



# 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, April 11, 2016 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, 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](http://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 at 6:10 pm, 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 28, 2016

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday, March 14, 2016. (Selectmen Lambert and Jackson abstain from voting, Selectman Jackson was absent from the meeting).

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

#### i. Monday, March 28, 2016

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve but not release the executive session minutes of Monday March 14, 2016. (Selectmen Lambert and Jackson abstain from voting, Selectman Jackson was absent from the meeting).

## **3. PUBLIC HEARINGS:**

### A. 6:05 PM Farmers Market

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to open the hearing; the legal notice was read, voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to waive the reading of the abutters list.

Ms. Erica McClellan came forward to present the petition for the permit to operate the Farmers' Market at the Littlefield Library Building at 252 Middlesex Road. The petitioner are also requesting permission to offer pony rides in the field area. The area will be clean when the market closes. The market will open on June 18, 2016 and run through October 15, 2016 from 9:00 AM to 1:00 PM on Saturdays, the organization has changed the venue from Sundays. The Farmers' Market Organization did not coordinate with the Historical Commission, they will contact the Historical Commission and will coordinate with The Administrator if electricity is needed. The owner of the ponies offering the rides does have insurance coverage.





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

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the request for a Special Permit to operate a Farmers' Market starting June 18, 2016 through October 15, 2016 from 9:00 AM to 1:00 PM with a venue change to Saturdays, if agreeable with the Historical Commission. The Board found that the Special Permit is in harmony with the purpose and intent of this By-law, and will not be detrimental or injurious to the neighborhood, in which it is to take place, and is appropriate for the site in question and complies with all applicable requirements of this by-law.

B. 6:15 PM Continued: 40 & 44 Cummings Road – Applicant is Freedom Alley Shooting Sports and represented by Attorney Peter Nicosia

Attorney Nicosia representing Freedom Alley Shooting Sports and owner Mr. Whitman attended the continued hearing to discuss the conditions written into the special permit decision. Town Counsel joined the Selectmen for the decision portion of the hearing. The draft decision has been going back and forth between Attorney Nicosia and Town Counsel for revisions. There are a couple of sections that need some clarification. The Special Permit conditions are: 1) All employees are certified CPR; 2) The Rifle Range must have a minimum of two working defibrillators present at all times; 3) Must maintain medical supplies on hand that are checked annually. (please clarify type of supplies and how they will be maintained) answer # 3 the medical supplies will be set up in five locations and will consist of gauze, splints, antibiotics and kept in a medical bag there will be two defibrillators on site. 4) HVAC must comply with OSHA monitoring standards and the reports must be submitted yearly stating that the system complies. #4 question, who will be doing the compliance check and report, an independent OSHA Agent or an independent specialist, answer, the inspection reports will be done by independent consultant. 5) The license to operate Hitman Firearms will be transferred to Freedom Alley Shooting Sports location upon Freedom Alley Shooting sports opening for business. #5 the license will cease at the Hitman Firearms facility once the Freedom Alley shooting sports is completed. There will not be two licensed business. 6) Property must meet public sewer requirements/standards before occupancy permit is issued. 7) All entrances/exits of the ranges must contain "tack" mats to prevent any contaminants from leaving the interior of the building. 8) Will employ or contract with an expert in the field of OSHA compliance to randomly test for compliance. #8 will join together with number 4. 9) Lead tests must be provided to all employees every six months. 10) Freedom Alley will limit Maximum caliber of ammunition that can be used in the facility not to exceed .50 BMG. Any change will require a public hearing before the BOS. 11) the town will inspect the facility to ensure that the owner/operator is in compliance with the above conditions. An annual fee of \$250.00 will be required so that the Town can complete this task. The owner/operator will have 30-days to comply with any deficiencies. If the facility is in non-compliance after 60 days, the owner will close until those deficiencies are fixed or other arrangements are made with the town. #11 deals with the inspection of the establishment for compliance, the applicant questions the fee and the inspection siting another location in town that does not have inspections, Chairman Reault explained that the establishment is a private member club with an alcohol license, and they must pay for their annual inspections of the premises; 12) Freedom Alley will maintain a strict age compliance with the use of weapons: a – 18 years old and older-permitted, supervised use without an FID or LTC; b) 15-17 years – must be accompanied with one parent or legal guardian. This age group will not require their guardians to be in the same range or lane as them, but they will need to be on the property; c) 11-15 years – must be





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accompanied with a parent or legal guardian, accompanied by and shoot with their parent's direct supervision in the same lane of the same range, and there will only be one firearm at that lane at a time; d) 10 years old and under – limited to special event days, which will be geared for children and only the use of 22LR rifles will be used, as they are the easiest to learn on and control, of which only 12 per year allowed. A parent or legal guardian must accompany children. Children will be required to attend a Firearms Safety Course; #12 deals with the age restriction, the 18 year olds are not required to have an FID or LTC because in NH they do not need FID or LTC licenses and the business would like to be available to everyone.

The decision #13 - the Town must be notified prior to any changes in ownership of the business and #14 a change in ownership and transfer of the special permit will require approval from the BOS; the applicant will merge # 13 and #14 as they reference identical language, and the applicant will refine #11 and #15.

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

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the special permit request by Freedom Alley Shooting Sports that is before us this evening with the special permit decisions referencing the draft condition with all edits as described and agreed to and Town Counsel, will review this agreement and decision and will return to the Board for the final decision. The Board found that the applicant has fully complied with the requirements; 2) the grant of the special permit is in harmony with the purpose and intent of the Zoning Bylaws; 3) the grant of the special permit is not detrimental or injurious to the neighborhood and use is compliant with the Zoning Bylaws; 4) the grant of the special permit complies with all applicable requirements of the Zoning bylaw; 5) the Special Permit was complete and compliant and 6) the grant of the special permit based on mandatory findings which were found to exist with the requirements.

#### 4. New Business

##### A. Request – Simon motor vehicles Class II license (increase 25 to 50)

The owners of Mikes Motor Group, LLC are interested in changing their Class II license to increase the number of second-hand vehicles in which they can sell from 25 to 50. Mr. Raad presented his petition to increase the number of vehicles for sale on his lot. He has also included a plan showing the layout of the proposed parking area for the vehicles. No one spoke out against the increase, the Building Commissioner has no issues and the plan satisfies the requirement for the Fire Department.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to modify the Class II license issued to Mikes Motor Group, LLC to allow the sale of up to 50 second-hand vehicles.

##### B. Request – to start Collector hiring process

The position of Tax Collector may become vacant on May 10, 2016, the voters will ultimately determine whether the position becomes appointed or remains elected, the office will start to prepare for the possibility of the position becoming appointed, it is tax time and the town does not want the process to take too long.

##### C. Appointment – Assistant Town Administrator as NMCOG alternate

Tyngsborough currently has a vacancy for an alternate position on the Northern Middlesex Council of Governments, the town's regional planning agency. The Assistant Town Administrator asks that he be considered for appointment to this position, for six years he has been the representative for





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the Town of Chelmsford as a full member and is well versed in the issues and topics before the Council.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to appoint, Matt Hanson, Assistant Town Administrator, as an alternate member to the Northern Middlesex Council of Governments.

#### D. Comment request from Planning Board:

The forms that land use boards submit to the Board of Selectmen seek comments from the Board on particular matters brought to their boards and commissions.

- i. Subdivision – 14 Worden Road (2 lots)  
A two-lot subdivision plan in order to build two single-family homes.
- ii. Site Plan Review & SP – 324 Middlesex Road (self-storage)  
To construct self-storage facility.

It is the Administrator's recommendation that the Board not offer an opinion on matters that the land use boards take up as they act as an independent board. The Administrator will continue to provide information so that the Board remains informed.

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to vote to take no action on the two applications.

#### E. Special Act – amended version (Vote & Signature)

The Special Act of House No. 3631 language was amended to include the language "in accordance with said section 56 of said chapter 41".

The Board of Selectmen voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to concur with the amended language of House, No. 3631 as voted this evening Monday, April 11, 2016 as follows: Notwithstanding any provision of section 56 of chapter 41 of the General laws, or any other general or special law to the contrary, the town administrator of the town of Tyngsborough and, in the absence of the town administrator, the assistant town administrator shall be authorized to approve all warrants for payment of town funds, including payroll warrants, prepared and approved by the town accountant in accordance with said section 56 of said chapter 41. The approval of all such warrants by the town administrator or, in the absence of the town administrator, the assistant town administrator shall be sufficient to authorize payment by the town treasurer. If both the town administrator and the assistant town administrator are absent, or the office of town administrator is vacant, the board of selectmen shall approve all such warrants in accordance with said section 56 of said chapter 61.

### 5. 7:00 PM: Joint Meeting with Finance Committee

#### A. Greater Lowell Technical High School – Budget Presentation

The Superintendent and the Business Manager of the GLTHS presented the GLTHS' proposed budget for FY 2017. With the use of a power point presentation Supt. Bourgeois explained the proposed budget for the GLTHS. The Board thanked Superintendent Bourgeois for coming in and presenting the GLTHS budget.

### 6. Old Business / Finance Committee

#### A. Budget/ B. Town Meeting Warrant – vote to open and C. Town Meeting Warrant – discuss articles

The Administrator did an oral presentation of a draft budget, the budget of two weeks ago is being put into form there are still some unknowns, the final revenue numbers won't be ready until June





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30<sup>th</sup>, the school's budget will be presented on the 23<sup>rd</sup>. We should have a final budget by April 25. The Administrator went over the Town Meeting Warrant Articles; Article 1 is the election warrant, articles 2, 3, 4, and 5 are the standard articles; articles 6, 7, 8, 9, and 10 are transfer of funds; articles 11 and 12 will be removed they are not needed; article 13 is a transfer of funds; article 14 is the for Capital Improvements; Article 15 is the appropriation – sewer enterprise fund; article 16 is the appropriation for the ambulance enterprise fund; Article 17 is for authorization of the Board regarding contracts; article 18 is for authorization to accept Chapter 90 funds; article 19 is to continue and approve revolving funds; article 20 is to establish a Traffic Police Detail; article 21 a transfer from Stabilization for Debt & debt assessment; Article 22 is the appropriation from CPC fund; article 23 the closing of certain CPC accounts; article 24 a transfer of overlay funds; article 25 a transfer of funds for town collector's retirement; article 26 authorization to sell surplus property; article 27 amend the personnel bylaw, this article may be removed; article 28 amend wetland bylaw; article 29 transfer of funds; and article 20 is a citizen's petition to amend the zoning bylaw. The Special Town Meeting review of articles: article 1 transfer of funds to supplement various municipal groups; article 2 approve payment of prior year unpaid bills; articles 3,4,5 will be removed they are not necessary; article 6 transfer for snow and ice if needed and article 7 transfer from municipal government accounts an amount to be expended by the Sewer Commissioners.

### **7. Citizen/Business Time** No one came forward at this 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.

### **8. Correspondence**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to accept the correspondence as read. The Board received correspondence from a resident interested in serving on the Recreation Committee. The Administrator will reach out to the resident.

### **9. Review of Weekly Warrants**

The Town Administrator read the following warrants: Warrant #40P for \$848,644.83 on 4/4/2016; Warrant #40B for \$751,478.94 on 4/4/2016; Warrant 40S for \$129,605.80 on 4/4/2016; Warrant #40S(332) for \$81,075.23 on 4/4/2016; Warrant #41B for \$116,798.67 on 4/11/2016; Warrant #41VET for \$11,2014.53 on 4/11/2016; and Warrant #41S for \$242,499.72 on 4/11/2016.

### **10. Town Administrator's Report**

- Other

The net metering bill is approved and is signed by the Governor.

Received the Chapter 90 apportionment, the Town received a total of \$413,000.

The Town received a certificate for their participation of Middlesex 3 coalition.

And the new carpet installation at the town hall went well and was completed sooner than expected.

Our IT person Jason Bulger worked on Sunday to connect all the pc's so that they would be ready for use on Monday AM.

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

### **12. Executive Session** – None this evening.





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### 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 9:30 PM.

Respectfully submitted  
Therese Gay, Admin Assist.

Approved on Monday, April 25, 2016

