoning Board of Appeals regarding the sign variance by 7-23 Middlesex Road, LLC.

- Budget - None
- Departmental Information

Attached is an overview of Mr. David Machado, Jr's assessment of our CATV, Mr. Machado wrote this information up for the Board's use, unsolicited by me.

In response to resident complaints regarding the closure of the Town Beach, given the newly purchased and constructed play structure, the Recreation Committee has identified a few proposed changes to the regulations. I have asked Ms. Alison Page to work with Town Counsel to draft the proposed revisions to the Rules and Regulations.

- Contracting/Procurement - None
- Other

Attached is the response filed by Mr. Walter Eriksen's representatives to MassHousing in response to the Town's comments submitted on September 23, 2014.

Attached is a copy of a letter to be sent to the abutters of streets accepted at this past Annual Town Meeting.

On Friday, October 24th at 9:00 AM the Middlesex 3 Coalition will be holding a Board of Directors meeting. I plan to attend.





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10. Selectmen's Reports

Selectwoman Puleo asks that at a future meeting the Board reviews the sign bylaw, look at the last time the bylaw was reviewed and to look at it again.

11. Executive Session

The Board voted in favor on a motion by Selectwoman Puleo, second by Selectman Lambert to enter into Executive Session to discuss the follow Exemptions.

- 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:
 - i. Clerical Union, Mid-Managers Union and Highway Union – Collective bargaining strategy/working conditions; and
 - ii. Police Union – Collective bargaining strategy/Sick Leave Buyback

- 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.

- X. Exemption Seven - To comply with, or act under the authority of, any general or special law (M.G.L. Chapter 214, Section 1B).

and to return into open session only to adjourn. Roll Call Vote – Selectman Gramer, yes; Selectman Lambert, yes; Selectman Reault, yes; Selectman Jackson, yes' Selectwoman Puleo, yes.

12. Adjournment

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

The meeting adjourned at 9:50 P.M.

Approved on: Monday, December 8, 2014

Respectfully submitted by

Therese Gay
Administrative Assistant





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Revised 10-20-14

Board of Selectmen Meeting Notice

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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 22, 2014
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
 - i. Monday, September 22, 2014

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4. New Business

- A. Board of Selectmen Discussion Town Administrator Finalists
- B. 2014 – 2015 Meeting Schedule
- C. Littlefield Library Use Request – Boy Scout Troop 46, weekly meetings on Tuesdays
- D. Old Town Hall Use Request – Boy Scout Troop 46, Court of Honor on October 21, 2014
- E. Old Town Hall Contract Amendment – Approve
- F. Board of Health – Appoint Member
- G. Board of Registrars – Appoint Member
- H. Zoning Board of Appeals – Appoint Alternate Member
- I. Westford Road at Dunstable Road, Lane Reconfiguration Project – Approve Contract
- J. District Local Technical Assistance (DLTA) Funding through NMCOG – Discuss
- K. 16C Merrimack Way – Affordable Unit
- L. Post Special Town Meeting (October 8, 2014) – Discussion

5. Old Business – None at this time

6. Citizen/Business Time

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7. Correspondence





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8. Review of Weekly Warrants

9. Town Administrator's Report

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

10. Selectmen's Reports

11. Potential 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:
 - i. Clerical Union, Mid-Managers Union and Highway Union – Collective bargaining strategy/working conditions; and
 - ii. Police Union – Collective bargaining strategy/Sick Leave Buyback
- 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 Seven - To comply with, or act under the authority of, any general or special law (M.G.L. Chapter 214, Section 1B).

12. Adjournment

Future Meetings

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

Monday, November 17, 2014 at Tyngsborough Town Offices, 25 Bryants Lane

