



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, July 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, June 8, 2015
 - ii. Monday, June 22, 2015
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
 - i. Monday, June 8, 2015
 - ii. Monday, June 22, 2015

3. Public Hearings

- 6:05 PM Citizens Energy Special Permit for solar array continued from June 8, 2015
- 6:30 PM The Liquor Shop Tyngsboro, Inc. transfer of All Alcohol Retail Liquor License (24 Middlesex Rd)
- 6:45 PM License Transfer (G & G transfer of stock application)
- 6:45 PM Pole Petition (REQUESTED A CONTINUANCE)

4. 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.

5. New Business

- A. Old Town Hall Host – appointment of temporary host
- B. Fill vacancy – Board of Health Administrative Assistant
- C. Authorization to borrow – Phase I West Sewer project
- D. Farmer's Market
- E. Hunter property / River Bend Flyers

6. Old Business

- A. Appointments – update
- B. GESI Realty Trust – execution of deed
- C. Authorization to Sign Contract:
 - i. Trinity Ambulance – 90-day extension
 - ii. Inter-Municipal Agreement – Tyngsborough/Dracut (Veterans Agent)





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7. Citizen/Business Time

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8. Correspondence

9. Review of Weekly Warrants

10. Town Administrator's Report

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

11. Selectmen's Reports

12. Executive Session

- A. Exemption 6. 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
- B. Exemption 3. To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares – Mid-Managers, Highway Union, Clerical, Contract, and Bylaw Employees
- C. Exemption 3. To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – Possible litigation

13. Adjournment

Future Meetings

Monday, August 10, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, August 24, 2015 at Tyngsborough Town Offices, 25 Bryants Lane





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Board of Selectmen Meeting Minutes

APPROVED

Monday, July 13, 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: 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 Session Meeting Minutes for Review/Approval

i. Monday, June 8, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday June 8, 2015. (Selectman Lambert abstains from voting)

ii. Monday, June 22, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday June 22, 2015. (Selectman Lambert abstains from voting)

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

i. Monday, June 8, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve but not release the executive session minutes of Monday June 8, 2015. (Selectman Lambert abstains from voting)

ii. Monday, June 22, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve but not release the executive session minutes of Monday June 8, 2015. (Selectman Lambert abstains from voting)

3. Public Hearings

6:05 PM Citizens Energy Special Permit for solar array continued from June 8, 2015

The Chairman continued the hearing from June 8, 2015 for Citizen's Enterprises Corp for a Solar Array development to be placed at the Charles George Landfill location. The chairman invited the representatives to come forward. Ms. Emma Kosciak, manager of Solar Development has submitted a letter to the Board and gave a brief history on the payment of the back taxes. Ms. Kosciak speaking for Citizen's proposes to pay the \$214,993.56 of outstanding taxes owed on behalf of the landowner, in order to resolve the back taxes and associated lien and allow the permitting and construction of the solar project. Citizens and the landowner has worked out a separate



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arrangement go compensate Citizens for this up-front capital expenditure. In addition, Citizens will pay all real estate taxes on the property, and all personal property taxes for the solar equipment for the life of the solar project.

The Town has hired the consulting firm of Whitman and Bingham to review the project and to submit a report. A copy of the report was sent to Tighe & Bond. Tighe & Bond replied as follows:

General Comments:

- 1) As is widely known and stated in the application, a large portion of the proposed solar photovoltaic array (array) is being constructed on the landfill cap of the Charles-George landfill. As such, this project requires permitting both on the state level (Mass DEP Post-Use Closure Permit(s) and on the federal level with the United States Environmental Protection Agency (USEPA) as the landfill is designated as a Superfund site. The structural integrity of the landfill cap is a major priority for this project. The applicant must provide information regarding the geotechnical settlement and stability of the underlying cap both short-term during construction and long-term over the life of the solar array. This information was not provided in the application materials.

This information will be required for the post-use permit(s) that were previously mentioned. The Board should, at the very least require to be copied on all correspondence from the applicant to any and all other permitting authorities regarding this issue.

Answer: A copy of the Request for Approval from the Department of Environmental Protection (it is in the process of reviewing) and US EPA will be provided to the Board of Selectmen. As noted above, project impacts to the landfill cap are within the jurisdiction of Mass DEP and the EPA.

- 2) The application states that no new fencing is being installed except around the four (4) new equipment pads. The application further states that the new fence poles will be cast into the equipment pads. No information regarding the height of fencing, gating, and/or details of the equipment pad(s) were provided. The applicant should also confirm that the existing fence height meets current National Electric Code (NEC).

Answer: National Electric Code requires either a 7' chain link fence or a 6' chain link fence with barbed wire. The existing fencing at the side is consistently 8' tall with barbed wire, which exceeds electrical code requirements.

- 3) The application materials describe the "decommissioning" of the solar array system following the expiration of the lease agreement between the solar developer and the landowner. Although the Town of Tyngsborough does not have a solar bylaw requiring it, most municipalities require a bond be in place for such future activities.

Answer: Decommissioning is a requirement of MassDEP and the EPA. A surety will be provided to those entities.

- 4) In order to avoid damage to the landfill cap, the applicant is proposing all electrical conduit runs to be placed above ground in the area(s) of the cap. The site plan shows a detail for "Cable Ladder Tray or Overland Conduit". However, the detail does not show any minimum height above grade or maximum spanning required for the overland conduit. The applicant should confirm that a minimum height is/is not required to meet current NEC codes.

Answer: Final electrical design will be completed prior to the Applicant's request for an electrical permit from the Town. The final electrical design will include details as necessary with the NEC for height and spanning of conduits.

- 5) A portion of the southwesterly array (shown on Sheet 9 of the site plans) is proposed to be erected directly over "LFG Collection Piping". The applicant should provide information that the proposed ballast system will not impact the integrity of the collection piping or relocate the panels from over the piping.

Answer: Structural loading analysis and pipe crushing analysis has been provided to MassDEP and the US EPA in the request for Approval.



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- 6) A portion of the Southwesterly array (shown on Sheet 9 of the site plans) is proposed to be erected on top of the existing rip rap slope. It appears, after a cursory review, that there is enough area to relocate these panels. The applicant should provide an explanation of why panels must be located there.

Answer: The geotechnical analysis in the MassDEP and US EPA Request for Approval has addressed the locations where the array panels extends into the rip rap slope. Due to electrical efficiencies, the layout as shown in this location helps to optimize energy production, as opposed to breaking it up into smaller areas on the site.

- 7) The applicant should label the proposed contours for the existing access road regrading on Sheet 9 to aid the plan reader.

Answer: We will provide updated drawings that depict additional contour labels.

- 8) The submitted site plans call for "Modified Rock Fill" to be placed along slopes greater than 34H:1V and at areas approximate to culverts. Not detail(s) was found describing the modified rock fill.

Answer: Additional detail will be provided on the modified rock fill in the updated drawings.

- 9) The stormwater velocity at the outlet end of proposed Culvert 2R is almost 15 feet per second (FPS) during the 100-year storm. The applicant should provide calculations that the stone pad at the outlet is designed for this velocity.

Answer: Attached calculations show a 12' stone pad to address outlet velocity for the 100 year storm. The detail will be updated accordingly on the revised drawings.

The Board on the advice from Town Counsel asked the applicants to propose a decision for the Board and Town Counsel to review and will meet at the next meeting to grant or not to grant the project.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to the Meeting of July 27, 2015 at 6:05 PM at the Town Offices, 25 Bryants Lane.

6:30 PM The Liquor Shop Tyngsboro, Inc. transfer of All Alcohol Retail Liquor License (24 Middlesex Rd)

The Board received an application for a transfer of an all alcoholic package store license by Mr. Mohammed A Shakourian from The Liquor Shop Tyngsboro, 440 Middlesex Road Mr. George Miamis, Manager. The transfer was advertised and the abutters notified. A CORI check was completed by the Tyngsborough Police, no violations were found.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the hearing. Selectman Jackson read the legal notice.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to waive the ready of the abutters' list.

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

The Chairman invited Mr. Mohammed A. Shakourian and Attorney Gregory Curtis to come forward and gave a brief history on the liquor license to be transferred. Mr. Shakourian is hoping to open the store within 60 to 90 days after the approval from the ABCC. There will be some interior remodeling of the building to house a package store. Mr. Shakourian has had a wine and malt license at a store located on Methuen.

The Chairman asked if there was anyone who wished to speak in favor of the petition, no one came forward. The Chairman asked if there was anyone who wished to speak against the petition, one resident came forward, Ms. Baker of Frist Street. Her concern was the increase in traffic in the area. The Board will speak with the Chief of Police and will address any issues.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to close the evidentiary portion of the hearing.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the petition to transfer the all alcoholic beverages package store license to Mr. Mohammed A Shakourian at 24 Middlesex Road Tyngsborough, MA.



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6:45 PM License Transfer (G & G transfer of stock application)

The Board received and reviewed the petition for the transfer of stocks for Laxmaminarayan, Inc. DBA G&G Liquors, Inc. The transfer was advertised, no abutters needed to be notified. The Police Department completed a CORI check, no violation were found.

The Board voted 5-0 on a motion by Selectman Nocco, second by Selectman Gramer to open the hearing.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Nocco to waive the reading of the legal notice and to open the evidentiary portion of hearing.

The Chairman asked for the petitioners to come forward and present their petition. Mr. and Mrs. Patel came forward and stated that they are remodeling the store and needed some extra money, and also to assist with the operating hours, to accomplish this they have sold 60% of the stocks to Nileshkumar Patel. Mrs. Brinda Patel will remain as the manager of record on the license. The only change is adding a stockholder.

The Chairman asked if there was anyone who wished to speak in favor of the petition, no one came forward.

The Chairman asked if there was anyone who wished to speak against the petition, no one came forward.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to close the evidentiary portion of the hearing.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer go approve the transfer of stock to Nileshkumar Patel.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to close the hearing.

6:45 PM Pole Petition (REQUESTED A CONTINUANCE)

Mr. Joe Gleason the right of way manager was not able to attend this evening and asked if the meeting could be continued.

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

4. 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.

5. New Business

A. Old Town Hall Host – appointment of temporary host

At a meeting In October of 2014 the Board hired Mr. Ernie Roy as the temporary Old Town Hall host. Mr. Roy worked in that capacity as the senior work off program. As the senior work off program is coming to an end and due to the increase popularity in the use of the Old town Hall, it is recommended that the Board appoint Mr. Roy, in a temporary capacity, to serve as the Old Town Hall Host.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to appoint Mr. Ernie Roy to serve as the temporary Old Town Hall host until the start of the next Senior Tax Work-off Program, or until the Board determines an alternative plan.

B. Fill vacancy – Board of Health Administrative Assistant

The Administrative Assistant for the Health Department, has submitted her resignation. The position is currently a part-time, benefitted position within the clerical union. The position is a Grade 5 (\$15.47/hr.) and is funded for 22 hours per week which includes night meetings when necessary. A recommendation would be to authorize the Town Administrator fill the position and advertise to fill the position.



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The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to authorize the Town Administrator to fill the vacant position of Administrative Assistant and advertise to fill that position.

C. Authorization to borrow – Phase I West Sewer project

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer the following motion: Whereas, the Tyngsborough Board of Selectmen, in coordination with the Tyngsborough Sewer Commission, after thorough investigation, have determined that the work activity consisting of: Phase I West Sewer Construction is both in the public interest and necessary to protect the public health, and that to undertake this activity, it is necessary to apply for assistance; and

Whereas, the Massachusetts Department of Environmental Protection (the "MassDEP") and the Massachusetts Clean Water Trust (the "Trust") of the Commonwealth of Massachusetts, pursuant to Chapter 21 and Chapter 29C of the General Laws of the Commonwealth ("Chapter 21" and "Chapter 29C") are authorized to make loans to municipalities for the purpose of funding planning and construction activities relative to Water Pollution Abatement Projects; and

Whereas, the Applicant has examined the provisions of the Act, Chapter 21 and Chapter 29C, and believes it to be in the public interest to file a loan application.

NOW, THEREFORE, BE IT RESOLVED by the Tyngsborough Board of Selectmen, in coordination with the Tyngsborough Sewer Commission, as follows: 1) That the Office of the Town Treasurer is hereby authorized on behalf of the Applicant to file applications and execute agreements for grant and/or loan assistance as well as furnishing such information, data and documents pertaining to the applicant for a grant(s) and/or loan(s) as may be required; and otherwise to act as the authorized representative of the Applicant in connection with this application; a) That the purpose of said loan(s), if awarded, shall be to fund construction activities. b) That if said award is made the Applicant agrees to pay those costs, which constitute the required Applicant's share of the project cost.

(Selectmen Lambert abstained from voting.)

D. Farmer's Market

Deferred to the next scheduled meeting.

E. Hunter property / River Bend Flyers

The Assistant Town Administrator sent a memo to the Conservation Commission's Director asking Mr. Marro regarding the remote controlled (R/C aviation request – River road. The following is a transcription of the memo: At the Board of Selectmen's December 8th meeting, the Board discussed the request for use of town property to be able to fly remote control model aircrafts. Ultimately the Board expressed interest in obtaining the Conservation Commission's position on the request of the River Road parcels for this purpose.

History:

In August, based on the attached request from resident Mr. Ken Pappas, the Board of Selectmen and the Conservation Commission had separately discussed this item in their meeting. The attached packet of information was provided to the Board of Selectmen, and it is my understanding that you had provided your report, you had identified that the so-called "River Road" parcels (assessors Map 19, Lots 50 & 51) appeared to be the best fit for the proposed use. Board members noted the following preliminary requests and/or concerns:



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1. The use of cameras on R/C aircrafts may potentially be permitted for navigation, but shall not include cameras which will invade privacy of residents.
2. Where it is believed that the intended use of the properties are for passive recreation, and it is believed that passive recreational land does not permit motorized items and therefore motorized aircrafts may not be an appropriate use of the parcels, however the Board member deferred to the Conservation Commission to ensure that this is harmonious with the use of the parcels.
3. Any Federal Aviation Administration requirements should govern the use of this property.
4. If this proposed use is supported by both Boards, a public hearing on the matter should occur to understand abutter concerns, if any.

In a preliminary review conducted by Town Counsel, it appears that the parcels of land described above may not have been filed correctly at the Registry of Deeds, whereas, they make no reference to the Conservation Commission. The intent of town Meeting appears however to have been that the parcels be for open space, recreation and conservation land and under the management of the Conservation Commission.

Please note that I am told by Mr. Dale Thompson, Superintendent of the Tyngsborough Water District (TWD) that a 400 foot radius should be maintained around the exploratory work being completed by the TWD. I believe that the attached site plan dated April 17, 2014, entitled Figure 2 represents this radius.

Request

The Board is asking that the Conservation Commission either schedule to meet with the Board or that the Commission take action on this request to identify whether this request for use of Assessors Map 19, Lots 50 & 51 to be able to fly remote controlled model aircrafts is supported by the Conservation Commission. Once the Conservation Commission has identified its position, further dialogue between the offices and Town Counsel will likely be needed. (End Transcription)
Selectmen's Meeting July 13th, 2015

The Conservation Commission members present this evening are Linda Bown and Brian Martin, Matt Marro the Director was also present. The Boards spoke briefly on the ownership of the Hunter property bought with CPC funds for Recreation and Conservation land. It was suggested that a third impartial third party to oversee the operation. At this time the deed and land is under the Board of Selectmen, the Board could turn it over to the Conservation Commission but will need a town Meeting vote. The Community Preservation Act states that is accepted as open space it should have the Conservation Commission regulate the activity. Town Counsel will look into for a legal opinion. The Conservation has had many hearings and has addressed all concerns, the Building Commissioner was asked to do the noise test but they do not have the equipment, the Conservation Commission had an independent review paid for out of the Conservation Funds. Has worked with the endangered species agency and with the MBTA and the B&M and they had no issues. Everyone feels that the Conservation Commission has done their due diligence. A set of Rules and Regulations/Agreement/Permit has been submitted to the Board of Selectmen to review and to have Town Counsel review. The permit should not give exclusive use of the field to one organization. The fields are already being used, the field is for passive recreation and motorized aircrafts is a passive activity. There are no regulations in effect and the Board has the responsibility to place rules and regulations. The road is considered private and the width of the road has caused some litigation in the past. It is a private way and people can use it. There has been some noise complaints on the activity and how to police rules and enforce the activity. The conservation Director has spoken to the Police Chief about signage indicating that no flying on the



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property unless affiliated with a flyers club, police will patrol and the Conservation Director will also be policing the activity.

Selectman Nocco would like to listen to the town's people, and is concerned on what money will be sued, the funds will come out of the Conservation Commission funds to cover the signs and there will no overtime for the Director.

Selectman Lambert is aware of the concerns by the neighbors and has watched the Conservation Commission meetings has entertained issues but has not addressed the safety concerns.

Selectman Gramer did watch the footage and is interested in the regulation enforcement and the liability insurance and if it is active or passive recreation.

It was reported that the Club was clearing a runway, they did some mowing and has replanted.

Question – did they put up any fencing? No it is being maintained as a grass area, they will take their equipment with them when they are done.

The Conservation Commission has given approval, if the Board makes any changes does it have to go back to the Conservation Commission. Question =- where did the regulations come from, The Director answered from the applicant and neighbors and his notes and will have Town Counsel to review.

Selectman Jackson would like to hear from the neighbors, no debates but to let us know of the concerns.

Attorney Peter Nicosia, representing Mr. and Mrs. Parlee's, of Parlee's Farm Farwell Road, concerns. All documents are available and applauds the Conservation Commission for their in depth hearings. As a matter of lawn the Board of Selectmen are the authority, he asked that no decision tonight and to look at all of the Conservation Commissions documentation. His clients have a concern that is not resolved and could not be resolved. Thousands of patrons are the big concerns, all issues were addressed but safety is a great concern and should be addressed. The rules state that the motorized aircrafts are not to exceed its bounds which is near the picking fields, the planes are large, at least 6 feet in length and very heavy. The flight pattern are very close to the field, planes have crashed, and there is a lot of foot traffic, mostly by none residents. There is nothing in the regulations that Conservation Commission has approved. The applicant is on social media saying they have permission. There is an issue with planes flying over the railroad and fields is a blatant violation. In an e-mail from Mr. Pappas that they did not go over the field. The interest of the patrons outweigh the use by the flyers. The attorney ask that the Board of Selectmen look at the safety.

The board has considered these issues, the Conservation Commission did address the losing of control of the aircrafts.

Mr. Allen Curseaden, River Road came forward and he has two issues one is the width of the road, the cul-de-sac is only 2 feet wide, there have been a number of accidents. The road would have to be brought up to the Mass Dot standards. The railroad crossing is another safety issue there is a misrepresentation to Pam Am, there has been eight accidents at that intersection already. And the Tyngsvboro Water District have gone to a great expense for their test wells it is considered in a zone 1 and it is a prohibited activity and will have to pass DEP.

Mr. Mark Loiselle, River Road also has a concern with the remote aircrafts and the safety issues they pose. Also they had not notified all of the abutters of the hearing that were conducted.

Mr. John Moran has voiced concerns on the sanitation conditions other area have porta-potties not so at the proposed fields.

Mr. Paul Chisolm asked who would own the liability and who is liable if anything happens there.



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Selectman Gramer answers the clubs are supposed to purchase liability insurance and the town can be named as an insured.

Mr. Greg Gabriel of 6 Helena Drive says that since the article the traffic has increase and safety is a real issue. These club members are making the way for a full blown airfield. The road way, whose responsibility is it to bring it up to grade? With all of these issues that are being discussed this evening the Board should stop the club from flying as a club.

Ms. Kim Campbell stated she had not been notified of the hearings.

The Board will schedule a meeting with the Conservation Commission and Town Counsel to discuss the issues.

Selectman Gramer public notice is ultimately up to the Board and notifying abutters is not a statutory requirement. A certificate of mailing was sent to the abutters.

Selectman Lambert thanked the Conservation Commission, they did not ask for this and you took it on and did the task. Tonight we heard about some potential issues that need to be addressed.

The Board voted 5-0 on a motion by Selectman Gramer to not fly the planes until final approval; and to ask the Town Administrator send a letter to Mr. Pappas that it is not passive recreation and suspend flying activity temporarily.

The safety of the road will be reviewed at the August 10th meeting.

6. Old Business

A. Appointments – update

At the last meeting the Board voted to make annual appointments for may volunteer positions throughout the community. After reaching out to everyone identified they were still a few open positions that should be filled. 1) Recreation & Park Commission (vacancy); 2) Government Study Commission (Eileen Farrell); 3) Parking Clerk (Gene Spickler) this position is under review and will present at a future time. The office posted the open positions on the website and have asked that people submit a letter of interest to the Town Administrator's Office. At our next meeting we will present names for the Board to consider.

There are a few appointments that have been presented for modification or as an addition. The following individuals are recommended for annual appointments at this time: Three year Terms: Mr. Harvey Miller to the Zoning Board of Appeals (Associate). For the One year term: Lt. John Colburn to Station 3.

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Nocco to appoint Adriana Gioumbakis as a full time member to the Zoning Board of Appeals for a three year term expiring June 2018.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Nocco, to appoint Harvey Miller as an Associate Member to the Zoning Board of Appeals for a three year term expiring June 30, 2018.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to appoint Lt. John Colburn to Fire Station 3 for a one-year term expiring June 30, 2016.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Nocco to appoint Karyn Puleo as a Citizen at Large to the Government Study Commission.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Nocco to appoint Selectman William Gramer as the Selectman's 2nd representative on the Capital Asset Management Commission.

B. GESI Realty Trust – execution of deed



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A real estate conveyance on Althea Avenue – Lots 32 and 33 to GESI Realty Trust.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to authorize the Chairman to sign the deed as presented by Town Counsel

C. Authorization to Sign Contract:

i. Trinity Ambulance – 90-day extension

The Trinity Ambulance Representative and the office has had discussions in regards to extending the contract for a 90-day period in order for the Town to weigh its options moving forward.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to extend the current contract with Trinity EMS, Inc. for a period of 90-days. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert go authorize the Town Administrator to ratify the extension agreement.

ii. Inter-Municipal Agreement – Tyngsborough/Dracut (Veterans Agent)

The Town of Dracut has requested assistance from Tyngsborough to help with their vacant Veterans Office. Dracut is in the process of filling that position but wanted to secure some assistance while managing the hiring process. Our office proposed an Inter-Municipal Agreement with Dracut to help defray the cost of our Veterans Agent working for the Town of Dracut. Dracut will pay the Town of Tyngsborough to cover those costs. The fee will include the employee's true cost to the Town. The period of time will extend from July 20, 2015 to approximately September 1, 2015. Our Veterans' Agent will keep officer hours in Tyngsborough as well as Dracut and will be accessible by cell phone when out of the office assisting Dracut. This is a temporary arrangement and should not negatively impact the services provided to Tyngsborough veterans.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to execute the Inter-Municipal Agreement between the town of Tyngsborough and the Town of Dracut to allow the Town's Veterans' Agent to assist Dracut on a temporary basis.

7. 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.

8. Correspondence

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to accept the 18 pieces of correspondence as presented.

9. Review of Weekly Warrants

The Town Administrator read the following warrants: Warrant #1Vet for \$7,368.37 on 7/26/2015; Warrant # 53Vet for \$577.78 on 6/30/2015; Warrant #1B for \$2,160,419.24 on 7/06/2015; Warrant #53B for \$444,557.81 on 6/30/2015; Warrant #52P for \$443,006.44 on 6/29/2015; Warrant #54B for \$192,156.82 on 6/30/2015; Warrant #54S(332) for \$362,847.68 on 6/30/2015; Warrant #54S for \$152,815.28 on 6/30/2015; Warrant #2Vet for \$1,161.02 on 7/13/2015; Warrant #2B for \$404,424.57 on 7/13/2015; Warrant #Fy16 Custodial Separate Pay for \$15,903.08 on 7/13/2015; Warrant #54P(FY15) and \$2P (FY16) for \$457,177.00 On 6/30/2015 and 7/13/2015.



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

10. Town Administrator's Report

▪ Departmental Information

The Administrator reported on the server crash the town hall experienced during June. The Administration had asked for a transfer of funds from the Finance Committee and they approved the \$20,000+.

The Administrator has provided the Board with a memo detailing the steps taken following the crash. And a new server has been ordered and will be delivered in late July/early August.

The Planning Board has approved the Special Permit for a commercial building/business at 300 Potash Hill Road, a resident at 100 Potash Hill Road has filed an appeal.

The HNTB, Mass DOT has sent a memo informing the town that they will be doing an inspection of bridge within a couple of days. The Board asks that they might take a look at the deteriorating sidewalks and also the light that out on the bridge.

11. Selectmen's Reports

Chairman Reault spoke briefly on the grand opening of the new Senior Center, they are open for business and reports that there are new members and new programs being offered.

12. Executive Session

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to enter into executive session to discuss the following exemptions:

- A. Exemption 6. 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
- B. Exemption 3. To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares – Mid-Managers, Highway Union, Clerical, Contract, and Bylaw Employees
- C. Exemption 3. To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – Possible litigation

and to exit the 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. The Board entered into Executive Session at 9:25 PM.

13. Adjournment

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

The meeting adjourned at 10:10 PM.

Respectfully submitted by

Therese Gay
Admin. Assistant

Approved on: Monday, July 27, 2015

