



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 04-09-2015

Board of Selectmen Meeting Notice

Monday, April 13, 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, March 16, 23 and 30, 2015

ii. Monday, April 6, 2015

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

i. Monday, February 23, 2015

ii. Monday, April 6, 2015

3. 6:02 PM Ambulance Study Committee (Jointly with Finance Committee)

4. 6:05 PM Special Permit Public Hearing

A. Farmer's Market at the Littlefield Library Building

5. 7:00 PM Tri-Board Meeting (with School Committee and Finance Committee)

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. New Business

A. Good Energy – electric aggregation

B. Letters to Elected Officials: Town Collector and Town Clerk – Review

8. Old Business

A. Senior Center – Accept

B. Fiscal Year 2016 Budget – Review

C. Capital Asset Committee – Update

D. Government Study Committee – Update

E. Annual and Special Town Meeting Warrant – Review





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10. Correspondence

11. Review of Weekly Warrants

12. Town Administrator's Report

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

13. Selectmen's Reports

14. Adjournment

Future Meetings

Monday, April 27, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, May 4, 2015 at Tyngsborough Town Offices, 25 Bryants Lane





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Board of Selectmen Meeting Minutes

APPROVED

Monday, April 13, 2015 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Robert Jackson, (joined the meeting at 6:15 PM), Selectman Rick Reault, Selectwoman Karyn Puleo, (joined the meeting at 6:20 PM), Selectman Corliss Lambert, Selectman William Gramer (joined the meeting at 6:30 PM).

Staff Present: Town Administrator Curt Bellavance, Assistant Town Administrator Nina Nazarian, (left the meeting at 6:30PM to attend a BoH meeting, rejoined the meeting at 8:10PM) and Admin Assistant Therese Gay.

Finance Coordinator/Town Treasurer Kerri Colburn-Dion and Town Accountant Catherine Gabriel School Committee Members Present: Herb Desrosiers, Anthony Tinnirella, Joseph Durham, Michael Flanagan, Finance Officer, Joe Messina and Superintendent Don Ciampa. The School Committee members adjourned at 7:55 PM.

Finance Committee Members Present: Darryl Wickens, Burt Buchman, Scott Hammer, Eric Sondi; Paul Morin (joined the meeting at 6:50 PM). The Finance Committee members adjourned at 8:40 PM.

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. 6:10 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 Selectman Reault.

2. Meeting Minutes – This item was taken up at the end of the Tri-Board meeting.

A. Regular Session Meeting Minutes for Review/Approval

i. Monday, March 16, 23 and 30, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Monday, March 16, 23, and 30 2015. Selectman Lambert abstains from voting on the minutes.

ii. Monday, April 6, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Monday, April 6, 2015. Selectman Lambert abstains.

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

i. Monday, February 23, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve, but not release the Minutes of Monday, February 23, 2015. Selectman Lambert abstains.

ii. Monday, April 6, 2015

The Board voted 3-0-2 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve, but not release the Minutes of Monday, April 6, 2015. Selectwoman Puleo was not present at the Monday, April 6 meeting. Selectman Lambert abstains from voting on the minutes.



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3. 6:15 PM Ambulance Study Committee (Jointly with Finance Committee)

Members of the Committee Present: Art Michaud, Chairman of the Ambulance Study Committee, and Chief Tim Madden, consultant to the committee, other members on the committee are Catherine Gabriel, Town Accountant, Kerri Colburn-Dion, Finance Co-Ordinator/Treasurer, William Gramer, Selectman, Darryl Wickens, Finance Committee Member, and Davy Carney, Citizen. Mr. Michaud gave a quick summary of the committee's report. The committee is ready to move up to the next step and is asking the Board to support going forward. Mr. Michaud highlighted the demographics of the Town and also the aging population in calculating the fees that will be collected. The department will increase by two additional employees, and the cost of purchasing/leasing an ambulance. Knowing that there is a 6-9 month start up, Mr. Michaud is looking to form a revolving account with the funds received by the Town's provider, Trinity Ambulance, Trinity is paying a fee for the use of the dispatch center. The forming of the revolving account and the placing of the funds will be in the form of a warrant article for the Annual Town Meeting this May. In their mission statement they are charged with this study and is gives the committee a year to complete, everyone is in agreement that the Committee will continue on to the next step.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to place a warrant article creating a revolving account to place the FY15 fees collected for the use of the dispatching center, to fund salaries and expenses.

4. 6:50 PM Special Permit Public Hearing

A. Farmers' Market at the Littlefield Library Building

6:50 PM – The Chairman entertained a motion to open the hearing.

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

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to waive the reading of the legal notice and the reading of the abutters' list.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to open the evidentiary portion of the hearing.

The Chairman invited the petitioners to join the hearing and to present their request.

Ms. Brenda Babcock came forward requesting that the Board approve their request to host the Tyngsboro Farmers' Market at the Littlefield Library, 252 Middlesex Road. They are requesting the use of the surrounding land, parking, electricity and restroom for the coming season. The opening date is June 21, 2015 and run every Sunday until October 18, 2015, from 9:00 AM to 1:00 PM. The petitioners are using the same plan as last year.

The Chairman asked if there were any questions from the Board; the Chairman asked if there was anyone present who wished to speak for or against the petition, none was voiced.

The Chairman entertained a motion 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 close the evidentiary portion of the hearing.

The Chairman entertained a motion to either grant or deny the special permit request.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to grant the special permit as requested by Ms. Brenda Babcock for the Tyngsboro Farmers Market, for the farmers market on Sundays 9:00 AM to 1:00 PM from June 21, 2015 to October 18, 2015; the vendors will have access to the building, the doors are to remain locked at all times, the Board



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designates Ms. Babcock to notify the Town Administrator at 48 hours in advanced of designating the key to another member. Ms. Babcock will hold onto the key starting in June until October.

The Board recessed at 7:00 PM and returned at 7:06 PM.

The Board welcomed two representatives of the Center for the Hope and Healing of Lowell, the center is celebrating its 10 year anniversary serving the community in offering assistance to rape victims in the community. They are getting the word out about the work that the Hope and Healing Center is doing. The Chairman thanked the representatives for coming in and will place the announcement on the town's media outlet.

5. 7:10 PM Tri-Board Meeting (with School Committee and Finance Committee)

The Boards met to discuss the draft budgets for Town Government and the School Department. The superintendent gave a brief overview of his presentation to the Finance Committee members at their Thursday night meeting. The Town received the newest Governor's budget numbers for State Aid. The Town Accountant and Treasurer are working on the fixed costs using the split for School and Town. As we get closer to Town Meeting we will have more of a fixed number. The Administrator and Superintendent are working together to put a draft budget to look at. The Superintendent presented a draft of the flat budget everything is flat except what is contracted and fixed. Special Education is increasing, technologies, and district wide utilities no fluff the numbers are not known the 18.7 mill will be the go to budget, still working with the Town Accountant and the Treasurer. Because there are no fixed numbers that would be available and the closer we get to Town Meeting the Superintendent believes that moving town meeting to June 2nd. After some discussions the Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve to move the Annual/Special town Meeting to Tuesday, June 2, 2015. The Administrator will check with the Town Clerk, the Town Moderator and with Town Counsel as to their availability. The Tri-board ended at 7:55 PM.

6. 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.

7. New Business

The Finance Committee Members remained to listen to Item 7A Presentation by Mr. Carr of Good Energy on the electricity aggregation.

A. Good Energy – electric aggregation

The Town Administrator attended a meeting sponsored by NMCOG on the use of electricity aggregation, Mr. Bellavance met Mr. Carr at the meeting and invited him to make a presentation to the Board. Mr. Philip Carr came forward and summarized the program of Community Electricity Aggregation. The Community Electricity Aggregation is authorized by State Law MGL Chapter 164 Section 134(a). Community Energy Aggregation is the bulk purchase of all your community's residential and business electric accounts currently on the utility's basic service. By combining strategic bulk purchasing with the most competitive bidding prices you can, benefit from the same purchasing power as the largest national commercial customers; save the residents and businesses



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money, provide long-term budget certainty; access renewable energy at a bulk purchase rate; advantageous contract terms; continue to receive a single bill from national grid; continue to contact national grid with any service issues; opt out at any time, no early termination fees; shelter residents from dubious offers and in effect gain an energy constant for every household and business in your community. Good Energy offer, education and public outreach, preparation and submission of plans to DPU, and on bid day communities approve pre-authorization to sign prior to bid-day; contacts from all bidding suppliers will be circulated, Good energy will produce a pricing matrix, the individual communities can choose energy mix from winning suppliers and all communities must sign on the same day. Opt-out period, letters tailored to individual communities and sent out by the winning supplier after bid day. Good Energy will provide ongoing services. The Chairman thanked Mr. Carr for the presentation. At the conclusion of the presentation the Finance Committee left the meeting at 8:40 PM.

B. Letters to Elected Officials: Town Collector and Town Clerk – Review

The Board reviewed and discussed that elected officials do not receive compensation for vacation and sick time per Mass General Laws Chapter 41 section 108. The purpose of the letters is to ask the elected official to inform the Board of any action taken to offer the elected officials the benefits. Per MGL the elected officials are voted a stipend and are offered enrollment into the Town's Health Insurance, no sick or vacation time benefits are given to the elected official. The Accountant and the Treasurer are tracking the accruals of the elected officials and are seeking more information to address the issue. The funds for buyout of vacation and sick time would come from the General Funds.

the Board voted 4-1-0 to authorize the Chairman and Town Administrator to send the letter to be sent to the Town Collector and the Town Clerk, to include the following language as amended after the word Official, "add as provided by M.G.L. c.41, section 108", and to send to Town Counsel for his review and opinion of the change in language, once the revised letter is received to have the Chairman and the Town Administrator sign and send the letter to the Town Officials. If town Counsels deems the change unnecessary Selectman Gramer, was asked if he was okay with going forward as Town Counsel deems as a correct form. Selectman Gramer is fine with Town Counsel's version. Selectman Lambert voted against the motion because the letters will be sent out without the Board reviewing if there is a change in the language.

8. Old Business

A. Senior Center – Accept

The Board has received the draft documents for the acceptance of the new Senior Center to review, the Board is also asked to acknowledge the completion of an IRS form, based on the information, it has been determined that the Town Treasurer would be the appropriate person to sign. Town Counsel has initiated a title search if not completed by Monday evening, the Board could vote to enter into a conditional acceptance, or hold off until the title search is complete. The Board reviewed, and discussed the short list of items to be completed and the completion of the title search should be done within 2to3 weeks' time for the Board to accept the center and sign the agreement at their next scheduled meeting.

B. Fiscal Year 2016 Budget – Review

The Administrator has prepared work sheets of for the proposed FY 2016 Town budget and has presented a draft of the revenue and expenditures for FY 2016. As the final numbers come in from the state a final budget will be presented at the Annual Town Meeting.



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C. Capital Asset Committee – Update

Selectwoman Puleo gave a brief update on the Capital Asset Committee's progress on putting together a Capital Asset Report. Some of the items they are looking at is a software system for the Bldg. Dept., implement the software for the Collector's Office, a truck for the Highway, and replacement for IT. The Committee is meeting on Thursday, April 16 to complete the information for the Committee's written report.

D. Government Study Committee – Update

The Committee did not meet on Thursday and will not meet again until the end of April. The Committee has nothing new and did discuss previously for a Special Act for a DPW, will not have an article for this town meeting. They are talking to the cemetery, highway and sewer departments to see if they would support the move towards a DPW. The Committee sees as the Town moving towards a Town Manager, attempted a change at the last town meeting but no go on the first try.

E. Annual and Special Town Meeting Warrant – Review

The Administrator presented the warrant articles that will be placed on the annual town warrant. The Administrator started with the list of articles that he had for the last meeting, followed by the draft warrant. The Administrator read through the warrant articles briefly. They are listed below.

2014 ANNUAL TOWN MEETING WARRANT TABLE OF CONTENTS

GENERAL ARTICLES

- Article 1. Votes and Annual Town Meeting
- Article 2. Reports of the Town Officers and Committees
- Article 3. To choose all officers
- Article 4. Authorize Selectmen to enter Lease/Purchase Agreements up to five years
- Article 5. Accept the layout and/or relocation of certain Town ways

FINANCIAL ARTICLES

- Article 6. MGL, Ch. 59, Section 5, Clause 41C, and Ch. 184 Sec. 51 of the Acts of 2002
- Article 7. Salary and compensation of elective officers
- Article 8. Raise and appropriate and/or transfer from available funds FY2016
- Article 9. **Transfer from the Billboard Stabilization Fund**
- Article 10. Transfer from the Wetland Protection Fund
- Article 11. Transfer from Free Cash to the Stabilization Fund
- Article 12. Transfer from Free Cash to the Capital Asset Stabilization Fund
- Article 13. Transfer from Free Cash to the OPEB Trust Fund
- Article 14. Transfer from Free Cash to Compensated Absence Fund
- Article 15. Raise and appropriate and transfer to Compensated Absence Fund
- Article 16. Appropriate from available funds or borrow for Capital projects
- Article 17. Raise and appropriate or transfer to operate the Sewer Enterprise
- Article 18. Accept Betterments, Sewer, Drains and Sidewalks
- Article 19. Appropriate a sum of money for the construction of the Phase I West Sewer
- Article 20. Certify the Chapter 90 apportionment for Fiscal Year 2016
- Article 21. Revolving Funds
- Article 22. Adopt Revolving Account for Old Town Hall
- Article 23. Accept Separate Revenue Account (PEG)
- Article 24. Community Preservation Fund for the Fiscal Year 2016



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MISCELLANEOUS ARTICLES

- Article 25.** Special Act to Authorize the Town Administrator to sign warrants
Article 26. Aggregate the electricity load of the residents and businesses in the Town
Article 27. Authorization to Enter into PILOT Agreement

ZONING AND OTHER BY-LAW ARTICLES

- Article 28.** Planning Board – Amend Zoning Bylaw Table of Uses
Article 29. Conservation Commission – Amend Local Wetlands By-law

CITIZEN PETITIONS:

- Article 30.** Well Water at Bryant Lane
Article 31. Fund the salary of the Town Collector or take any other action thereto.
Article 32. Fund unused vacation time for the Town Collector
Article 33. Fund sick time buy back for the Town Collector

GENERAL ARTICLES:

Article 2. To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 4. To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 5. To see if the Town will accept the layout and/or relocation of certain Town ways below described, made by the Board of Selectmen under the provisions of M.G.L. c. 82, § 21 through 24, and any other enabling statute, filed in the Office of the Town Clerk with the plans there mentioned and are referred to for more particular description, and raise and appropriate any money that may be necessary, and determine how such money shall be expended for the payment of any damages, if any, and the layouts being substantially as follows:

1. Road shown on Record Plan.

or take any other action relative thereto. Submitted by: Planning Board and Board of Selectmen

FINANCIAL ARTICLES:

Article 6. To see if the Town will vote to accept the provision of General Laws, Chapter 59, Section 5, Clause 41C, added by Chapter 184 Section 51 of the Acts of 2002, which authorizes the legislative body to increase the amount of the exemption granted to eligible senior applicants on the basis of age, income, and assets, by 25%, or take any other action relative thereto.
Submitted by: Board of Assessors

Article 7. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2016 (July 1, 2015 - June 30, 2016), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations to be submitted within Article 5.

	REQUEST	
SALARIES	SALARIES	RECOMMENDED



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	7/01/13 6/30/14	7/01/14 6/30/15	7/01/14 6/30/15
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$ 62,424	\$ 62,424	\$ 62,424
Town Clerk	\$ 57,222	\$ 57,222	\$ 57,222
Assessors (3)			
Chairman	\$ 1	\$ 1	\$ 1
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Board of Health			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Tree Warden	\$ 0	\$ 0	\$ 0
Cemetery Commissioners (3)	\$ 0	\$ 0	\$ 0
School Committee (7)	\$ 0	\$ 0	\$ 0
Library Trustees (6)	\$ 0	\$ 0	\$ 0
Sewer Commissioners (3)			
Chairman	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Member (1)	\$ 0	\$ 0	\$ 0
Planning Board (5)			
Chairman	\$ 0	\$ 0	\$ 0
Members (4)	\$ 0	\$ 0	\$ 0
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Reg. Voc. Tech. HS (1)	\$ 0	\$ 0	\$ 0

Submitted by: Board of Selectmen and Finance Committee

Article 8. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for Fiscal Year 2016 (July 1, 2015 - June 30, 2016), or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

Article 9. To see if the Town will vote to appropriate by transfer from the Billboard Stabilization Fund the sum of \$20,000.00 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2016 by funding recreational, public safety, or other public purposes, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 10. To see if the Town will vote to appropriate by transfer the sum of \$5,000.00 from the Wetland Protection Fund to stabilize the tax rate for FY 2016, or take any other action relative thereto. Submitted by: Board of Selectmen and Finance Committee

Article 11. To see if the Town will vote to appropriate by transfer the sum of \$_____ from Free Cash to the Stabilization Fund, or take any other action relative thereto. Submitted by: Board of Selectmen and Finance Committee

Article 12. To see if the Town will vote to appropriate by transfer the sum of \$_____ from Free Cash to the Capital Asset Stabilization Fund, or take any other action relative thereto. Submitted by: Board of Selectmen and Finance Committee

Article 13. To see if the Town will vote to appropriate by transfer the sum of \$_____ from Free Cash to the Other Post Employment Liability Benefits Trust Fund, established under the provisions of Massachusetts General Laws Chapter 32B, Section 20, for the purpose of funding health care and other post-employment benefits, or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee



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Article 14. To see if the Town will vote to appropriate by transfer the sum of \$_____ from Free Cash to a special purpose Compensated Absence Fund, for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto.
Submitted by: Board of Selectmen and Finance Committee

Article 15. To see if the Town will vote to raise and appropriate and transfer to a special purpose Compensated Absence Fund the sum of \$_____ for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto
Submitted by: Board of Selectmen and Finance Committee

Article 16. To see if the Town will vote to appropriate from available funds or borrow the sum of \$_____, and that the Town be authorized to accept any available grant dollars, for the following purposes, or take any other action relative thereto.

Department	Item	Amount	To be Expended by
Fire	Pick-up Truck	\$35,000	Selectmen
Highway	Gasoline Pumps	\$30,000	Selectmen
Highway	One (1) ton dump truck with plow	\$60,000	Selectmen
Selectmen	Town Offices – security and repairs	\$20,000	Selectmen
School	Modular Classroom Removal	\$10,000	School Committee
School	School security upgrade	\$50,000	School Committee
School	Technology	\$25,000	School Committee

for a total of \$_____, and to meet this appropriation, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money pursuant to any enabling authority, and is authorized to issue bonds or notes of the Town, or take any other action relative thereto. Submitted by: Board of Selectmen and Capital Asset Management Committee

Article 17. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2016 as follows:

That the following sums be appropriated:

Salaries	\$ 236,009.00
Expenses	\$ 705,018.00
Capital Outlay	\$ 668,750.00
Debt	\$ 97,783.00
Subtotal	\$ 1,707,559.00

Indirect Costs to General Fund

\$ 84,695.00

Total \$ 1,792,254.00

That \$1,707.559 be appropriated from the Sewer Enterprise fund

Department receipts \$ 1,192,457.00

Retained Earnings \$ 599,797.00

Total \$ 1,792,254.00

That \$84,695.00 be included in appropriations from the General Fund for indirect costs and be allocated to the Sewer Enterprise for funding, or take any other action relative thereto. Submitted by: Sewer Commissioners

Article 18. To see if the Town will vote to accept the provisions of Massachusetts General Law (MGL) Chapter 80, Betterments and MGL Chapter 83, Sewer, Drains and Sidewalks, for the purpose of establishing a municipal sewer system, or take any other action relative thereto. Submitted by: Sewer Commission

Article 19. To see if the Town will vote to appropriate a sum of money for the construction of the Phase I West Sewer System, identified as Needs Area 1, Phase 1 West of the 2009 Comprehensive Wastewater Management Plan as shown below, and to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or to take any other action relative thereto.

Submitted by: Sewer Commission, Board of Selectmen, and Capital Asset Management Committee



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Article 20. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2016 of up to \$_____ as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 21. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in

FY 2015 and FY 2016 shall remain in the revolving accounts for each of the following town entities:

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$50,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	\$ 3,000.00

or take any other action relative thereto. Submitted by: Board of Selectmen



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Article 22. To see if the town will vote to authorize the creation of a revolving fund for the maintenance and operation of the Old Town Hall under Massachusetts General Laws, Chapter 44, §53E ½ for the Fiscal Year beginning July 1, 2015, or to take any other action in relation thereto. Submitted by: Board of Selectmen

Article 23. To see if the Town will vote to accept the provisions of G.L. c.44, §53F¾ (inserted by c.352 of the Acts of 2014) for the purpose of establishing a separate revenue account (a receipts reserved for appropriation account) to be known as the “PEG Access and Cable Related Fund”, into which shall be deposited cable television license proceeds, which funds may be appropriated by Town Meeting for cable-related purposes in accordance with law, including, but not limited to: (1) support of public, educational, or governmental (“PEG”) access cable television services; (2) monitoring compliance of the cable operator with the cable television license(s); or (3) preparing for the renewal of the cable license(s); and to transfer from said fund or from previously received cable television license proceeds or otherwise fund a sum of money as a grant for PEG purposes, and to authorize the Board of Selectmen to enter into a grant agreement for the expenditure of such funds for cable-related purposes in accordance with law; or to take any other action relative thereto. Submitted by: Board of Selectmen

Article 24. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2015, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses.

Appropriations

Administrative Expenses	\$ _____
Long Term Debt Services	\$ _____
Interest on Long Term Debt	\$ _____
Interest on Short Term Debt	\$ _____
Total CPC Appropriations	\$ _____

Reserves

To Reserve for Historic Preservation	\$ _____
To Reserve for Affordable Housing	\$ _____
To Reserve for Open Space	\$ _____
FY 2016 Budgeted Reserve	\$ _____

or take any other action relative thereto.

Submitted by: Community Preservation Committee

MISCELLANEOUS ARTICLES

25. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town Administrator to sign warrants for payment, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to Signing of Warrants for Payment in the Town of Tyngsborough Notwithstanding the provisions of section 56 of chapter 41 of the General Laws, or of any other general or special law to the contrary; the town administrator in the town of Tyngsborough is hereby authorized to approve all warrants for payment of town funds, including payroll warrants. The approval of all such warrants by the town administrator shall be sufficient authority to authorize payment of the same by the town treasurer, but a majority of the board of selectmen shall approve all such warrants in the event of the absence of said town administrator or a vacancy in the office of town administrator.

or take any other action relative thereto. Submitted by: Board of Selectmen

26. GOOD ENERGY To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related



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services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto. Submitted by: Board of Selectmen

27. Authorization to Enter into PILOT Agreement (**CHARLES GEORGE**) - To see if the Town will vote to authorize the Board of Selectmen to enter into a payment in lieu of taxes agreement, said agreement not to exceed 20 years duration and subject to other terms in conditions the Selectmen deem appropriate, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes relative to land located off Dunstable-Cummmgs Road; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 2.6 megawatts and to be executed with Citizens Energy or its successor, or take any other action relative thereto. Submitted by: Board of Selectmen

ZONING AND OTHER BY-LAW ARTICLES:

28. Planning Board – Amend Zoning Bylaw Table of Uses

29. The Conservation Commission seeks voter approval to change the language on the following section of the local wetlands by-law: Section 7.7 Replace: “Any permit may be renewed once for up to an additional three year period...” with: “Any permit may be renewed for up to an additional three year period...” removing the word “once”, or take any other action thereto. Submitted by: Conservation Commission

CITIZEN PETITIONS:

30. To see if the Town will vote to appropriate funds estimated at \$400,000.00 to cover all costs associated with extending the water line from the Town Hall on Bryants lane to Kendall Road for the purpose of mitigating impact of past and present town road salt storage and operations located nearby on the local well water of residents. The Town should develop a timeline immediately to do the work swiftly as residents are suffering without potable water, or take any action thereto. Citizen’s Petition

31. To see if the Town will vote to raise and appropriate or transfer from available funds \$65,563.00 to fund the salary of the Town Collector or take any other action thereto.

32. To See if the Town will vote to raise and appropriate or transfer from available funds \$5,024.00 estimated unused vacation time for the Town Collector’s planned retirement in May of 2016, or take any other action thereto.

33. To See if the Town will vote to raise and appropriate or transfer from available funds \$7,536.00 sick time buy back for the Town Collector’s planned retirement in May of 2016, or take any other action thereto.

34. To see if the Town will vote to amend the Zoning Map and Rezone from B2 to B3 a certain parcel of land in Tyngsborough, Massachusetts, containing 1 acre more or less , and identified as Tyngsborough Tax Assessor’s Map 18, block 46A. Said land is known as 194 Frost Road, Tyngsborough, Massachusetts and is more specifically identified in a deed dated April 4, 2012 and recorded at Book 25873, Page 040 in the Middlesex North Registry of Deeds, or take any other action thereto. Citizen’s Petition

35. To see if the will vote to revoke the action taken under Article 12 of the October 16, 2012, Special Town Meeting where \$82,434.00 was transferred from several accounts to restore and refurbish Adams Barn” and under Article 20 of the 2013 Annual Town Meeting which appropriated \$76,000.00 for the restoration of Adam’s Barn, or take any action thereto. Citizen’s Petition

9. 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



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Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

10. Correspondence

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to accept the 78 pages of correspondence as submitted. Selectwoman Puleo read the Commendation letter sent to Detective Sgt. Cynthia Shay for her quick action that saved a life. Selectman Reault mentioned the resignation letter, the Board asked that the Administrator ask Town Counsel to give an opinion on how best to handle the discussion on the resignation, whether it be in open session or in executive session.

11. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #39B for \$402,383.22 on 03/30/2015; Warrant #40VET for \$8,905.02 on 4/6/2015; Warrant #40B for \$915,211.50 on 04/06/2015; Warrant #40P for \$861,236.37 on 04/06/2015; Warrant #41S332 for \$198,900.00 on 4/13/2015; Warrant #41S for \$291,422.73 on 4/13/2015; Warrant #41B for \$37,662.36 on 4/13/2015.

12. Town Administrator's Report

- Response to Selectmen's Requests

The Administrator has drafted a memo notifying the Boards and Committees of the Boards request to have all the Boards and Committees meetings videotaped.

- Budget

The Administrator is working on the Charles George project, he would like to have a selectman sit in on the dialogue, Selectman Lambert reminded the Board that he and Selectman Reault volunteered to sit down and discuss the project.

- Contracting/Procurement.

The Administrator attended a three day procurement course last week.

13. Selectmen's Reports – No reports this evening

14. Adjournment

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

The meeting adjourned at 10:05 P.M.

Approved on: Monday, April 27, 2015

Respectfully submitted by

Therese Gay
Admin Assistant

