



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, February 23, 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. Tuesday, February 10, 2015

3. 6:05 PM Public Hearing: The Liquor Shop Tyngsboro, Inc. DBA the Liquor Shop

4. 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.

5. New Business

- A. Outback Steakhouse – change of Manager
- B. Annual and Special Town Meeting Warrant
- C. Boy Scout Troop 46 – Eagle Scout Recognition
- D. Planning Board Request for Comment – Potash Properties, LLC
- E. Right of First Refusal: Village at Merrimac Landing
- F. Ratify Integrated Collective Bargaining Agreements – Highway, Mid-Manager's, & Clerical

6. Old Business

- A. Adams Barn
- B. Hole in 100: common victualler license
- C. Vehicle Use Policy
- D. Town Building Master Plan discussion
- E. Solid Waste & Recycling Administrative Policy
- F. Senior Citizen Property Tax Work-off Abatement Program
- G. Indian Lane
- H. Update on videotaping of public meetings
- I. Meeting minutes – notice to boards and committees

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





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

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

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 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
- 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 – First Parish Meeting House

13. Adjournment

Future Meetings

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

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





TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

APPROVED

Monday, February 23, 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 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.

2. Meeting Minutes

A. Tuesday, February 10, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Tuesday, February 10, 2015. Selectman Lambert abstains.

3. 6:05 PM Public Hearing: The Liquor Shop Tyngsboro, Inc. DBA the Liquor Shop

The Board has notified Mr. Miamis, owner of the Liquor Shop Tyngsboro, of a hearing to weigh evidence for the canceling of the All Alcoholic Beverages No To Be Drunk on Premises for violations of the MGL Chapter 138 Section 77 for cessation of a licensed business and Town Regulations Section 7 for cessation of a licensed business. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to continue this hearing to Monday, March 15, 2015.

4. 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.

5. New Business

A. Outback Steakhouse – change of Manager

The Board received a petition for a Manager Change at the Outback Steak House #2212 at 440 Middlesex Road. The new Manager Mr. Joshua Dickinson was present to introduce himself and spoke to his qualifications. The Board welcomed Mr. Dickinson and wished him well in his position as manager at the Steakhouse.



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 the Manager Change petition by Outback Steak House from Joshua Dumond to the new manager Joshua Dickinson.

B. Annual and Special Town Meeting Warrant

The Administrator has submitted a schedule for the ATM and the STM for Tuesday, May 19, 2015. The following is the scheduled dates for the submission of articles and the meetings to review. February 23, 2015 the Warrant opens; March 18, 2015 the deadline to submit the articles; March 19, 2015 warrant articles sent to Town Counsel for initial review; March 30, 2015 and April 13, 2015 draft warrant reviewed by Selectmen and Finance Committee; April 20-24, 2015 Patriot's Day Holiday and school vacation week; April 27, 2015 draft warrant reviewed by Selectmen and Finance Committee, Selectmen sign the Annual Town Election Warrant; May 1, 2015 final warrant approval by Town Counsel; May 4, 2015 final town meeting warrants approved and signed by Selectmen; May 5, 2015 Deadline for posting ATM and STM warrants copies of town meeting warrants, report of Finance Committee, Capital Asset Management Committee plan and the Annual Town Report; May 12 Annual Town Election and May 19, 2015 the Annual (7:00PM) and Special (7:30PM) Town Meeting.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the recommended schedule for the annual and special town meeting warrant.

C. Boy Scout Troop 46 – Eagle Scout Recognition

The Board welcomed Eagle Scout Samuel Michael Sigman and Eagle Scout John Steven Vinal to the meeting, the Board recognized the Eagle Scouts for their contribution to the community. Eagle Scout John Vinal's service project was picnic tables for the Red Pines elderly housing area so that that they could enjoy the outdoors; and Eagle Scout Sigman's service project was to obtain school supplies from suppliers and then lead a team to pack the supplies into kits to be sent to needy African school children. Recognition certificates were given to the two Eagle Scout.

D. Planning Board Request for Comment – Potash Properties, LLC

The Board received a request for comment from the Planning Board for a special permit for a major industrial complex to house Mass Crane and Hoist at 50 Westford Road at Potash Hill Road. The Board has no comment on this request.

E. Right of First Refusal: Village at Merrimack Landing

The Board received a letter from a resident at 16 Merrimack Way informing the Board that the homeowner is selling her unit and has contacted a real estate agent to help in the sale. On such sales the Town has a right of first refusal before going forward to sell the unit as affordable. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to take no action. The Town Administrator will work with the representative from North Andover and NMCOG to see if there is a way to address the issue of losing affordable units.

F. Ratify Integrated Collective Bargaining Agreements – Highway, Mid-Manager's, & Clerical

The Board received copies of the integrated collective bargaining agreements from the Highway, Mid-Manager's and Clerical for review. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to ratify the integrated Collective Bargaining Agreements between the Town of Tyngsborough and the SEIU Union, Local 888 for the Highway, Mid-Manager's and Clerical Unions between July 1, 2014 and June 30, 2017. Selectwoman Puleo made a motion to ratify the integrated contracts for the Highway, Mid-Manager's and Clerical Unions, second by Selectman Reault, Selectman Lambert did have concerns that Labor Counsel had not signed the documents stating that these contracts are factual, some discussion on the issues. Selectwoman Puleo



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

withdrew her motion and Selectman Reault withdrew his second. Selectmen Jackson suggested that any member of the Board having regarding the documents should contact the Assistant Town Administrator prior to the next meeting.

6. Old Business

A. Adams Barn

The Board had discussion on the repair of the Adams Barn. The Board would like to meet with the Historical Commission to discuss the proposal for the restoration and the Historical Commission to have a plan and return to the Board at their next meeting to discuss. The Board does not want anyone to start any work until a comprehensive plan is in place.

B. Hole in 100: common victualler license

The Board will review the status of the Common Victualler License for the Hole in 100 Hundred. Mr. Adams has submitted his application with the fee but has not submitted the required Insurance certificates. The Board has worked with the proprietor but he has not come forward with the necessary paperwork. At the moment he is operating without a license, the Board agrees that a letter be sent to Mr. Adams to stop operating because of a lack of proper licenses. The Town Administrator will send a letter to Mr. Adams advising him of a hearing on Monday, March 9, 2015 for a hearing to rescind the license.

C. Vehicle Use Policy

The Board has received and reviewed the draft of the Town's Vehicle Use Policy. This policy governs the use of any type of motorized vehicle owned, controlled, leased or used on behalf or for the Town of Tyngsborough.

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectwoman Puleo to approve the Vehicle Use Policy as presented.

D. Town Building Master Plan discussion

The Board and the Town Administrator discussed the next step to take for moving forward on the Town Building Master Plan and to get information out to stakeholders and obtain their feedback. It is important to meet and share information regularly in order to earn buy-in from departments, committee, groups, residents and other stakeholders. The approach would be to work with these groups in small focused gatherings. This will create an atmosphere that will encourage open communication and feedback. Regular updates at the Selectmen's meeting and other committee or boards is important, especially when discussing that group's building or space. The Town Administrator will provide an update at the next meeting.

E. Solid Waste & Recycling Administrative Policy – This item was removed from the agenda.

F. Senior Citizen Property Tax Work-off Abatement Program

The Assistant Town Administrator met with the Assessor, Accountant, Treasurer, Collector, was held in late January where it was determined that the best way to have a year-round Tax Work-off program would be to begin the program on November 1st and end the program on October 31st. Between now and November, the Assistant Town Administrator suggested that the program move forward in approximately its regular year, which is a work period between approximately March and October. For this year's program the Board may be interested to make minor changes to the regulations, for example, in Section 4 (Qualifications), 3rd paragraph, 3rd sentence reads: "While preference will be given to first-time applicants, the Town reserves the right to employ prior participants to finish ongoing special projects." In the program last year, based on the number 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

applicants administratively our office was only able to recommend first time applicants for positions within the program.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Jackson to modify the 2015 program to include a mix of first-time applicants and to allow repeat applicants, to provide the departments with experienced help where necessary while continuing to give opportunities to residents who have not previously participated. All senior citizens are subject to a successful CORI check, prior to beginning work with the Town.

G. Indian Lane

The Administrator will draft a letter to send to Mass Highway informing them that the Town is no longer pursuing ownership of the vacant house on Indian Lane.

H. Update on videotaping of public meetings

The Board is working on having all Board and Committee meeting videotaped. Specific rooms will need to be identified and additional equipment will be needed also the need for an additional media associate.

I. Meeting minutes – notice to boards and committees

The Board is working with all boards and committees to update minutes and to place them on the web site. The Board was asked if it was possible to make it easier to search information on the website.

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

8. Correspondence

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to accept the 6 pieces of correspondence as submitted.

9. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #33B for \$107,782.08 on 2/17/2015; Warrant #34Vet for \$9,757.49 on 2/23/2015; Warrant #34P for \$836,092.17 on 2/23/2015; and Warrant #34B for \$1,152,412.57 on 2/23/2015.

10. Town Administrator's Report

- Response to Selectmen's Requests
NONE
- Budget Status

Departmental budgets were due back on Friday, January 30. The Town Accountant and Town Treasurer have been inputting information and we expect to have a draft budget for general government operating expenses shortly. The Town Treasurer and I will meet with departments over the next two weeks to review their budgets submissions and will report back to the Board. Capital Assets submissions were received and forwarded to the Capital Asset management Committee. The CAMC will be reviewing the departmental/commission requests at their next meeting, which is scheduled for March 5. Also a report on free cash given.

- Departmental Information



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 Police Station had a problem with their septic system which caused some damage to their electrical panel and part of the ceiling and wall within the station.

- Contracting/Procurement

My office has been working with the Senior Center, Town Hall/Library, and Old Town Hall on ice and snow related issues pertaining to the roofs.

11. Selectmen's Reports

Selectman Lambert thanked the financial team for the information he requested on the use of the Old Town Hall. Selectwoman Puleo asked about the process to discuss the departmental budgets. The Administrator will review the budgets and if he sees any major changes the department will be before the Board to discuss. The Administrator did include a report on available free cash. Selectman Reault asked if we had a list of contractor's to use when removing snow and ice in town. Selectman Lambert thanked the Highway Department for super job on the roads. Selectman Reault would like to caution everyone about the bump on Middlesex Road, the State was made aware. Selectwoman Puleo asked when was the opening date of the Senior Center, Selectman Reault said it would be about 4-6 weeks away. Two announcements, the Government Study Committee is meeting on Feb 25 to continue discussion on the formation of a DPW; on March 5 the CAMC will meet and will have a place holder for storage documents and for repairs on roads.

12. Executive Session

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to enter into Executive Session for the purpose of discussion the following Exemptions:

- A. Exemption Two – To conduct strategy session in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel, and the Chair so declares – Police Chief benefits.
- B. 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.
- 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 – First Parish Meeting House

and to adjourn the meeting following executive session.

Roll Call Vote: Selectman William Gramer, yes; Selectman Corliss Lambert, yes; Selectman Rick Reault, yes; Selectman Robert Jackson, yes; Selectwoman Karyn Puleo, yes. The Board entered into executive session at 8:33 PM.

13. 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 9:10 P.M.

Approved on: Monday, March 9, 2015

Respectfully submitted by

Therese Gay
Admin Assistant

