



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

Posted: June 18, 2015

Revised: June 19, 2015

Board of Selectmen Meeting Notice

Monday, June 22, 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. 6:05 PM Public Hearings

- A. Continued: The Liquor Shop Tyngsboro, Inc. transfer/revocation of All Alcoholic Retail Liquor License continued from April 27, 2015.
- B. Continued: Citizen's Energy Special Permit for solar array continued from June 8, 2015.

3. Citizen/Business Time

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. New Business

- A. Brenda Gould (Habitat for Humanity)
- B. Angela's Coal Fire Pizza – new manager
- C. Media Associate - appointment
- D. Old Town Hall – traffic island
- E. Surplus Property – Industrial Way and Willowdale Road

5. Old Business – None at this time

- A. Consent Decree – Tyngsborough, et al vs. City of Lowell
- B. Annual Appointments – Complete
- C. Mascuppic Trail - update
- D. Approve 2015 – 2016 Board of Selectmen Meeting Calendar
- E. Town Beach – amend Rules and Regulations
- F. Annual town Meeting Wrap-up

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.





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7. 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.

8. Review of Weekly Warrants

9. Town Administrator's Report

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

10. Selectmen's Reports

11. Potential Executive Session

- A. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares – First Parish Meeting House, Charles George Landfill.

12. Adjournment

Future Meetings

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

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

Monday, November 24, 2014 at Tyngsborough Town Offices, 25 Bryants Lane





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Agenda Revised 06/19/2015

Board of Selectmen Meeting Minutes

APPROVED

Monday, June 22, 2015 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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

Staff Present: Assistant Town Administrator Nina Nazarian, (entered the meeting at 6:40 PM) 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. 6:05 PM Public Hearings

- A. Continued: The Liquor Shop Tyngsboro, Inc. transfer/revocation of All Alcoholic Retail Liquor License continued from April 27, 2015.

The Attorney representing The Liquor Shop has requested a continuance of this hearing to a later date, the sale of the license to a new location is pending.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to Monday August 10, 2015 at 6:05 PM at the Town Offices, 25 Bryants Lane.

- B. Continued: Citizen's Energy Special Permit for solar array continued from June 8, 2015.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to Monday, July 13, 2015 at 6:05 PM. The Board is waiting for a Consultant's review of the project.

3. Citizen/Business Time- No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

4. New Business

- A. Brenda Gould (Habitat for Humanity)

Habitat for Humanities of Greater Lowell and the Habitat Restore is a 501(c) (3) charity. The Habitat Restore is moving from Billerica to Tyngsborough, they have rented space at 440 Middlesex Road, at the TJ Maxx Plaza. All funds raised by the Restore provide direct support of Habitat for Humanity's mission of building and repairing simple, decent, affordable housing in our community.



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The Restore's mission is to: 1) Generate funds to build more affordable homes in the Greater Lowell area, allowing more hard-working, low-income families in the community the opportunity of home ownership through our ecumenical mission; 2) Provide new and gently used home improvement materials, home goods, furniture and appliances at affordable prices to people of all income levels; 3) Be Green! By keeping useable building materials, home improvement products, furniture, appliances, and household items out of landfills saving space and money. Ms. Gould announced that the Restore will have their grand opening after Labor Day, and they are accepting names of volunteers.

B. Angela's Coal Fire Pizza – new manager

The Manager of CS Business Enterprise Inc. DBA Angela's Coal Fired Pizza filed for a Change in Manager on the Liquor License. Upon approval by the Board of Selectmen the application will be forward to the Alcoholic Beverages Control Commission (ABCC) for final approval. The Board after review the Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the change of Manager at Angela's Coal Fired Pizza at Tyngsborough, Inc. to Ms. Christina Sideri.

C. Media Associate – appointment

A position for media associate became available an ad was placed, several applications were received, interviews were conducted, one candidate, Ms. Wolf was found to be the best candidate. Upon an appointment and a successful CORI background check, Ms. Wolf's starting date would take effect. The position is part time and will have a starting rate at \$15.00 per hour for an approximately 5-10 hour work week.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint Ms. Karen Wolf to the position of Media Associate, subject to a successful CORI check.

D. Old Town Hall – traffic island

The Assistant town Administrator has been working with the Police Chief and The Highway Forman to address the safety concerns at the crossing at 10 Kendall Road. There is a problem with pedestrians crossing the road and the thought of placing a traffic island would help to slow the traffic down. The Sewer Commissioners are currently working on the Phase I Sewer construction to include Kendall Road this would work well to configure the island at the same time while road is open. The Assistant would like to use Chapter 90 monies to construct the island. The Board asked the cost of the engineering, the cost would likely be no greater than \$3,400, which is equal to the engineering cost for the design of the Lakeview at Coburn intersection. The Board would like to meet at the crossing and take a look at it. Selectman Reault will approach the Sewer Commissioners to see what their time line is.

E. Surplus Property – Industrial Way and Willowdale Road

At the annual town meeting held in May, 2013, the Town voted to authorize the Board of Selectmen to sell and convey a parcel of land numbered 5 Industrial Way. The Town also voted to authorize the Selectmen to convey to direct abutters a parcel of land situated on Willowdale Road. The Administrator would like to continue this process and convey the property. Each parcel would follow a different disposal course because of the assessed value. Working with town Counsel the office will proceed with conveying the property. The Board supports the Administrator to move forward.

5. Old Business

A. Consent Decree – Tyngsborough, et al vs. City of Lowell



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Selectman Nocco left the room at 6:34 PM citing that he may have a potential conflict of interest. The Administrator informed the Board that an agreement has been reached in the case of City of Lowell vs. Greater Lowell Technical high School, Tyngsborough, Dracut, and Dunstable. The Consent Decree should be ratified by the Board of Selectmen and signed.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Gramer that the Board of Selectmen ratify the terms of the Consent Decree as provided in Paragraph 5 of the Consent Decree. Paragraph 5. This language shall be ratified by the board of selectmen and city council of the of the member municipalities of the GLTHS School District at their next respective meetings.

Selectman Nocco returned to the meeting at 6:40 PM.

B. Annual Appointments – Complete

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint the following individuals to the listed boards/commissions/committees for a three year term expiring June 30, 2018:

Harvey Miller – Zoning Board of Appeals
Joseph A. Polin – Zoning Board of Appeals
Juli Rogers – board of Registrars
Darryl Wickens – Community Preservation Committee (Finance Committee Rep)
Kenneth Times, III – Community Preservation Committee (Citizen at Large)
Jerome Earl – Conservation Commission
Patrick Mical – Conservation Commission
Edward Smith – Conservation Commission
Jean Jacoppi – Council on Aging (replaces Terry Martineau)
Mildred Poirier – Council on Aging
Claire Downing – Council on Aging
Patricia Quinn – Council on Aging
George Dupras – Historical Commission
Jill Bowen – Historical Commission
Joy Richardson – Historical Commission
Theresa Clawson – Recreation and Parks Commission (replaces Mindy Boyd)
Scott Ellis – Recreation and Parks Commission
Molly Culver – Recreation and Parks Commission
Phil Culver – Recreation and Parks Commission
Wendy Wood – Recreation and Parks Commission
Linda Geyer – Recreation and Parks Commission

The board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to reappoint the following individuals to the listed Boards/Commission/Committee for a one year term expiring June 30, 2016. The Board supports Selectman Robert Jackson representing the Board as a member on the Capital Asset Management Committee and as a Member on the Government Study Commission. The Board support Rick Reault as their representative to the NMCOG. The Board received a letter from Police Chief Howe to appoint 4 new officers as Special Police Officer. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint the 4 new special police officers as read effective July 1, 2015.

Terry Martineau – Council on Aging (replacing Phil O'Brien, term to expire June 30, 2016)
Curt Bellavance – Tyngsborough ADA Coordinator



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Robert Pelletier – Burial Agent

Kerry Colburn-Dion – Town Education Fund, Disabled Taxation Aid Committee, Trust Fund Committee

Richard DeLeo, Jr. – Disabled Taxation Aid Committee

Robert Jackson – Capital Asset Management Committee (Board of Selectmen Member)

Capt. Wesley Russell – Emergency Management Director, Station 1

Michael Cassella – Emergency Management Deputy Director

Timothy Madden – Emergency Preparedness Committee, Board of Fire Engineers Fire Chief/Forest Warden/Right to Know Officer

Richard Howe – Emergency Preparedness Committee

James Doster – Board of Fire Engineers

Raymond Ledoux – Board of Fire Engineers

Arthur Michaul – Board of Fire Engineers

Wilfred Mercier – Board of Fire Engineers

Donald Singleton – Board of Fire Engineers

Jason Newton – Deputy Fire Chief

Wesley Russell – Deputy Fire chief

Capt. Christopher Newton – Station 1

Lt. Andrew McAllister – Station 1

Lt. Dana Coccoziello – Station 2

Lt. Doug Latulippe – Station 2

Capt. Patrick Sands – Station 3

Lt. Laval Blanchetter – Station 3

Robert Jackson – Government Study Commission (Board of Selectmen)

Jacqueline Schnackertz – Government Study Commission

Donald Lampron – Government Study Commission

Diana Keohane – Government Study Commission

Robert Mercier – Government Study Commission

Burt Buchman – Government Study Commission

Paula Derby – Government Study Commission

Linda Bown – Government Study Commission

Kathy Cayer – Insurance Advisory Committee

William Lannan – Insurance Advisory Committee

Shawn Woods – Insurance Advisory Committee

Christopher Rider – Insurance Advisory Committee

Christopher Dery – Insurance Advisory Committee

Laurie Patenaude – Insurance Advisory Committee

Cheryl Laforge – Insurance Advisory Committee

George Richardson – Insurance Advisory Committee

Richard Reault – Northern Middlesex Council of Governments (Selectmen's appointee)

Paul Welcome – Permitting Authority

Glenna Greensalde – E-911 Municipal Coordinator, Police Matron

Kimberly Desmarais – Part-time Communication Dispatcher, Police Matron

Matthew Leung – Part-time Communication Dispatcher

Pollyanna Leung – Part-time Communication Dispatcher

Kathie Comer – Police Matron

Walesca Gomez – Police Matron

Jamie Weinberg – Police Matron

Paul Patalano – Reserve Officer

Daniel Campbell – Reserve Officer



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Jason Kushmerck – Reserve Officer
Timothy Sullivan – Reserve Officer
Dennis Leach – Reserve Officer
Alison Bailey – Reserve Officer
Carlos Borges – Special Police Officer
Joseph Pivrotto – Special Police Officer
Michael Jelly – Special Police Officer
Scott Reidy – Special Police Officer
Sean Caron – Special Police Officer (New/Effective July 1 2015)
Christopher Gustafson – (New/Effective July 1, 2015)
Matthew Koziol – (New Effective July 1, 2015)
Anthony Rotella – (New Effective July 1, 2015)
James Hustins – Road Inspector
Edward Johnson – Sealer of Weights and Measures
Donald Ciampa – Town Education Fund
Richard Howe – Trust Fund Committee
Barbara Roche – Trust Fund Committee
Christopher Dery – Director of Veterans' Services/Veterans' Agent/Veterans' Graves Officer/Burial Agent and Trust Fund Committee

The following Officers from Dunstable, MA to be appointed as Tyngsborough Special Police Officers. James G. Downes, III, Dunstable Police Chief, Lt. James Down, Sgt. Darrell Gilmore, Erik Hoar, Nicholas Papageorbiou, Charles Chaprales, Matthew Tully, Shawn Drinkwine, Sean Ready, John Koyutis, Greg Sanborn, Jeffrey Swift, Matthew Sech, Daniel Adams, Philip Sepe,

The following Officers from Groton, MA to be appointed as Tyngsborough Special Police Officers. Donald Palma, Jr. Groton Police Chief, Lt. James Cullen, III, Derrick Gemos, Sgt. Edward Sheridan, Sr., Sgt. Paul Connell, Sgt. Jason Goodwin, Det. Cory Waite, Ptl Nicholas Beltz, Ptl. Robert Breault, Ptl. Peter Breslin, Ptl. Gordon Candow, Ptl. Timotny Cooper, Ptl. Kevin Henehan, Pt;. Michael Lynn, Ptl. Rachel Mead, Ptl. Dale Rose, Ptl. Gregory Steward, R.O. Edward Bushnoe, R. O, Stephen McAndrew, R.O. Victor Sawyer, R. O. Bethany Evans-Bonczar, R. O. Timothy McGibbon, R. O. Thomas Mace, R. O. Patrick Timmins, R. O. Kathleen Newell, R. O. Michael Ratte, R. O. Kayla Sheehan.

C. Mascuppic Trail – update

The Assistant Town Administrator has updated the Board on the progress on the process of accepting the road and the installing drainage. The surveying is complete however found that the road doesn't necessarily layout as originally shown on a Plan of Land. As a result, the drainage is recommended to be designed prior to street acceptance, so that any easements necessary for drainage are accepted concurrently with the road. The project now will likely require acceptance at a Fall Special Town Meeting, as opposed to an earlier Special Town Meeting. The Sewer Commissioners have approved the Board offering to share the cost of a drainage line if the line is retrofitted with stubs at every house. Selectmen Reault mentioned that Water and Sewer lines already in place and the Sewer Commissioners may have already taken an easement. The Assistant Town Administrator stated that she was not immediately in support of the suggestion to place stubs at every home, although understood the uniqueness of this particular street having a water body close by and therefore a high groundwater table, and has suggested that some research take place to find the best practice from other communities having similar issues.

D. Approve 2015 – 2016 Board of Selectmen Meeting Calendar



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The Administrator submitted the 2015 – 2016 meeting calendar, the Board supports the typical calendar and will revise when necessary.

E. Town Beach – amend Rules and Regulations

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the following changes to the Town Beach rules and regulations: Hours Opened 8:30AM to dusk from Memorial Day to April 15 to September 30th. And adding supervision of younger children by an older person of 18 years of age or older.

F. Annual town Meeting Wrap-up

Article #28 from Annual Town Meeting was forwarded to Representative Colleen Garry's office for managing through the Legislative process. Representative Garry's office sent, to my attention, some minor changes for the proposed language. The two changes are as follows:

- i. In the second sentence of Section 1. Language was added to clarify the proposed meaning; "by the town administrator or in the town administrator's absence the assistance town administrator shall be sufficient to authorize payment by the town treasurer". The current sentence was incomplete.
- ii. A new Section 2 was added to the bill to make it effective when the Governor signs it into law. Without this, the law will take effect in 30 days.

Because the home rule vote requires the Board of Selectmen to approve amendments that are substantive (such as the effective date) the Board will need to vote on these changes, before the bill is needed. The vote will then need a new certification from the Town Clerk for the amendment. The Board reviewed the changes and voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to vote the changes as proposed.

Other discussion from the town meeting wrap up were the Town Collector's sick/vacation time, town meeting forum approved his sick/vacation buy out. Town Counsel advised that the Board speak to Labor Counsel and to discuss in executive session as it is a personnel matter. The discussion on the handout about a set of minutes that was transcribed. It is Town Counsel's opinion that the stenographer only transcribed what she heard. And the Adams Barn there was an attempt to have students from the Greater Lowell Technical High School do the painting on the barn but there were question about lead paint, and/or asbestos and pigeon droppings. The Town Administrator is looking at cost for the best way to move forward.

6. Citizen/Business Time

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Mrs. Ruth Armstrong, of Steinbeck Street asks when will the Senior Center be open, the Chairman did inform Ms. Armstrong that the center just opened and that the grand opening will be July 11th. Ms. Armstrong thanked the Board.

7. 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 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to accept the 6 pcs of correspondence as presented. A status update request by the Board from the Conservation Commission on the remote aircraft hearing, the Board would like to see a draft of the conditions. Board of Selectmen's Meeting Minutes – June 8, 2015



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The Conservation Commission is going over the conditions at their next meeting (June 23) and to submit the conditions to the Board for their next meeting on Monday, July 13th. A question of which Board hears and approves the request, Town Counsel says that the Selectmen make the decision on this parcel. The deed does not show any conservation restriction, thus the Board of Selectmen will need to follow up with the intent of the purchase and correct the deed.

8. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #49VET for \$7,421.14 on 6/8/2015; Warrant #49S for \$294,598.02 on 6/8/2015; Warrant #49B for \$2,589,293.95 on 6/8/2015; Warrant #49B2 for \$19,660.00 on 6/8/2015; Warrant #50P for \$884,584.59 on 6/15/2015; Warrant #50B for \$716,280.04 on 6/15/2015; Warrant #Teacher/Nurse Summer Pay #1 for \$404,428.32 on 6/18/2015; Warrant #Teacher/Nurse Summer Pay #2 for \$404,428.32 on 6/18/2015; Warrant #Teacher/Nurse Summer Pay #3 for \$404,428.32 on 6/18/2015; Warrant #Teacher/Nurse Summer Pay #4 for \$404,428.32 on 6/18/2015; Warrant #Teacher/Nurse Summer Pay #5 for \$397,474.85 on 6/18/2015; Warrant #51B for \$1,722,718.49 on 6/22/2015; Warrant #51VET for \$4,399.99 on 6/22/2015.

9. Town Administrator's Report

- Departmental Information

The Assessors and Town Collector as asking permission to insert with the tax bill an insert informing the residents of the tax increase.

The paving is to started on Lakeview Avenue this Wednesday. The COA parking lot will also be paved this Wednesday.

The Liquor quota has H196 third reading. Counsel is reviewing the language and the construction will start on Frost and Norris on Wednesday.

10. Selectmen's Reports

Selectman Reault updated the residents on the progress on the moving of the Council on Aging from Lakeview Avenue to Westford Road. A grand opening is set for July 11 at 11AM invitations will sent out.

11. Potential Executive Session

The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to enter into Executive Session to discuss Exemption Six as stated:

- A. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body and the Chair so declares – First Parish Meeting House, Charles George Landfill.

and to exit Executive Session and to return to open session only to adjourn.

Roll Call Vote: Selectman Robert Jackson, yes; Selectman Rick Reault, yes; Selectman William Gramer, yes; Selectman Corliss Lambert, yes; Selectman Steven Nocco, yes;

12. Adjournment

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to adjourn the meeting. The meeting adjourned at 9:30 PM.



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Respectfully Submitted

Therese Gay
Admin Assistant

Approved on: Monday, July 13, 2015

Correspondence – Monday June 22, 2015

07

- 1. Letter to Mass Housing by town Administrator**
- 2. Conservation Commission – Meeting Notice**
- 3. School Committee – Meeting Notice/Agenda**
- 4. Town Counsel – O’Conley’s Pub Appeal to ABCC**
- 5. Resident Letter Re: Model Aircraft Flying at the Hunter Field.**
- 6. MHTL Attorneys – Labor & Employment Alert**