



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: 6-5-15

Board of Selectmen Meeting Notice

Monday, June 8, 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, May 18, 2015
 - ii. Tuesday, June 2, 2015
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
 - i. Monday, May 18, 2015

3. 6:05 PM Public Hearing: Special Permit

- A. Tighe & Bond/Citizens Energy – solar array

4. 6:30 PM Public Hearing: Special Permit

- A. Pheasant Lane Mall – Touch-A-Truck

5. 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.

6. New Business

- A. Review/Approve 2015-2016 Meeting Schedule
- B. Annual Appointments – Review
- C. Comments for Board of Appeals applications
 - i. Addition to existing home at 48 Frost Road
 - ii. Addition to existing home at 497 Dunstable Road
- D. Town Meeting Wrap-up

7. Old Business

- A. TES Remediation Fund – flooring
- B. Council On Aging – LRTA bus
- C. Senior Center – update

8. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who





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

9. Correspondence

10. Review of Weekly Warrants

11. Town Administrator's Report

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

12. Selectmen's Reports

13. Executive Session

Exemption 3. To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Mid-Managers, Highway Union, Clerical

Exemption 2. To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Treasurer

14. Adjournment

Future Meetings

Monday, June 22, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, July __, 2015 at Tyngsborough Town Offices, 25 Bryants Lane





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Board of Selectmen Meeting Minutes

APPROVED

Monday, June 8, 2015 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman Robert Jackson, Selectman Corliss Lambert, Selectman Steven Nocco

Members Absent: 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 broadcast through 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 Board and the reading of the Agenda by Selectman Jackson.

2. Meeting Minutes

A. Regular Meeting Minutes for Review/Approval

i. Monday, May 18, 2015

The Board voted 3-0-1 on a motion by Selectman Jackson, second by Selectman Nocco to approve the minutes of May 18, 2015. (Selectman Gramer was absent, Selectman Lambert abstained from voting)

ii. Tuesday, June 2, 2015

The Board voted 3-0-1 on a motion by Selectman Jackson, second by Selectman Nocco to approve the minutes of Tuesday, June 2, 2015. (Selectman Gramer was absent, Selectman Lambert abstained from voting)

B. Executive Session Meeting Minutes for Approval/Not Release

i. Monday, May 18, 2015

The Board voted 3-0-1 on a motion by Selectman Jackson, second by Selectman Nocco to approve the exec session minutes of Monday, May 18, 2015. (Selectman Gramer was absent, Selectman Lambert abstained from voting)

3. 6:05 PM Public Hearings

A. Tighe & Bond/Citizen's Energy – Solar Array

The Chairman entertained a motion to open the meeting.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to waive the reading of the legal notice and the list of abutters.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the evidentiary portion of the hearing.



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The petitioners Emma Koziok presented the permit application and spoke of the outstanding tax issues and Briani Angus of Tighe and Bond presented the following: On behalf of Tyngsborough Solar, LLC Tyngsborough Solar, Tighe and Bond submitted a special permit application to the Town for the Tyngsborough Solar project. The proposed project includes construction of a solar photovoltaic (PV) array with a Direct Current (DC) nameplate generating capacity of approximately 3.56 megawatts (MW) on the Charles George Reclamation Trust Landfill. The private landfill is located at 500 Dunstable Road in the Tyngsborough and owned by Dunstable Road Land Properties, LLC. A portion of the project will be located within the Town of Dunstable, MA. The ground-mounted array will occupy approximately 14.85 acres of the approximately 65.79 acres landfill footprint located within Tyngsborough and approximately 4.23 acres of a 7acre parcel located in Dunstable. Tyngsborough Solar has entered into a long-term ground lease with Dunstable Road Land Properties, LLC. Components of the system to be installed at the landfill include solar panels, mounting substrates, system foundations, wiring and connections, power inverters, service and metering equipment, and interconnection with the utility. The facility will be designed by Tyngsborough Solar, in conjunction with Tighe & Bond as lead civil engineer and environmental consultant. Further stated all panels will be placed away from high elevations, no excavation, and will be placed above ground on cement pads; there is a gas collection system and will stay well away from the system. There will be no impact on the existing cap. Selectman Reault has heard the presentation, the only issue is the back taxes the Town has not received any payments in some time. One question, why would the Town approve a permit that would benefit the owner and not the town. Citizens are concern about the taxes. Selectman Nocco's first time hearing it could be a long term benefit to the town, would hate to see a field of panels not being used. Selectman Lambert is familiar with the project and has reviewed, tonight's issues has been identified, once taxes are paid it would be a good project, Selectman Jackson asked if there would be any safety issues, the presenter noted no safety issues if there were they would be in the construction. The Town Administrator has contacted several agency for information. The EPA required a full time 3rd inspector to follow the construction, the interest for the federal tax credit. If not able to go forward would lose interest. The concern is that your 2 years in and have not moved forward on the tax issue.

Hearing no further discussions from the Board the Chairman asked if there was anyone wishing to speak in favor of the project, no one came forward. The Chairman asked anyone wanted to speak against the project no one came forward.

Hearing no further comments the Chairman entertained a motion from the Board.

The Board voted 4-0 on a motion by Selectman Nocco, second by Selectman Jackson to close the evidentiary portion of the hearing.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to continue this hearing to Monday, June 22, 2015 at 6:00 PM at the Town Officers, 25 Bryants Lane, to issue the permit. Hearing ended at 6:55 PM.

4. 6:30 PM Public Hearing: Special Permit (6:55 PM)

A. Pheasant Lane Mall – Touch-A-Truck

The Chair entertained a motion to open the hearing. The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to open the hearing. The hearing opened at 6:55 PM.



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The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to waive the reading of the legal notice and the list of abutters.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to open the evidentiary portion of the hearing.

Mr. Yust, General Manager of the Pheasant Lane Mall presented his request for a special permit to hold an event in the parking lot located in Tyngsborough, MA. The event is co-sponsored by the Pheasant Lane Mall and the Tyngsborough Fire Department. The event is called the Touch-a-Truck, the local departments bring in municipal trucks, cars, and ambulances for the young people to come by and touch and sit in the vehicles. The entities will use the safety procedures that have been in place for the previous years. Detail Officers will be on hand to address the traffic and Fire Personnel will be on hand for any emergencies.

The Chairman asked if there was anyone attending wished to speak in favor on the event, no one came forward. The Chairman asked if there was anyone attending wished to speak against the event, no one came forward.

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

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to close the evidentiary portion of the hearing.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to issue the permit as requested and presented for the Touch-a-Truck event to be held at the Pheasant lane Mall parking lot on Saturday June 27, 2015 from 10AM to 2PM once all the proper permits have been obtained. The hearing closed at 7:05 PM.

5. 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.

6. New Business

A. Review/Approve 2015-2016 Meeting Schedule

The Board has deferred this item to the next scheduled Selectmen's meeting.

B. Annual Appointments – Review

The Board deferred this time to the next scheduled Selectmen's meeting.

C. Comments for Zoning Board of Appeals applications

i. Addition to existing home at 48 Frost Road

The Board have not comment on this project.

ii. Addition to existing home at 497 Dunstable Road

The Board has no comment on this project.

D. Town Meeting Wrap-up

The Board discussed some items that were on the Special Town Meeting Warrant. The Board discussed the next step to take to address the Adam's Barn. The Town meeting body voted to discontinue the funds to stabilize the building but voted down the funds needed to raze it. The Administrator will bring the Town Building's Master Plan for discussion at the next meeting. The Board discussed the town meeting vote to fund the vacation/sick time payout for the Town Collector, Town Counsel commented that town meeting voted on an unlawful practice. The Board deferred this topic to the next Selectmen's executive session meeting (personnel).



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The Board discussed the set of Selectmen's meeting minutes that were circulated at town meeting. The Board will send a copy to Town Counsel and will discuss at the next scheduled Selectmen's meeting.

7. Old Business

A. TES Remediation Fund – flooring

The Administrator presented the information on the TES remediation fund invoice for \$19,660.900 for payment. The list of repair items was identified in the past and authorized for payment. Donlon coatings has been repairing the elementary school floors over the past few years. The Administrator will continue to work with the school department to close out the remediation fund with a focus on the culvert project. The Administrator will continue to notify the Board with respect to the culvert project and when a final timeline is developed for design and construction.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to approve the payment of invoice 7785 to Donlon Coatings in the amount of \$19,660.00.

B. Council on Aging – LRTA Bus

The Council on Aging Board is looking to expand the bus service that is available to seniors. The request is to use our MBTA assessment. If the service is approved, the assessment would be credited to the LRTA instead of the MBTA. In order to increase the service COA is seeking an additional five (5) hours to support their bus dispatching as well as bringing on two part-time bus drivers. The additional bus drives would be scheduled for approximately 15 hours each rather than one full-time bus driver. All of these changes would be covered under the LRTA assessment and no charge to the Town. And there would be no additional for insurance or other benefits.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to support the increase of five (5) hours to the Council on Aging Administrative Assistant, as well as hiring additional part-time bus drivers in order to provide increased bus service for our senior population. The Board commends Mr. Kevin O'Connor for his work for the Town on the LRTA Board.

C. Senior Center Update

Selectman Reault reported that with the punch nearly complete and with the deed being recorded this week the Board should vote to facilitate the move to the new building.

The Board voted 4-0 on a motion by Selectman Reault, second by Selectman Lambert to authorize the Town Administrator and the Assistant Town Administrator to facilitate the move of the Seniors from the existing building into the new building located on Westford Road.

8. 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.

9. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Nocco to accept the correspondence for discussion. Discussion: Selectman Reault brought up the letter from the



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Superintendent to Senator Donoghue on the cost increases to the Great Lowell Technical High school and to the Innovation Academy (a Charter School).

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to support the Superintendent's letter to Senator Donoghue.

10. Review of Weekly Warrants

The Town Administrator read the following warrants: Warrant #47S (332) for \$45,000.00 on 5/25/2015; Warrant #47Vet for \$10,803.46 on 5/25/2015; Warrant #47B for \$1,325,935.26 on 5/25/2015; Warrant #47S for \$136,786.53 on 5/25/2015; Warrant #47B #2 for \$101,400.78 on 5/25/2015; Warrant #48D for \$807,892.63 on 6/01/2015; and Warrant #48P for \$908,497.17 on 6/1/2015.

11. Town Administrator's Report

- Departmental Information

The School letter was mentioned earlier in the meeting. The Veteran Agent's letter looking to move his office the new Senior Center. The Board would okay one day a week to see how it will work. On net metering the Administrator is working Town Counsel on whether or not this had to be addressed at a town meeting or not. DOR wanted to see the Town Meeting vote. The Administrator is working with 2 companies and will sell their net metering and will offer the Town a deal. The Administrator has reached out to the Fire Chief and Mr. Wickens to have them review and give a report. The Board supports the Administrator.

12. Selectmen's Reports

Only one comment from the Board is if more people were to participate in the Selectmen's meetings the Board would be able to address their concerns.

13. Executive Session

The Board voted in favor to enter into Executive Session to address the following Exemption six:

- Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares – Clerical Union; Mid-Managers Union; Highway Union
- Exemption Two – To conduct strategy sessions in preparation for negotiations with nonunion personnel or conduct contract negotiations with nonunion personnel – The Town Treasurer and Police Chief

as read by the Clerk and to exit executive session to return to open session only to adjourn.

Entered into executive session at 8:14 PM.

Roll Call Vote: Selectman Jackson, yes; Selectman Reault, yes; Selectman Lambert, yes; and Selectman Nocco, yes.

14. Adjournment

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Lambert to adjourn the meeting. The meeting adjourned at 9:00 PM

Respectfully submitted



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Approved on: Monday July 13, 2015

Therese Gay,
Admin. Assistant

