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 Notice

Monday, July 18, 2016 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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.

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

2. **Meeting Minutes**
   A. Regular Session Meeting Minutes for Review/Approval
      i. Monday, June 20, 2016
   B. Executive Session Meeting Minutes for Review/Approval/Not Release
      i. Monday, June 20, 2016
      ii. Tuesday, June 28, 2016

3. **Citizen/Business 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.

4. **6:30 PM: PUBLIC HEARINGS:**

   America Multi-Cinema, Inc. (AMC) 440 Middlesex Road
   Request for Change of Officers/Directors

   Flints Pizza and Seafood, 150 Westford Road
   Request to Change license from Wine/Malt restaurant to All Alcohol restaurant

   Bhakta Samaj USA, Inc., 147 Frost Road
   Request to Transfer license from Double D, DBA LLDs to Bhakta Samaj USA, Inc. and to change license type from restaurant to club.

5. **New Business**
   A. Complete Streets – policy
   B. Building Fee – request to reduce solar project building fee
   C. Software improvements – Building, Assessors', other departments
   D. State Primary Election – vote to post
   E. Special Act for Fall Town Meeting

6. **Old Business**
   A. PEG Center – update on progress
   B. Social Media Policy – update
   C. Fire Department Ambulance Billing:

town of Tyngsborough massachusetts

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i. Approve Rates
ii. Approve creation of Abatement Committee

D. Industrial Way Sale – contract authorization

7. Correspondence

8. Town Administrator's Report

- Response to Selectmen's Requests
- Budget/Warrants
- Departmental Information
- Contracting/Procurement
- Other

9. Selectmen's Reports

10. Executive Session

1. Exemption 3. To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares; MCAD
2. 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; SEIU, Clerical
3. Exemption 2. To conduct contract negotiations with nonunion personnel; Information Technology Director

11. Adjournment

Future Meetings

Monday, August 15, 2016 at Tyngsborough Town Offices, 25 Bryants Lane
Monday, September 12, 2016 at Tyngsborough Town Offices, 25 Bryants Lane

town of tyngsborough massachusetts

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Board of Selectmen Meeting Minutes **APPROVED**

Monday, July 18, 2016 at 6:00 P.M.
Community Room, Town Offices, 25 Bryants Lane

Members Present: Selectman William Gramer, Selectman Robert Jackson, Selectman Rick Reault, 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, and introduction of the Board. The Chairman remarked that the Agenda will no longer be read. There are copies of the agenda available on the side desk and visible on the screen.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

i. Monday, June 20, 2016

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson, to approve the minutes of Monday, June 20, 2016. (Selectman Lambert abstains)

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

i. Monday, June 20, 2016

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson, to approve but not release the executive session minutes of Monday, June 20, 2016. (Selectman Lambert abstains)

ii. Tuesday, June 28, 2016

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectman Jackson, to approve but not release the executive session minutes of Monday, June 28, 2016. (Selectman Lambert abstains)

3. Citizen/Business Time – No one came forward

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to enter into executive session to discuss exemption three (3), exemption three (3) and exemption two (2) and to return to open session to continue the open meeting. Roll Call Vote, Selectman Steven Nocco, yes; Selectman Corliss Lambert, yes; Selectman Robert Jackson, yes; Selectman Gramer,

yes; Selectman Reault, yes. The Board entered into Executive Session at 6:05 PM to discuss the following:

1. Exemption 3. To discuss strategy with respect to litigation because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares; MCAD
2. 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; SEIU, Clerical
3. Exemption 2. To conduct contract negotiations with nonunion personnel; Information Technology Director

The Board exited executive session and returned to open session at 6:30 PM

4. 6:30 PM: PUBLIC HEARINGS:

America Multi-Cinema, Inc. (AMC) 440 Middlesex Road
Request for Change of Officers/ Directors

The voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to open the hearing.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the legal notice.
Attorney Michael Brangwynne came forward and presented the petition for a change in the Directors and Officers at the AMC Theatres, Inc. Nothing else will change the operation will be conducted as usual.
The Chairman inquired if there were any abutters Reault who wish to speak for or against the petition. No one came forward.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the hearing.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the request as presented.

Flints Pizza and Seafood, 150 Westford Road
Request to Change license from Wine/ Malt restaurant to All Alcohol restaurant

The voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to open the hearing.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the legal notice.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the abutters' lists.
Attorney Peter Nicosia came forward and presented the petition to change the wine and malt restaurant license for an all alcoholic beverages restaurant license for Flint's Corner Pizza and Seafood at 150 Westford Road, the petitioner has been in business for some 30 years. The petitioner is looking to a future expand his building and business. The petitioner will return for a change of premises at that time.
The Chairman inquired if there were any abutters present who wish to speak for or against the petition. No one came forward.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the hearing.

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The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the request as presented.

Bhakta Samaj USA, Inc., 147 Frost Road
Request to Transfer license from Double D, DBA LLDs to Bhakta Samaj USA, Inc. and to change license type from restaurant to club.

The voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to open the hearing.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the legal notice.
Attorney Peter Nicosia came forward and presented the petition for a license transfer from Double D, Inc. DBA LLDs to Bhakta Samaj USA, Inc. at 147 Frost Road. Bhakta Samaj USA also petitions to change the license type from restaurant to club. The group is of a private religious order. They will use the club as a meeting place for their organization. Bhakat Amaj Inc. has offered to pay on payment in lieu of taxes program. They will not be utilizing the existing entertainment license, if one is needed in the future the petitioner will return at that time to request an entertainment license. They will be operating their business somewhat like the Tyngsborough Sportsmen's Club. They will also be enclosing the patio portion to make a gymnasium, they will also file for a change of premise once the building permit is filed.
The Chairman inquired if there were any abutters present who wish to speak for or against the petition. No one came forward.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to close the hearing.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the petition for the transfer of license, new manager and the change of license type and the Common Victualler License as presented.

5. New Business

A. Complete Streets – policy

There is a great opportunity for the Town to secure Complete Streets funding for the implementation of a variety of infrastructure improvements related to multi-modal accommodation (roadways, sidewalks, bikes, ADA compliance). The Administrator summarized the program available. If the Town adopts a Complete Streets Policy, the office will work with WorldTech and Bill Mirtz, on developing a scope of services and securing the $50,000, which includes submitting the documents to MassDOT. Once the documents are submitted, MassDOT will review the Agreement between the Town and MassDOT and submit to the Town or signature. The Town will return the signed Agreement to MassDOT, which will then issue a Notice to proceed and at that time the Town will execute the Agreement between the Town and WorldTech. The MassDOT Agreement with the Town is a reimbursement program similar to Chapter 90 and will be administered by the District State Aid Administrator.
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to adopt the Complete Streets Policy and authorize the Town Administrator to work on submitting the necessary documentation to MassDOT for the creation of a Complete Streets Prioritization Plan.

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B. Building Fee – request to reduce solar project building fee

The solar project slated to begin construction this month is seeking a reduction in the building permit and electrical permit fees associated with the project. The Building Department has assessed the fees of the project based on the total cost of construction. This is the exact manner in which they calculate all building permit and electrical fees. This is the similar method used in many other communities. The Building Commissioner uses the total project cost as a baseline. Conti/Citizen is requesting that the building department separate the two costs, building and electrical cost and then the base fee on the two separate costs. The town has never done this in the past, the building and electrical fee is based on the total project cost as a baseline. The Building Commissioner requests the fee remain as calculated per the Building Department Fee Schedule. The FY 17 budget is based on the fee formula that the building department has in place.

The petitioner withdrew the request. For #6 of the special permit, the Board will review and confer with Town Counsel and will have an answer to Conti/Citizen as quickly as possible.

C. Software improvements – Building, Assessors', other departments

The IT director has prepared a presentation on the purpose of the permitting software upgrade. A review team was formed to preview demonstrations on new permitting software options, to provide feedback and ask questions. The team scored the software performance and cost. The Administration proposes to utilize remaining FY16 funds from the Building and Assessors Departments to cover the upfront costs and have identified areas of funding to cover the FY17 annual fee.

D. State Primary Election – vote to post

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to vote to sign and post the State Primaries Warrant.

E. Special Act for Fall Town Meeting

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve and support the warrant article and special act creating a consolidated appointed Finance Director – Accountant, and a consolidated appointed Treasurer – Collector on the Fall Special Town Meeting, to take effect on its passage. The Administrator will submit the Special Act to Representative Garry and Senator Donoghue for submission to the Legislators for passage.

6. Old Business

A. PEG Center – update on progress

The Media Director has been working with the School Department's IT Sub-Committee and School superintendent to assess the equipment and studio needs at the three school buildings. The School Committee and the Media Director have developed a partnership that includes the following benefits: Improve the resources available to the Tyngsborough school media programs; populate the town education channel; create an additional resource for the students and administration to reach parents with important and timely information; enrich the students overall media production related skills and knowledge; provide the possibility of additional fundraising options through program sponsorships; provide a direct fiber connection from school to school and to generate awareness and participation for the towns PEG operations and programming. The Media Director has a PEG-School Partnership Plan and a letter from the School Committee supporting the plan. The Media Director is seeking support to utilize PEG funds to outfit the year-one portion of the

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PEG-School Partnership Plan, and to begin work on the flagship PEG center; also for authorization to begin utilizing the Architectural and Engineering funds approved in the FY17 budget to identify the most cost effective ways to complete a studio build-out at 120 Westford Road; and for support and authorization to explore the cost associated with outfitting the Recreation Center as the Town's PEG Center.

The Board voted 5-0-0 to authorize the Media Director to explore the costs associated with outfitting the Recreation Center at 120 Westford Road as the Town's PEG Center, or any town bldg., with final approval contingent upon cost estimates that identify the property and/or properties as a financially viable option for the PEG Center, and contingent upon identifying a new location for current recreation activities, funding for school equipment and have TA to outline the steps and is authorized to spend funds for a better location.

B. Social Media Policy – update

The Board received two policies for their review, the first is the Social media Policy, created as a template to address the use of social media as it relates to employees and town departments and the second policy, Electronic Communications and Computer Usage, is an update from the first adopted policy in 2000. The policy outlines guidelines for computer usage as it relates to emails, internet access, privacy, telephone, and remote access. These policies were provided to the Board for feed back, will have Town Counsel look at it. The next step will be to submit a copy to employees and union reps for a first read and the IT Director will teach the first read through.

C. Fire Department Ambulance Billing:

The Board of Fire Engineers have voted to set the FY2017 Ambulance billing rates as follows:

i. Approve Rates

Basic Life Support rate - $1,200.00; Mileage per loaded mile - $32.00

The Board voted 5-0-0 on a motion by Selectman Lambert, second by Selectman Jackson to support the rate.

ii. Approve creation of Abatement Committee

The Board of Fire Egineers are recommending that the Board of Selectmen appoint an Ambulance Abatement committee. The objective of this committee is to manage an abatement process for persons who do not have the means to pay and/or fall below poverty guidelines. Abatement committee recommendation: Town Administrator or his/her designee, Town Finance Director or his/her designee, Council on Aging Director or his/her designee. This item was deferred go the August meeting.

D. Industrial Way Sale – contract authorization

The previous motion to award a bid for the sale of 5 Industrial Way did not explicitly authorize the Town Administrator to sign any and all contract documents including a purchase and sale agreement and any addenda needed to complete the sale. Town Counsel recommends that the Board consider approving the following motion to authorize the Town Administrator to sign any necessary documents related to the property transfer.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to authorize the town administrator to sign all documents, including but not limited to a purchase and sale agreement and any addenda, for the sale of surplus property located at 5 Industrial Way provided Town Counsel has reviewed and approved.

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7. Correspondence

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Nocco, to accept the correspondence as printed.

8. Town Administrator's Report

- Response to Selectmen's Requests

The Administrator in speaking with Selectman Jackson about abandon properties, The Administrator informed the Board of the Attorney General's program, you provide the office with a list and they do all through a receivership program, the Administrator has worked on the program he will look into it and will bring back the info at the next meeting.

- Budget/Warrants

The Administrator as started working on the FY18 budget, the Accountant has closed out the FY 16 budgets and is sending out encumbrance forms for departments to fill out for any bills coming in late. The Administrator, Fin Com chair and the School Superintendent have started to look at the school budget. The Community Preservation Committee has approved funding for a fence at the First Parish Meeting House, and the area cleaned. The Administrator will work with Selectman Lambert. The Administrator has been signing the warrants and is working with the acting Accountant.

- Departmental Information

The Treasurer/Tax Collector has resigned all position.

- Contracting/Procurement

The Mascuppic Trail reconstruction is to begin this week. A Preconstruction meeting for the First Parish Meeting House is scheduled for Wednesday, at 11 AM, the crew will be on sight on Thursday. The RFP for the Bill Board has been extended to allow bidders more time to calculate the bids.

- Other

The facility assessment is just about wrapped up and there will be a Tri-Board meeting on August 23rd, to discuss the findings. The office has received three application for the Agricultural Commission. The Commission formed a few years ago and with no appointments made.

9. Selectmen's Reports

Selectman Lambert – the Administrator identified the spill over from last summer on the paved roads and the defects it is important the Town have a firm commitment on how to fix the defects before they worsen. He would like to see the Administrator move quickly to hire a town planner. Also would like to acknowledge the Highway Department on the work done in clearing and cleaning around the First Parish Meeting House and the Town Center, the center looks real nice. He touched upon the Capital Asset Management Committee and on the recommendation of the Dept. of Revenue the Town should adopt a Capital Asset Plan, let's take it up and review to see if it works for the Town. There is a new game the people are playing, the Pokemon Go, it is a dangerous game as it shows public spaces of which is town property and could be a liability if there is an accident, some of the players end up where they don't normally go, how does the Town deal with it. Maybe a dialogue with the Police Department on what to do with the property and the game.
Selectman Jackson – a good point will bring the info to the Capital Asset Committee and go forward from there. The has been some negative publicity through a publication with a past employee I want to acknowledge the good work our Administrators are doing and that we support them.

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10. Executive Session

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to enter into executive session to discuss exemption three (3), exemption three (3) and exemption two (2) and to return to open session to continue the open meeting. Roll Call Vote, Selectman Steven Nocco, yes; Selectman Corliss Lambert, yes; Selectman Robert Jackson, yes; Selectman Gramer, yes; Selectman 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 litigation because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares; MCAD
2. 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; SEIU, Clerical
3. Exemption 2. To conduct contract negotiations with nonunion personnel; Information Technology Director

11. Adjournment

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Nocco, to adjourn the meeting. The meeting adjourned at 10:50 PM.

Respectfully submitted

Therese Gay, Admin Assist.

Approved on Monday August 15, 2016

Correspondence - Monday July 18, 2016

Date	Author	Subject	In Packet?
7/13/2016	Tyngs Fire Fighter's Assoc Fundraiser	Summer Gril at Stonehedge Hotel and Spa	7/18/2016
7/8/2016	NATIONAL GRID	Information	7/18/2016
7/12/2016	USW 12012-4	National Grid Gas Workers	7/18/2016
7/5/2016	USA Federal Energy Regulation	Pepperell Hydro Com Order granting extension	7/18/2016
6/29/2016	Dept of Energy Resources	Announcement of Grant Award	7/18/2016
6/28/2016	KP Law	Announcing the name change	7/18/2016
6/29/2016	ABCC	Carrabba's Approval	7/18/2016
6/22/2016	School Committee	Approved Minutes	7/18/2016
6/21/2016	Administration	Appointment Letters	7/18/2016
6/17/2016	Fourth Grader	Letter for decorative fun lights on the Bridge	7/18/2016
6/27/2016	COMCAST	Info on changes to station lineup	7/18/2016
7/13/2016	COA	Newsletter	7/18/2016
7/14/2016	Board of Fire Engineers	Meeting Minutes	7/18/2016