



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 28, 2016 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman Rick Reault, Selectman William Gramer, Selectman Corliss Lambert. Selectman Steven Nocco.

Member Absent: Selectman Robert Jackson

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 Gramer.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

i. Monday, March 14, 2016

The Board voted 3-0-1 on a motion by Selectman Gramer, second by Selectman Nocco, to approve the minutes of Monday March 14, 2016. (Selectman Lambert abstains from voting).

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

i. Monday, March 14, 2016

The Board voted 3-0-1 on a motion by Selectman Gramer, second by Selectman Nocco, to approve but not release the executive session minutes of Monday March 14, 2016. (Selectman Lambert abstains from voting).

3. PUBLIC HEARINGS:

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

The applicant has requested a continuance to the next Board of Selectmen's meeting.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to continue the hearing for Freedom Alley Shooting Sports, LLC to Monday, April 11, 2016 at 6:15 PM at the Town Offices, 25 Bryants Lane.

B. 6:30 PM Continued: Pawsitively Yummy – Special Permit for commercial kennel; applicant is Lisa Shapiro

The Board continued the special permit hearing for Pawsitively Yummy. Ms. Shapiro was present to answer questions about the soundproofing and the ventilation system for the commercial kennel offering a daycare for small dogs. Ms. Shapiro says that there is some soundproofing in the building, but not sure if it would filter the dogs barking. Ms. Shapiro has worked out with the landlord the issues with the soundproofing and the ventilation; these items are part of conditions in





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the lease. If there were any complaints, Ms. Shapiro would have to address it as her lease stipulates. The Chairman asked if there were any abutters present to speak for or against the petition, no came forward.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to vote to grant the Special Permit to operate a commercial kennel to Pawsitively Yummy Corporation, at the property located at 440 Middlesex Road, unit A1C, to construct a Commercial Kennel ; in accordance with Section 2.11.30 Table of Uses in the Tyngsborough Zoning By-laws, a Commercial Kennel is permitted by a Special permit from the Board of Selectmen in a Business 3 General Shopping (B3) zone. The Board found that Special Permit: 1) is in harmony with the purpose and intent of this By-law; 2) will not be detrimental or injurious to the neighborhood in which it is to take place; 3) is appropriate for the site in question; 4) complies with all applicable requirements of this By-law; 5) the Special Permit was complete and compliant with Section 2.11.30 Table of Permitted Uses, 2.11.44 Business Uses, 1.16.14 Mandatory Findings by Special Permit Granting Authority, and 1.16.15 Special Permit Conditions of the Zoning By-laws. In view of the above, the Board determines that the Premises is a proper locale for a Commercial Kennel under Sections 2.11.30 Table of Permitted Uses of the Zoning Bylaws and that the parcel meets all requisite criteria; and the Board grants a Special Permit for the implementation of a Commercial Kennel, in accordance with the below terms and conditions: 1) The applicant must obtain architectural drawings, obtain all required building and electrical permits, and pass all required inspections and comply with any other areas required by Federal, State, or local laws and regulations; 2) The Kennel area will be limited go no more than 15 dogs at one time; 3) The Applicant shall install soundproofing to ensure the neighbors on either side are not bothered by barking dogs; 4) A ventilation system must be installed in a manner sufficient to dispose of dog odors; 5) a non-slip floor surface will be installed or applied in the kennel area; 6) The daycare hours cannot exceed 7:00 a.m. – 7:00 p.m. with no overnight kenneling allowed; and 7) A change in ownership and transfer of the special permit will require approval from the Board of Selectmen, and 8) Failure to comply with all the above conditions shall be deemed cause to revoke or modify this Decision.

4. New Business

A. Chakra – Request transfer of common victualler license to new owners

Chakra Indian Cuisine, a local restaurant, has changed ownership and the new owners are seeking to transfer the Common Victualler license. All the necessary paperwork has been filed with our office and the Building Department and the Board of Health have inspected the operation and are supportive of the transfer. There are no concerns at this time with the new owner. The Chairman invited Mr. Kamal to step forward and introduce himself and talk about his business.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to approve the transfer of the Common Victualler to the new owner Kural, Inc. DBA Chakra Indian Cuisine located at 18 Pondview Place #24.

B. Ballot Question – Vote

At the Annual town Meeting held on June 2, 2015, the voters supported Article #24 that asked if the elected position of Town Collector should become an appointed position rather than an elected position. Because the Town Meeting supported Article #24 the required procedure is to place the question on the ballot for the registered voters to decide. No action needed by the Board.





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C. Old Town Hall Host – Request Temporary Appointment

On July 13, 2015, the Board voted to appoint Mr. Ernie Roy as the temporary Old Town Hall host. Mr. Roy was the obvious choice as he served in that capacity through the Senior Tax Work-off Program. Mr. Roy is once again serving as the OTH host through the senior program. Due to the increased popularity of the OTH the Town is at the juncture again where Mr. Roy has nearly used all the time allotted under the Senior Tax Work-off Program and there will be a need to continue to use Mr. Roy's service in that position. The recommendation is that Mr. Roy be appointed, in a temporary capacity, to serve as the OTH Host until the next program or the Board determines an alternative plan.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to appoint Mr. Ernie Roy to serve as the Old Town Hall host until the start of the next Senior Tax Work-off Program, or until the Board determines an alternative plan.

D. Tyngsborough Housing Trust – update

At the Special Town Meeting of February 10, 2015, the Town Meeting body voted to support the creation of a housing trust, Article XLVI of the Town By-Laws. The Board of Selectmen are responsible for appointing the members of the Trust, who shall be named as Trustees. The Board, as stated in the by-laws, shall appoint a minimum of five trustees with at least one trustee being a Selectman or their designee. An additional trustee shall be the town administrator, or designee. All trustees, except for the town administrator shall be residents of Tyngsborough. The office will work on seeking interested candidates for the Board to appoint at a future meeting. The request for appointments has been posted on the Town's website and will send out social media releases.

E. Surplus property – Lakeview Avenue

The office was approached by a resident interested in purchasing a parcel of residentially zones tax tile property on Lakeview Avenue identified on the assessor's maps as parcel 25-51-0. The resident is the direct abutter on three sides of the Lakeview Ave parcel and the Town is the fourth abutter, owning the Sherburne Property to the west of the parcel. The office solicited feedback from Boards, Committees, and Departments on this parcel, as well as a second parcel of tax title property, 26-39-A, located just south of parcel 25-51-0. The only response was from the Conservation. The Commission voted to take no action on parcel 25-51-0, allowing the surplus process to move forward. The Commission also voted to request that parcel 26-39-A be transferred to the care and custody of the Conservation Commission, so no action to surplus this property is needed at this time. Once the Board votes the parcel 25-51-0 deemed a surplus and available for sale, the next step in the disposition process is Town Meeting approval. If approved at Town Meeting, the Board would have authority to set a sale price and approve a sale of the property.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to continue this discussion to a future meeting. Selectman Lambert is in favor of the lot being sold to the interested buyer.

F. Media Studio – update

Mr. Steve Brogan, Media Program Coordinator, came before the Board to outline his vision for a media studio in Tyngsborough. Mr. Brogan has put together a list of steps to take for a future public access "PEG" Center. Mr. Brogan has stated some necessities for a center; the center should be centrally located and have good visibility to the community; should be easily accessible by foot or car and have plenty of parking; should have access to town IT network and Comcast/Verizon Fiber Network; should be at least 3500-4000 square feet in size; should have a ceiling of no less than 15-





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18 feet high in any proposed production studio location; 6) Should be able to configure to suit the needs of a production and teaching environment, and the location should have ample space to house its own IT hub and should also offer space /land for additional expansion. Mr. Brogan also has contacts with Media and PEG industry professionals and others to consult during the process and other centers will be viewed.

G. Contract Authorization – field maintenance for Bicentennial Field

The Assistant Town Administrator working with the Field Use Committee, the office released bids for field maintenance (lawn mowing and related work) at the Bicentennial Field. The Field use Committee has been seeking annual bids for this work and requested assistance with a formal quote process for a contract of one year with an option for a one year extension. The low quote, and only respondent, was ANA Proscapes of Milford, NH at a price of \$13,000 for year one and \$13,000 for year two. ANA Proscapes has been low the low bidder for the past few years and has a good track record of working for the town. \$13,000 is the same price they have offered for the past few years. ANA Proscapes also bid on Alternate 3 for annual spring core aeration of the field space in the amount of \$1,350 and Alternative 4 for annual fall thatching of the field space in the amount of \$1,850.

The Board voted 4-0 on a motion by Selectman, and Selectman, to authorize the Town Administrator to enter into a one year contract with ANA Proscapes of Milford, NH for field maintenance at Bicentennial Field in the amount of \$13,000 for field maintenance, \$1,350 for spring core aeration, and \$1,850 for fall thatching, with an option to extend for one additional year at the discretion of the town.

H. TMS MSBA Statement of Intent – Request for support

The Superintendent has submitted a Statement of Interest (SOI) that the School Department is seeking to put forward through the Massachusetts School Building Authority (MSBA program. The SOI contains information regarding improvements to the Tyngsborough Middle School. The SOI is the first step in a process in which the Town is seeking funding support for capital improvements. Prior to submitting the SOI the Board of Selectmen must vote the language as required by the (MSBA)

The Board voted 4-0 on a motion by Selectman , and second by Selectman , the following Resolved: Having convened in an open meeting on March 28, 2016 the Board of Selectmen/of Tyngsborough in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated March 28, 2016 for the Tyngsborough Middle School located at 50 Norris Road, Tyngsborough, MA which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future for replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increased energy conservation and decrease related costs in a school facility and further to provide for a full range of programs consistent with state and approved local requirements and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority.





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I. Lakeview School – lease extension

The Superintendent of Schools was before the Board to present and to discuss the extension of the Lakeview School leased to the Valley Collaborative.

The Board voted 4-0 on a motion by Selectman Gramer, and second by Selectman Nocco, to extend the lease of the Lakeview School to the Valley Collaborative as presented.

5. Old Business

A. TES Remediation Fund – TES culvert, project list, decision

The Administrator along with the Superintendent discussed the request for use of funds to complete the elementary school driveway culvert replacement, which will take place this summer while school is in recess. The matching FEMA grant will expire December 31, 2016 therefore it is imperative to complete this project this calendar year. The Superintendent is also requesting that the Board approve the recommended plan in order for the school department to complete the identified projects and close out the fund when they are complete. Lastly, there are two invoices relating 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 4-0 on a motion by Selectman Gramer, and second by Selectman Nocco, to use the Remediation funding for the repair of the culvert, and to approve the recommended plan in order for the school department to complete the identified projects and close out the fund when they are complete; and to pay the two invoices for work done on the TES elevators.

B. Building Master Plan – update

As the Board is aware, the town hired Drummey, Rosane Anderson, Inc. to prepare a building Master Plan. The draft summary was very comprehensive. My office has continued to work with Mr. Ken Best, project manager, during the past year to better define the current and future needs of the town and what would be the best way to proceed with developing a final plan. After discussions with Mr. Best it was determined that 2-4 options be prepared and presented to the town for feedback and ultimately support for moving forward. The options will be laid out in a realistic approach that is based on current and future needs, as well as costs. The plan will be integrated into the Capital Asset Management Plan. The Office has been seeking preliminary feedback from departments, groups, and various stakeholders in order to prepare different options. The options will be publically presented for support and consensus. The plan will be tied into the capital plan and is projected to be implemented over several years.

C. Letter of Support – Historic Commissions National Register Nomination for the Winslow School and Littlefield Library.

The Historical Commission has completed a revised application to place the Winslow School Building and the Littlefield Library Building on the National Register of Historic Places. This is a lengthy process and the first draft of the town's submission was submitted on August 27th, 2008. The Board of Selectmen voted unanimously on December 21, 2009 to submit a letter of support for this application. However, the state has no record of an actual letter being sent. I am requesting, on behalf of the Historical Commission, that the Board re-vote to send a letter of support for the Commission's National Register Listing application. The National Register listing provides formal recognition of a property's historical, architectural, or archeological significance based on national standards used by every state. The listing does not limit the future use of the building or property, but it does encourage preservation of historical resources by documenting the historical





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significance, and open the property up to specific preservation funding opportunities, such as Federal Preservation Grants for planning and rehabilitation, and Massachusetts Preservation Project funds.

The Board voted 4-0 on a motion by Selectman Gramer, and second by Selectman Nocco, that the Board approve sending a letter of support to the Massachusetts Historical Commission for the Tyngsborough Historical Commission's National Register Listing application for the Winslow School and the Littlefield Library Building, and to authorize the Chairman to sign on behalf of the Board.

6. Welcome: Police Officer Dennis Leach

Chief Howe introduced Officer Dennis Leach. The Board congratulated him on this appointment, and welcomed him to the Department. The Chairman also thanked the Officers who attended in support of Officer Leach.

7. 7:00 PM: JOINT MEETING WITH FINANCE COMMITTEE

The Finance Committee joined the Board of Selectmen to discuss the departments' request and to review the budget.

Members present: Members Darryl Wickens, Paul Morin, Christopher Mellen, and Burt Buchman.
Member Absent: Member Marie Lambert

A. Department Requests: additional funding for

Information Technology, Mr. Bulger is moving the IT Admin from 18hrs/wk to 30hrs/wk and has increased his expense budget to split the line items to buy offices supplies and the second line to pay for software, apps and fees.

Media, Mr. Brogan has increased his budget to reflect additional hours for 2 part-time employees who tape the additional meetings during the week, and 10 hours per week for IT assistance in the media dept.

Town Accountant, the salary line item was increase.

Personnel, this is a new department for the hiring of an HR person.

Police, the change in compensation reflects a salary increase for the Chief and Deputy Chief. The hiring of 1 new police officer, and a salary increase for the Administrative Assistant; salary and wage compensation, to increase overtime shift replacement, increase training overtime and move some funds around, and add funds to better manage the dept. specialty units, salary and wage calculation moves funds from one account to other assignments, and a new line item for Police Detail Tracking Software.

Planning, increase to cover the hiring a Planner, and Public Buildings, increase the line items that maintains the town buildings. The Board Members and Committee Members received supplements detailing each request.

B. Budget Review: Update on Revenues/Expenditures and Capital Asset

The Administrator reviewed the information on revenues and expenditures and reviewed the Capital Asset information that was supplied to the members.

8. 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.





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9. Correspondence

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to accept the correspondence as read.

10. Review of Weekly Warrants

The Administrator read the following weekly warrants: Warrant #38P on 3/21/2016; Warrant #39B for \$930,868.87 on 3/28/2016; Warrant #39S for \$299,641.05 on 3/28/2016; Warrant #39S for \$27,417.28 on 3/28/2016; Warrant 39VET for \$4,709.52 on 3/28/2016.

11. Town Administrator's Report

▪ Departmental Information

The Administrator received a request from the Dana Wall Board Co., that at the ZBA hearing for their 145-foot flagpole, they were instructed to reach out to the Selectmen for an opinion.

▪ Contracting/Procurement

The carpet replacement is complete. The Mascuppic Trail project will probably start in May, the consultants are going before the Conservation Commission. The First Parish Church quotes will be out in May.

▪ Other

The Lt. Governor's office called to invite us of the meeting on Thursday for the signing of the Community Compact Grant at Lowell City Hall.

12. Selectmen's Reports – No Selectmen Reports

13. Executive Session

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to enter into executive session to discuss exemption three (3) 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. The Board entered into Executive Session at 10:10 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 – NEPBA

14. Adjournment

The Board voted 4-0 on a motion by Selectman Lambert, second by Selectman Nocco, to adjourn the meeting. The meeting adjourned at 11:00 PM.

Respectfully submitted
Therese Gay, Admin Assist.

Approved on Monday, April 11, 2016

