



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, March 14, 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."

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, March 7, 2016

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday March 7, 2016. (Selectman Lambert abstains from voting).

3. Appointment

A. New Police Officer, Dennis Leach

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to appoint Police Officer Dennis Leach to the position of a full-time Patrolman, to the Tyngsborough Police Department as recommended by the Chief of Police.

4. PUBLIC HEARINGS:

A. 6:05 PM Continued: 40 & 44 Cummings Road – Applicant is Freedom Alley Shooting Sports and represented by Attorney Peter Nicosia

Attorney Nicosia, Mr. Whitman, Mr. Brenton Cole and Mr. Kelly Davis, presented new evidence and distributed additional documentation to support their presentation on the use of the Freedom Alley Shooting Sports building. Attorney Nicosia has the unanimous approval from the Planning Board. The Consultants and Mr. Dan Whitman addressed some of the items the Board inquired of during the previous hearing. One concern was the emission of sound at the rear property line, the back of the building has a 55 decibel reading. The wall and ceiling where the shooters stand is 8-12 inches of reinforced concrete ballistic panel, the booth has steel panel, the steel is 8 inches thick and the shooting house has a rubber panel. The booth has a full air exchange every 1/2 minute, there are no specific or definitive manuals as a construction guide for a shooting range but the applicant did distribute the Air force Manual for outside ranges and notes that the building construction is to the highest caliber possible. Mr. Whitman presented the remaining information. The shooting area





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will have granulated rubber panels and there will be no lead dust near the shooters. There are multiple layers of security. The retail store is placed in the middle of the building; there are four doors to get in. There is a medical emergency plan in place with the first responders, and there are medic cabinets all over the building. The age of the users will follow the federal and state regulations; 1) the 15 year olds will have a FID and will shoot with a parent present; 2) the 18 and over will need and FID card to shoot; and 3) the 10-15 years olds will shoot with a parent present in the stall, there will be one gun in the stall and there will be no automatic guns for the younger shooters. The range will be in full compliance with OSHA. Mr. Whitman has signed on a company to be on hand for any repairs needed to the air exchangers. This business will close the existing Hitman Firearms located on Middlesex Road. The building is well designed, fits in well in this area, there is sewer capacity; water saving appliances will be installed to bring down the capacity. The cost of the building is approximately 8.5 million dollars. The material presented addresses the lead exposure with children present, the building is OSHA compliant on lead exposure and Mr. Whitman has hired an OSHA personnel on staff to monitor the air quality. Selectman Gramer stated that the Board will need a smart motion to capture all of the aspects of this project and ensure that they are in the Special Permit. There is a lot of good information on engineering. He supports the business proposal and requests a motion reviewed by Town Counsel and Town Administrator. Attorney Nicosia will write a decision for Town Counsel's review. The Town Administrator is concerned with these items; obtaining current employee CPR certifications, ensuring medical supplies are adequate, and that the State or local level has a mechanism is in place to inspect the Special Permit conditions. Selectman Lambert supports the range with the oversight and assurances that substantial lead risk to your people will be removed. The Chairman asked if anyone in attendance would like to speak in favor of the special permit. No one came forward. The Chairman then asked if anyone in attendance would like to come forward to speak in opposition. No one came forward. There are many issues which must be addressed in the Special Permit' the Board's must do due diligence in addressing all the areas discussed.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the public portion of the hearing to Monday, March 28, 2016 at the Town Offices, at 6:05 PM.

B. 6:05 PM Bahama Breeze – change of ownership from GMRI, Inc. to Bahama Breeze Holdings

The Chairman opened the hearing. The Clerk read the legal notice. No abutter notification was necessary.

Attorney Devlin was not able to attend this evening and has asked that the Board consider granting the request as everything will remain the same except the Corporate name. The Board considered the request and had no issues with the application and voted 5-0 on a motion by Selectman Gramer, second by Selectman Jackson to grant the request for a transfer of Corporate name from GMRI, Inc. to Bahama Breeze LLC.

C. 6:45 PM Pawsitively Yummy – Special permit for commercial kennel (dog daycare); applicant is Lisa Shapiro

The Chairman reconvened the hearing continued from Monday, March 7, 2016. The Board in reviewing all of the evidence taken at the meeting of Monday March 7, 2016, found that more information is needed in the type of soundproofing and ventilation system that will be used. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to continue the hearing to Monday, March 28, 2016 at 6:30 p.m. at the town offices, 25 Bryants Lane.





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5. New Business

A. Media Equipment – request to purchase new equipment

In February, the Leightronix Broadcast System which manages the broadcast of our local access television programs failed. The company that services the system has provided us with a temporary replacement unit, allowing us to continue to broadcast while we identify a permanent replacement. Upon review of available alternatives, Mr. Brogan has identified a Castus Broadcast System is the best replacement alternative to our current system. The Castus system will allow the town to playback multiple video formats, including HD video, provide a lower annual user fee that the town is currently paying, and in the future after a network connection is established, we will be able to live stream video from locations outside of town hall, such as the Elementary School during Town Meetings and other large events. Mr. Brogan is confident that the Castus system will provide the functionality that meet the needs today.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the purchase of a Castus Broadcast System in the amount of \$64,802, to be funded from the PEG account.

B. TES Remediation Fund – request by schools for use of funds

The Superintendent of Schools, has submitted two invoices to the Administrator's Office in regards to elevator work completed at the elementary school. The School department has requested that these invoices be paid using the Tyngsborough Elementary School Remediation Fund.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to vote to approve and support the payment of Invoice number 8214 in the amount of \$8,250.00 and Invoice number 8215 in the amount of \$7,470.00.

C. Appointments:

i. Board of Appeal vacancies

The Zoning Board of Appeals has two vacancies; the Administration Office posted the open positions on the website, and have asked that people submit a letter of interest to the Town Administrator's Office. Two residents submitted their names for consideration. Mr. Ed Smith and Mr. Pat Mical. If the Board chooses to appoint the two individual it would be the office's recommendation that you appoint the current alternate member, Mr. Harvey Miller, to a full board member and appoint the new individuals to fill the alternate positions.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint the following individuals to the Board of Appeals for the position listed; Mr. Harvey Miller Zoning Board of Appeals (Full Member), Mr. Ed Smith and Mr. Pat Mical Zoning Board of Appeals (Associate), all of the terms expiring June 30, 2016.

6. Old Business

A. PILOT (Tyngsborough Solar, LLC) – vote and signature

The Administration has been working with collaboration from Town Counsel, Chief Assessor, and the Town Consultant for the past several months on the PILOT (Payment in Lieu of Taxes) agreement. The PILOT would be an agreement for a term of twenty (20) years. The State enacted legislation in 1997 to allow PILOT's for solar/renewable energy facilities. This was created because of the (1) uncertainty in the electric utility industry, (2) difficulty in assessing a value of electric generation company", and (3) avoid swings in value. The PILOT will remain as part of the tax base for determining the levy ceiling. The PILOT will provide a predictable stream of income for 20 years





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based on an agreed upon assessed “value” of project which will not be debated each year for the life of the project. Lastly, this will provide additional assurances that taxes are paid each year, in a timely manner. The PILOT will average \$31,573 per year, or \$631, 462 over 20 years. Upon the extension of the Commonwealth’s net metering program Tyngsborough Solar, LLC will begin construction.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to vote to sign, and authorize the Chairman to sign the PILOT Agreement on behalf of the Town.

B. Middlesex 3 – continue to participate

Ms. Stephanie Cronin, Executive Director for the Middlesex 3 Coalition, provided an update to the Board at their meeting on February 22. Ms. Cronin provided information on what regional projects and activities have been taking place over the past year since Tyngsborough became a member.

Each year Middlesex 3 requires a \$2,000 membership fee. Tyngsborough has been a member for one year (2015). The Board should determine if they would like the town to participate again for 2016. The Administrator recommends the town to commit for two years (2016-2017) and evaluate after the completion of three years total. A minimum of three years should give the Board a good sense of whether our involvement has been beneficial to Tyngsborough.

The Board voted 4-1 on a motion by Selectman Gramer, second by Selectman Lambert to continue to participate for one year and evaluate the membership to determine if the coalition has benefitted the Town during it’s membership.

C. Town Meeting Warrant

The Administrator has updated the town meeting warrant and will continue to update the Board of new additions or changes. The Special Town Meeting has been added for review and the changes that were suggested last week have been incorporated. No citizen’s petition was received as of today and the submission of articles to place on the warrant closes on Wednesday March 16, the Board did not change the deadline date. Selectmen asked to add the Planner Position article for the ATM. Article 14 the Ambulance Enterprise needs language, the Administrator is waiting for the specific language from Town Counsel, it will be the same as the Sewer Enterprise. Article 22 is the same. Article 24 is the Personal bylaw and to place the elected town clerk and town collector in the personal bylaw. The Selectmen would like to see a draft of the bylaw.

7. Citizen/Business Time No One Came Forward.

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 correspondence also the additional correspondence presented by the Attorney for the Freedom Alley Shooting Sports’ Special Permit and correspondence from the Superintendent as read by the Clerk.

9. Review of Weekly Warrant

The Town Administrator read the following weekly warrants: Warrant #35B for \$221, 745.04 on 2/29/2016; Warrant #36S for \$401,212.26 on 3/7/2016; Warrant #36P for \$861,629.82 on 3/7/2016; Warrant #36B for \$90,209.53 on 3/7/2016; Warrant #36VET for \$9,826.74 on





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3/7/2016; Warrant #36S(332) for \$31,185.18 on 3/7/2016; Warrant #37VET for \$7,545.16 on 3/14/2016; and Warrant #37B for \$30,143.45 on 3/14/2016.

10. Town Administrator's Report

- Response to Selectmen's Request

The Administrator and Highway Forman met to discuss the conditions of some streets and will put a list together to discuss with Brox Industries. Hearing from a resident, the Administrator and Highway Forman inspected Hillcrest St and have put it at the top of the list.

Discussion on establishing a candidates night the week of May 3, 2016, a location will be announced at a future meeting.

- Budget

Chapter 90 money is in place. Asking all departments seeking additional funding to come before the Board and Capital Asset Committee on Monday, March 28, 2016.

- Departmental Information

The town hall will close at 4:00 PM on Thursday, March 17 and will reopen on Monday, March 21, 2016 to accommodate the workmen replacing new rugs throughout the building. Mr. Bugler, IT Director requested a transfer for capital equipment to support the new server, it is our #1 priority, Finance Committee approved the request, the first backup is this weekend.

- Contracting/Procurement
- Other

The Town and the Assistant Administrators are working with NMCOG on a grant for EDSAT program inclusion to the zoning by-laws.

11. Selectmen's Reports

Selectman Lambert; candidates' night is a good way to let everyone know what is happening, and he supports it. He also asked if any help is needed for the rug replacement. The town residents will be notified of the closing, it is on the website and on the media channel. Selectman Reault is appreciative of how fast the stop signs went up, thank you.

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 exemption 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 8:30 PM to discuss the following:

1. 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.

13. Adjournment

The Board voted 5-0 on a motion by Selectman Gramer, second by Selectman Jackson, to adjourn the meeting. The meeting adjourned at 9:00 PM.

Respectfully submitted
Therese Gay, Admin Assist.

Approved on Monday, March 28, 2016

