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 16, 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. 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 6:05 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, April 25, 2016

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

ii. Monday, May 2, 2016

The Board voted 3-0-2 on a motion by Selectman Jackson, second by Selectman Gramer, to approve the minutes of Monday, May 2, 2016. (Selectmen Lambert abstains from voting and Selectman Jackson did not vote as he was absent).

3. Bond Anticipation Note

A. Action required: read motion, vote and sign documents

The Treasurer presented the information in regards to our short term borrowing plans. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to vote as follows:

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

Voted: to approve the sale of a $5,000,000 0.70 percent General Obligation Bond Anticipation Note ("Note No. 1," and together with Note No. 2, the "Notes") of the Town dated May 26, 2016, and payable October 21, 2016, to Eastern Bank at par and accrued interest, if any, plus a premium of $5,916.19.

Further Voted: to approve the sale of a $1,887,977 1.50 percent General Obligation bond Anticipation Note ("Note No. 1," and together with Note No. 2, the "Notes") of the Town dated May 26, 2016, and payable October 21, 2016, to Eastern Bank at par and accrued interest, if any, plus a premium of $5,916.19.

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Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated May 4, 2016, and a final Official Statement dated May 11, 2016, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the holders of the Notes from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be, and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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

4. New Business

A. Appoint Town Collector – Special Municipal Employee

The Office received a copy of an opinion from Attorney Charles Zaroulis to Ms. Kerry Colburn-Dion in regards to the Finance Coordinator/Treasurer being elected as the Tax Collector. Mrs. Colburn-Dion being elected to the position of Town Collector, the Board of Selectmen, per M.G.L. c.268A. s.1, Definitions, read: (g) "Municipal employee," a person performing services for or holding an office, position, employment...in a municipal agency, whether by election, appointment...whether serving with or without compensation, on a full, regular, part-time, intermittent, or consultant basis,... It is Town Counsel's opinion, if elected, hold the position of Tax Collector, provided the Board of Selectmen designates the position of Tax Collector as a special municipal employee, and approves the exemption of your interest from M.G.L. c. 268A s. 20, and you file a disclosure as required by M.G.L. c.268AS, s.20(d).

The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer to designate the Tax Collector's position as a special municipal employee and approves the exemption of your interest from M.G.L. c. 268A s.20, and you file a disclosure(Kerry Colburn-Dion did file a disclosure) as required by M.G.L. c.268A s.20(d) and amended to read for a period of time until the Tax Collector is appointed by the Town Administrator and voted and a favorable contract is signed.

B. Change of Manager – Carrabba's Italian Restaurant

The necessary paperwork was filed with our office and various town departments have reviewed the request. Furthermore, the Police Department has performed their due diligence in reviewing the application for a new manager at Carrabba's Italian Grill, LLC. There are no issues with the

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proposed new manager. Upon approval by the Board, the application will be forwarded to the Alcoholic Beverages Control Commission for final approval.
The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the change in manager at Carrabba's Italian Grill, LLC to Mr. Mark Normandin.

C. Transfer of Common Victualler – Mario's Pizza

Mario's, a local restaurant, has changed ownership and the new owners are seeking to transfer the Common Victualler. The new owner is also interested in changing the name to Brother's Pizza & Pasta. All of the necessary paperwork has been filed with our office and the Building Department and 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 Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the transfer of the Common Victualler to the new owner Sebastiao Pinto Filho DBA Brothers, Pizza & Pasta located at 92 Middlesex Road.

D. Request to fill vacancy – COA Van Driver

Last year the COA hired four (4) new drivers, since that time 3 have resigned. The COA is in desperate need for additional drivers. Ms. Barbara Roche, COA Director, is requesting the hiring of three (3) additional Van Drivers for the Tyngsborough Council on Aging. This would be a part-time temporary position with no benefits from the town. The funding us already approved through the LRTA Grant for FY2016. The rate of pay is $13.00 per hour, average 6 hours a day up to 5 days in a 2-week period.
The Board voted 5-0 to support the formal request to hire part-time van drivers with no benefits from the town as funding was approved through the LRTA Grant for FY 2016, the rate of pay is $13.00 per hour for an average of 6 hours a day up to days in a 2-week period.

E. Conveyance of Open Space – Conservation Commission Land Acceptance - Connell Construction Corp. Deer Ridge Estates

On November 19, 1999. Connell Construction Corp. received approval from the Planning Board to create a subdivision know as Deer Ridge Estates located at Westford Road and Anderson Drive. As part of the subdivision, three (3) parcels, 15 Alpine Way, 43 Alpine Way, and 381 Westford Road, were left as open space. On September 8, 2015, the Conservation Commission voted to accept the open space parcels. IN order to facilitate the transfer and record the new deeds at the Registry, the Board must vote to approve the Conservation Commission's acceptance of the land.
The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to approve the Conservation Commission's acceptance of the following open space parcels as delineated on the plan for Deer Ridge Estates dated 11/19/1999m, and knows as the following addresses: 43 Alpine Way (Map 9, Parcel 23, Lot 18); 20 Alpine Way (Map 9, Parcel 23, Lot 26); 15 Alpine Way (Map 9, parcel 23, Lot 23); 381 Westford Road, (Map 9, parcel 23, Lot 25).

F. Authorization to Award Contract – Ambulance Billing Service

In preparation for an emergency ambulance service operated by the Tyngsborough Fire Department, our office released a Request for Proposal for an Ambulance Billing Service provider to collect the necessary payments and insurance reimbursements. The proposer receives payment in the form of a fixed percentage of actual receipts delivered to the Town. The lowest qualified bidder, and only bidder, Comstar, LLC, offered a fee of 4%. Comstar currently operates as the ambulance billing company for 114 Massachusetts municipalities and over 100 additional municipalities in New England. Comstar ranked "highly advantageous" in all of our RFP review criteria.

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The Board voted 5-0 to approve the proposal from COMSTAR, LLC to provide Ambulance Billing Services as presented, and authorizes the Town Administrator to sign all necessary contract documents, and further authorizes the Town Administrator to enter into a 1 year contract with 2 one year extension beginning July 1, 2016 as presented for the electronic Patient Care Reporting software upon a recommendation from the Fire Chief, contingent upon approval of Article 13: Appropriation – Ambulance Enterprise Fund for Fiscal year 2017, at the Annual Town Meeting on May 17, 2016.

G. Contract – Collection of Delinquent taxes (update)

At the request of Mr. Spickler, former Tax Collector, our office release a Request for Proposals (RFP) for a collection agency to assist with the collection of delinquent personal property taxes in accordance with M.G.L. chapter 60, Section 2B. Bids were opened on May 3, 2016. The lowest qualified bidder, F.H. Cann & Associates, Inc. bid thirty three percent (33%). This fee, charged to the business upon collection, is limited to 1/3 of the tax bill in accordance with M.G.L. Chapter 60, Section 2B. The total outstanding accounts and balances from FYs 2008 through 2015; the number of accounts total to 252 and the total delinquent amount is $25,478.89. F.H. Cann & Associates currently serves as the collection agency for the towns of Westford, Chelmsford, Dracut, Lowell and Everett. Reference Checks were positive.
No Motion is required: M.G.L. Ch. 20 S. 2 allows the Tax Collector to enter into agreements with collection agencies for the purpose of collecting municipal taxes.

5. Old Business

A. Final Review
   i. Town Meeting Warrant
   ii. Budget

The Board discussed the remaining articles to discuss and to vote to recommend. Article 4 was the discussion on the stipends for the elected officials. The Town Administrator reached out to the various elected officials and asked if they would be interested in stipends, the Assessor's Office said they were not. The only departments interested were: the Moderator for $500.00; the Board of Selectmen for $6,000 for the Chairman an $3,000 for the members; the Board of Health $1,250 for the Chairman and $1,000 for the members; the Sewer Commissioners $1,500 for the chairman and $1,500 for the members, this allocation will come from the Sewer Enterprise Fund; the Planning Board $1,750for the Chairman and $1,500 for the members; the GLVTHS $1,500 per MGL the Committee Members cannot accept stipends. The Board continued to discuss back and forth on the amount of money to place in the stipends. The Board came to a consensus, and voted for the Board of Selectmen that the Chairman will receive $2,000 and the members receive $1,875 on a motion by Selectman Gramer, second by Selectman Jackson, the motion passed 4-0-1, Selectman Lambert abstained from voting; the Board voted to make no changes and to support the stipend of $500 for the Moderator on a motion by Selectman Gramer, second by Selectman Jackson the motion carries 5-0; the Board of Health $1,000 for the Chairman and $800 for the members on a motion by Selectman Gramer, second by Selectman Jackson the motion passes 4-0-1, Selectman Lambert abstained from voting; The Planning Board $1,200 for the Chairman, $1,000 for the members the Board voted to make no changes the motion passes 4-0-1, Selectman Lambert abstained from voting; The GLVTHS School Committee member $!,500 the Board voted to leave the decision to the Committee the motion passed 3-1-1, Selectman Reault voted against -0- amount, Selectman Lambert abstained.

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The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer to recommend Article 4 as amended and not as presented. (Selectman Lambert abstained). Article 5 discussion increase in the budget for two new positions the IT Coordinator and the HR Person; the Police Department's budget reflects a new patrolman and a part time dispatchers. discussions on the Recreation Department Budget theirs is $68,000/$69,000; with field maintenance at $15,000, watering the field is at least $30,000 to $40,000. The Rec Dept. has been using their revolving funds to keep the bicentennial fields mowed, fertilized and watered and the funds are quickly depleting. The town should maintain and not put it on the back of one single department. The Board voted 4-1-0 (Selectman Lambert in opposition) take some of the funds in the Selectmen's line item salary and wages and shift to the Recreation Department Budget the sum of $10,000 for FY 2017 the line item increases to $79,587 on a motion by Selectman Gramer and second by Selectman Jackson. The Veterans Department has decreased due to a lesser number of clients. The Board would like to decrease it to $220,000 and can revisit it if additional monies is needed; on a motion by Selectman Jackson, second by Selectman Gramer the motion passes 4-0-1 to recommend as amended on Monday May 16, 2016, Selectman Lambert abstains. Article 12 The Board voted 4-0-1 on a motion by Selectman Jackson, second by Selectman Gramer to recommend as presented. (Selectman Lambert abstains). Article 5 of the Special Town Meeting needs no action as the Sewer Commissioners do not need the funds. The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to take no action on Article 5. Sewer Commissioners transfer from the enterprise fund.

6. **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.

7. **Correspondence**

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to accept the correspondence with the additional 5 pieces as read. One piece of correspondence from the Veterans' Agent regarding the moving of the World War I and World War II Memorial in the center triangle between Kendall Road/Thomas Road/Winslow Road to the island at Middlesex and Winslow Road along the side of the World War I/World War II/Korean War Memorial.
The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer to support the moving of the Monument with a dedication at the new location.

8. **Review of Weekly Warrants**

The Town Administrator read the following warrants: Warrant # 45VET for $8,621.17 on 5/9/2016; Warrant #45S(332) for $13,299.50 on 5/9/2016; Warrant #45S for $321,965.86 on 5/9/2016; Warrant #45B for $39,771.60 on 5/9/2016; Warrant #46SPI for $53,668.48 on 5/16/2016; Warrant #46B for $730,656.43 on 5/16/2016; Warrant #46B(1) for $27, 532.11 on 5/16/2016; and Warrant #46P for $872,993.25 on 5/16/2016.

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9. Town Administrator's Report

- Contracting/Procurement

The Bids for the First Parish Meeting House are due Wednesday at 2:00 PM and the bids for the reconstruction of Mascuppic Trail are due Thursday at 10 AM.

- Other

The Administrator and the Media Director' s meeting has been postponed, Mr. Brogan is finishing his presentation on a new location for the media studio.

10. Selectmen's Reports

Selectman Lambert stated the monument is not just a rock and should be rededication when it moved.
The Chairman reminded everyone of the upcoming Town Meeting on Tuesday, May 17, 2016 at 7:00 PM. at the Elementary School.
Selectman Jackson noted the electronic sign in the center advertising our town meeting, the sign is on loaned to the town by the town of Dracut.

11. Executive Session – No executive session this evening.

12. Adjournment

The Board voted 5-0 on a motion by Selectman Jackson, second by Selectman Gramer, to adjourn the meeting. The meeting adjourned at 8:45 PM.

Respectfully submitted

Therese Gay, Admin Assist.

Approved on Monday, June 6, 2016