



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, September 12, 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 by Tyngsborough TV. The meeting is available through our local cable access channels on Comcast and Verizon FIOS and as a LIVE stream on our website – www.tyngsboroughma.gov. A recording of this meeting will be available through the video on demand portion of our website and a DVD copy can be obtained by contacting the Tyngsborough Media Department. 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.

2. Meeting Minutes

A. Regular Session Meeting Minutes for Review/Approval

i. Monday, August 15, 2016

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to approve the minutes of Monday, August 15, 2016. (Selectman Lambert abstains)

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

i. Monday, August 15, 2016

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson, to approve but not release the executive session minutes of Monday, August 15, 2016. (Selectman Lambert Abstains)

3. Citizen/Business Time – No one came forward this evening.

For 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 Licensing

Request: Festival of Trees, Recreation Department at Old Town Hall

Request for a One Day license on Thursday, December 1, 2016.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to grant the request by the Recreation Department for a One Day License on Thursday, December 1, 2016 for opening night of the Festival of Trees and Paint Nite to be held at the Old Town Hall.





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Request: Tyngsboro Muffler & Brake, 166 Lakeview Ave

Request for a Class II License to sell used vehicles

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to grant a Class II License to Arye E. Schwartz, to sell up to 5 motor vehicles at Tyngsboro Muffler and Brake at 166 Lakeview Avenue.

5. New Business

A. Ratify Vote: contract extension Richard Howe

During a recent executive session, the Board voted to extend the employment agreement for Richard Howe by one year. The term of the contract will expire on June 30, 2019. No other changes were addressed. The Board should ratify that vote in public session.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to extend the employment agreement of Richard Howe for an additional year, expiring on June 30, 2019.

B. Appointments:

i. Police: dispatch

The Police Chief is recommending Kim Desmarais for the position of full time Communications Specialists effective Monday, September 12, 2016. Ms. Desmarais will fill the vacant position. The Chief is also recommending Ms. Walesca Gomez to the full time position of Communications Supervisor effective Monday, September 12, 2016.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Ms. Kim Desmarais as the full time communications specialist.

The Board Voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Ms. Walesca Gomez to the position of Communications Supervisor.

ii. Van Driver: Maureen Quinn

The Council on Aging Director is recommending Ms. Maureen Quinn for the position of part time van driver. The position is 18 hours a week starting at \$13.00/hour. Ms. Quinn to be hired after successful completion of drug testing under the LRTA Drug and Alcohol Consortium and a CORI check as well.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Ms. Maureen Quinn as the COA van driver at 18 hours starting at \$13.00/hour, employment effective on the completion of the testing and CORI check.

iii. Cultural Council: Carolanne Peterson

The Tyngsborough Cultural Council has several vacancies. The Council is a three-year term and can serve two consecutive terms as established under M.G.L. The Council receives funding from the State in which they disperse to local groups and organizations that meet the Massachusetts Cultural Council requirements. Ms. Carolanne Peterson has shown interest and has met with the Council to discuss the role and responsibilities of the Council. The Cultural Council has voted to recommend Ms. Carolanne Peterson for appointment.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Ms. Carolanne Peterson as a member to the Tyngsborough Cultural Council.

C. Recognition: National Guard

The Veterans Services Department is before the Board to present recognition given to on behalf of the 1060th composite truck company. The Massachusetts National Guard, 1060th Composite Truck Company gives recognition to the town for its support during its deployment to Kuwait & Iraq. The Veterans Office in conjunction with the Service Learning at Tyngsborough High





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School worked to collect items to send to this unit during their deployment overseas. The Veterans' Agent presented a Unit photo and letter from the leadership to be presented and displayed within town hall. The Board thanked Mr. Dery and Ms. Craig and the High School Learning Services students for their contribution of recreation equipment sent to the soldiers serving in Afghanistan and Iraq.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to send a letter of acknowledgement to Ms. Craig's students.

D. Veterans Agent Request: pay for military leave

The Town's Veterans' Agent has inquired to see if the Board of Selectmen would follow its previous practice of providing paid military leave status for a period of two weeks (10 working days), during his military leave next month.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the request for a 2-week paid military leave for Mr. Christopher Dery, Veterans' Agent.

E. Surplus Vehicles: vote to surplus

The Administrator and the Chief of Police have been working together on identifying vehicles that are no longer needed. Some items have been replaced and others have become nonoperational. After carefully reviewing the items listed below were identified as surplus. The Administrator's office will follow the requirements outlined in MGL c.30B for disposal of surplus supplies. That process includes advertising and competitive sealed bid process.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to surplus the vehicles listed below and to allow the Town Administrator to dispose of the following surplus vehicles: 1) 2010 Dodge Charger VIN: 2B3AA4CT8AH248509; 2) 2001 Chevy Tahoe VIN: 1GNEK13T01J206272 and 3) 1996 Nissan Maxima VIN: JN1CA21DOTM4241569 in a manner consistent with MGL c.30B.

F. Notice: Right of First Refusal (#18 Merrimac Way)

The Administration office received a letter from Community Housing, Inc. in regards to #18 Merrimac Way, Unit C. Community Housing, Inc. is the monitoring agent on behalf of the Merrimac Landing development. When an owner is looking to sell their property, the monitoring agent managers the sale as outlined in the deed rider. As 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 re-sell. At this time the recommendation is that the Town waive their right and allow Community Housing, Inc. to market and manage the sale of the property.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive their right and allow Community Housing, Inc. to market and manage the sale of the property.

G. Request for Comments:

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.

Planning Board:

- i. Critter Control, 15 Westech Drive – addition

Board of Appeals:

- ii. Ampet, Inc., 54 Pawtucket Blvd. – extend pre-existing non-conforming use to allow the sale of used cars. Must appear before Selectmen for Class II License





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Ampet, Inc. will need to appear before the Board at one of their upcoming meetings in order to sell used vehicles.

iii. Virginia & Joseph O'Brien, 210 Massapoag Rd – raze dwelling & construct new
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to take no action on the four applications and to inform the land use boards of our decision to take no action.

iv. David & Melissa Hudon, 7 Worden Rd – garage with family room above
The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to take no action on the four applications and to inform the land use boards of our decision to take no action.

H. Old Town Hall: waiver for business sales (LuLaRoe Clothing)

The Board has received correspondence from Ms. Mary Schatzkin, she is an independent fashion consultant and sells LuLaRoe clothing. She is asking to hold a pop up boutique in the Old Town Hall on Saturday, October 22nd from 1pm to 3pm; and would also like to invite other small business owners (such as Pampered Chef, Arbonne, etc.) to participate. To do so Ms. Schatzkin requests a waiver from rule 7.0 and 7.1 in the Old Town Hall Rental Agreement. The Board deferred this item until their next meeting. The Assistant Administrator will confer with Town Counsel on the waiver and ask if it would set a precedent.

I. Contract: land lease for Billboard at 120 Westford Road

Three bids were received to lease land to construct a billboard at 120 Westford Road. The high bid was offered by Outfront Media, to construct a digital billboard, in the amount of \$116,000 in year one, totaling \$3,963,300.62 with 2.5% escalation over 25 years. We received two additional bids for static billboards: \$50,000 in year one from Walter Erickson, and \$40,000 in year one from Outfront Media. The Assistant Administrator recommends the approval of the high bidder, Outfront Media. They are one of the largest advertising companies in the country, managing over 400,000 advertising displays including over 500 digital displays. They will be required to apply go the Zoning Board of Appeals for variances. The digital display, if approved, still wouldn't be allowed to display any moving animations or flashing figures, only static images that change at regular intervals. If for some reason this is denied at either the ZBA level or the State level, we can choose the next highest bid for static billboard, or rebid with a proposal for static billboards only.

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the bid from Outfront Media to lease land at 120 Westford Road for the purpose of outdoor advertising as presented, and authorizes the Town Administrator to sign all documents, including but not limited to a lease agreement and any addenda, for the lease of town-owned property located at 120 Westford Road.

J. Capital Planning

The Town Administrator provided the Board with a copy of the DLS Capital Improvement Planning; Developing a Comprehensive Community Program and a copy of the DLS Capital Improvement Planning Manual along with a copy a Capital Project Submission for the Capital Improvement Program for FY 2018 to FY 2022 for their review. Selectman Lambert put together a brief power point presentation for discussion. There was a lengthy discussion ensued. The Board thank Selectman Lambert for his presentation. The Board deferred this item to the next Selectmen's meeting to let the Administration do more research on the subject.





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6. Old Business

A. Adams Barn

The Assistant Town Administrator met on Sept. 7th with Lorayne Black, a Senior Landscape Architect with the engineering firm AECOM. She and her team are working to develop quotes for a 4-stage process for the First Parish Meeting House/Adams Barn property. The stages will include 1) conceptual designs and initial cost estimates, including options with and without the Adams Barn; 2) exploring topographical, wetlands/conservation, and planning/zoning considerations; 3) final design for construction and bid preparation; 4) construction oversight.

The intent is to fund stage one as soon as possible. The conceptual designs and cost estimates will help the Board and Town Meeting make a determination on how they would like to direct funds at the site. Stages two-four will likely require an appropriation of additional funds at town meeting, and they will require a decision be made on the Adams Barn. The Administration will provide the Board with price quotes for each stage of the process as soon as they are available, and would like to start on stage one, conceptual designs, as soon as possible.

The board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson to authorize the Town Administrator and the Assistant town Administrator to proceed with retaining Lorayne Black, Senior Landscape Architect and to expend the funds for plans.

B. Energy/Green Energy Grant

The Town has received approval of the \$5,000 reimbursement through the States Electronic Vehicle Incentive Program, to supplement our Green Community Grant funds, to purchase a new plugin hybrid-electric vehicle. We have also received approval of the National Grid utility incentives totaling nearly \$50,000. The State has already submitted a funding disbursement for the first 25% of the project. Most of the lighting upgrades and other energy conservation measures have been ordered and we are working on developing timelines for installation with the school and town hall/library buildings. This project is on track as planned.

Projects to be completed: 1) Tyngsborough High School: replace defunct VFDs, RTU #Ac-1; Auditorium AC-2, REF-1, CZ to SZVAV; Gym HV-2, CZ, to SZVAV; VFDs, plus controls for DCV in locker rooms; Optimal Start; 2) Tyngsborough elementary School: Boiler Upgrade, Optimal Start; Gymnasium Lighting to LED; Tyngsborough Police Department: Plugin-Hybrid Electric Vehicle and Tyngsborough Town Hall: Interior Lighting.

Total Project Cost: \$306,499.00. The Town contribution, \$5,329.00.

C. PILOT

At the last meeting, Selectmen Jackson inquired about reviewing a list of real estate property in Tyngsborough that is exempt from real estate tax. Attached is a list of properties that do not pay property tax. There are several other properties not listed such as Town of Tyngsborough, The properties with an asterisk are properties that received direct services such as trash pick-up: *Alternative Supports, Inc. – 17 Flint Road, 112 Bridgeview Circle; American Legion, 90 Pawtucket Circle; *Church of Christ, 27 Old Tyng Road; Dracut Water Supply, 170 Frost Road; Emanuel Temple of Hope Ministry, 2 Bridgeview Circle; *Evangelical Church, 23 Kendall Road; First Parish Unitarian, 214 Middlesex Road; MIT, Davis Road, Westford Road; Notre Dame Academy, 180 Middlesex Road; Seven Hills Community Services, Inc., 8 Wilson Way; *St. Mary Magdalen Church, 93 Lakeview Avenue; Tri-Area Development Co, Inc., 15 Anderson Drive; Tyngsborough Water District, 145 Frost Road, 15-17 Tower Road; GLTHS, N/A, 250 Pawtucket Blvd; Innovation Academy, N/A, 72 Tyng Road; MBTA, N/A, 175 Middlesex Road; Massachusetts Conservation





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Trust, N/A, Rte. 3; Commonwealth of Mass, N/A. *Receive trash pick-up. The Board is looking for additional information and have deferred this item to their next scheduled meeting.

7. Correspondence

The Board voted 5-0-0 on a motion by Selectman Reault, second by Selectman Jackson for discussion, to accept the correspondence as printed. Selectmen announced the Fire Department grant award and mentioned the Council on Aging report showing an increase in patrons.

8. Town Administrator's Report

▪ Response to Selectmen's Requests

The First Parish Meeting House – Work is underway. The Aulson Company has been working on structural repairs mostly within the steeple and steeple roof. The painters have begun to scrape the old paint this week. The project consultant, CBI, has been on site and is reviewing change orders. The project is still expected to be completed this Fall.

The contractor for Mascuppic Trail will begin laying out the binder coat next week (September 14). They expect to complete the binder within 14 days. The final top coat will be laid out next season. We have also been working with the contractor, PJ Keating, to identify field changes. There appears to be some savings so we are seeking to make some improvements to 2-3 adjacent roads. Oakland, Palmetto, and Mt. Rock have been identified. We are reviewing costs.

Long Pond and Parham Road had the structures raised and a binder place, the final topcoat will be laid down over the next two weeks.

Flint Road and Upton Drive were completed through the sewer department. Originally the roadways were going to be patched but it was decided to repair the roadway curb to curb in order to have a longer lifespan. The binder has been placed and the final topcoat will be placed next season.

Abandon Homes – the building department identified three homes that we will forward to the Attorney General's Office. Our office contracted the Attorney General's office to see if any of those three homes qualify for the program.

Grants – The fire Department received a \$97,000 grant for the recruitment and training of qualified firefighters. The grant will pay for equipment, training, and academy service.

The Library received a Library Services and Technology Grant of \$4,200. The funds will be used to improve the special collections room.

Facility Assessment Study – A meeting was held in August to present the findings of the report.

Attached is the financial breakdown of the 20-year capital plan for the three school buildings and the town hall.

▪ Departmental Information

Ambulance Service – the Fire Department plans to begin full-time service on September 15. They are in the process of receiving approval from the Department of Public Health, which is responsible for inspecting the ambulance and providing approval to operate the service.

The Highway Department is continuing a cracking sealing program for general maintenance and longevity to the roads.

▪ Contracting/Procurement

The office has been finalizing the bid specifications on several other roadways that were identified last spring. The RFP will be based on unit pricing and not identify specific roadways. The RFP will allow us to address roads based on the funding and allow us to sign a multi-year contract and use Chapter 90 funds for future years. The contract would not be longer than three years.





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9. Selectmen's Reports

Selectman Lambert inquired on the abandoned house on Indian Lane, the Tyngsborough Housing Authority is still interested in purchasing and refurbishing the house as an affordable home for a needy family. Selectman Lambert thanks the Highway Department for their hard work in keeping the center of town looking good. The Flint Pond sub committee's weed pulling was a great success a second weed pulling was done and just as much was cleaned out. There will be an upcoming session for additional clean up. The sub-Committee is getting compliments from residence living on upper Flint Pond. The Town Health Department is sponsoring a Health and Safety day on Saturday, October 22, 2016.

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), and exemption six (6) and to return to open session only to adjourn. Roll Call Vote, Selectman Steven Nocco, yes; Selectman Lambert, yes; Selectman Robert Jackson, yes; Selectman Gramer, yes; Selectman Reault, yes. The Board entered into Executive Session at 8:30 PM to discuss the following:

1. Exemption 3. To discuss strategy with respect to collective bargaining because an open meeting may have a detrimental effect on the bargaining position of the public body and the chair so declares; SEIU (Mid-Managers/Clerical)
2. Exemption 6. To consider the purchase, exchange, lease or value of real property

11. Adjournment

The Board voted 5-0-0 on a motion by Selectman Jackson, second by Selectman Reault, to adjourn the meeting. The meeting adjourned at 10:15 PM.

Respectfully submitted

Therese Gay, Admin Assist.

Approved on Monday, September 26, 2016

