



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 Minutes **APPROVED**

Monday, August 10, 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, 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, July 27, 2015

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday July 27, 2015, amending the vote for agenda item 5A, Request for Comment for 10 Poitras Ave. to reflect 4-0-1 with Selectman Nocco abstaining from discussion or vote. (Selectman Lambert abstains from voting)

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. 6:05 PM Public Hearings

A. Liquor Shop revocation hearing (continued until complete)

The Board voted to transfer the all alcohol package store license from The Liquor Shop to a new location at 24 Middlesex Road at a previous public hearing. The transaction is not yet completed as we are awaiting the final approval from the ABCC. The recommendation is to continue this hearing to September 14 in order for the applicant to complete the transaction.

The Board voted 5-0-0 to continue the hearing for The Liquor Shop to Monday, September 14, 2015 at 6:05 PM., at the Town Offices, 25 Bryants Lane, Tyngsborough, MA 01879.

B. Pole Petition - Farwell Road (continued from July 13)

Mr. Joe Gleason, Esq., Verizon Rights of Way Agent was present to present Verizon's petition for a stub pole to be placed on Farwell Road. This stub pole is a mid-point support for the wires on Farwell Road.

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The Chairman asked if the board had any questions, none voiced. The Chairman asked if any abutters present had any questions. An abutter asked if there would be any tree cuttings, Mr. Gleason assumed there would be none, if trees to be cut or branches to be pruned Verizon would have contacted the town if the tree is within the public right-of-way and would contact the property owner if the tree is on private land.

Hearing no further comments the Chairman entertained a motion to close the hearing.

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

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to grant the petition to Verizon as presented by Mr. Gleason.

5. 6:30 PM Public Hearings (continued from July 27)

A. Citizens Tyngsborough Solar, LLC Special Permit for photovoltaic solar array

The Board met with Tyngsborough Solar, LLC to discuss the final draft of the Special Permit Decisions and Conditions, The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the final form of the Special Permit Decision as discussed and voted to approve in principle on at the Monday, July 27, 2015. The Special Permit Decisions is as follows: Intro - Applicant Citizens Tyngsborough Solar, LLC (amended to Tyngsborough Solar, LLC). Property Location - 500 Dunstable Road, Tyngsborough, MA shown on Assessor's Map 14, Lots 13.14. 14A, 15, and 16. Project - The construction of a 3.56 megawatt (2.43 in Tyngsborough) Solar Photovoltaic Array (the "Project") Special Permit, Zoning Bylaws Section 1.160.0 and 2.11.30. Owned by - Dunstable Road Land Properties, LLC. Findings and Decision - A Special Permit is granted by the Town of Tyngsborough Board of Selectmen (Board) to Tyngsborough Solar, LLC, (incorrectly identified in the application as Citizens Tyngsborough Solar, LLC) the Applicant) for property located at 500 Dunstable Road and commonly known as the Charles George Landfill consisting of five (5) lots, (Assessors Map 14. Lots 13, 14, 14A, 15 and 16) (the Premises) to construct a 3.56 megawatt Solar Photovoltaic Array (2.43 in Tyngsborough), Section 1.16.0 of the Zoning Bylaws Public or Private Utility Facility, and listed in Section 2.11.30, Table of Permitted uses.

6. New Business

A. Fill position at Council on Aging - Outreach Worker; Van Drivers

The Town Administrator and the Council on Aging Director has worked together over that past several weeks to coordinate the hiring of various positions at the Council-on-Aging. As the Board is aware, the Senior Center is expanding their van service for seniors. The service will be credited as part of the LRTA assessment and will not impact the Town. The expanded van service requires the hiring of additional part-time drivers. The recommendation is to hire four (4) additional part-time van drivers. The van drivers will share routes and work limited hours, keeping each driver to approximately 15 hours per week. The four candidates of appoint as van drivers are Mr. Mike Knight, Mr. Will Mercier, Mr. Jim Allen and Mr. Art Boyle. The position would start at \$13.00/hour for no more than 15 hours per week.

Additionally the role of Outreach Worker at the senior Center is vacant and the Administrator and COA Director agree that Ms. Rose McGarry would be the best fit for this important role. Ms.

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McGarry is the retired ombudsman for Merrimack Valley Elder Services and has an advanced degree in community counseling. The position would start at \$13.00/hour for 8-10 hours per week. The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint, Misters Mike Knight, Will Mercier, Jim Allen and Art Boyle as van drivers for no more than 15 hours per week at \$13.00 per hour upon a successful pre-employment testing and CORI Check, and to appoint Ms. Rose McGarry as the Outreach Worker, subject to a CORI check. All positions to start upon successful completion of pre-employment testing.

B. Ratify non-union personnel pay raise

At a recent executive session the Board voted unanimously a cost of living adjustment for salary and wages of non-union personnel. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the cost of living increase of 2% for FY16, retroactive to July 1, 2015 for all non-union personnel as identified: Ms. Therese Gay, Ms. Kimberly Morrison, Ms. Nina Nazarian, Deputy Chief Christopher Chronopoulos, Chief Richard Howe, Ms. Kerry Colburn-Dion, Ms. Julia Coughlin, Mr. Gerard Richall, Ms. Louanne Brady, Mr. Philip Molleur, Ms. Rachel Gray, and Ms. Bernadine Mercier.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the cost of living increase of 5% for FY 16, retroactive to July 1, 2015 for the non-union position of Media Director, Mr. David Machado.

C. Review of Fees

The Board have reviewed and discussed the increase of fees for the liquor licenses and common victualler licenses. The fees had not been reviewed in 10 years, the Board tasked the Town Administrator to submit not only our fee schedule but to poll the surrounding town's for their schedule for comparison. The Administrator will submit and the Board will review and discuss the fees at the next Selectmen's meeting on Monday August 24, 2015. It was suggested that we examine the Old Town Hall fees as well.

7. Old Business

A. First Parish Meeting House – RFP update

The Administrator updated the Board on the RFP for the First Parish Meeting House for repairs to the building. The phase 1 of the process was to contract CBI to outline what is to be done, now will need to amend the contract for phase 2 and a time line for completion. The Board will have the information for the next Selectmen's meeting. A concern is to give consideration to the winterizing of the building before the Winter sets in, and to continue the repairs in the Spring.

B. Assistant Town Administrator – proposed/recommend change(s)

A brief discussion on the job description of the assistant town administrator's position. The Administrator recommends only minor modifications to the job description and the Board was provided a copy of the job description. The Administrator has met with the assistant town administrator and was provided with a better understanding of the Tyngsborough's policies, activities, and administration that the assistant was managing for the office. The Administrator feels the role that needs to be filled in the office would be project management, overseeing contract development, procurement, information technology support and daily administrative tasks. The Board will discuss the changes to the job description at their next schedule meeting.

C. Authorization to Sign Contract:

- i. Trinity Ambulance – 1 year extension

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The Trinity Ambulance Service Agreement expired on July 1, 2015. The Selectmen authorized the Administrator to extend the contract for a 90-day period in order for the Town to weigh in options moving forward. Because the current ambulance study is nearly complete the administrator recommended extending the contract for the remainder of the fiscal year. Trinity will remain in place and will continue to serve the residents of Tyngsborough with the same contract terms in place.

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Gramer to authorize the Town Administrator to extend the current contract with Trinity EMS, Inc. for a period ending June 30, 2016.

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 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.

Mr. Charles Doughty, 10 Upton Drive came forward to ask about the waving of the penalties and fines associated with the Charles George Landfill. The Selectmen explained that the fees and penalties waived were on the parcel of the capped landfill and that it is in the possession of the DEP and EPA. The Town will not take the reclamation property for non-payment of taxes as the fees and fines will be waived by the Dept. of Revenue.

9. Correspondence

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Gramer to accept the 11 pcs of correspondence submitted. The Chairman recognized Mr. Herb Desrosiers for his service to the School Committee and the Town serving also on the GLVTHS Committee representing the Town.

10. Review of Weekly Warrants

The Town Administrator read the following weekly warrant: Warrant #5B for \$131,583.03 on 8/3/2015; Warrant # 6P for \$427,926.02 on 8/10/2015; Warrant #6Vet for \$8,359.76 on 8/10/2015; Warrant #6S for \$294,819.56 on 8/10/2015; Warrant #6B for \$499,309.84 on 8/10/2015.

11. Town Administrator's Report

▪ Departmental Information

The Highway Dept. is looking to purchase a new truck using Chapter 90 monies and separate monies to purchase the plow and sander. The Board will review at their next scheduled meeting. The Administrator will contact the Superintendent of Schools and will schedule a joint meeting to appoint new school committee member.

The FEMA agency is running behind their normal process, will check with the Highway Dept. tomorrow for more information.

As the Board knows the Winslow School Bldg. has a number of breaks ins and the Administration is working with the Highway Dept., Fire Dept., and the Police Dept. in looking for types of alarms to install, and to make the building more visible. The discussion of removing the stored documents and to find a way/place to store them.

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12. Selectmen's Reports

Selectman Lambert stated that the town should probably start thinking about updating its Master Plan, questions details of the 40B progress, it has been 8 to 10 years where Mass Legislation has taken hold of some control and would like to see the Town take more control.

Selectman Jackson there will be upcoming meetings for ongoing road projects and to look at Chapter 90 monies for next year. The Government Study Commission had their first meeting and discussed wrapping up the work they are doing, and to have a final report to bring to the Selectmen. Mentioned the generation of fees charged in Town, need signs stating fines and fees for littering, there is substantial amount of litter and there is no policy governing it.

13. Executive Session

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to enter into executive session to discuss exemption 6 as stated below, and to return to open only to adjourn. Roll Call Vote: Selectman Steven Nocco, yes; Selectman Corliss Lambert, yes; Selectman William Gramer, yes; Selectman Rick Reault, yes; Selectman Robert Jackson, yes. The Board entered into Executive Session at 7:35 PM.

- 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 - Sunberg/Le Tourneau College property off Farwell Road

14. Adjournment

The Board voted 5-0-0 on a motion by Selectman Nocco, second by Selectman Lambert, to adjourn the meeting. The meeting adjourned at 7:55 PM.

Respectfully submitted

Approved on Monday, August 24, 2015

Therese Gay
Admin Assistant

