



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, November 16, 2015 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman William Gramer, Selectman Robert Jackson, 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 - www.tyngsboroughma.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, November 2, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Nocco, to approve the minutes of Monday November 2, 2015. (Selectman Lambert abstained from voting on the minutes)

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

i. Monday, November 2, 2015

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Nocco, to approve, but not release the executive session minutes of Monday November 2, 2015. (Selectman Lambert abstained from voting on the executive session minutes)

3. 6:05PM Public Hearing

A. Tyngsborough Sports Center Realty Trust, Potash Hill Road: Attorney Peter Nicosia, Special Permit/Site Plan Review - continued from November 2, 2015

The Administrator is working with David E. Ross Associates, Inc., (DRA) and the Conservation Commission on reviewing the above project. DRA sent correspondence as to their findings. DRA is also working on drainage and stormwater related items with the Conservation Commission. The Administrator recommends continuing the hearing to the meeting on Monday, November 30, 2015 at 6:45 pm. Attorney Nicosia was in attendance as was Mr. Darryl Wickens, and Engineer Mr. Lee. Also in attendance was Mr. Oliva from Ross Associate. Mr. Oliva conducted the peer review and has forward the report to Mr. Lee. A brief discussion on the review there were no issues bus is looking for additional information which will be sent. Selectman Lambert has requested that Mr. Lee prepare and submit a written response to the Board.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to Monday, November 30, 2015 at 6:45 PM at the Town Offices, 25 Bryants Lane.

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4. 6:309PM Public Hearing: Tax Classification

A. The Proposed Tax Rate: Lauren Woekel, chief Assessor

The Board of Assessors has put together a packet for the Tax Classification Hearing. The hearing was advertised in the Lowell Sun on November 5, and November 9, 2015. The average residential tax bill is anticipated to increase approximately \$218.00. New growth is estimated at \$302,680 up from \$186,409 in FY 15.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve a tax classification factor of "1" for Fiscal Year 2016.

5. New Business

A. Appointments:

i. Assistant Town Administrator

The Administrator, Selectmen Reault and Lambert has been working over the past several weeks to fill the vacant position of Assistant Town Administrator. The position was advertised in-house, in the Lowell Sun and on the Massachusetts Municipal Association (MMA) website. After reviewing approximately 48 resumes for the position and narrowing the field of candidates down to five finalists. Interviews were held and it was determined that the best candidate is Matthew Hanson. This is a non-union, exempt, salaried position with benefits provided per the Town's Personnel Bylaw. Pending a successful CORI check and the completion of the state-mandated Conflict of Interest training, it is recommended that Mr. Hanson be appointed as the Assistant Town Administrator with a starting annual salary of \$66,000. There is a probationary period of six months. If Mr. Hanson receives a positive evaluation after six-months a 5% increase would be provided.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint Matthew Hanson to the position of Assistant Town Administrator as outline above with a start day of November 30, 2015.

ii. Board of health Administrative Assistant

The Administrator has been working with the Health Agent, over the past several months to fill the vacant position of Health Assistant. The position has been vacant since the former assistant resigned this summer. The position is a part-time 22-hour per week hourly position. The Health Assistant is a Grade 5 position. The Administrator recommends that Ms. Looney be hired at Grade 5 (step 2), with an hourly rate of \$15.82. The Board of Health voted to ratify the appointment of Tracie Looney to the position of Health Assistant at their monthly meeting on November 9, 2015. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to ratify the appointment of Tracie Looney to the position of Health Assistant as outlined above with a start date of November 17, 2015.

B. Requests for Liquor Licenses:

i. Education Foundation Tyngsborough (EFT) - request for Two-day liquor lic.

The EFT has applied for the use of the Old Town Hall for one of their organization's signature fundraising events. The EFT is requesting a special liquor license and request that the fee be waived, the EFT will provide the Town of Tyngsborough with liability insurance for the event. The EFT is requesting that the Board also waive the special liquor license fee.

The Board of Selectmen **voted 4-0-1 on a motion by Selectman Gramer**, second by Selectman Lambert to approve (Selectman Jackson abstaining) the request for a two-day special license for





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January 8 & 9, 2016 for the Interactive Dinner Theater for approximately 120 guest between the hours 6:30 pm to 10:30 pm.

The Board of Selectmen voted 4-0-1 on a motion by Selectman Gramer, second by Selectman Lambert to waive the special one day license fee of \$100.00.

ii. Grad Night – request for one-day liquor license

The President of the Tyngsboro High School Grad Night Committee has requesting the use of the Old Town Hall for their major fundraiser. The event if once again a comedy night and some silent auction offerings. The Committee is requesting a waiver of the general liability insurance requirement, the umbrella liability requirement and the security deposit.

The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the request for a one-day special license for Saturday, March 26, 2016 for the Comedy Night and the Silent Auction for approximately 150 guest between the hours of 7:00 pm to 11:00 pm.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Lambert to waive the general liability insurance, the umbrella liability requirement and the security deposit.

C. Ambulance Study – Update

The Ambulance Study Committee is nearing completion of their final report. The Committee members will be available to answer any questions the Board may have in regards to the draft report. Members of the Committee attended the Selectmen Mr. Art Michaud, Board of Fire Engineers, Chief Tim Madden, Darryl Wickens, Finance Committee and Accountant Catherine Gabriel and Treasurer Kerry Colburn-Dion, presented a brief summary of the report, the purpose has been to view, evaluate and make recommendations regarding the addition of an ambulance as a Tyngsborough Fire Department responsibility and service. Their findings is that it is operationally and financially feasible for the TYFD to operate a Basic Life Support transporting ambulance beginning in FY2017. The medical emergencies demand is increasing, the revenue projection is money is leaving town, the Fire Department ambulance is the future of the FD, it will add 2 new FD positions and will enable TYFD to operate a BLS ambulance 14/7. The Committee is recommending a warrant article be placed on the Annual Town Meeting Warrant to establish an Enterprise Fund for the FD.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to support the recommendation to place an article for the Special Town Meeting Warrant to establish an Enterprise Fund. The Committee will have a public information session the first week in December for residents to attend and gather more information.

D. Request to fill vacancies – Media/IT Admin

The Administrator presented the Board with the recommendation that the position of Media Programmer and I. T. Administrator be two separate positions. The Media Programmer will continue to be funded through the PEG account. The I.T. Administrator position, which has been identified as an 18-hour a week position can be funded through Department 193 – Information Technology. There are existing funds in place to hire a part-time employee for the six months remaining in FY16. For FY17, anticipated revenues would cover the additional cost of roughly \$17,000. The position would be a non-benefitted, part-time position with an annual salary of approximately \$27,500 in FY17 as outlined in the job description. The position would be under the Personnel bylaw and would have an hourly rate of approximately \$29.35/hour in FY17.





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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 modify the Media Programmer position to reflect the oversight of establishing a media studio; and managing that facility, to remove the information technology portion of the Media Programmer job description; and to create a separate part-time position identified as "I.T. Administrator" per the new job description; and to advertise for the two positions.

6. Old Business

A. Proposed: 40R/Frost Road & Lakeview Ave. – Atty. Peter Nicosia

Attorney Nicosia with Mr. Cox was before the Board to continue their presentation of the proposed "mixed-use" development consisting of commercial, single family residential, and multi-family residential. The project is described as a 40-R Smart Growth Overlay District Development. The location is nestled in a heavily wooded areas of tall pine trees in Tyngsborough, Massachusetts within close proximity of US Route 3. This project is called Pine Ridge Village and it is a development of Veterans Hope Foundation, Inc. which is a domestic for-profit organization. The company's focus is in adult communities and military related projects. Some of the residents that about the proposed project site attended the meeting to speak against such a project citing the increase in traffic, and noise. After some discussion the Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to set a hearing date for public input for Monday, January 11th, 2016 at 6:30 PM at the Town Offices, 25 Bryants Lane.

B. Proposed: LIP at #14 Worden Road – Atty. Doug Deschenes

The Board heard a presentation from Attorney Douglas Deschenes and Attorney Melissa Robbins at the meeting on October 19, 2015. The presentation included an overview of the Local Initiative Program (LIP) that the Department of Housing and Community Development administers. This evening Attys. Deschenes and Robbins are before the Board to speak on the proposed construction of two, 7,800 plus or minus square feet apartment buildings on the subject parcel. Worden's Grove is proposed as a 48-unit age restricted residential community. The existing building on the site will be razed. Trees will be left surrounding the site. A large cut into the existing on site topography is proposed to reduce the visual impact of the proposed building height. This project are not located within any jurisdiction buffer zones. The residents of Worden Road were present to voice their concerns and how this development will decrease their standard of living, their privacy, and safety, and property values of the residents and property owners in the area. This project will also increase noise, traffic, pollution and will place a greater burden on our public services. The Citizens present and though a signed petition are oppose and object this type of development, and also object and oppose any rezoning or variance on the property that would allow any use on the property other than what it is currently zoned for.

C. Order of Taking – final sewer easement

At the Annual Town Meeting held on June 8, 2015 Town Meeting voted to appropriate a sum of money for construction and land acquisition (easement) costs for the Phase I West Sewer System infrastructure project. Once the Board votes to take the easements the Order will be recorded at the Registry of Deeds. The Order of Taking prepared by Town Counsel along with plans identifying the easement are attached. Based on the information provided.

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer pursuant to Chapters 79 and 82 of the General Laws of Massachusetts and of any and every other power and authority in any way enabling, take by eminent domain the right and permanent and temporary easements to use for all purposes of a public sewer system. Furthermore, authorize Richard

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Result, Chairman, to execute the Order of Taking on behalf of the Board of Selectmen. (Selectman Gramer Abstains)

D. Special Town Meeting – Warrant Articles

The Board reviewed the draft Special Town Meeting Warrant. Town Counsel has reviewed the warrant and commented that Article 7 cannot be voted on at a Special town Meeting, can only be voted on at an Annual Town Meeting. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to remove Article 7, is to fix the salary and compensation of elective officers of the Town.

Article 1. is a housekeeping article the transfers the Medicaid funds to the School Department; Article 2 is another housekeeping article to pay unpaid FY15 bills; Article 3 is to accept the layout and/or relocation of Mascuppic Trail; Article 4 is to authorize the Board to enter into a payment in lieu of taxes agreement with Citizen's Energy;

Article 5 is to modify the Town's Zoning By law entitled "Mixed use Overlay District", The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to request the Planning Board to advertise and hold a public hearing on the "Mixed Use Overlay District", for the purpose of placing the question on the Warrant.

Article 6 is to restrict persons holding an elective office from seeking a second office; Article 8 CPC is looking to transfer money to purchase a piece of land on Paddock Road and Article 9 is a Citizen's Petition. The Administrator is working with Town Counsel on finalizing the Warrant and will have the warrant ready for signatures on Monday, November 23rd.

E. Town Center Buildings – discussion

There was discussion by the Board on the interest in Town about the conditions and how best to restore/repair vacant building like the Winslow School Building, the Littlefield Library Building, the now vacant Council on Aging building, the Adams barn, the First Parish Church, the consultant from CBI is placing a bid to go out to bid to fix the First Parish Church, there is a draft list of times on what needs to be done. There is a quote on the roof repair and to schedule within a week, there is no heat in the Adams barn or in the Winslow School building. With so much to do will need someone to coordinate the task of repairing the vacant buildings. Selectman Lambert has taken on the task of coordinating efforts related to the Winslow School.

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 review the 8 pieces of correspondence received and voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to accept the 8 pieces of correspondence.

9. Review of Weekly Warrants

The Administrator read the following Weekly Warrants: Warrant #19B for \$55,024.61 on 11/9/2015; Warrant # 19S for \$152,336.58 on 11/9/2015; Warrant #19VET for \$8,893.45 on 11/9/2015; Warrant 20P for \$857,7560.78 on 11/16/2015; Warrant #20B for \$784,249.49 on 11/16/2015; Warrant #20VET for \$5,990.31 on 11/16/2015.

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10. Town Administrator's Report – No report this evening.

11. Selectmen's Reports – No reports this evening.

12. Executive Session (tentative)

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to enter into executive session to discuss exemption three (3) and six (6) as stated below, and to return to open session only to adjourn. Roll Call Vote, Selectman Steven Nocco, Selectman Corliss Lambert, yes; Selectman Gramer, yes; Selectman Rick Reault, yes; Selectman Robert Jackson, yes. The Board entered into Executive Session at 9:50 PM to discuss the following:

- A. 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 – NEBPA Local 8a, SEIU Highway Union.
- B. 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.

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 10:25 PM.

Respectfully submitted

Approved on Monday, November 23, 2015

Therese Gay
Admin Assistant

Town of Tyngsborough
MASSACHUSETTS



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Board of Selectmen Meeting Notice

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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, November 2, 2015
- B. Executive Session Meeting Minutes for Review/Approval/Not Release
 - i. Monday, November 2, 2015

3. 6:05PM Public Hearing

- A. Tyngsborough Sports Center Realty Trust, Potash Hill Road: Attorney Peter Nicosia, Special Permit/Site Plan Review – continued from November 2, 2015

4. 6:309PM Public Hearing: Tax Classification

- A. Proposed Tax Rate: Lauren Woekel, chief Assessor

5. New Business

- A. Appointments:
 - i. Assistant Town Administrator
 - ii. Board of health Administrative Assistant
- B. Requests for Liquor Licenses:
 - i. Education Foundation Tyngsborough (EFT) – request for Two-day Liquor Lic.
 - ii. Grad Night – request for one-day liquor license
- C. Ambulance Study – Update
- D. Request to fill vacancies – Media/IT Admin

6. Old Business

- A. Proposed: 40R/Frost Road & Lakeview Ave. – Atty. Peter Nicosia
- B. Proposed: LIP at #14 Worden Road – Atty. Doug Deschenes
- C. Order of Taking – final sewer easement
- D. Special Town Meeting – Warrant Articles
- E. Town Center Buildings - discussion

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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 (tentative)

- A. 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 – NEBPA Local 8a, SEIU Highway Union.
- B. 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.

13. Adjournment

Future Meetings

Monday, November 23, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, November 30, 2015 at Tyngsborough Town Offices, 25 Bryants Lane

Monday, December 7, 2015 potential

Special Town Meeting: December 8

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Massachusetts