



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, April 27, 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.

- 5:30 – 6:00 Recognition to Highway Department for Service this Winter**
- 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, April 13, 2015
 - B. Executive Session Meeting Minutes for Revision/Approval/Not Release
 - i. Monday, December 8, 2014
- 3. 6:05 PM Continued Public Hearing**
- A. The Liquor Shop
- 4. 6:30 PM Public Hearing: Lakeview Avenue & Coburn Road Intersection Improve**
- 5. 7:00 PM Tri-Board Meeting with School Committee and Finance Committee**
- A. Fiscal Year 2016 Budget
(Senator Eileen Donoghue)
- 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. Rental of Old Town Hall
 - i. Lifeline Screening – waiver request
 - ii. Blossoms – alcohol request
 - B. Property Conveyance: Parcels 33-32-0 to George Guilmette Estate
 - C. Road Paving - Update on Dunstable Rd, Cummings Rd, Lakeview Ave, Lawndale Road, & Mascuppic Trail
- 8. Old Business**
- A. Fiscal Year 2016 Budget – Review
 - B. Annual and Special Town Meeting Warrant – Review
 - C. Annual Town Election Warrant – Vote election





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- D. Senior Center – Accept
- E. Ratify Integrated Collective Bargaining Agreements – Superior Union
- F. PILOT letter

9. 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.

10. Correspondence

11. Review of Weekly Warrants

12. Town Administrator's Report

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

13. Selectmen's Reports

14. Executive Session

- A. Exemption 6. To consider the purchase, exchange, lease or value of real property because an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declares – Charles George, First Parish Meeting House
- B. Exemption 3. To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigating position of the Board, and the chair so declares – Mid Managers, Highway Union

15. Adjournment

Future Meetings

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

Tuesday, May 12, 2015: TOWN ELECTION

Monday, May 18, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Annual Town Meeting: Tuesday, June 2, 2015 at 7:00p.m., Tyngsborough Elementary School 205 Westford Road.





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Board of Selectmen Meeting Minutes

APPROVED

Monday, April 27, 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, Admin Assistant Therese Gay.

The Finance Committee Members Present: Darryl Wickens, Burt Buchman, Paul Morin, Scott Hammer. Member Eric Sondhi was absent.

School Committee Members Present: Herb Desrosiers, Anthony Tinnirella, Joseph Durham, Michael Flanagan, Paul Mitchell, and Superintendent Don Ciampa.

Senator Eileen Donoghue, Representative Colleen Garry were not able to attend this evening.

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."

5:30 – 6:00 Recognition to Highway Department for Service this Winter

The Board presented the Highway Department Union Members with a Certificate of Appreciation for their support in keeping our roads operational and safe during this harsh winter. Members, William Lannan, William Wilson, Joshua Clancy, Thomas Feeney, Michael Bergeron, Sue Silvia, James Hustins, Richard Gill, Paul Provencher, Michael Gagnon Robert Morency, Robert Lareau and Todd Tiano.

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, April 13, 2015

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve the Minutes of Monday, March 13, 2015. Selectman Lambert abstains.

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

i. Monday, December 8, 2014

The Board voted 3-0-2 on a motion by Selectwoman Puleo, second by Selectman Reault, to approve but not release the Executive Session Minutes of Monday, December 8, 2014. Selectman Lambert and Selectwoman Puleo abstain from voting on these minutes. Selectwoman Puleo had not reviewed the Monday, December 8, 2014 Executive Session Minutes.



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3. 6:05 PM Continued Public Hearing

A. The Liquor Shop

The Board received correspondence asking the Board to continue this hearing for 30 days. The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to continue the hearing for The Liquor Shop to take action to revoke the All Alcoholic Beverages to be Drunk Off Premises License to Monday May, 18, 2015 at the Town Offices, 25 Bryants Lane, at 6:05 PM.

4. 6:30 PM Public Hearing: Lakeview Avenue & Coburn Road Intersection Improve

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to open the hearing. The hearing opened at 6:30 PM.

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

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 Chair asked Mr. Jeffrey Dirk of Vanese and Associates, Inc. the Town's Engineering Consulting to come forward and present the improvements on the Lakeview Avenue & Coburn Road Intersection Improvements. The proposed project consists of installing a multi-way STOP-sign control (sometimes referred to as a 4-Way stop) at the intersection, changes to existing pavement markings and signs to accommodate the new multi-way stop, establishment of an ADA compliant crosswalk, and minor tree trimming. These improvements can be completed within the public right-of-way and are expected to result in an immediate benefit to safety at the intersection.

The Chair asked if the Board had any questions of Mr. Dirk,

The Chair entertained comments and/or questions from the public, Mr. Chaz Doughty came forward to ask about the funding, is this appropriation going before Town Meeting for use of Chapter 90 funds, it does not. If the project as approve this evening would be completed by the end of the construction season. The public hearing was advertised in the local publication, and abutters were notified.

Comments, the Board members see this as an easy fix, correcting the alignment of the road and the four way stop will make it easier and safer to drive through the intersection.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to close the hearing. The hearing closed at 7:05 PM

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to authorize the expenditure of up to \$26,000 of Chapter 90 funding for the Lakeview Road at Coburn Road intersection to be implemented with the Multi-Way Stop Sign Control.

The Board took a brief recess at 7:07 PM and returned to open session at 7:20 PM.

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

A. Fiscal Year 2016 Budget

Senator Eileen Donoghue and Representative Colleen Garry were not able to attend this evening due to prior commitments.

The Tri-Board group is meeting this evening to continue discussions on the budget for Fiscal year 2016. The Superintendent and Administrator have been meeting and working with the numbers from the Cherry Sheets. There will one more pass before the final budget. The Superintendent and the Administrator are working with the Treasurer on the numbers for the School and the Town. Discussion on the Snow and Ice Deficit, the State declared a State of Emergency and will be



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receiving reimbursement, the Town will know within a week or two what will be given. The Administrator gave a copy of the budget worksheet and reviewed it briefly. Based on the House Ways and Means Committee released on April 16 both the Town's local estimates and assessments decreased. Based on this proposal Tyngsborough is projected to receive an increase of \$28,482. Using the principal that a split share of revenues will be allocated to General Government and the School Department, the allocation after removing fixed cost is as follows: FY16 Share for General Government is \$7,191,337 and for Education is \$28,296,787. The Administrator reviewed the Town's and Schools draft budget. Other factors include the Special Town Meeting in February, the Town voted to use Free Cash for three items (Medicaid Reimbursements, Police Detail deficit, Chapter 90 deficit). Based on the Free Cash Policy and decision on the Greater Lowell Tech (GLT) one-time payment, free cash is proposed to be set aside for: (1) future school debt and inspections regarding the GLT, and (2) minimum recommended levels for funding Stabilization, Capital Asset Stabilization, POEB, and Sick/Vacation Buyback. The remaining amount of Free Cash is \$302,970.26. The projected snow and ice deficit is \$344,078. The Federal Government approved the January 26-28 blizzard a disaster and the Town is eligible for a 75% reimbursement estimated at \$66,000. The Capital Asset Management Committee have met twice and will meet one final time this week to finalize the report. Selectwoman Puleo gave a brief view of what the Committee has voted to recommend. With no further discussions at this time the Tri-Board adjourned at 8:10 PM.

6. Citizen/Business Time – No one came forward at this 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. Rental of Old Town Hall

i. Lifeline Screening – waiver request

Ms. Paula Massara, Health Coordinator for Life Line Screening Company, presented her petition to rent the Old Town Hall for ultrasound screenings, the Lifeline Screening is a company that provides ultrasound screenings for the general public. They hold events across the country. The ultrasound screenings are for stroke and heart disease and completed by a certified sonographer. The results are analyzed by a Board Certified Vascula Physician. There is a fee associated with the procedure to cover the costs. The ultrasound includes five screenings: Carotoid Artery, Peripheral Arterial, Atrial Fibrillation, Osteoporosis, and Abdominal Aortic Aneurism. The fee for all five tests is \$139.00 or an individual test would cost \$70.00. The cost is far less than what a typical physician would charge. Lifeline Screening tries to keep cost as low as possible so they can provide an affordable procedure. Lifeline Screening is looking to hold the event on July 29, 2015 (Wednesday) between 8:30 am and 5:30 pm. That includes the set-up and breakdown. Lifeline Screening has requested a waiver of the full rental fee and pay their budgeted amount of \$349.00 versus the \$800.00 that would normally be assessed for all-day private event. The Administrator recommends that because the Old town Hall is relatively new to the function/event business, and Lifeline Screening is supplying a service to the Community, as well as using a less popular weekday timeframe to host their event, the Board votes to waive the higher fee and accept the lower rate, which would exceed the Town's cost of allowing the activity.



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The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to not grant the request for the use of the Old Town Hall by Lifeline and the waiver of the higher amount for the lesser fee and to work with the Board of Health.

ii. Blossoms – alcohol request

Ms. Maureen Gearin of Blossoms Florist is requesting a One Day Liquor License for the sale of beer and wine at her husband's retirement party on June 13, 2015 in the Old Town Hall. If approved, Ms. Gearin would hire a TIPS certified individual to sell beer and wine to attendees 21 and over.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to vote to approve a beer and wine special one day license for the sale for beer and wine on June 13, 2015 in the Old Town Hall between the hours of 6PM to 10PM, pending receipt of the liquor liability insurance and TIPS certification of the person who will be selling the alcohol.

B. Property Conveyance: Parcels 33-32-0 to George Guilmette Estate

For the past several years the Town has been working with Mr. George Guilmette and his heirs regarding a parcel of land identified as 33-32-0 located on Althea Avenue. Mr. Guilmette and most recently his heirs, have been paying real estate property taxes on the above mentioned property since 1971. Mr. Guilmette claims that he purchased the property from the town in 1970 and has been paying taxes since that time. Our records indicate that the taxes have been paid in full since 1971 by Mr. Guilmette and his heirs. The heirs of Mr. Guilmette are trying to settle his estate and clear the title to this property. Town Counsel has been involved in the process and recommends that the Board of Assessors and the Board of Selectmen vote to support the conveyance of the Town's interest in this property. The Board of Assessors voted unanimously on February 3, 2015 to request that the Board of Selectmen convey any interest in the property. Town Counsel has stated that any interest would need to be waived by a vote at town meeting. An article has been placed on the upcoming town meeting for such action.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to support the conveyance of this property by placing it on the Annual Town Meeting Warrant for approval by the Town.

C. Road Paving - Update on Dunstable Rd, Cummings Rd, Lakeview Ave, Lawndale Road, & Mascuppic Trail

There are five streets identified in two separate timeframe, the first 4 streets will be completed this year and Mascuppic Trail will be completed in 2016, the target date for acceptance of Mascuppic Trail is July. The Contract is out for bid, bid opening will be May 14, if favorable the construction will start in June and be completed in early September all is moving forward. The Mascuppic Trail survey end of May and a hearing to layout the road, drainage to be addressed and as soon as the plan is accepted the project will move forward to complete.

8. Old Business

A. Fiscal Year 2016 Budget – Review

Based on the House Ways and Means Committee released on April 16 both the Town's local estimates and assessments decreased. Based on this proposal Tyngsborough is projected to receive an increase of \$28,482. Using the principal that a split share of revenues will be allocated to General Government and the School Department, the allocation after removing fixed cost is as follows: FY16 Share for General Government is \$7,191,337 and for Education is \$28,296,787. The Administrator reviewed the Town's and Schools draft budget. Other factors include the Special Town Meeting in February, the Town voted to use Free Cash for three items (Medicaid



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Reimbursements, Police Detail deficit, Chapter 90 deficit). Based on the Free Cash Policy and decision on the Greater Lowell Tech (GLT) one-time payment, free cash is proposed to be set aside for: (1) future school debt and inspections regarding the GLT, and (2) minimum recommended levels for funding Stabilization, Capital Asset Stabilization, POEB, and Sick/Vacation Buyback. The remaining amount of Free Cash is \$302,970.26. The projected snow and ice deficit is \$344,078. The Federal Government approved the January 26-28 blizzard a disaster and the Town is eligible for a 75% reimbursement estimated at \$66,000. The Capital Asset Committee is in the process of completing their recommendation on capital items and will be finalizing report shortly.

B. Annual and Special Town Meeting Warrant – Review

The Administrator reviewed the following articles with the Board:

2015 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

FINANCIAL ARTICLES

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

MISCELLANEOUS ARTICLES

- Article 25. Conveyance of Parcel 33-32-0 located on Althea Avenue
- Article 26. Special Act to Authorize the Town Administrator to sign warrants
- Article 27. Aggregate the electricity load of the residents and businesses in the Town
- Article 28. Authorization to Enter into PILOT Agreement
- Article 29. Conservation Commission – Amend Local Wetlands By-law



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CITIZEN PETITIONS:

- Article 30.** Appropriate funds to extend water line for residents on Bryant Lane
- Article 31.** Fund the salary of the Town Collector
- Article 32.** Fund unused vacation time for the Town Collector
- Article 33.** Fund sick time buy back for the Town Collector
- Article 34.** Petition to Rezone Road
- Article 35.** Revoke former articles to restore and refurbish Adam's Barn
- Article 36.** Fund the salary of the Town Clerk

GENERAL ARTICLES:

Article 1. To bring in their votes by ballot for 2 Selectmen for the term of three years, 1 Assessor for the term of three years, 2 Board of Health Members for the term of three years, 1 Cemetery Commissioner for the term of one year, 1 Cemetery Commissioner for the term of three years, 1 Finance Committee Member for the term of three years, 1 Library Trustee for the term of 1 year, 2 Library Trustees for the term of three years, 2 School Committee Members for the term of three years, 1 Sewer Commissioner for the term of three years, 1 Tree Warden for the term of three years, 1 Planning Board Member for the term of five years, and 1 Tyngsborough Housing Authority Member for the term of five years.

And you are further directed to notify the said inhabitants of the Town of Tyngsborough to meet for the Annual Town Meeting at the Tyngsborough Elementary School Cafetorium in said Tyngsborough on Tuesday the second day of June in the year two thousand fifteen at 7 o'clock in the evening then and there to act on the following 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

FINANCIAL ARTICLES:

Article 5. 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
	7/01/14	7/01/15	7/01/15
	6/30/15	6/30/16	6/30/16
<u>Elective Town Officer</u>			
Moderator	\$ 0	\$ 0	\$ 0
Selectmen Members (5)	\$ 0	\$ 0	\$ 0
Tax Collector	\$ 62,424	\$ 65,563	\$ 65,563



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Town Clerk	\$ 57,222	\$ 59,242	\$ 59,242
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
Planing 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	\$ 0	\$ 0	\$ 0

Submitted by: Board of Selectmen and Finance Committee

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to transfer from available funds the 1.2% rate for FY 2015 and to increase the compensation of 2% for FY 2016 for the Town Collector and Town Clerk's salaries. The increase is the same as what the mid-managers received.

Article 6. 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 7. 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 8. 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 9. To see if the Town will vote to appropriate by transfer the sum of **\$34,522.18** from Free Cash to the Stabilization Fund, or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

Article 10. To see if the Town will vote to appropriate by transfer the sum of **\$34,522.18** from Free Cash to the Capital Asset Stabilization Fund, or take any other action relative thereto. Submitted by: Board of Selectmen and Finance Committee



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Article 11. To see if the Town will vote to appropriate by transfer the sum of **\$13,808.87** 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

Article 12. To see if the Town will vote to appropriate by transfer the sum of **\$13,808.87** 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 13. 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 14. 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-ton dump truck plow attachment	\$40,000	Selectmen
Selectmen	Town Offices – misc. building repairs	\$35,000	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 15. 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 & Stipends	\$ 236,009.00
Expenses	\$ 705,018.00
Capital Outlay	\$ 668,750.00
Debt	\$ 97,783.00
<u>Subtotal</u>	<u>\$ 1,707,559.00</u>

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



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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 16. 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 17. To see if the Town will vote to (i) appropriate a sum of money for construction and acquisition costs of the Phase I West Sewer System infrastructure project (the "Project"), identified as Needs Area 1, Phase 1 West of the 2009 Comprehensive Wastewater Management Plan as shown on Figure 1 attached to this Article, and filed with the Office of the Town Clerk, including without limitation all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise; and (ii) authorize the Board of Selectmen to take by eminent domain, by purchase, by gift, or otherwise acquire easements and other interests in land as necessary or convenient for public sewer purposes related to the Project in accordance with M.G.L. c. 40, § 14, and M.G.L. c. 79, and M.G.L. c. 82, or by any and every other power and authority in any way enabling, including, but not limited to, land and/or easements situated on the following parcels of land:

Middlesex Road, Assessors Map 21, Lot 14,
 48 Kendall Road, Assessors Map 20A, Lot 18,
 36 Kendall Road, Assessors Map 20A, Lot 17,
 122 Middlesex Road, Assessors Map 21, Lot 18, and
 37 Old Tyng Road, Assessors Map 21, Lot 18A

or to take any other action relative thereto.

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

Article 18. 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 19. 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 FY2015 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	Fees collected from participants	Board of Selectmen or designee	\$120,000.00



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activities

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: Town Entities as shown

Article 20. To see if the Town will vote to establish a Tyngsborough Fire Department Ambulance Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the dispatch fees received by the Town for contracted ambulance services. These funds may be expended without further appropriation for expenses related to dispatch and ambulance service. The Fire Department may expend from this account an amount not to exceed \$20,000 for the fiscal year beginning July 1, 2015, or take any action in relation thereto. Submitted by: Board of Selectmen

Article 21. 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 22. 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



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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 23. To see if the Town will vote to transfer a specific amount in FY16 from Stabilization Fund for Debt / Debt Assessment and said funds be used by the Treasurer to be used towards the payment of debt principal and interest for the ECC Roof and the Greater Lowell Technical High School for Debt Assessment; or to take any other action relative thereto.

Transfer from: Stabilization Fund for Debt & Debt Assessment	\$59,645.00
Transfer to: Long Term Debt Principal	\$50,000.00
Long Term Debt Interest	\$ 9,645.00
Transfer from: Stabilization Fund for Debt & Debt Assessment	\$77,264.00 est.
Transfer to: Long Term Debt Principal	\$77,264.00 est.

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

Article 25. To see if the Town will vote to authorize the Board of Selectmen to convey land known as Parcel 33-32-0 located on Althea Avenue, or take any action relative thereto. Submitted by Board of Selectmen

Article 26. 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:



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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

Article 27. **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 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

The Board asked the Administrator to look into the cost of hiring a consultant and how to fund the consultant for review of energy companies aggregating electricity.

Article 28. 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 at the corner of Dunstable and Cummings Roads; said PILOT agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 2.4 megawatts and to be executed with Citizens Energy or its successor, or take any other action relative thereto. Submitted by: Board of Selectmen

Article 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:

Article 30. To see if the Town will vote to appropriate funds estimated at \$400,000 to cover all costs associated with extending the water line from the Town Hall on Bryant 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.

Submitted by: Citizens' Petition

The Board would like to have an opinion from the Tyngsborough Water District on the citizen's petition.

Article 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.

Submitted by: Citizens' Petition

Article 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. Submitted by: Citizens' Petition



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Article 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.

Submitted by: Citizens' Petition

Article 34. To see if the Town will vote to amend the Zoning Map and Re-Zone 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 District Registry of Deeds.

Submitted by: Citizens' Petition

Article 35. To see if the Town 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 Adam's Barn" and under Article 20 of the 2013 Annual Town Meeting which appropriated \$76,000.00 for the restoration of Adam's Barn, or to take any other action thereto.

Submitted by: Citizens' Petition

Article 36. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts the sum of \$59,242 to fund the salary of the Town Clerk or take any other action thereto.

C. Annual Town Election Warrant – Vote election

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Gramer to sign and post the election warrant.

D. Senior Center – Accept

The draft documents were resubmitted for consideration, Selectman Reault read the list of items to be completed along with the proposed dates for completion. The developer did notify Selectman Reault that the once the project is 60% completed the developer will pass the operation to the Condo Association, some discussions re the senior center being associated with the condo association or with the developer. Selectman Reault made a motion to accept the Senior Center second by Selectman Lambert, the Board discussed further and feel that waiting one week for word on the title search and the number of items completed. Selectman Reault and Selectman Lambert have withdrawn their motion, and second. The item will be on the May 4 Agenda.

E. Ratify Integrated Collective Bargaining Agreements – Superior Union

The Police Superior Officers Union has approved their integrated contract, the Memorandum of Agreement has also been endorsed by the union and has been included as part of the integrated contract.

The Board voted 4-0-1 on a motion by Selectwoman Puleo, second by Selectman Reault to ratify the Memorandum of Agreement and the integrated Collective Bargaining Agreement between the Town of Tyngsborough and the New England Police Benevolent Association, Inc., Local 8B, Superior Officers, between July 1, 2014 through June 30, 2017. Selectman Lambert Abstain.

F. PILOT letter

The Administrator presented a draft letter to be sent to tax-exempt organization asking they participate in the P.I.L.O.T. program. The Selectmen recognizes that some institutions may have limited resources and the town is willing to entertain a variety of agreements. The board is in support of sending the letter.

The Board voted 5-0-0 on a motion by Selectwoman Puleo, second by Selectman Reault to approve the PILOT letter, and authorizes the Chairman to sign the document.



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9. Citizen/Business Time – No one came forward at this 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.

10. Correspondence

The Board voted on a motion by Selectwoman Puleo, second by Selectman Reault to accept the 12 pieces of correspondence as presented.

11. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #42P for \$809,985.09 on 4/20/2015; Warrant #42VET for \$8,798.44 on 4/20/2015 and Warrant #42B for \$1,287,925.48 on 4/20/2015; Warrant 43B for \$163,522.90 on 4/27/2015 and Warrant # 43Vet for \$4,256.25 on 4/27/2015.

12. Town Administrator's Report

Departmental Information

The Administrator has received an e-mail from the LRTA informing of funds not used by the MBTA and could be used by the LRTA for Tyngsborough. The contracts for construction at Frost and Norris Roads are approved and signed work will begin on Friday, May 15. The School Dept. is finalizing the MSBA paperwork and a contract to be signed. The Chamber of Commerce Member has approached the Administrator to see if the Town is interested in having its downtown filmed via a Drone, is it the Board's will to support? The Board is not in favor at this time would like more info, to be discussed next week. The Administrator will be attending a seminar next week that will be reviewing how downtowns and villages are important. The State hired a consultant to advise the Towns Officials how to do better with the Town Centers.

13. Selectmen's Reports

Selectman Lambert hosted an event at the Old Town Hall and everything went well, the attendees enjoyed the viewing. Selectman Reault the Old Town Hall Committee is meeting to finalize the remaining minor items that need to be completed.

14. Executive Session – 10:00 PM

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 6. To consider the purchase, exchange, lease or value of real property because an open meeting may have a detrimental effect on the negotiating position of the Board, and the Chair so declares – Charles George, First Parish Meeting House
- b. Exemption 3. To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and



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litigating position of the Board, and the chair so declares – Mid Managers, Highway Union

and to adjourn the meeting following the 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 10:00 PM.

15. 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 11:25 PM.

Respectfully submitted

Approved on: Monday May 18, 2015

Therese Gay
Admin Assistant

