



# 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

Agenda Revised 12-05-14

Board of Selectmen Meeting Minutes

**APPROVED**

Monday, December 8, 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: Town Administrator Curt Bellavance, 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, October 20, 2014

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday October 20, 2014.

#### ii. Monday, October 27, 2014

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday, October 27, 2014.

#### iii. Monday, November 17, 2014

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday, November 17, 2014.

#### iv. Tuesday, November 18, 2014

The Board voted 4-1-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday, November 18, 2014.

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

#### i. Monday, October 20, 2014 (2<sup>nd</sup> Executive Session)

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not release the second Executive Session Minutes of Monday, October 20, 2014.

#### ii. Monday, November 17, 2014

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not release the Executive Session Minutes of Monday, November 17, 2014.

## 3. Citizen/Business Time





# 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

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.

Mrs. Rose Mitchell came forward to question the Board what about the Adams Barn? In 2009 the people voted to raze the building, now much money has been spent to renovate it and it still stands as an eyesore. Selectmen explained that the project design bid came in higher than the appropriation. There has been many meetings to address the needs of the building. The Community Preservation funds have been looked at, the Selectmen will review where the project is at this time.

Ms. Cathy Richardson came forward to thank the many residents who took time to speak with her and for those who supported her.

Mr. Presberg came forward to submit a new Mission statement for the Northeast Municipal Gas Pipeline Coalition, he will speak at the appropriate time.

#### **4. Welcome the new Town Administrator, Curt T. Bellavance**

The Board took this opportunity to say thank you to Nina and recognized Nina for stepping up in keeping the office working smoothly while the Board searched for a new Administrator. The Board welcomed Curt and have equally high expectations of him as he settles in his new position.

#### **5. New Business**

##### **A. One Day Alcoholic Beverage License & Old Town Hall Use Requests:**

##### **i. Education Foundation of Tyngsborough, Inc. – January 23-24, 2015**

The Board approved he requests submitted by the Education Foundation for the use of the Old Town Hall and for a one day liquor license, to waive the fee and all other insurances, excluding the liquor license insurance. Selectman Jackson declares that a member of his family, Mrs. Jackson is a member of the Foundation, and after consultation with Town Counsel, did not vote on the requests.

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the Education Foundation requests for the use of the Old Town Hall and for an all alcohol special one day license under the Old Town Hall Use Agreement and for the One Day Special License for all alcohol beverages on January 23 and 24, 2015 between the hours of 5PM to 109PM, waiving all insurance except the liquor liability insurance.

##### **ii. Tyngsborough High School Grad Night Committee – March 21, 2015**

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the request submitted by the Tyngsborough high School Grad Night Committee for the use of the Old Town Hall and for a Special One Day Liquor License for a Comedy Night fundraiser for Saturday, March 21, 2015 from 7PM to 11PM for about 150 quests. And asked that insurance be waived except the liquor liability license.

##### **B. One Day Alcoholic Beverage License Request – Greater Lowell Technical High School**





## 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

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve a One Day Special Liquor License to the Greater Lowell Technical High School for the annual Superintendent's dinner on Wednesday January 28, 2015 with a snow date of Thursday January 29, 2015 from 5PM to 11PM for approximately 200 guests ant to waive the fee.

### C. License Renewal Requests

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the following Selectmen's license renewal as referenced in the attached list a follows: All Common Victualler's Licenses, All Alcoholic Beverages Restaurant Licenses, All Alcohol General on Premise License, Wine and Malt Restaurant Licenses, Wine and Malt Club License, Wine and Malt Package Store License, All Alcohol Package Store Licenses, Automatic Amusement Device Licenses, Weekday and Sunday Entertainment Licenses, the Class I, II and III Licenses.

### D. Media Program Coordinator – Appoint

The Selection Committee, after reviewing approximately 42 resumes for the position of Media Program Coordinator and narrowing the field of candidates down through the interview process, the selection committee unanimously voted to recommend that Mr. David Machado, Jr. be appointed to that position. The Selection Committee carefully reviewed Mr. Machado's qualification and experience and found him to be the best candidate for the role.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to appoint Mr. David Machado to the position of Media Program Director, effective December 11, 2014 at \$21.00 per hour for an approximate 25-40 hour work week, pending Town Counsel's review.

### E. Chief Procurement Officer – Appoint

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to appoint Town Administrator Curt Bellavance as the Procurement Officer.

### F. Telephone System at new Council on Aging – Agreement for Services

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to authorize the Town Administrator to enter into a contract with TelNet to provide telephone service to the new Council on Aging, subject to an executed Revocable License or acceptance of the land and building by Town Meeting.

### G. Charles George Properties

#### i. Landfill Tax Title Parcels

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Lambert to support having Town Counsel meet with the Assessors, Treasurer and Accountant to discuss the tax abatement of the Landfill Tax Title Parcels. Selectwoman Puleo, suggests that it would be in the best of the Town to have a professional Consultant to review and any other entities deemed necessary.

#### ii. Assessors Map 21, Lot 35 – Donation or Conservation Restriction

The Board received correspondence from the Conservation Commission that a representative from the Charles George Landfill came before their board to discuss the matter of a transfer of land to the Town under Conservation restrictions. The Board in discussion on the matter opt to had dialogue with Town Counsel and ask for his opinion on the matter.

### H. Draft Report for the Merrimac Landing Homeownership Development – MassHousing

The Administrator is in receipt of a letter from MassHousing regarding the cost examination for the Tyngsboro Landing LLC and the Village at Merrimack Landing LLC comprehensive permit project completed in Tyngsborough. MassHousing serves as the Subsidizing Agency for the project and part





# 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

of their responsibility is to ensure that the project finances meet the requirements outlined in 760 CMR 56. One of the most critical items is that the project does not exceed the maximum allowed profit allowed under a comprehensive permit. MassHousing hires an independent accountant to review the project finances and verify the project cost as they relate to requirements of 40B. MassHousing is seeking comments from the Board. The Board has not comments.

## I. ZBA Request for Comment – 4 Birch Street

The Board reviewed the request from the ZBA and has no comments.

## J. Road Conditions (Worden Road, Mascuppic Trail, Dunstable Road, etc.)

The Board and the Administrator were in discussions regarding the complaints on Worden Road, Mascuppic Trail, Dunstable and Danforth Roads. The residents contact the office from time to time asking to have the roads accepted and repaired. A suggestion that the repairs on the accepted street be placed with the Capital Asset Management Committee for funding.

## 6. Old Business

### A. River Road Properties

#### i. Tyngsborough Water District

The Board was in receipt of a letter from MDAR addressing issues with allowing public water wells on land that abuts agricultural land. The Board will discuss with Town Counsel and the Conservation Commission to find the best way to address the issues.

#### ii. Remote Controlled Aviation Request

The Board had received a request to use the Conservation land on River Road to use as a remote aviation field. The Conservation Commission identified the parcel to be a good fit, the Board will consult with Town Counsel and the Conservation Commission to see who can give permission to use.

### B. Town Buildings Master Plan – Discuss

The Board at their meeting of December 1, 2014 a presentation was shown on the options of use for various town owned buildings, some department managers were in attendance and gave some opinions on what space they would need and what the best fit would be. The Board will place the plan on the Website and solicit some feedback on the plan. The Capital Asset Management Committee will be involved in the discussions. The Town Administrator has had some experience with the plan. The Consultant is working on a revised plan, the Board will conduct another meeting and follow up with a public hearing to inform the public.

### C. 11 Indian Lane – Update/Discuss

The Board discussed 11 Indian Lane, and have spent enough time with this project and given the correspondence received, the Board is in support of the building being demolished. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to ask the Town Administrator to write a letter to MassDOT, incorporating the statements made by members, and to notify all stakeholders.

### D. Pedestrian Safety By-Law – Discuss

The Board discussed the Pedestrian Safety By-law that Town Meeting passed in May, 2014. The Attorney General approved the vote but Mass-Dot does not have any policy regarding authorizing enforcement of such by-law and Mass DOT would probably not approve authorizing the Town to enforce the by-law on traffic islands located on state highways, and if MassDOT will not so authorize, Atty. Kane suggested the Town may wish to file a formal petition with the Secretary of





# 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

Transportation to approve such enforcement at traffic islands. The Board will confer with Town Counsel on how to proceed.

#### E. Seasonal Employee – Sign Memorandum of Agreement

At its last meeting, the Board took action to appoint Michael Gagnon to the position of Seasonal Winter Employee. The purpose of this agenda item is to memorialize the practice by entering into a Memorandum of Agreement.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the Memorandum of Agreement.

#### F. Temporary Old Town Hall Host – Extend Term

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to extend the Old Town Hall Host to March 31, 2015.

#### G. Northeast Municipal Gas Pipeline Coalition – Discuss

The Board discussed the Northeast Municipal Gas Pipeline Coalition, the Board sees no reason to change their position to stay neutral and there is no action to take.

### 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. Presberg came forward and was pleased to hear the Board would remain in the coalition.

### 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 approve the correspondence in the packet and to add the two meeting notices. Selectman Lambert asked that the Grant Outreach info be placed on our website and sent to Recreation and Conservation.

### 9. Review of Weekly Warrants

The Town Administrator read the following weekly warrants: Warrant #23P for \$14,185.19 on 12/8/2014; Warrant #23Vet for \$8,949.78 on 12/08/2014; Warrant #23S for \$226,057.45 on 12/8/2014; Warrant #23B for \$1,091,973.61 on 12/8/2014; Warrant # 21Vet for \$9,821.93 on 11/24/2014; Warrant #21B for \$1,345,958.39 on 11/24/2014; Warrant #21S for \$456,687.72 on 11/24/2014; Warrant #22B for \$740,944.37 on 12/01/2014; Warrant #22P for \$905,650.60 on 12/1/2014.

### 10. Town Administrator's Report

- Response to Selectmen's Requests

Issued letter to MassHousing in regards to the eligibility letter they submitted on behalf of the Tyng Village project. The letter informed MassHousing that Tyngsborough does have an approved Housing Production Plan.

- Budget





# 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

First meeting with Kerry Colburn-Dion to discuss budget calendar for FY16.

- Departmental Information

Veterans' Agent Christopher Dery will be on military leave of absent between January 5 and January 23, 2015. Lowell's agent Eric Lamarche, will assist in serving any Tyngsborough veterans in his absence.

Circle Home health announced their grant renewal for Elderly health Clinic. This grant will provide on-site visits by nursing professionals to the Council on Aging/Senior Center.

- Contracting/Procurement

Signed agreement, which was authorized by the Selectmen, to participate in the Economic Development Self-Assessment program through Northern Middlesex Council of Government and Northeastern University.

- Other - None

## 11. Selectmen's Reports

Selectman Jackson he attended the Festival of Trees and it was a great time everyone enjoyed. The Special Town Meeting is coming up, the town is looking to ask for more all alcohol beverage licenses and has spoken to Town Counsel on how best to proceed. The bargaining unit have been ratified the Patrolman unit is still not completed. The next board meeting will be next week not the 22<sup>nd</sup>. Selectwoman Puleo has not heard any conversation on local aid cuts, the Government Study Committee will meet on Wednesday at 6:30 PM with Town Counsel to discuss a Charter Commission recommendations. To look at the Old Town Hal Agreement and the School Committee appointed a representative to the Capital Asset Management Committee and asked about the status of the 4 way stop at Lakeview and Coburn. The Assistant Town Administrator responded that due to the number of ongoing projects, the Board was agreeable to having the Lakeview at Coburn Road intersection hearing in the spring.

## 12. Executive Session

The Board voted in favor on a motion by Selectwoman Puleo, second by Selectman Reault to enter into Executive Session at 9:23pm to discuss the follow Exemptions.

- A. Exemption Two –To Conduct strategy sessions in preparation for negotiations with non-union personnel or conduct contract negotiations with non-union personnel (added verbally to the agenda, when Clerk read the agenda at the beginning of the meeting).
- B. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares – Clerical Union and Police Union
- C. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body





## 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

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.

### **13. Adjournment**

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

The meeting adjourned at 10:30 P.M.

Approved on: Monday, January 5, 2015

Respectfully submitted by

Therese Gay







# 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 12-05-14**

## **Board of Selectmen Meeting Notice**

Monday, December 8, 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, October 20, 2014
  - ii. Monday, October 27, 2014
  - iii. Monday, November 17, 2014
  - iv. Monday, November 18, 2014
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
  - i. Monday, October 20, 2014 (2<sup>nd</sup> Executive Session)
  - ii. Monday, November 17, 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. Welcome the new Town Administrator, Curt T. Bellavance**

### **5. New Business**

- A. One Day Alcoholic Beverage License & Old Town Hall Use Requests:
  - i. Education Foundation of Tyngsborough, Inc. – January 23-24, 2015
  - ii. Tyngsborough High School Grad Night Committee – March 21, 2015
- B. One Day Alcoholic Beverage License Request – Greater Lowell Technical High School
- C. License Renewal Requests
- D. Media Program Coordinator – Appoint
- E. Chief Procurement Officer – Appoint
- F. Telephone System at new Council on Aging – Agreement for Services
- G. Charles George Properties
  - i. Landfill Tax Title Parcels
  - ii. Assessors Map 21, Lot 35 – Donation or Conservation Restriction
- H. Draft Report for the Merrimac Landing Homeownership Development – MassHousing
- I. ZBA Request for Comment – 4 Birch Street
- J. Road Conditions (Worden Road, Mascuppic Trail, Dunstable Road, etc.)





# 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

## 6. Old Business

- A. River Road Properties
  - i. Tyngsborough Water District
  - ii. Remote Controlled Aviation Request
- B. Town Buildings Master Plan – Discuss
- C. 11 Indian Lane – Update/Discuss
- D. Pedestrian Safety By-Law – Discuss
- E. Seasonal Employee – Sign Memorandum of Agreement
- F. Temporary Old Town Hall Host – Extend Term
- G. Northeast Municipal Gas Pipeline Coalition – Discuss

## 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 and Police Union
- B. 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





## **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

### **13. Adjournment**

#### **Future Meetings**

**Monday, December 22, 2014 Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, January 5, 2015 at Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, January 26, 2015 at Tyngsborough Town Offices, 25 Bryants Lane**

