



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

Tuesday, February 16, 2016 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 Matt Hanson, 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."

The meeting scheduled for Monday, February 8, 2016 was cancelled due to the inclement weather, the Board rescheduled the meeting for Tuesday, February 16, 2016.

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, January 25, 2016

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday January 25, 2016. (Selectman Lambert abstains from voting).

3. PUBLIC HEARINGS:

A. 6:05 PM: 40 & 44 Cummings Road (Applicant: Freedom Alley Shooting Sports)

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to Monday, February 22, 2016 at 30 PM at the Town Offices, 25 Bryants Lane.

B. 6:45 PM: Pole Petition on Middlesex Road (at/near #65 Tyng Road)

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the hearing, and to waive the reading of the legal notice and the list of abutters. The Chairman invited Mr. Bill Wallace to come forward, Mr. Wallace is representing Verizon and is before the Board on a petition requesting permission for Verizon to place one pole on Middlesex Road at the Tyng Road intersection to service the new development located at 65 Tyng Road.

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

4. New Business

A. Smokey Bones – change of Manager

Barbeque Integrated, Inc. corporate office has petitioned the Board to approve the manager change at the Smokey Bones Restaurant at 440 Middlesex Road. The Manager is changing from Mr. Jason





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Goodin to Mr. Andrew Guthrie. Mr. Guthrie attended the meeting to introduce himself and to present the petition. Mr. Guthrie is aware of the past issues which resulting in several violations, is aware of the remediation list from his management, and has spoken to the Deputy Police Chief on the matter.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the manager change from Mr. Goodin to Mr. Guthrie as petitioned.

B. Appointment – Media Program Coordinator

The Administrator with Selectman Lambert, Assistant Matt Hanson and Mr. David Machado, former IT/Media Director, have for the last several weeks reviewed and interviewed the candidates. The screening committee has chosen Mr. Stephen Brogan as the best candidate for the position. This position is a non-union, exempt, salaried position with benefits as outlined in the personnel by-law. Pending a successful CORI check and the completion of the state-mandated Conflict of Interest training, it is the committee's recommendation that Mr. Brogan be appointed as the Media Program Coordinator with a starting salary of \$56,500. There is a probationary period of six months at which time a 5% increase, would be implemented upon a positive review.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint Stephen Brogan to the position of Media Program Coordinator as outlined above with a start date no later than March 7, 2016.

C. Phase I West Sewer – signature for loan documents

Ms. Kerry Colburn-Dion, Finance Coordinator/Treasurer is requesting the Board of Selectmen approve the Interim Loan documents pertaining to the Phase I West Sewer Project at Tuesday, February 16, 2016 board of Selectmen's Meeting. The \$7,893,819 Interim Loan will be in the form of a Note, which will be drawn down on a monthly basis as expenditures occur. Interest at the rate of .13% per annum will incur on the interim loan, which will be paid when the loan becomes permanently financed in approximately 18 months.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectmen Gramer as follows:

I, the Clerk of the Board of Selectmen of the Town of Tyngsborough, Massachusetts, certify that at a meeting of the board held February 16, 2016, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody:

Voted: (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$8,782,500 (the "Bonds") pursuant to Chapters 29C and 44 of the General Laws and a vote of the Town passed June 2, 2015 (Article 14), which authorized a total borrowing of \$8,834,000, for the construction of sewers and other water pollution control facilities identified in such votes (the "Project"); (2) that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$8,782,500; (3) that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Clean Water Trust (the "Trust") at a price determined pursuant to the Financing Agreement; (4) that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Financing Agreement (or Agreements) with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes; (5) that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan commitment or





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agreement by the Treasurer, are hereby ratified, approved and firmed; and (6) that the Treasurer and the other appropriate Town Officials are each hereby authorized to take any and all actions necessary or convenient to carry out the provisions of this vote, including execution and delivery of the Financing Agreement(s) and the Project Regulatory Agreement(s) relating to the Project.

I further certify that the vote was adopted at a meeting open to the public, that no vote was taken by secret ballot, that notice stating the place, date, time and agenda of the meeting (which agenda included the adoption of the above vote) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decisions in connection with the sale of the Bonds or Notes were taken in executive session, and that the official record of the meeting was made available to the public promptly and remains available to the public, all in accordance with G.L c.30A, sections 18-25, as amended, I further certify that the vote has not been amended, supplemented or revoked and remains in effect on this date.

D. Police Chief Howe

i. Proposed Revolving Fund

The Chief is requesting that the board authorize the establishment of a revolving fund in the Police Department, in which fifty percent (50%) of the amounts received from fines relating to motor vehicle offenses would be deposited and used for a program to increase traffic enforcement by hiring special details and purchasing special traffic enforcement equipment. Mass General Laws c.44, s53E ½ authorizes the establishment of a revolving fund in a specified department for the receipt and expenditures of funds, for a specified program. The Chief further cited an enormous amount of traffic flow daily due to the town being centrally located between the cities of Lowell, MA and Nashua, NH, two cities with population over 100,00. The majority of the traffic that comes through our town is not our residents but traffic passing through. The traffic is further exasperating by Rt. 3, which intersects through our Town, which is often backed up during the morning and afternoon commute, a significant amount of traffic cuts through portions of town as well. He also stated that the establishment of this fund would allow our department to better focus on traffic enforcement and use funds received for motor vehicle violations specifically to enhance our ability to improve the safety of our roadways.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to support the Chief on his request.

ii. Request to hire additional police officer

The Chief is recommending that the Board hire a patrol officer effective March 20, 2016. He is basing this recommendation on two factors, significant financial savings and public safety. The Chief continued with his explanation as to why it would be a great savings and best for the town's public safety. It would add an additional Officer to the department and the officer in mind already paid for his attendance to the police academy. With an extra officer, the department will be saving on the use of overtime coverage. In addition, the department will already have a full time officer to fill a vacancy with the expected retirement of a Sergeant.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint an officer as requested by the Chief of Police.





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E. Senior Tax Work-off – appointment

At the request of the Building Department, it is recommended that Margaret Skamarycz is appointed to the Senior Tax Work-Off Program. Ms. Skamarycz has worked in the Building Department through the Senior Tax Work-off Program in the past and her knowledge of the permitting process has proved to be a valuable asset to the department. The Administrator has confirmed with Ms. Roche, Council on Aging Director, that additional hours are expected to become available over the course of the year as some of the current seniors will not complete all of the hours available to them. For that reason, the appointment of Ms. Skamarycz to the Senior Tax work-off Program was recommended. Ms. Skamarycz is to work at the discretion of the Council on Aging Director and the Assistant Town Administrator, as hours become available.

The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint Ms. Margaret Skamarycz to the Senior Tax Work-off Program, to work at the discretion of the Council on Aging Director and Assistant Town Administrator, as hours become available.

F. Town Facility Condition Assessment – update on RFQ process

The purpose of this Facility Condition Assessment is to study and make recommendations on the future needs and costs associated with all major building systems such as HVAC, electrical, plumbing, and security, for the three main school buildings, the Lakeview School, and the Town Offices/Library building. This project is being funded through an \$80,000 capital appropriation from the April 20, 2014 Annual Town Meeting. Six bids were received; the six bids were opened on January 25, 2016. The RFQ review Committee, identified three finalists who have were called back for interviews. The RFQ review committee intends to have a recommendation prepared shortly and will work with the selected firm to enter into a contract. The School Committee is the awarding authority for the contract so no action is needed by the Board at this time.

G. Surplus property – #5 Industrial Way

Article 21 of the May 21, 2013 Annual Town Meeting authorized the Board of Selectmen to sell a 3.11 acre of industrial-zoned land, identified as 5 Industrial Way. In order to facilitate the disposition of this property through a formal Request for Proposals (RFP) process, the Town Administrator's office was required to complete an appraisal of the property. Minuteman Appraisals, Inc. completed an appraisal. The property value was appraised at \$250,000, slightly higher than the assessed value of \$196,300 (FY16). The next step is for the Board to vote to accept the appraisal. The Board may also wish to set a minimum bid amount for the RFP, I would recommend at least \$200,000, or appraised value of \$250,000. If the appraisal is approved, the Board may still approve a potential sale for less than \$250,000, as long as they make a determination in writing. Discussion ensued on the possibility of leasing the property and the Board would also like to see the advertisement prior to voting.

H. Service Contracts – authorization for Plumbing/General Contracting

The office released Invitation for Bids (IFBs) on December 23, 2015, for three services; plumbing, electrical, and general building service and construction. The purpose of these IFBs is to secure a set hourly rate for small projects, maintenance, and repair work, for both an as needed basis and emergency basis. Multiple bids were received the low bidders are identified as Boston Mechanical, Inc.; Watermark; and Gone Green Electric.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to authorize the Town Administrator to enter into a contract with Boston Mechanical Inc. of Arlington for general plumbing services; Watermark of Lowell for general building services and construction; and Gone





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Green Electric of Rockland, MA for electrical services, for one year, with two optional one year extensions at the sole discretion of the town.

5. Old Business

A. Government Study Committee update – Karyn Puleo

The Government Study Committee (GSC) Members: Mr. Robert Mercier, Ms. Karyn Puleo, Chairman, Mr. Donald Lampron, Mr. Burt Buchman, Ms. Jacqueline Schnackertz, Ms. Paula Derby, (Ms. Diana Keohane was not able to attend), attended this evening's meeting to update the board on the progress of the Committee on drafting charter articles. The GSC was before the Board in November of 2015 to update the Board and to include a draft organizational chart, SWOT analysis, minutes of meetings, a chart of election trends and a form of government comparison to other towns. The articles have not been reviewed by Town Counsel and the GSC fully expects to have changes to the articles as drafted based on the input of Town Counsel. The last two times the GSC was before the Board their recommendations include changing some boards from elected to appointed, moving the appointment of some key employees to the Town Administrator, and bringing all paid personnel, elected and appointed, under the personnel by-law or the direct supervision of the Town Administrator. One of the key components of this charter is to move to an organized DPW. Following the receipt of edited articles from Town Counsel, the GSC plans to host a joint GSC/BOS meeting where both groups ask questions and learn together the opinions of Town counsel regarding the draft proposed articles. Following additional edits that may be needed from that meeting, public input meetings would occur that may further amend the articles. The kick-off to the public information meetings would occur at Annual Town Meeting where data and information would be available to residents regarding the charter process and the planned dates of public information sessions. Information sessions would be planned at various sites and times from June through September to ensure interactive, collaborative input from multiple demographics across town. A brief discussion on how best to inform the public ensued. In addition to public input sessions, the intent is to continue engagement with all stakeholders on their input. As significant edits are made to the articles, they will be included in correspondence to the BOS. A planned timeline based on what will occur and will culminate in a Special Town Meeting in October. The GSC is requesting a vote from the BOS to support the GSC moving forward from fact finding to public input sessions ending in providing a draft charter to the BOS. The Board expressed that they would like to meet with the GSC prior to the charter articles being reviewed by Town Counsel, as well as after Town Counsel has reviewed them. Selectman Lambert would like to see a list of how the town is operating currently so that the residents can see why there are changes to the way we do business. Selectman Gramer asked what is changing; Ms. Puleo will highlight the current operations as well as what the charter articles change.

The Board voted 4-0-1 to extend the Government Study Committee's continued efforts on the proposed Charter until such time of an Annual Town Meeting or a Special Town Meeting when the final options are voted on.

B. Flint Pond Study Committee update – Chaz Doughty

Mr. Chaz Doughty was present to update the Board on the activities of the Flint Pond Committee (FPC). Mr. Doughty has provided the following information: 1) the Flint Pond Committee's Mission Statement – The Flint Pond Subcommittee created by the Tyngsborough Board of Selectmen, is established to conserve, restore and enhance Flint Pond and Lower Flint Pond (a unique asset to the town center) and its natural ecosystems while promoting wildlife diversity and recreational





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opportunities for present and future generations to enjoy; 2) list of bullet point summary – The BOS created the FPC to address weed overgrowth; History – Charles George landfill contaminated pond and poisoned wells, \$2.1 M Charles George settlement was not spent addressing Flint Pond Contamination; and 2015 EPA report says Flint Pond is clean. Cleanup Costs – Estimated cost of first year chemical treatment of pond = \$30K and Annual treatment of pond = \$5K. Funding Recommend using \$30K of Charles George back tax settlement to fund initial cleanup of pond; and recommend annual preservation costs of \$5K from Charles George PILOT fees. Benefits – Environmental, removal from DEP (303d) list, stopping spread of invasive water chestnut weed; Health – mosquito control; Safety – remove danger of weed entanglement and drowning; Recreation – increased usage will result from restoration; Aesthetics – backdrop to town center; Financial – potential increased revenue to local business; 3) A letter from Aquatic Control Technology; 4) A letter of support from the Conservation Commission; 5) A draft warrant articles – to transfer \$30,000 from the \$212,000 received from the Charles George landfill back tax settlement to be used for the cleanup of weeds and the restoration of Flint Pond; and 6) minutes from November meeting. The Board thanked Mr. Doughty and the committee for their work. The Chairman related that we cannot count on the funds right now but soon the money may become available. Selectman Jackson stated that the FPC has done great work and using the Charles George settlement is a good place to start, and he supports the committee's work moving forward. Selectman Gramer does not object. Selectman Lambert complimented the group for being insightful and productive; the presentation went well. Selectman Nocco stated it was a great presentation and he gave some insight on the contribution that boats have on the spreading of weeds. Chairman Reault offered the assistance of the Town Administrator and the Assistant Town Administrator to work with the financial office on the use of the CPC funds or other potential funding sources and what the restrictions may be.

6. Citizen/Business Time - No one came forward this

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.

7. Correspondence

The Board voted 5-0 on a motion by Selectmen Jackson, second by Selectman Gramer to accept the correspondence as read by the Clerk. The Board commented on the proposed signage for reserved parking spaces for veterans at public buildings; this is a great way to honor our Veterans and details on locations should be discussed in further detail.

8. Review of Weekly Warrants

The Administrator read the following warrants: Warrant #31VET for \$342.98 on 2/1/2016; Warrant #331B(SPI) for \$1,000.00 on 2/1/2016; Warrant #31B for \$158,861.10 on 2/1/2016; Warrant #32P for \$867,497.95 on 2/8/2016; Warrant #32S for \$167,656.18 on 2/8/2016; Warrant #32B(SPI) for \$12,700.00 on 2/8/2016; Warrant #32VET for \$9,462.10 on 2/8/2016; Warrant #32B for \$800,082.64 on 2/8/2016; Warrant #33B for \$128,053.45 on 2/16/2016;





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9. Town Administrator's Report

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

10. Selectmen's Reports

11. 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 three (3) and six (6) as stated below, and to return to open session only to adjourn. Roll Call Vote, Selectman Nocco, yes; Selectman Corliss Lambert, yes; Selectman Gramer, yes; Selectman Rick Reault, yes; Selectman Robert Jackson, yes. The Board entered into Executive Session at 8:40 PM to discuss the following:

1. 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 – SEIU/Highway; NEPBA/Local 8A
2. Exemption 6. To consider the purchase, exchange, lease or value of real property because an open meeting may have a detrimental effect on the negotiating position of the public body and the chair so declares – Scribner Road

12. Adjournment

The Board voted 5-0 on a motion by Selectman Gramer, second by Selectman Jackson, to adjourn the meeting. The meeting adjourned at 9:10 PM.

Respectfully submitted

Therese Gay
Admin Assistant

Approved on

