



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 26, 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
 - i. Monday, January 5, 2015
 - ii. Thursday, January 15, 2015
- B. Executive Session
 - i. Monday, January 5, 2015
 - ii. Thursday, January 15, 2015

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. Solid Waste & Recycling Administrative Policy
- B. Senior Citizen Property Tax Work-off Abatement Program
- C. P.I.L.O.T. program discussion

5. Old Business

- A. Town Building Master Plan discussion (how to proceed/engage stakeholders)
- B. License Renewal: Funtagious / Hole in 100
- C. ABCC Annual Report
- D. Old Town Hall use
- E. Indian Lane property

6. 7:00 – Joint Meeting with Finance Committee

- A. Special Town Meeting Warrant
- B. Order of Articles
- C. Vote on Articles
- D. Vote ballot question

7. 7:30 – Joint Meeting with Planning Board

- A. Appointment of Associate Planning Board member





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8. Citizen/Business Time

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9. Correspondence

10. Review of Weekly Warrants

11. Town Administrator's Report

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

12. Selectmen's Reports

13. Executive Session

- A. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declares – Police Union
- B. Exemption Two – To conduct strategy session in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits

14. Adjournment

Future Meetings

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

*** Special Town Meeting: Tuesday, February 10, 2015, 7:00 pm at the Tyngsborough Elementary School, 205 Westford Road**

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

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





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Board of Selectmen Meeting Minutes

APPROVED

Monday, January 26, 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.

6:35 PM The Finance Committee Members joined the Board to discuss the Special Town Meeting Warrant Articles, and to approve the Snow and Ice Funding request. Members present: Darryl Wickens, Eric Sondhi, Paul Morin and Burt Buchman,

7:45 PM The Planning Board Members joined the Board to jointly appoint an Associate Member. Members present: Thomas Delmore, Steve Nocco and Kimberly O'Brien.

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 will be aired on 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 Boards, and the reading of the Agenda by Selectwoman Puleo, the Board, due to the impending storm, elected to skip over the following items, 3 Citizen Business Time; 4 New Business - A Solid Waste Recycling Policy, and C PILOT Program Discussions; 5 Old Business - A Town Building Master Plan discussion and 5E Indian Lane Property Discussion, and the remaining agenda items 8 through 13. The Board did address one new Item not on the agenda as an emergency action, the request from the Highway Forman, Mr. Hustins, for additional funds for the snow and ice account.

2. Meeting Minutes

A. Regular Session

i. Monday, January 5, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Monday, January 5, 2015.

ii. Thursday, January 15, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Thursday, January 15, 2015.

B. Executive Session

i. Monday, January 5, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve but not release the Executive Session Minutes of Monday, January 5, 2015.

ii. Thursday, January 15, 2015





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The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Executive Session Minutes of Thursday, January 15, 2015. Note: Selectman Lambert abstained from voting on the minutes presented.

3. Citizen/Business Time – No Citizen/Business Time this evening.

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. Solid Waste & Recycling Administrative Policy

The Board deferred this item to a future agenda due to the onset of a major winter storm.

B. Senior Citizen Property Tax Work-off Abatement Program

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to advertise for participants in the Senior Citizen Property Tax Work-off Abatement Program, and to review the program policy at a future meeting.

C. P.I.L.O.T. program discussion

The Board deferred this item to a future agenda due to the onset of a major winter storm.

5. Old Business

A. Town Building Master Plan discussion (how to proceed/engage stakeholders)

The Board deferred this item to a future agenda due to the onset of a major winter storm.

B. License Renewal: Funtagious / Hole in 100

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the Automatic Amusement Devices License/Weekday and Sunday Entertainment License for Funtagious. The Board took no action on the Common Victualler License Renewal request from the Hole in One Hundred.

C. ABCC Annual Report

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to accept and sign the ABCC Annual Report.

D. Old Town Hall Use

The Board received a request to use the Old Town Hall for a private party. The Board reviewed and voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the request for the use of the Old Town Hall for a private party as submitted, for Saturday, February 21, 2015, from 9:30AM to 3:00 PM for a private function, for approximately 30 people.

The Vice-Chair would like to review the Building Use Policy for minor changes at a future meeting.

E. Indian Lane property

The Board deferred this item to a future agenda due to the onset of a major winter storm.

6. 7:00 – Joint Meeting with Finance Committee

A. Special Town Meeting Warrant

B. Order of Articles

C. Vote on Articles





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Article 1. To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the purpose of replacing the roof and boiler at Tyngsborough High School, 36 Norris Road, Tyngsborough, MA 01879 as part of the Massachusetts School Building Authority Accelerated Repair Program, which proposed repair project would materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The Town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-two and eight-nine hundredths percent (52.89%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA., or to take any other action relative thereto. Submitted by: School Committee

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to place Article 1 on the Special Town Meeting Warrant as follows: To see if the Town will vote to appropriate, borrow or transfer from available funds, an amount of money to be expended under the direction of the School Committee for the purpose of replacing the roof and boiler at Tyngsborough High School, 36 Norris Road, Tyngsborough, MA 01879, which proposed repair project would materially extend the useful life of school and preserve an asset that otherwise is capable of supporting the required educational program and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority ("MSBA"). The town acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) fifty-two and eight-nine hundredths percent (52.89%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or to take any other action relative thereto. Submitted by the School Committee.

The Board had a brief discussion on the article because it did not show the amount of money requested for the repair. As the MSBA voted and on Bond Counsel's advice the article is to appear as stated. The Vice-Chair asked if an executive summary can be presented to explain the amount of money requested and how it would affect the tax rate, and the borrowing through a proposition 2 ½ debt exclusion. An executive summary can be provided to the voters at the Town Meeting and again at the Polls.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Lambert to place Article 1 on the Special Town Meeting Warrant along with an Executive Summary, including language that the article is written as required by the MSBA and has been reviewed by Bond Counsel. The amount of this project will not exceed \$4,074,418, and the cost is eligible for a grant up to 52.89% (approximately \$2,000,000 grant) from the Massachusetts School Building Authority. The Town would borrow approximately 48% through a proposition 2 ½ debt exclusion (approximately \$1,990,000). The project impact is estimated to be \$53 per year for 10 years on an average \$310,000 home.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to recommend Article 1.





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The Finance Committee voted 4-0-0 on a motion by Member Sondhi, second by Member Buchman to recommend Article 1.

Article 2. To see if the Town will vote to appropriate the sum of \$1,600,000.00 by borrowing for road reconstruction and/or repairs, engineering, and drainage, including all costs incidental or related thereto, to be expended by the Board of Selectmen, and to determine whether this appropriation shall be raised by borrowing or otherwise; provided that any borrowing authorized be expressly contingent upon the Town voting to approve a proposition 2½ debt exclusion referendum question at a town election to be held, or any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Result to place Article 2 on the Special Town Meeting Warrant with an Executive Summary, which is to include that the impact of the proposed roadway improvement projects are estimated to be approximately \$79 per year for 5 years on an average \$310,000 home.

Article 3. To see if the Town will vote to appropriate the sum of \$280,000 by borrowing for the installation of a traffic control signal at the intersection of Frost Road and Norris Road, to be expended by the Board of Selectmen, and to authorize the Treasurer, with the approval of the Board of Selectmen, to issue any bonds or notes that may be necessary for that purpose, and that the appropriation be expressly contingent upon the Town voting to approve a post-proposition 2½ debt exclusion referendum question under proposition two and one-half, so-called, at a town election to be held, or take any other action relative thereto. Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Result to not place Article 3 on the Special Town Meeting. The Board has identified a funding source for the installation of the traffic control signal.

From this point on the Articles will numbered starting as Article 3 to Article 13 as the original Article 3 was removed from the Warrant.

Article 3. To see if the Town will vote to appropriate by transfer from available funds the sum of \$123,662 to supplement the Tyngsborough School Budget for fiscal year 2015 to be expended by the School Committee. Said amount represents reimbursements made through June 30, 2014 from the Municipal Medicaid Program for school services provided to eligible residents, or take any other action relative thereto. Submitted by: School Committee

The Board of Selectmen voted to place and recommend along with the Finance Committee Article 4 on the Special Town Meeting Warrant at their Thursday January 15, 2015 meeting.

Article 4. To see if the Town will vote to appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to supplement various municipal government groups for fiscal year 2015, or take any other action relative thereto. Submitted by: Board of Selectmen, School Committee

FROM: Free Cash	\$60,663.34
TO: Acct. #251-422-4600 Chapter 90	\$ 663.34
Acct. #900-210-3010 Police Detail Fund	\$60,000.00 (was added to the article)

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Result to place Article 4 on the Special Town Meeting Warrant as amended.

Article 5. To see if the Town will vote to rescind the following borrowing authorizations:

- A. \$2,754 of the \$227,000 authorized under Article 10 of the Annual Town Meeting of May 16, 2000 for Sewer Filtration
- B. \$31,375 of the \$300,000 authorized under Article 34 of the Annual Town Meeting of May 16, 2006 for Phase III, IV, V Wastewater Management





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- C. \$5,845 of the \$150,000 authorized under Article 19 of the Annual Town Meeting of May 20, 2008 for Inflow/Infiltration Study
- D. \$3,000 of the \$210,000 authorized under Article 10 of the Annual Town Meeting of June 7, 2011 for a fire truck
- E. \$6,985 of the \$35,000 authorized under Article 2 of the Special Town Meeting of February 15, 2012 for a building commissioner vehicle
- F. \$1,944 of the \$48,000 authorized under Article 2 of the Special Town Meeting of February 15, 2012 for a fire department vehicle (Car 1)
- G. \$200 of the \$25,000 authorized under Article 2 of the Special Town Meeting of February 15, 2012 for the Norris Road Field/Aud Design/Eng
- H. \$2,000 of the \$52,000 authorized under Article 8 of the Annual Town Meeting of May 21, 2013 for the Highway Wood Chipper., or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: In Favor Finance Committee: In Favor

The Board of Selectmen voted to place Article 5 on the Special Town Meeting Warrant and the Board and the Finance Committee voted to recommend Article 5 as presented.

Article 6. To see if the Town will vote to authorize the Board of Selectmen to accept, for no monetary consideration, the conveyance of the following property from Tyngsboro Partners, LLC upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town. That certain parcel of land, together with all buildings and improvements thereon, located at 169 Westford Road in Tyngsborough, Middlesex County, Massachusetts, and more particularly described as Assessors Map _____, Lot _____ on a plan of land entitled: _____ in Tyngsborough, MA, dated _____, and filed with the Middlesex Registry of Deeds on _____ as Plan Number _____. Lot containing 20,000 square feet (1.63 acres), more or less, according to said Plan. Said property shall be conveyed subject to the following conditions:

- The Grantee shall reasonably restore the ground to its previous condition. By acceptance of this conveyance, the Town shall accept responsibility for the maintenance, operation and repair of the property.
- Tyngsboro Partners, LLC shall complete the final course paving of the driveway and parking area to the above lot, in the spring of 2015.
- All warranties provided to Tyngsboro Partners, LLC on materials and equipment, shall be transferred to the Town.
- Tyngsboro Partners, LLC shall provide a construction warranty on the building. Or take any other action related thereto. Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 6 on the Special Town Meeting Warrant as amended and reads as follows: To see if the Town will vote to authorize the Board of Selectmen to accept, for no monetary consideration, the conveyance of the following property (Senior Center) from Tyngsboro Partners, LLC upon terms and conditions deemed by the Board of Selectmen to be in the best interest of the Town. That a certain parcel of land, together with all buildings and improvements thereon, located at 169 Westford Road in Tyngsborough, Middlesex County, Massachusetts a lot containing 1.63 acres.

Article 7. To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44 Section 55C, for the creation of an Affordable Housing Trust Fund and to amend the Town Bylaws by adding the below as Article XLIV; or to take any other action relative thereto.

Section XLIV Affordable Housing Trust Fund

Section 1. Name of Trust

The Trust shall be called the "Tyngsborough Affordable Housing Trust Fund" (Trust).

Section 2. Purpose





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The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Tyngsborough (Town) for the benefit of low and moderate-income households. In furtherance of this purpose, the Trustees are authorized, in accordance with the below procedures to acquire by gift, purchase or otherwise real estate and personal property, both tangible and intangible, of every sort and description; to use such property in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property held by the Trust and the net earnings from such properties shall be used exclusively for the preservation and creation in the Town of affordable housing for the purposes for which this Trust was formed.

Section 3. Tenure of Trustees

There shall be a Board of Trustees (Trustees) consisting of not less than five nor more than seven Trustees who shall be appointed by the Board of Selectmen (Selectmen). At least one of the Trustees shall be a member of the Board of Selectmen, or its designee. One member of the Trustees shall be the Town Administrator, or his or her designee. Only persons who are residents of the Town shall be eligible to hold the office of Trustee. The Town Administrator does not need to be resident. Trustees shall serve for a term of two years, except that two of the initial Trustee appointments shall be for a term of one year, and may be re-appointed at the discretion of the Selectmen. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee and shall promptly provide a written notification of the change in residence to the Selectmen. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee before his or her term of office expires, a successor shall be appointed by the Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five Trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining Trustees. Reference to the Trustee shall mean the Trustee or Trustees for the time being.

Section 4. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. c. 30A, §§ 18 – 25. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

Section 5. Powers of Trustees

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. c. 44, § 55C:

- A. With the approval of the Selectmen, to accept and receive property, whether real or personal, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the Trust in connection with provisions of any zoning by-law or any other by-law;
- B. With the approval of the Selectmen, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- C. With the approval of the Selectmen, to sell, lease, exchange, transfer or convey any real or personal property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust real or personal property notwithstanding the length of any such lease or contract;
- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;





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- E. To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- G. To apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. With the approval of the Selectmen, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. With the approval of the Selectmen, to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values;
- K. With the approval the Selectmen and the approval of Town Meeting by a two-thirds majority vote, to incur debt, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, and to mortgage and pledge Trust assets as collateral;
- L. With the approval of the Selectmen, to disburse Trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in the Town upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- M. To make distributions or divisions of principal in kind;
- N. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. c. 44, § 55C, to continue to hold the same for such period of time as the Trustees may deem appropriate;
- O. To manage or improve real property and, with the approval of the Selectmen, to abandon any property which the Trustees determine not to be worth retaining;
- P. To hold all or part of the Trust property not invested for such purposes and for such time as the Trustees may deem appropriate; and
- Q. To extend the time for payment of any obligation to the Trust.

Section 6. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution, or other by-law shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property.

Section 7. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

Section 8. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically here authorized. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of Massachusetts M.G.L. c. 268A.





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Section 9. Taxes

The Trust is exempt from M.G.L. c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any of its subdivision.

Section 10. Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

Section 11. Governmental Body

The Trust is a governmental body for purposes of Sections of M.G.L. c. 39.

Section 12. Board of the Town

The Trust is a board of the Town for purposes of M.G.L. c. 30B and M.G.L. c. 40, § 15A but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from Chapter 30B.

Section 13. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

Section 14. Recordings

The Selectmen may authorize the Trustees to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance here authorized.

Section 15. Titles

The titles to the various Articles are for convenience only and are not to be considered part of such Articles nor shall they affect the meaning or the language of any such Article.

Or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board of Selectmen voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 7 on the Special Town Meeting Warrant.

Article 8. To see if the Town will vote to transfer \$26,745.63 from Receipt Reserved for Appropriation for Affordable Housing account to the Affordable Housing Trust Fund. These funds were received on April 23, 2013 and held in a receipt reserved account pending the creation of an Affordable Housing Trust to support affordable housing with the Town; or take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 8 on the Special town Meeting Warrant.

Article 9. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth of Massachusetts to pass an act entitled, "An Act Authorizing the town of Tyngsborough to grant Additional Licenses for the Sale of Alcoholic Beverages", being substantially as set forth below:

An Act Authorizing the Town of Tyngsborough to Grant Additional Licenses for the Sale of Alcoholic Beverages.

Section I. (a) Notwithstanding the maximum number of licenses authorized to be granted under section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Tyngsborough may grant up to ten (10) additional all-alcoholic beverages restaurant licenses and two (2) additional licenses for the sale of alcoholic beverages to be drunk off the premises, under section 15 of said chapter 138, to operators and locations to be determined by the licensing authority.





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The Licenses shall be subject to all of said chapter 138, except section 17 and section 17A. (b) A license granted under this section shall not be transferrable to any other person, corporation or organization for three (3) years after the original issuance. A transfer in violation of the Act shall render the license void. (c) (1) All-Alcoholic Beverages Restaurant Licenses: One (1) license shall be located in the Town Center, a designated economic development zone which is 2,000 feet from the intersection of Middlesex Road and Kendall Road, with a maximum of fifty (50) seats; one (1) license shall be located in the same economic development zone with a maximum of seventy-five (75) seats, and (1) shall be located in the same economic development zone with a maximum of one hundred (100) seats. (2) Malt and Wine Restaurant Licenses: One (1) license shall be located in the Town Center, a designated economic Development zone, with a maximum of fifty (50) seats. (3) Two (2) licenses for off-premises, package stores. Each license shall be located on the east side of the Merrimack River. (4) A license granted under Section 1 (c) (1) and (2) located in the designated economic development zone shall have frontage on Kendall Road, Middlesex Road, or Pawtucket Boulevard; and such frontage shall be as required by the Zoning By-laws or by variance, or if a legal pre-existing, nonconforming lot. (d) Notwithstanding any special law or rule or regulation to the contrary, the licensing authority of the Town of Tyngsborough may approve the transfer of the licenses to any other location, except as herein provided. The licenses may be reissued by the licensing authority, if an applicant for the license files with the licensing authority a Certificate of Good Standing from the Department of Revenue (or other required documentation demonstrating tax compliance); indicating that the licensee is in good standing with the Department and that all applicable taxes have been paid. (e) If the licenses granted under this section are cancelled, revoked or no longer in use, they shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority which may then grant the licenses to new applicants and under the same conditions as specified in this Act.

Section 2. This Act shall take effect upon its passage.

Or to take any other action relative thereto.

Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Gramer to place Article 9 on the Special Town Meeting Warrant.

Article 10. To see if the Town will vote to close the following accounts of the Community Preservation Fund by transferring the remaining balance in each account to the Community Preservation Unbudgeted Reserve Account or take any other action relative thereto.

FROM:	Acct. #230-172-6815-000 CPC Purchase of 8 Acres, 68 Bowers Avenue	\$ 9,957.96
	Acct. #230-172-6810-000 CPC Blue Bird Houses	\$ 32.69
	Acct. #230-172-6809-000 CPC Sherburne Nature Boardwalk	\$ 1,615.17
	Acct. #230-172-6804-000 CPC Create Park at Frost Road	\$ 9,363.62
TO:	Acct. #230 CPC Budget Reserve Account	\$ 9,957.96
	Acct. #230 CPC Reserve for Open Space	\$11,011.48

Submitted by: Community Preservation Committee

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 10 on the Special Town Meeting Warrant. The Community Preservation Committee Members have voted and recommend Article 10.

Article 11. To see if the Town will vote to amend the Town Bylaws, Article XL Capital Asset Committee, Section 2, as follows: The Capital Asset Management Committee (the "Committee") shall be composed of five members, consisting of **two [one]** members of the Board of Selectmen, one member of the Finance Committee, **and two [one]** members of the School Committee. [.] **The Town Treasurer[.] and [the] Town Accountant will serve as ex-officio members with no voting powers.** The members representing the Board of Selectmen, the Finance Committee, and the School Committee shall be selected by their respective Committees. The Committee shall choose its own officers, or take any other action relative thereto. **ADD BOLDED** and DELETE UNDERLINE

Submitted by: Board of Selectmen

Board of Selectmen: In Favor Finance Committee: In Favor

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 11 on the Special Town Meeting Warrant.





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Article 12. To see if the Town will vote to amend the Town Bylaws, Article I Town Meetings, Section 2, as follows: The copies of warrants for all Town Meetings shall be posted in accordance with law at the following locations: Town Hall, **Community Center**, Fire Station #1, Fire Station No. 2 on Lakeview Avenue and [Flints Corner Plaza], or take any other action relative thereto. **ADD BOLD** and DELETE UNDERLINE
Submitted by: Board of Selectmen

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 12 on the Special Town Meeting Warrant.

Article 13. To see if the Town will vote to amend the Town of Tyngsborough Zoning Map, Assessor's Map 20, Lot 119 (4 Cassaway Drive) from Business-1 to Business-2;
Submitted by: Citizen Petition

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Article 13 on the Special Town Meeting Warrant.

D. Vote ballot question

Question #1. Shall the Town of Tyngsborough be allowed to exempt from the provisions of proposition two-and-one-half, so called, the amount required to pay for the bonds issued in order to replace the roof and boiler at Tyngsborough High School, 36 Norris Road, Tyngsborough, MA 01879, including the payment of all costs incidental or related thereto? Yes ___ No ___
The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Question #1 on the Town Election Ballot.

Question #2. Shall the Town of Tyngsborough be allowed to exempt from the provisions of Proposition two-in-one-half, so called, the amounts required to pay for the bonds issued in order to reconstruct and/or repair roads, including engineering, and drainage, and all other costs incidental or related thereto? Yes ___ No ___

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place Question #2 on the town Election Ballot.

The Board discussed having copies of the Executive Summaries for Questions #1 and #2 available for the voters to read at the polls.

The Board received a request from the Highway Working Foreman requesting additional funds to supplement the Snow and Ice Budget. The amount requested is \$100,000. The Board and the Finance Committee Members reviewed and voted the additional funds.

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault, In accordance with Chapter 44, section 31D, Massachusetts General Laws we the Board of Selectmen, and we the Finance Committee, do hereby authorize the Town Accountant to issue warrants and the Town Treasurer to pay such warrants in excess of funds for snow and ice removal, such warrants not to exceed \$100,000.00. Expenditures made under this authority shall be certified to the Board of Assessors and included in the next annual tax rate. The Finance Committee voted 4-0-0 on a motion by Member Buchman, second by Member Morin to approve the additional funds to the Snow and Ice Budget as requested.

7. 7:30 – Joint Meeting with Planning Board





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A. Appointment of Associate Planning Board member

The Board of Selectmen met jointly with Members of the Planning Board to appoint an Associate Member to the Planning Board. The Boards received a letter of interest from Mr. Patrick Sands to serve as an Associate Member. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to appoint Patrick Sands as an Associate Member to the Planning Board for a term ending June 30, 2015. The Planning Board voted 3-0-0 on a motion by Member Delmore, second by Member O'Brien to appoint Patrick Sands as the Associate Member to the Planning Board for a term ending June 30, 2015.

The Board deferred the remaining agenda items to their next regularly scheduled meeting due to the onset of a major winter storm and adjourned the meeting.

8. 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.

9. Correspondence

10. Review of Weekly Warrants

11. Town Administrator's Report

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

12. Selectmen's Reports

13. Executive Session

- A. Exemption Three – To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the Board, and the Chair so declares – Police Union
- B. Exemption Two – To conduct strategy session in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits

14. Adjournment

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

The meeting adjourned at 7:50 P.M.

Approved on: Tuesday, February 10, 2015

Respectfully submitted by

Therese Gay
Admin Assistant



