



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 Notice

Monday, January 5, 2015 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, December 1, 2014
- ii. Monday, December 8, 2014
- iii. Monday, December 15, 2014

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

- i. Monday, December 8, 2014
- ii. Monday, December 15, 2014

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. New Business

- A. Old Town Hall Use Request – Reoccurring Business Meetings on Friday mornings
- B. Police Patrol & Communications Union – Ratify Contract
- C. February 10, 2015, Special Town Meeting Warrant Articles – Discuss

5. Old Business

- A. License Renewal Requests
- B. Historical Commission – Appoint Alternate Member

6. 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.

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.

8. Review of Weekly Warrants





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9. Town Administrator's Report

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

10. Selectmen's Reports

11. Executive Session

- A. 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

12. Adjournment

Future Meetings

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

Monday, February 9, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

***Special Town Meeting: Tuesday, February 10 2015 at 7 PM at the Tyngsborough
Elementary School, 205 Westford Road**

Monday, February 23, 2015 at Tyngsborough Town Offices, 25 Bryants Lane





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Board of Selectmen Meeting Minutes

APPROVED

Monday, January 5, 2015 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, December 1, 2014

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

ii. Monday, December 8, 2014

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday December 8, 2014.

iii. Monday, December 15, 2014

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the minutes of Monday December 15, 2014.

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

i. Monday, December 8, 2014

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not release the second Executive Session Minutes of Monday, December 8, 2014.

ii. Monday, December 15, 2014

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to approve but not release the second Executive Session Minutes of Monday, December 15, 2014.

Selectman Lambert abstained from voting on the Minutes and the Executive Session Minutes.

3. Citizen/Business Time – No one came forward.

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4. New Business

A. Old Town Hall Use Request – Reoccurring Business Meetings on Friday mornings

The Board has received an Old Town Hall Use request for reoccurring professional meetings of the Merrimack Valley Referral Network (MVRN) by Mrs. Joyce Perfetti and Ms. Dawn Kay. The MVRN is a group of business owners that meet weekly for a networking meeting to help each other with referrals, new business contacts and etc. The meeting goes from 7am – 8:30am every Friday morning (unless specific holiday or Tyngsborough school closing due to bad weather). The first meeting for 2015 is Friday, January 9, 2015. The group is asking to be able to enter the building at 6:45 am to set up. The group is also requesting for the insurance be waived. Their meeting set up is usually a U shape table, they are requesting to leave the table up between meetings and request to leave their meeting supplies at the facilities small closet, which is a 2x2 sign and rubber tote, they will supply their own coffee and remove all trash from the building after each use. Ms. Perfetti, Ms. Kay and Mr. Garavanian presented their request for the use of the Old Town Hall, discussions on the use of the downstairs is preferred will work with the space to accommodate the set-up, a closet can be used for storage of a Podium and plastic bin. The Old Town Hall Host will be available to open the building and to set the heat. The Board informed the BNI Group that there will probably be times when the snow removal and ice clearing may not happen if the Highway is busy cleaning the main thoroughfares. Ms. Perfetti stated that if there is no school due to inclement weather the group would not meet. She receives notice early and will notify everyone. The food prep would be only coffee and donuts/muffins from Dunkin Donuts. The fee is agreed to the \$50.00 an hour and if the meeting does not occur no fee will be charged. The Board asked that there be some flexibility because the building is used by other groups and the timing may overlap. The liability insurance can be waived so long as there is no alcohol being served.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the recurring use of the Old Town Hall Agreement with BNI with the conservation of this evening, to use the downstairs for the BNI meetings, from 6:45 AM to 8:45 AM and if school is canceled the meeting will be cancelled and if BNI cancels their meeting they will notify the Administration if not being used. If the snow is not removed the fee will be waived and The Board voted to waive the liability insurance. The podium and bin to be stored on site.

The Board briefly discussed any changes to the Use Policy. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to make the minor changes as discussed and recommended in the red highlight.

B. Police Patrol & Communications Union – Ratify Contract

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to ratify the Memorandum of Agreement between the Town of Tyngsborough and the Police Benevolent Association, Inc. Local 8A (Patrol Officers and Communication Specialists). For July 1, 2014 to June 30, 2017 and to sign and execute the contract.

C. February 10, 2015, Special Town Meeting Warrant Articles – Discuss

The Board has received for review the Tuesday, February 10, 2015 Special Town Meeting Warrant Articles.

The Board discussed Articles 1 to 16. The Capital Asset Management Committee will be meeting on the 8th of January. A joint meeting will be needed possibly on the 15th of January at 7:00 PM if it works for everyone. Articles 1, this article is to appropriate, borrow or transfer funds to be





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expended by the School Committee for replacing the roof and boiler at the High School. Article 2, to borrow 1.6 million dollars for road construction, and or repairs, engineering and drainage contingent upon Town voting to approve a post-proposition 21/2 debt exclusion, and Article 3 to borrow a sum of money for the installation of traffic lights at Frost and Norris Roads also contingent on a proposition 21/2 override. Because these articles are debt exclusions the Board should meet jointly with the Finance Committee, School Committee, Town Counsel, the Police Chief and the Capital Asset Management Committee. Articles 4 to 9 deals with free cash and should be discussed with the Finance Committee and the Capital Asset Management Committee. Article 10 votes to rescind the borrowing authorization from previous town meeting votes. Article 11 votes to close the accounts of the CPC fund. Article 12 authorizes the creation of a revolving fund for the maintenance and operation of the Old Town Hall. Article 13 authorizes the acceptance if the new senior center for no monetary consideration. Article 14 accepts the provisions of the MGL for the creation of a Housing Trust Fund. Article 15 votes to petition the Legislature to allow the Town to increase the number of liquor licenses. Article 16 votes to amend the Town's zoning map of a parcel. A draft copy of the Special Town Meeting Warrant discussed this evening will be sent to Town Counsel and the Finance Committee for review.

5. Old Business

A. License Renewal Requests

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the request for a common victualler license to Funtagious and to Mario's Pizzeria.

One establishment, The Hole in One Hundred did not submit for the renewal, the Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to send a cease and desist letter, signed by the Chairman and delivered by a Police Officer.

B. Historical Commission – Appoint Alternate Member

Since advertising between Tuesday, November 18th and Friday, December 3rd, the Office received only one letter of interest to serve on the Historical Commission as an Alternate Member, which is from Ms. Ashley Makevich. The Historical Commission is recommending Ms. Makevich for this position. In reviewing MGL c.40 x 8D, and the existing terms of current members, an appointment through June 30, 23017 would be most consistent to maintain a balance in the number of terms expiring per year.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to appoint Ms. Ashley Makevich as an Alternate Member of the Historical Commission for a term ending on June 30, 2017.

6. Citizen/Business Time – No one came forward this evening.

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The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by selectman Reault to accept the correspondence as provided this evening. Selectman Lambert mentioned that the NMCOG Plan Study is open for review and comment. The plan shows that the City of Lowell is adding a public access for a scenic walking path, the comment should reflect that the money is going for a scenic walk way while the Town is looking to fix their roads.

The ZBA is holding a hearing on Tyng Village development, the office should notify the Historical Commission that the development will be excavating in a potentially historic site.

8. Review of Weekly Warrants

The Weekly Warrants are as follows: Warrant #26P for \$821,081.43 on 12/29/2014; Warrant #26B for \$695,268.91 on 12/29/2014; Warrant #24B for \$726,756.30 on 12/15/2014; Warrant #24P for \$862,414.87 on 12/15/2014; Warrant #25vet for \$10,395.85 on 12/22/2014; Warrant #25B for \$490,638.60 on 12/22/2014; and Warrant #25S for \$297,053.64 on 12/22/2014; also Warrant #27B for \$336,481.57 on 01/05/2015 and Warrant #27vet for \$12,584.81 on 01/05/2015.

9. Town Administrator's Report

- Response to Selectmen's Requests

Attached are the following:

Two letters sent to two of the three Common Victualler License holders which had not submitted for renewal on December 18th, as of today, only The Hole in One Hundred has not submitted.

A letter sent to Miss Hannah Rish regarding roads in Tyngsborough, in response to the attached letter received by Chairman Jackson.

A memorandum and all enclosures sent to the Conservation Director and Conservation Commission regarding the Remote Controlled Aviation Request.

A letter sent to the Tyngsborough Water District by the Conservation Director as a follow up to the Board's discussion from December 8th regarding the Hunter/Norton Property use.

- Budget - None
- Departmental Information

A letter sent to the Massachusetts Municipal Association in response to their 2014 Chapter 90 Local Road Funding Survey. The town has responded that the Town's annual need is \$2 million.

- Contracting/Procurement

A copy of the Town's Green Community Annual Report. The Town's total energy usage has increased by 11% between Fiscal Years 2013 and 2014. A portion of this is attributed to the unusually colder winter in FY14. As part of the Green Communities designation, the Town should continue to work towards a 20% reduction in overall usage from the baseline year of FY2008. As of FY2013, the Town had a 16% reduction, however in FY2014 the reduction is now only 7%.

- Other

Correspondence from Attorney Gregory Curtis, representing Mr. George Miamis, Manager of the Liquor Shop. Based on an action of the Board at its November 17th meeting, I was working with Town Counsel to prepare the appropriate paperwork to entities with non-use of liquor licenses. Whereas The Liquor Shop was the only business in a "non-use" status which submitted a renewal, a hearing notice has been sent to The Liquor Shop, identifying a hearing date and time of February 23, 2015 at 6:05PM. Based on a conversation with Attorney Curtis, his client hopes to have the Purchase and Sale Agreement signed by or before the date of the hearing.





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A letter to Mr. Machado on his appointment as the new Media Program Coordinator for the Town.

10. Selectmen's Reports

Selectman Reault is asking for an agenda item for the transfer of funds for one appliance and one floor cleaning machine. Chairman Jackson has been in conversation with Chairman Wickens of the Finance Committee about looking to form a PILOT Program, paying in lieu of taxes because of the lost dollars from the non-profit institutions hat own land. Selectwoman Puleo is looking to improve the wifi reception in the Community Room, is looking for the Budget Calendar, would like to see a 2 page powerpoint presentation in the packet, it was mentioned that the PILOT program is a good thought would not necessarily recoup all of the money thought. Also would like the information on the Rte. 3 billboard from the Recreation Dept.

11. Executive Session

The Board voted in favor on a motion by Selectwoman Puleo, second by Selectman Reault to enter into Executive Session at 8:25pm to discuss the follow Exemption.

- A. 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

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 Selectwoman Puleo, second by Selectman Reault to adjourn the meeting.

The meeting adjourned at 8:57 P.M.

Approved on: Monday, January 26, 2015

Respectfully submitted by

Therese Gay
Admin Assistant



