



# 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: 03-06-15**

## Board of Selectmen Meeting Notice

**Monday, March 9, 2015 at 6:00 P.M.**

Meeting Room #1, 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, February 23, 2015
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
  - i. Monday, February 23, 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. 6:05 PM Alcoholic Beverage License Transfer Hearing – Ramoura Corp. DBA O’Conley’s Pub to American Multi-Cinema, Inc. DBA AMC Tyngsborough 12**

**5. New Business**

- A. Legislative Priorities – discussion
- B. No Cash policy
- C. P.I.L.O.T. – discussion

**6. 7:00 PM Joint Meeting with Finance Committee**

- A. Snow and Ice Budget
- B. Budget Schedule update

**7. Old Business**

- A. Update on Hole in 100
- B. Adams Barn – update
- C. Ratify Integrated Collective Bargaining Agreements – Highway, Mid-Managers, Clerical
- D. Charles George Solar Array Proposal – update
- E. Government Study Committee – update
- F. Capital Asset Management Committee – appoint new member





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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 Two – To conduct strategy session in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits and potential release of Executive Session minutes
- 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 and potential release of Executive Session minutes
- C. 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
- D. 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
- E. Exemption Seven – To comply with, or act under the authority of, any general or special law (M.G.L. Chapter 214, Section 1B)

### 14. Adjournment

## Future Meetings

**Tuesday, March 10, 2015 – Town Ballot Question**

**Monday, March 16, 2015 at Tyngsborough Town Offices, 25 Bryants Lane**

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





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Board of Selectmen Meeting Minutes

**APPROVED**

Monday, March 9, 2015 at 6:00 P.M.

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. Regular Session Meeting Minutes for Review/Approval

i. Monday, February 23, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Monday, February 23, 2015. Selectman Lambert abstains.

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

i. Monday, February 23, 2015

The Board deferred the approval of these minutes to the next scheduled meeting.

## **3. 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.

## **4. 6:05 PM Alcoholic Beverage License Transfer Hearing – Ramoura Corp. DBA O'Conley's Pub to American Multi-Cinema, Inc. DBA AMC Tyngsborough 12**

The Board received an application for a transfer of license from Ramoura, Corp. DBA O'Conley's to the American Multi-Cinema, Inc., DBA AMC Tyngsboro 12.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to open the hearing at 6:12 PM. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to waive the reading of the abutters' list.

The legal notice was read and Attorney Andrew Upton, Representing American Multi-Cinema, George Paterson, Corp Officer, and Kevin Hunt, Manager of American Multi-Cinema were present and gave a detailed presentation of their operation and the reasons for the liquor license. The Board asked questions about the monitoring of service to over 21 patrons only. Mr. Paterson



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responded that in some states a wrist band is necessary, while others require no monitoring, the management addresses on the need and request for the liquor license. The AMC management is comfortable with the discussions of using wrist bands, and will work with the Liquor License Task Force and the Chief on any safety issues they may have and will adjust as needed and the hours are satisfactory to all. The Chair asked if there was anyone in the audience who wished to speak on the hearing before the Board. With no further discussions and/or questions the Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to close the evidentiary portion of the hearing.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to transfer the license from Ramoura, Corp., DBA O'Conley's to American Multi-Cinema, Inc. DBA AMC Tyngsboro 12, from the hours of 12 Noon to 1:00 AM, with scanners for IDs, subject to dialogue with the Alcohol Task Force, no more than one drink per patron at any given time and the use of wrist bands.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to change the location of the license form 24 Middlesex Road to 440 Middlesex Road.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve Kevin Hunt as the Manager of Record.

## 5. New Business

### A. Legislative Priorities – discussion

The Town Administrator listed the legislative priorities from an ongoing list prepared for the last two years. The Board discussed and worked on paring down the list to two or three priorities, one being to ask the State Auditor to audit the formula for the disbursement of lottery aid to the communities. The Board will review the shortened list at their next meeting.

### B. No Cash policy

The Board discussed the idea of a No Cash Policy, every business has policies dealing with the handling of cash. And where the town is multi-million dollar business it should have such a policy. In town there are different areas where entities receive cash, if there is a problem then the Board should look at a policy. The Board will have further discussions about the policy. The Administrator listed a few items that could be incorporated in the policy: 1) no petty cash; 2) Pre-numbered cash receipts, controlled distribution by finance office with duplicate copies. System to identify "void" and "destroyed" receipts; 3) Requirement of daily cash deposits; 4) Pre-numbered daily transmittal sheets (duplicate copies) of cash deposits; 5) Policy to include a "checks preferred"; 6) Transactions that are above a certain dollar amount requires payment by check; 7) All cash transactions to be separated; 8) Avoidance of cash received by one person; 9) To identify all cash processes in town; 10) policy to include: not allowing cash advances or personal checks in exchange for cash; 11) Create a "checks and balances"; 12) All checks are immediately endorsed; 13) Create "Cash Transfer" system.

### C. P.I.L.O.T. – discussion

The Administrator has contacted the State Officials to enact the P.I.L.O.T. Program. The Administrator asked the Board if they would support sending a letter to non-profit organizations asking if they would pay a fee in lieu of taxes. The Board indicated they are in support the P.I.L.O.T program. The Finance Committee also voiced their support.



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### **6. 7:00 PM Joint Meeting with Finance Committee**

The Finance Committee Members joined the Board of Selectmen to discuss and approve the Snow and Ice Budget request of \$75,000.00 from Mr. Jim Hustins, Senior working Forman, Tyngsborough Highway Department. The Committee will also discuss with the Board the Budget Update Schedule.

Finance Committee Members Present: Darryl Wickens, Burt Buchman, Eric Sondhi and Paul Morin.

#### **A. Snow and Ice Budget**

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Reault, the following: 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 \$75,000.00. 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 3-0-0 on a motion by Member Buchman, second by Member Morin, the following: 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 \$75,000.00. Expenditures made under this authority shall be certified to the Board of Assessors and included in the next annual tax rate.

The Board of Selectmen and the Finance Committee Members signed the approval to authorize the expenditure of funds from the Snow and Ice Budget.

#### **B. Budget Schedule update**

The Administrator, Treasurer and the Accountant ate working together to finalize the FY 16 budget. The department budget review will be complete Tuesday, March 10. Ove the next week the team will be producing the draft budget for the Board's review. The Town received the preliminary cherry sheet and is incorporating that into the budget. The proposed scheduling is: March 16, 2015 – Joint Budget Review Meeting – Joint Budget Review Meeting with the Police Department, the Highway Department, the Tax Collector, the Recreation and Town Administrator; March 19<sup>th</sup> – Capital Asset Management Committee- Review #2; March 23 – Board of Selectmen regular business meeting; March 30, Joint Budget Review Meeting – the Sewer Department, Town Administrator, Treasurer, Accounting, health Insurance, Town/School benefits, Revenue Share. April 2 – Final Capital Asset Management Committee Review #3; recommendation FY16-20 Capital Improvement Plan. April 6 – Tri-Board Meeting #1, School Budget, Revenue Share, Greater Lowell Tech Rep. April 13 – Tri-Board Meeting #2, Review and discuss preliminary budget. April 19 – Tri-Board Meeting #3, Finalize Budget, Town Meeting Articles, Sign Warrant. May 19 – Annual Town Meeting. The Board will work with the schedule and make changes when necessary.

### **7. Old Business**

#### **A. Update on Hole in 100**

The restaurant is closed.

#### **B. Adams Barn – update**

Mr. Warren Allgrove and Mr. Guy Denomme and Selectman Reault are the member of the building committee overseeing the renovation of the historic Adams Barn, a request for three quotes were submitted to remove he façade on the building in order to investigate whether or not it is feasible to continue the restoration work. The Committee received one bid, the deadline is Wednesday for



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receiving quotes. After some discussions the Board voted 2-3 on a motion by Selectman Reault, second by Selectman Lambert to authorize the working group to expend less than \$1000 to move the project forward as explained this evening. The motion failed and Mr. Allgrove and Mr. Denomme will return to the Board's next meeting to discuss the findings.

C. Ratify Integrated Collective Bargaining Agreements – Highway, Mid-Managers, Clerical  
The Board reviewed and voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to ratify the Integrated Collective Bargaining Agreements for the Highway, Mid-managers and Clerical. Selectman Lambert abstained.

#### D. Charles George Solar Array Proposal – update

The Administrator has received inquiry on an application from Tight and Bond regarding the Solar proposal, will set a meeting with the energy committee. The Board of Assessors discussed the back taxes has voted to waive the penalties and has written a letter to the Chief of the Bureau of Municipal Finance Law for permission to waive the interest and penalty fees that have accrued. Selectwoman Puleo suggested to pay a professional to review and recommend. The Administrator has contacted the Town Manager from Billerica to discuss the Town of Billerica's recent actions on a similar project.

#### E. Government Study Committee – update

The Committee has met and continues to assess the formulation of a DPW, the Committee has met with the Sewer Dept., the Board of Health and the Cemetery. The Committee is looking for a vote supporting the concept. Two members of the Committee is meeting with the Board of Health this evening.

#### F. Capital Asset Management Committee – appoint new member

The Committee is waiting on the Attorney General's written letter accepting the change on the committee. Until that time the Committee will continue with its present make-up of committee members.

### 8. Citizen/Business Time –

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Mr. David Presberg, 51 Farwell Road is pleased to see the solar project is going forward. He mentioned that there are some committees that are not up to date with their minutes, and is also looking for the town to develop a website that give the public the ability to research information more easily. Mr. Presberg has IT background and has offered to assist.

### 9. Correspondence

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault, to accept the 11 pieces of correspondence as submitted.

### 10. Review of Weekly Warrants

The Administrator read the weekly warrant as follows: Warrant #35B for \$2,760,832.76 on 3/2/2015; Warrant #35S for \$192,354.86 on 3/2/2015; Warrant #36Vet for \$9,943.91 on 3/9/2015; Warrant #36P for \$839,398.28 on 3/9/2015; Warrant #36B for \$741,645.54 on 3/9/2015; Warrant #36S for \$210,845.00 on 3/9/2015.



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## 11. Town Administrator's Report

- Response to Selectmen's Requests
  1. Affordable Housing.
- Budget
  1. Draft Schedule for upcoming month.
  2. Release of FY16 Cherry Sheet
- Departmental Information
  1. In our continued effort to upgrade the Town's information technology our Consultant, Paradigm, recently installed a new WatchGuard firewall appliance in our town hall allowing us to place higher level security measures on our server.
- Contracting/Procurement
  1. Frost road (Route 3A) at Norris Road intersection improvement. Will be advertised on March 11, Public Hearing on March 23, and bids due March 31.
  2. Working with the Board of Health on finalizing the contract for Household Hazardous Waste Collection, which is tentatively set for May 16, 2015.

## 12. Selectmen's Reports

The Board reminds everyone to vote tomorrow. Selectwoman Puleo asked if the Assistant Town Administrator could use the CodeRED to notify the residents of the election on Tuesday, it is possible and the message will go out tomorrow at 10AM. Selectwoman Puleo asked about the Demolition by Neglect warrant article that failed at town meeting last May. There was some discussion on how best to handle abandoned buildings.

## 13. Executive Session

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman to enter into negotiations to discuss Exemptions Two, Three, Three, Six, and Seven as follows:

- A. Exemption Two – To conduct strategy session in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – Police Chief benefits and potential release of Executive Session minutes
- 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 and potential release of Executive Session minutes
- C. 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
- D. 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
- E. Exemption Seven – To comply with, or act under the authority of, any general or special law (M.G.L. Chapter 214, Section 1B)



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And to return to open at the conclusion of the Executive Session only to adjourn. Roll Call Vote: Selectman Gramer, yes; Selectman Lambert, yes; Selectman Reault, yes; Selectman Jackson, yes; and Selectwoman Puleo, yes.

### **14. 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 11:30 PM.

Respectfully submitted

Approved on: Monday, March 23, 2015

Therese Gay  
Admin Assistant

