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, May 2, 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."

Revised: Friday, April 29

1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda

The Chair opened the meeting at 6:05 pm, followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Selectman Gramer.

2. Meeting Minutes – No minutes were available for this evening.

3. New Business

A. Request – Tyngsborough Water District seeking extension for well testing

The Tyngsborough Water District submitted a request to extend the license agreement pertaining to the land shown on Assessors Map 19, Lot 35 and Map 50 and 51 for the period of two years (730 days), with possible extensions; the reason for the two year period is time needed for permits as they proceed. In 2014, the Tyngsborough Water District completed the initial site investigation on the parcel known as the Hunter Property. The test proved to be a positive location for future Town wells. Mr. Warren Allgrove, Chairman of the District was present to answer and question and to present the request.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to extend the lease agreement pertaining to the land shown on Assessors Map 19, Lot 50 and 51, also referred to as the Norton/Hunter Property on River Road, for a period of two years (730 days) with possible extensions.

B. Request – Team Connor bike-a-thon

Ms. Beth Craig has presented the Road Race Application for the Team Connor Ride. It is a bicycle race and will start and finish at the Tyngsborough Elementary School. There are two races, a ten mile race and a 40 mile race. The date is on Sunday, May 29, 2016 starting at 9 AM and ending at 12 Noon (includes clean up). The number of participants is expected to be 250. The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to grant the request by the Team Connor Ride for a permit to run a road race starting and ending at the elementary school traversing 10 miles and 40 miles over town roads from 9:00 AM to 12 Noon.

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C. Request – Special Permit extension for Blue Wave Solar, 50 Westford Road

Mr. Pierson, Director of Project Development for Blue Wave Capital, LLC request an Extension for a Special Permit and an Order of Conditions for a Solar Facility at 50 Westford Road for two years. A special permit was issued by the Board of Selectmen on June 7th, 2010 to Westford Road Development, LLC. An order of condition was issued by the Conservation Commission on October 12th, 2010 to Westford Road Development. LLC. Blue Wave requires this additional time for the following: 1) securing SREC and Net Metering allocation, which both depend on future legislative action whose timeline is uncertain; 2) secure financing for the project, which directly depends on certainty regarding SREC and Ne Metering allocation and 3) procure an engineering, procurement, and construction contractor, which cannot occur without financing.

This item has been deferred to a future meeting when the petitioners will be attending.

D. Appointments – Reserve Officers

Police Chief, Richard Howe, attended the meeting to recommend to the Board the following special police officers, Christopher Gustafson, Matthew Koziol and Sean Caron, be appointed as Reserve Officers. The chief is also recommending that the Board appoint James McPadden, retired Lowell Police Captain, as a special officer. This appoint is consistent with the Chief's goal of increasing our compliment of special officers for traffic control.

The Board voted 4-0 on a motion by Selectman Gramer, second Selectman Nocco to appoint Christopher Gustafson, Matthew Koziol, and Sean Caron as Reserve Officers.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to appoint James McPadden as a Special Police Officer.

E. Right of Refusal – Maple Ridge

The office received a letter from Citizens' Housing and Planning Association, Inc. (CHAPA) in regards to #21 Dickens Lane. CHAPA is the monitoring agent on behalf of the Maple Ridge project. When an owner is looking to sell their property the monitoring agent manages the sale as outlined in the deed rider. Also outlined in the deed rider is the option for the Town to purchase the property. The Town has 30 days under the "right of first refusal" to purchase the affordable unit, to either manage or sell.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco that the Town waive their right, and allow CHAPA to market and manage the sale of the property at 21 Dickens Lane.

F. Request for Comments – Planning Board applications

The office received two request for comments from the Planning, 236 Pawtucket Blvd & 222 Sherburne Avenue, for the installation of Radio Access Network Antenna, and 324 Middlesex Road for a proposed zoning Change (citizen petition). The proposed zoning change is a citizen petition that will be presented at town meeting. The Board typically waits for comments from the Planning Board before voting a recommendation on zoning amendments. One request from the Zoning Board of Appeals, 384 Middlesex Road (Dream Diner) – Variance and Special Permit, The Administrator will continue to provide information so that the Board remains informed.

The Board voted 4-0 on a motion by Selectman Jackson, second by Selectman Gramer to take no action on the three applications.

G. Order of Street Layout, Acceptance, and Taking – Mascuppic Trail

In Accordance with the procedures for the layout and acceptance for town ways, M.G.L. c.82, s.24, the attached Order of Street Layout, Acceptance, and Taking are prepared and presented for the

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Board's signature. Roadway: Mascuppic Trail. This order of Taking will be recorded with the Middlesex Registry of Deeds (or the Land Court Section).
The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, where the Board after hearing laid out Mascuppic Trail as a Town Way and the Town Meeting of December 8, 2015, voted to accept as laid out, move the Board execute the Order of Taking.

4. Old Business

A. Freedom Alley Shooting Sports – Special Permit decision

The hearing was closed and the decision voted on at the April 11, 2016 selectmen's meeting, the remaining action was to review the typewritten decision and to sign the document. After some lengthy discuss at the April 25 meeting the attorneys for the petitioner and town have come to an agreement that the following wording be included; the applicant shall comply with all Federal and State laws concerning lead as it applies to both adults and children of all ages. The owner/operator shall place a sign at the premises in regards to lead exposure.

The Special Permit with conditions:

SPECIAL PERMIT DECISION
RIFLE RANGE SPECIAL PERMIT

Applicant:	Freedom Alley Shooting Sports, LLC
Property Location:	40 & 44 Cummings Rd. Map 13, Parcel 18 & 20, Lot 0
Project:	Indoor Rifle Range
Owner:	Current owner of 40 Cummings Rd. is BCH Nominee Trust by virtue of Deed at Book 21889, Page 262 and current owner of 44 Cummings Rd. is Massachusetts Union Real Estate LLC by virtue of Deed at Book 29519, Page 98. Applicant has properties under Agreement.

FINDINGS AND DECISION

A Special Permit to operate a Rifle Range is granted by the Town of Tyngsborough Board of Selectmen (Board) to Freedom Alley Shooting Sports, LLC, (Applicant) for property located at 40 & 44 Cummings Rd., (Premises) to construct an indoor Rifle Range; in accordance with section 2.11.30 Table of Uses in the Tyngsborough Zoning By-Laws, a Rifle Range is permitted by a Special Permit from the Board in an Industrial 1 Light (I-1) zone. The Zoning By-Laws define a Rifle Range as follows: "Any facility enclosed or open designed and intended for the safe discharge of firearms for the purpose of sport, practice, or training."

The Findings and Decision for approval, with conditions, are set forth below.

I. BACKGROUND:

1. The Applicant applied for an Indoor Gun Range Special Permit within a 36,300 ± sq. ft. building; and accessory use storage within 5,000± sq. ft. one-story shipping/receiving building pursuant to 1.16.00, 2.11.30 and 4.11.00 of the Zoning By-Laws. A Special Permits to construct a Rifle Range in accordance with Zoning Bylaw Section 2.11.30 Table of Permitted Uses is required from the Board.
2. Site Development plans which include: existing conditions, removal/demolition, non-residential site layout, grading & drainage, erosion control, utilities, lighting, drainage profiles, sewer profiles, construction details, and test pit logs created by Keach Nordstrom Associates, Inc. 10 Commerce Park North, Suite 3B, Bedford, NH 03110 and dated December 21, 2015, and revised February 9, 2016; along with other submissions on public file regarding sound levels, construction standards, public safety, nature of the business activities, caliber of ammunition, employee plans, emergency management plans, injury response plans, suicide prevention plans, lead safety information, ventilation plans, security system plans and related documents were submitted in connection with the Special Permit Application package. The Board also received departmental comments in connection with the application review. The Application for a Special Permit was received on December 30, 2015.
3. The Board also received departmental comments in connection with the application review.
4. The legal notice was published in the Lowell Sun on January 18 and January 25, 2016, and posted with the Town Clerk.

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5. A public hearing was held on the Special Permit Application before the Board originally scheduled for February 8, continued to February 16, February 22, March 14, March 28, and April 11, 2016.
6. At the public hearings, the Applicant and its attorney, architect and engineers made presentations of the project. Residents in attendance were permitted to speak for or against the Special Permit Application. Members of the Board were permitted to ask questions and comment on the Special Permit Application.

II. GENERAL FINDINGS:

At the public hearing the Board found as follows:

1. The Applicant has fully complied with the submittal requirements for the application for an Indoor Gun Range Special Permit established under Sections 1.16.14, 1.16.20, 1.16.22, 2.11.30 and 4.11.00 of the Zoning Bylaws as well as the Board's own Special Permit Rules and Regulations.
2. The grant of the Special Permit is in harmony with the purpose and intent of the Zoning Bylaws as the use sought is an allowed use and will provide additional needed services to the residents of the town in the area of a Rifle Range.
3. The grant of the Special Permit will not be detrimental or injurious to the neighborhood in which it is to take place as the applicant provided information regarding the proposed use and the potential impact of noise, traffic, drainage, lighting and public safety.
4. The grant of the Special Permit is appropriate for the site in question as the use is compliant with the Zoning Bylaws.
5. The grant of the Special Permit complies with all applicable requirements of the Zoning Bylaws.
6. The Special Permit was complete and compliant with Sections 2.11.30, Table of Permitted Uses, of the Zoning Bylaws.
7. The grant of the Special Permit is based upon the mandatory findings which were found to exist with the requirements of Section 1.16.14 of the Zoning Bylaws.

III. CONDITIONS AND SPECIFIC FINDINGS:

In view of the above, the Board determines that the Premises is a proper location for a Rifle Range 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 Rifle Range, subject to the below terms and conditions:

1. All employees shall be certified in Cardiopulmonary Resuscitation (CPR), for additional public safety.
2. The Rifle Range shall have a minimum of two working defibrillators present at all times along with five medical supply stations located in the front foyer, retail area and each one of the three standard ranges. Medical supplies on hand that shall be checked annually and shall include traditional first aid kids including gauze, splints, bandages, tourniquets, bag valve masks and related items and such shall serve public safety.
3. HVAC shall comply with OSHA monitoring standards, with regards to operation of the business and lead dust. The Applicant shall comply with all Federal and State laws concerning lead as it applies to both adults and children of all ages. The Applicant shall employ or contract with an expert in the field of OSHA compliance to annually test for compliance for public safety.
4. The Board finds that the construction materials and specifications submitted are indicative of proposed public safety compliance based upon all applicable prevailing standards also presented to the Board.
5. The Applicant shall be licensed for gunsmithing/gun sales in accordance with State and Federal laws. Prior to issuance of an occupancy permit the Applicant shall discontinue its present Hitman Firearms business and transfer the applicable licenses to the new location and/or void such license and obtain a new license for the premises.
6. Premises shall meet public sewer requirements/standards before an occupancy permit is issued.
7. All entrances and exits of the ranges must contain "tack" mats to prevent any contaminants from leaving the interior of the building in order to protect public safety.
8. All employees shall be annually tested for lead.
9. The owner/operator shall place a sign at the premises in regards to lead exposure.
10. The Rifle Range shall limit maximum caliber of ammunition that can be used in the facility not to exceed .50 BMG. Any change shall require a public hearing before the Board. The Board finds that .50 BMG limitation and related construction specifications are evidence of compliance with public safety.

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11. The Town may inspect the facility annually with reasonable advance notice to the Applicant to ensure that the owner/operator is in compliance with the above conditions. The Town may designate either a town employee or independent contractor to conduct such inspection. The Applicant shall pay an annual fee of $250 for said inspection. The owner/operator will have 30-days to comply with any deficiencies following receipt of written notice of the same. If the facility is in non-compliance after 60 days, the owner or operator shall close until those deficiencies are corrected or other arrangements have been made with the Town. If the Applicant contests a non-compliance finding the Board shall afford the Applicant an evidentiary hearing prior to imposing a formal finding of non-compliance and ordering the business to be closed and revoking the special permit.
12. Freedom Alley will maintain a strict age compliance with the use of weapons for the benefit of public safety:
    a. Age 18 years or older- permitted, unsupervised use without an Firearms Identification Card or License to Carry.
    b. Age 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 property within the facility.
    c. Age 11-15 years – must be accompanied with a parent or legal guardian, accompanied by and shoot with their parent or guardian'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. Age 10 years old or under– limited to special event days, which will be geared for children and only the use of 22 LR rifles will be used, as they are the easiest to learn on and control, of which only 12 per year allowed. Children must be accompanied by a parent or legal guardian. Children will be required to attend a Firearms Safety Course.
13. The Board shall be notified prior to any changes in ownership of the business. And, a change in ownership and transfer of the special permit shall require approval by the Board.
14. Failure to comply with any of the above conditions shall be deemed cause to revoke or modify this Decision. Prior to any such action there shall be a required evidentiary hearing for the Applicant to present evidence to defend itself regarding any allegation of non-compliance before the Board.

IV. APPEALS:

Appeals of this Decision, if any, shall be made pursuant to M.G.L. c. 40A, § 17, and shall be filed within twenty (20) days after the date of filing of this Decision with the Town Clerk.

The following members of the Board voted on April 11, 2016, to approve the Applicant's request for the Special Permits:

Board of Selectmen

Richard Reault, Chair William Gramer, Vice Chair
Robert Jackson, Clerk Corliss Lambert
Steven Nocco

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to vote to sign the special permit decision with conditions for the Freedom Alley Shooting Sports with the following additional wording: The applicant shall comply with all Federal and State laws concerning lead as it applies to both adults and children of all ages. The owner/operator shall place a sign at the premises in regards to lead exposure.

B. Lakeview Avenue – surplus land

The office was approached by Mr. Michael Dehney who is interested in purchasing a parcel of residentially zoned tax title property on Lakeview Avenue, identified on assessor maps as parcel 25 51 0. Mr. Dehney is the direct abutter on three sides of the Lakeview Avenue 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

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Conservation Commission. 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 we are not requesting any action to surplus this property at this time. The office requests that the Board vote that parcel 25 51 0 be deemed surplus and available for sale to an abutter. The next step in the disposition process is Town Meeting approval. If approved at Town Meeting, the Board would have the authority to set a sale price and approve a sale of property. It is our recommendation that the Board clarifies the pre-existing non-conforming uses on the abutting properties, which encroach parcel 25 51 0, are not expanded. Please note that an error was found in the property record card, which identifies the parcels as 3.5 acres, while the correct property size appears to be approximately 1.7 acres.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, that the Board declare a parcel of land on Lakeview Avenue, taken through tax title on August 1, 1992, and identified as Assessor Map 25, parcel 51, Lot 0, as surplus property and available for disposition with the following conditions: The non-conforming buildings and/or uses which encroach upon the property at Assessors Map 25, Parcel 51, Lot 0 shall not be extended, increase, altered, or reconstructed, in perpetuity, on the parcel at Assessors Map 25, Parcel 51, Lot 0.

C. Budget – review

The Administrator met with the financial team to discuss the budget, they are close to finalizing by the end of the week. No action is needed this evening. The Budget will be complete by the Board's next meeting.

D. Warrant – VOTE & SIGN

The Administrator reviewed the warrant articles that the Board voted to place on the Town Meeting Warrant at their last meeting. The articles 1 through 5 are standard articles, articles 4 and 5 are still open. Articles 6 through 11 are complete, article 12 the Sewer Enterprise Fund. The Sewer Commissioners will have the final numbers after their meeting on Tuesday. Articles 13 through 24 are complete; the Board could make the recommendations on the completed articles. The only article not complete on the Special Town Meeting Warrant is article 1, articles 2 through 4 are complete and the Board could vote to recommend, the Sewer Department placed article 5 in the event it is needed.

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to vote to sign and post the Annual Town Meeting and the Special Town Meeting Warrants on Tuesday, May 3, 2016.

The Board reviewed the articles and made their recommendations:

GENERAL ARTICLES:

Article 1. To bring in their votes by ballot for 1 Selectmen for the term of three years, 1 Assessor for the term of three years, 1 Board of Health Member for the term of three years, 1 Board of Health for the term of two years, 1 Cemetery Commissioner for the term of three years, 1 Cemetery Commission for the term of two years, 1 Cemetery Commissioner for the term of one year, 2 Finance Committee Member for the term of three years, 2 Library Trustees for the term of three years, 2 School Committee Members for the term of three years, 1 Sewer Commissioner Member for the term of three years, 1 Tax Collector for the term of three years, 1 Planning Board Member for the term of five years, 1 Tyngsborough Housing Authority Member for the term of five years.

Board of Selectmen: **__X__ In Favor** **Finance Committee:** **__X__ In Favor**

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The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 1 as presented.

Article 2: Reports of the Town Officers and Committees. To see if the Town will vote to accept the reports of the Town Officers and Committees as printed, or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: **X In Favor** **Finance Committee:** **X In Favor**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 2 as presented.

Article 3: Choose all Officers Not Named. To see if the Town will choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: **X In Favor** **Finance Committee: Deferred to later date**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 3 as presented.

FINANCIAL ARTICLES:

Article 4: Compensation of Elected Officials. To see if the Town will vote to fix the salary and compensation of elective officers of the Town as provided by Section 108 of Chapter 41 of the Massachusetts General Laws, as amended, for the Fiscal Year 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations to be submitted within Article 5.

	SALARIES 7/01/15 6/30/16	**REQUEST SALARIES** 7/01/16 6/30/17	**RECOMMENDED** 7/01/16 6/30/17
Elective Town Officers			
Moderator	$ 0	$ 500	$ 0
Selectmen (5)			
Chairman	$ 0	$ 6,000	$ 0
Members (4)	$ 0	$ 5,000	$ 0
Tax Collector	$ 64,627	$ _____	$ 0
Town Clerk	$ 59,242	$ 60,427	$ 0
Assessors (3)			
Chairman	$ 0	$ _____	$ 0
Member (2)	$ 0	$ _____	$ 0
Board of Health			
Chairman	$ 0	$ 1,250	$ 0
Members (4)	$ 0	$ 1,000	$ 0
Tree Warden	$ 0	$ 0	$ 0
Cemetery Commissioners (3)	$ 0	$ 0	$ 0

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Library Trustees (6)	$ 0	$ 0	$ 0
Sewer Commissioners (3)			
Chairman	$ 1,500	$ 1,500	$ 0
Member (2)	$ 1,500	$ 1,500	$ 0
Planning Board (5)			
Chairman	$ 0	$ 1,750	$ 0
Members (4)	$ 0	$ 1,500	$ 0
Finance Committee (5)	$ 0	$ 0	$ 0
Constables (2)	$ 0	$ 0	$ 0
Greater Lowell Technical HS (1)	$ 0	$ 1,500	$ 0

Submitted by: Board of Selectmen

Board of Selectmen: Recommendation to be Made at Town Meeting Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 4 at Town Meeting.

Article 5: Appropriation – General Fund for Fiscal Year 2017. To see if the Town will vote to raise and appropriate and/or transfer from available funds such sums of money as may be necessary to fund town expenses for Fiscal Year 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

Board of Selectmen: Recommendation to be Made at Town Meeting Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 5 at Town Meeting.

Article 6: Transfer of Funds. To see if the Town will vote to appropriate by transfer from the Billboard Stabilization Fund the sum of $20,000.00 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2017 by funding recreational, public safety, or other public purposes, or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 6 as presented.

Article 7: Transfer of Funds. To see if the Town will vote to appropriate by transfer the sum of $5,000.00 from the Wetland Protection Fund to stabilize the tax rate for FY 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 7 as presented.

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Article 8: Transfer of Funds. To see if the Town will vote to appropriate by transfer the sum of $242,140.00 from the PEG Fund to stabilize the tax rate for FY 2017, or take any other action relative thereto.
Submitted by: Board of Selectmen
Board of Selectmen: __X__ **In Favor** **Finance Committee:** __X__ **In Favor**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 8 as presented.

Article 9: Transfer to Stabilization. To see if the Town will vote to appropriate by transfer the sum of $576,656.06 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash		$576,656.06
Transfer to:	Stabilization Fund	$326,771.77	
	Capital Asset Stabilization Fund	$249,884.29	

Submitted by: Board of Selectmen
Board of Selectmen: __X__ **In Favor** **Finance Committee:** __X__ **In Favor**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 9 as presented.

Article 10: Transfer of Funds. To see if the Town will vote to appropriate by transfer the sum of $100,914.81 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash		$100,914.81
Transfer to:	Other Post-Employment Benefits Liability Trust Fund	$52,860.14	
	Compensated Absence Fund		$48,054.67

Submitted by: Board of Selectmen
Board of Selectmen: __X__ **In Favor** **Finance Committee:** __X__ **In Favor**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 10 as presented.

Article 11: Appropriation – Capital Improvements for Fiscal Year 2017. To see if the Town will vote to transfer from available funds the sum of $283,522.00, and that the Town be authorized to accept any available grant dollars, for the following purposes:

Department	Project	Amount Not to Exceed	Expended by
Fire Department	Portable Radios	$24,000	Selectmen
Police Department	Portable Radios	$30,676	Selectmen
Highway	¾-Ton Truck with Plow	$50,000	Selectmen
Selectmen	Town Offices Improvements	$62,846	Selectmen
Information Tech.	Town Hall Phone system	$21,000	Selectmen
School	Technology Replacement	$50,000	School Committee
School	Maintenance vehicle	$45,000	School Committee

for a total of $283,522.00, or take any other action relative thereto.

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Submitted by: Board of Selectmen and Capital Asset Management Committee

Board of Selectmen: __X__ In Favor Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 11 as presented.

Article 12: Appropriation – Sewer Enterprise Fund for Fiscal Year 2017. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2017 as follows, or to take any action relative thereto.:
Submitted by: Sewer Commissioners
Board of Selectmen: Recommendation to be Made at Town Meeting
Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 12 at Town Meeting.

Article 13: Appropriation – Ambulance Enterprise Fund for Fiscal Year 2017. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Board of Fire Engineers to operate the Ambulance Enterprise for Fiscal Year 2017 as follows:

Salaries		$ 253,352.00
Expenses		$ 30,000.00
Capital Outlay – Year 1		$ 40,000.00
Subtotal		$ 323,352.00
Indirect Costs to the General Fund	$ 48,722.00	
TOTAL		**$372,074.00**

That $372,074.00 be raised through Department Receipts

Department Receipts	$372,074.00	
TOTAL		**$372,074.00**

That $48,722.00 be included in appropriations from the General Fund for indirect costs and be allocated to the Ambulance Enterprise for funding, or take any other action relative thereto.
Submitted by: Board of Selectmen
Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 13 as presented.

Article 14: Authorization of the Board of Selectmen Regarding Contracts in Excess of Three Years. To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: Board of Selectmen
Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

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The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 14 as presented.

Article 15: Authorization of the School Committee Regarding a Transportation Contracts in Excess of Three Years. To see if the Town will vote to authorize the School Committee to enter into an Agreement up to five years to provide transportation services for the school department. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: School Committee

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 15 as presented.

Article 16: Authorization for the Board of Selectmen to Lease Property for a Billboard. To see if the Town will vote to authorize the Board of Selectmen to enter into any and all necessary agreements to let and/or lease the property for the construction, installation, operation and maintenance of a billboard, on such terms and conditions as the Board of Selectmen deem appropriate, property identified as 120 Westford Road, shown as Assessors Map 22, Parcel 1-0,containing approximately 14.61 acres of land, zoned Industrial 1 Light (I-1), recorded in Middlesex North Registry of Deeds in Book 2652, Page 722, or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 16 as presented.

Article 17: Authorization to Accept Chapter 90 Funds. To see if the Town will vote to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants; or take any other action relative thereto.
Submitted by: Board of Selectmen

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 17 as presented.

Article 18: Continue and Approve Revolving Funds. To see if the Town will vote to authorize pursuant to the authority granted under Massachusetts General Laws Chapter 44, Section 53E½ the following revolving funds for the purpose of receiving fees and making disbursements in connection with the duties of the following town entities or as so specified below, and that any surplus revenue accumulated in FY2016 and FY2017 shall remain in the revolving accounts for each of the following town entities:

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Fund	Programs and Purposes	Departmental Receipts	Authorization	Max. Annual Expenditure
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers	$10,000.00
Ambulance	Ambulance programs and materials	Fees	Board of Fire Engineers	$50,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen	$120,000.00
Old Town Hall	Old Town Hall operation and maintenance	Fees	Board of Selectmen	$25,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee	$50,000.00
Board of Health	Recycling programs and materials	Fees collected from participants	Board of Health	$7,000.00
Board of Health	Collection and disposal of bulky items	Fees collected from Republic Services and participants	Board of Health	$40,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health	$6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission	$5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	$3,000.00

or take any other action relative thereto.

Submitted by: Town Entities as shown

Board of Selectmen: __X__ In Favor Finance Committee: __X__ In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 18 as presented.

Article 19: Establish a Police Detail Revolving Fund. To see if the Town will vote to establish a Traffic Police Detail Revolving Fund as authorized by Chapter 44, §53E½ of the Massachusetts General Laws. This fund shall be funded by citations and other traffic violations charged. These funds may be expended without further appropriation for wages and expenses related to traffic and roadway safety. The Board of Selectmen may expend from this account an amount not to exceed $30,000 for the fiscal year beginning July 1, 2016, or take any action in relation thereto. Submitted by: Board of Selectmen

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Board of Selectmen: X In Favor Finance Committee: X In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 19 as presented.

Article 20: Transfer Funds. To see if the Town will vote to transfer an amount in FY16 from Stabilization Fund for Debt & Debt Assessment and said funds be used by the Treasurer to be used towards the payment of debt principal and interest for the Early Childhood Center (ECC) Roof, 135 Coburn Road, and the Greater Lowell Technical High School for Debt Assessment; or to take any other action relative thereto.

Transfer from:	Stabilization Fund for Debt & Debt Assessment	$57,395.00
Transfer to:	Long Term Debt Principal	$50,000.00
	Long Term Debt Interest	$ 7,395.00
Transfer from:	Stabilization Fund for Debt & Debt Assessment	$69,378.00
Transfer to:	Technical School Assessment	$69,378.00

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor Finance Committee: X In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 20 as presented.

Article 21: Appropriation from Community Preservation Committee Fund. To see if the Town will vote that the following sums be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2017, with each item to be considered a separate appropriation, for the payment of administrative expenses of the Community Preservation Committee, debt service, community preservation projects, and all other necessary and proper expenses, or take any other action relative thereto.

Reserves	Amount
Reserve for Historic Preservation	$ 57,225.00
Reserve for Affordable Housing	$ 57,225.00
Reserve for Open Space	$ 57,225.00
FY 2017 Budgeted Reserve	**$ 171,675.00**

Appropriations	Amount	Fund Category
Administrative Expenses	$ 25,000.00	Administrative
Lake Mascuppic Weed Control Program	$ 7,000.00	Open Space/Rec
Flint Pond Restoration	$ 35,000.00	Open Space/Rec
First Parish Fence	$ 9,913.75	Open Space/Rec
Winslow School	$ 30,000.00	Historic
Artifact Display Cabinet	$ 4,000.00	Historic
Tyngsborough Housing Authority Study	$ 30,000.00	Housing
Long-Term Debt – Principal Red Pines	$ 400,000.00	
Long-Term Debt – Principal First Parish	$ 470,000.00	
Long-Term Debt – Principal Old Town Hall	$ 375,000.00	
Total CPC Appropriations	**$ 1,385,913.75**	

or take any other action relative thereto. Submitted by: Community Preservation Committee

Board of Selectmen: X In Favor Finance Committee: X In Favor

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The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 21 as presented.

MISCELLANEOUS ARTICLES

Article 22: Authorization to Sell Surplus Property. To see if the Town will vote to authorize the Board of Selectmen to convey to direct abutters a parcel of land situated on Lakeview Avenue, having approximately 1.7 acres of land and shown on Assessors Map 25, Block 21, Lot 0, and also recorded in the Middlesex North Registry of Deeds, Book 6084 Page 347, such land having been determined to be no longer needed for any municipal purposes, upon such terms and conditions as determined by the Selectmen, or take any other action relative thereto. Submitted by: Board of Selectmen

Board of Selectmen: X In Favor Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 22 as presented.

Article 23: Amend the Wetland Bylaw. To see if the Town will vote to amend the Wetlands Bylaw, Article XXXIII, Section 5.1 by amending the following language by deleting the underlined words and replacing them with the **BOLDED** words;

> 5.1 Any person filing a permit application or a RDA with the Commission at the same time shall give written notice thereof, by <u>certified mail (return receipt requested)</u> **Certificate of Mail** or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors," or to take any other action relative thereto Submitted by: Conservation Commission

Board of Selectmen: X In Favor Finance Committee: X In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 23 as presented.

CITIZEN PETITION:

<u>Article 24: Citizen Petition to Amend the Zoning Bylaw.</u> To see if the town will vote to amend the zoning map from Business (B3) to Industrial One (I1) with respect to a certain <u>portion</u> of land situated in Tyngsborough, Middlesex County, Massachusetts, known as 324 Middlesex Road and being shown on a Zoning Extension Plan dated April 5, 2016 prepared by LandPlex Civil Engineering & Surveying containing the following metes and bounds:

Beginning at a point on the southerly side of a twenty-five foot wide Right of Way known as Chisholm Road, at the northwest corner of the premises; Thence running N 78°51'57"E along the southerly side of said Right of Way a distance of 164.54' ; Thence running S 26°36'40"E a distance of 1,046.05' ; Thence running S 63°23'20"W a distance of 328.66' ; Thence running N 38°08'52"W a distance of 70.89' ; Thence running along a curve to the right of radius 600.00' a length of 120.72' ; Thence running N 26°37'11"W a distance of 227.19' ; Thence running N 44°01'59"E a distance of 118.46' ; Thence running N 19°00'27"W a distance of 639.76' to the point of beginning. The remaining portion of the property shall remain zoned as currently designated.

The property is more particularly described in a deed to Tyngsboro D.J.D., LLC recorded at Book 29698, Page 69 on December 29, 2015 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto. Citizen Petition

Board of Selectmen: Recommendation to be Made at Town Meeting Finance Committee: Deferred to later date

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The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 25 at Town Meeting

Special Town Meeting Warrant

Article 1: Department Transfers from Available Funds. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to supplement various municipal government groups for fiscal year 2016, or take any other action relative thereto. Submitted by: Board of Selectmen
Board of Selectmen: Recommendation to be Made at Town Meeting/Finance Committee: Deferred to later date

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 1 at Town Meeting

Article 2: Transfer of Funds for Town Collector Retirement. To see if the Town will vote to transfer from available funds $10,813.62 for the Town Collector's planned retirement in May 2016, or to take any other action thereto. Submitted by: Board of Selectmen.
Board of Selectmen: X In Favor Finance Committee: X NOT In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 2 as presented.

Article 3: Transfer of Funds for School Medicaid. To see if the Town will vote to appropriate by transfer from Free Cash (available funds) the sum of $139,965.56 to supplement the Tyngsborough School Budget for fiscal year 2016 to be expended by the School Committee. Said amount represents reimbursements made through June 30, 2015 from the Municipal Medicaid Program for school services provided to eligible residents, or take any other action relative thereto. Submitted by: Board of Selectmen and School Committee
Board of Selectmen: X In Favor Finance Committee: X In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 3 as presented.

Article 4: Approve Payment of Prior Year Unpaid Bills. To see if the Town will vote to appropriate by transfer from Fiscal Year 2016 departmental appropriations the following amounts to pay prior years' bills, or to take any other action relative thereto.

Prior Year	Invoices/Vendor	Amount	Department
FY15	The Lowell Publishing Co.	266.64	Planning Board
FY15	The Lowell Publishing Co.	266.64	Planning Board

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor Finance Committee: X In Favor

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 4 as presented.

Article 5: Transfer from Sewer Enterprise. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts an amount to be expended by the Sewer Commissioners, or to take any other action relative thereto. Petition of the Sewer Commissioners

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Board of Selectmen: Recommendation to be Made at Town Meeting **Finance Committee: Deferred to later date**

The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco to recommend Article 5 at Town Meeting.

5. 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.

6. Correspondence
The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to accept the correspondence as read. Also included four new pieces of correspondence submitted this evening. Two letter from SEIU and the two documents with the CPC article budget.

7. Review of Weekly Warrants
The Administrator read the two warrants as follows: Warrant #44B for $842,681.92 on 5/2/2016 and Warrant #44P for $843,609.39.

8. Town Administrator's Report

- Other

The Administrator met with the Media Director, Steve Brogan, and highlighted some of the items he is working on such as working with Verizon to pick 2 feeds to update the bulletin board; has solicited information from the various departments to place on the bulletin board and has added a music player; has scheduled to meet with the PEG professionals, and is working to reconfigure the pieces of the broadcasting equipment.
The First Parish – sub bids are due on Wednesday and the bid for the general contractor is due in 2 weeks, all the bids will be reviewed and work should begin shortly.

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

10. Executive Session – No executive session this evening.

11. Adjournment
The Board voted 4-0 on a motion by Selectman Gramer, second by Selectman Nocco, to adjourn the meeting. The meeting adjourned at 8:15 PM.

Respectfully submitted

Therese Gay, Admin Assist.

Approved on Monday, May 16, 2016

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