

TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryant Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

Board of Selectmen Executive Session Minutes Approved

Monday July 26, 2010

6:00 P.M.

Town Offices

Members Present: Selectwoman Ashley O'Neill, Selectwoman Elizabeth Coughlin, Selectman Rick Reault, Selectman Rich Lemoine.

Absent: Selectman Robert Jackson

Staff Present: Town Administrator Michael Gilleberto and Admin Assist Therese Gay

"The listing of matters are those reasonable anticipated by the Chair 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. Executive Session

The board may move to go into executive session to discuss strategy with respect to collective bargaining, litigation, or exempt negotiations if an open meeting may have a detrimental effect on such subject matters.

A. Collective Bargaining

The Board of Selectmen voted on a motion by Selectman Reault, second by Selectman Lemoine to enter into Executive Session for the purpose of discussing collective bargaining and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, absent; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board entered into Executive Session at 8:35 P.M.

The Board discussed the receipt of a letter from the clerical and mid-managers union requesting compensation and restoration of hours. The clerical is looking for their step increase; their step increase is funded in the budget. Further discussions on the timing whereas their contract has expires and is there an evergreen clause in the old contract. The town did send letters to the union district looking for dates to start the negotiation process for a new contract; the union did not and did not respond. The Highway Department Union has an evergreen clause with no step and did file a grievance. The Clerical Union has an evergreen clause and step increase budgeted, has filed a grievance. The Mid-Managers union no evergreen clause and no step budgeted, has filed a grievance. The Board will need to schedule a hearing date within 21 days.

Option: deny the grievance have them go to arbitration or file an unfair labor practice, no fight did violate 158, go back to old hours and bargain.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to grant the Clerical Staff the step increase with out setting precedent and with out waiver of the Town Vote. Have Labor Counsel draft the letter.

The Board voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to schedule the grievance hearing for Monday, August 16, 2010.

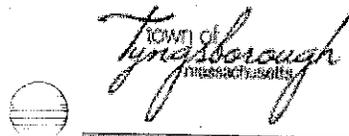
Town Administrator and Selectwoman Coughlin will sit with the Police Department on Thursday Afternoon and will negotiate with the Highway Department on Wednesday at 9:00 AM.

The Board of Selectmen voted 4-0-1 on a motion by Selectman Reault, second by Selectwoman O'Neill to exit Executive Session and return to open session only to adjourn. Roll Call Vote: Selectwoman Elizabeth Coughlin, yes; Selectwoman Ashley O'Neill, yes; Selectman Robert Jackson, absent; Selectman Rick Reault, yes; Selectman Rich Lemoine, yes. The Board exited Executive Session at 11:00 P.M.

Respectfully submitted,

Therese Gay
Administrative Assistant

Approved on: Monday, September 13, 2010



Michael Gilleberto <mgilleberto@tyngsboroughma.gov>

Confidential collective bargaining info: July 1st / collective bargaining implications

4 messages

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

Thu, Jul 1, 2010 at 1:33 PM

To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com

As was referenced in email communication last week and verbally on Monday, today marks the first day of the new fiscal year. Contracts for all four town bargaining units expired at midnight last night. A detailed summary of where we stand as of today is as follows:

- Police: Salaries will be adjusted to reflect the 3% increase that kicked in on June 30. These salary increases were funded in the FY 2011 budget approved at Town Meeting. The Quinn Bill status remains the same as last year: the Town has budgeted payment for its portion of the Quinn Bill, but not for the state's portion. The next Quinn payment is due to be paid in December.
- Highway: Salary levels stay the same, with no step increases. Highway employees will continue to work the same summer schedule (Monday-Thursday).
- Clerical: Salary levels stay the same, with no step increases. If the Town had a past practice of paying step increases upon the end of a collective bargaining agreement, we would be obliged to continue doing so. But after consulting with Labor Counsel we do not have that obligation. Today, the clerical union has informally challenged this interpretation, and I am in the process of setting up a conference call with Labor Counsel to rectify it in advance of payroll preparations for next week.
- Mid-Managers: salary levels stay the same (there are no annual steps in the mid-manager collective bargaining agreement).

I await further contact from the Highway, Clerical, and Mid-Manager's unions relative to scheduling bargaining sessions. They met with their SEIU union executive today.

After consulting with labor counsel, he advised that we ought to re-engage the police union on Quinn, the petition for the sergeants, and a new agreement effective July 1. I will propose bargaining with the police union for late in the week of the 12th (with the Board-designated selectperson designee) so that their letter to the Town on Quinn Bill payments does not remain unresponded to, and suggest the Board re-convene in executive session on July 12th to discuss strategy relative to police.

Michael

--
Michael P. Gilleberto
Town Administrator
Town of Tyngsborough

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

Tue, Jul 6, 2010 at 10:03 AM

To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com

I will be responding to the informal challenge from the clerical union regarding steps today (the Town's position being not to award the steps as there is no contract in place to do so). I anticipate a formal challenge from the clerical union (grievance), who are highlighting a provision of the expired agreement that states that steps are earned over the course of the year, for award July 1st of the following year. After multiple consultations with Labor Counsel, his position is that the agreement is expired and the provision regarding steps does not carry forward, but that the Selectmen do have the authority to award steps in the absence of a contract. I will direct the Accountant and the Treasurer to follow the letter of the agreements and the law regarding the steps for the clerical union for the first pay period of FY 2011. If and when a formal challenge is made by the clerical union, I will bring it to the Selectmen for discussion in Executive Session.

As of yet, I have not been contacted by either Clerical, Highway, or Mid-Managers to set up bargaining sessions.

Michael
[Quoted text hidden]

Richard Lemoine <lemoine4@verizon.net>

Wed, Jul 7, 2010 at 9:29 PM

To: "Michael P. Gilleberto" <mgilleberto@tyngsboroughma.gov>, Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com

Thanks Michael for this important update.

Feel good to be back in town from a good vacation...

Best
Rich

From: Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>
To: Ashley O'Neill <aoneill@tyngsboroughma.gov>; Ashley O'Neill <ashley.oneill08@gmail.com>; Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>; Elizabeth Coughlin <lizcoughlin2000@yahoo.com>; elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>; Rick Reault <rreault@tyngsboroughma.gov>; rick@nebees.com; Rich Lemoine <rlemoine@tyngsboroughma.gov>; Rich Lemoine <lemoine4@verizon.net>; Robert Jackson <rjackson@tyngsboroughma.gov>; rksjjackson@aol.com

Sent: Tue, July 6, 2010 10:03:47 AM

Subject: Re: Confidential collective bargaining info: July 1st / collective bargaining implications

[Quoted text hidden]

NOTICE-- This message is for the designated recipient only and may contain confidential, privileged or proprietary information. If you have received it in error, please notify the sender immediately and delete the original and any copy or printout. Unintended recipients are prohibited from making any other use of this e-mail. Be advised that the Attorney General has ruled that communication by e-mail in the public domain is not confidential. In compliance with Federal

Rules of Civil Procedure (FRCP) all email communication will be archived and retained for at least three years.

Michael P. Gilleberto <mgilleberto@tyngsboroughma.gov>

Fri, Jul 9, 2010 at 10:22 AM

To: Ashley O'Neill <aoneill@tyngsboroughma.gov>, Ashley O'Neill <ashley.oneill08@gmail.com>, Elizabeth Coughlin <ecoughlin@tyngsboroughma.gov>, Elizabeth Coughlin <lizcoughlin2000@yahoo.com>, elizabeth_coughlin <elizabeth_coughlin@post.harvard.edu>, Rick Reault <rreault@tyngsboroughma.gov>, rick@nebees.com, Rich Lemoine <rlemoine@tyngsboroughma.gov>, Rich Lemoine <lemoine4@verizon.net>, Robert Jackson <rjackson@tyngsboroughma.gov>, rksjjackson@aol.com

As was expected, the Clerical union filed a grievance with me requesting that there steps be implemented effective July 1st, citing that the hours are funded in the approved Town Budget for FY 2011.

Additionally, the Mid-Manager's union has filed a grievance requesting full restoration of hours for all members of the unit and has cited the restoration of hours for the Sewer Superintendent as a precedent. Labor Counsel has previously advised me that management has the ability to implement this restoration as it is hours and not a wage rate increase. Labor Counsel is reviewing the formal grievance and I will respond accordingly. I have spoken with Chairperson O'Neill and will provide a verbal update during Executive Session on Monday evening.

Selectwoman Coughlin and I met with the Highway union yesterday. I am attempting to quantify the impact of their requests in advance of discussion during Executive Session Monday evening.

I've asked the Police Union to tentatively expect to meet during the middle of next week.

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GRIEVANCE FORM

DATE JUL 15 2010 2:33

Filed With Employer on: 7/8/2010

Filed at Step: 1 2 3

Steward: Matthew Mauro

MEMBER INFORMATION

Member's Name: Collective Mail-Managers Chapter of SEIU Local 888

Home Address: 25 Bryants Lane
Yerresborough MA 01879

Phone: w) _____
h) _____
c) 578 314 7858

Fax: 888 435 5999

Job Title: _____

Shift: _____ FT PT

Employer: Town of Yerresborough

Date of Hire: 1/1/

GRIEVANCE INFORMATION

Statement of Grievance: see attached Summary

Date of Occurrence or Knowledge: 7/8/2010

Articles/Provisions violated: All relevant provisions of the collective bargaining agreement including but not limited to
See attached Summary

Remedy: Make the Union whole including but not limited to
see attached Summary

PLEASE SIGN

Signature of Member: [Signature]

Date: 7/8/2010

For the Union: [Signature] President via manager union

Date: 7/8/10

Tyngsborough Mid-Management Chapter of SEIU Local 888
Town Hall
25 Bryant Lane
Tyngsborough, MA 01879

July 8, 2010

To: Patrick McCabe, SEIU
Michael Gilleberto, Town Administrator

Re: Grievance

The Tyngsborough Mid-Management Chapter of SEIU Local 888 grieves Michael P. Gilleberto's "Collective Bargaining Agreements" letter of July 8, 2010.

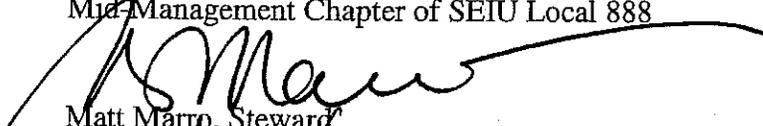
Specifically, the second paragraph which states "any change in working conditions be bargained with the union" and the final paragraph which states "Additionally, the Sewer Commission requested, and Town Meeting approved funding for, the restoration of hours for the Sewer Superintendent and the Assistant Superintendent for Fiscal Year 2011. These positions are eligible for payment for those restored hours at the June 30th, 2010 rate."

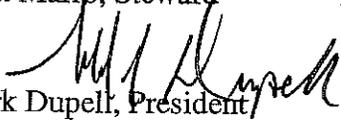
The Union grieves that terms stated in the final paragraph of Michael Gilleberto's letter have not been bargained with the union. The Union was not asked to negotiate the terms of the change in working conditions nor its impact on FY2011 compensation. Precedent has been set for those employees whose hours were restored in that their salaries were frozen at FY2009 levels.

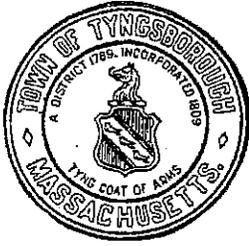
An additional grievance is that the aforementioned letter was received roughly an hour before payroll should be remitted to the bank.

The remedy to the grievance is restore all Mid-Management Union members' hours to FY09 levels and FY10 pay rates or to compensate the Sewer Superintendent and the Assistant Superintendent at FY09 salary levels consistent with other Union members with restored hours.

Mid-Management Chapter of SEIU Local 888


Matt Marro, Steward


Mark Dupell, President



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator *MP*

TO: Jacqueline Cronin, Town Accountant
Kerry Colburn-Dion, Town Treasurer

DATE: July 8, 2010

RE: Collective Bargaining Agreements

Agreements for the Town's four collective bargaining units (Clerical, Highway, Mid-Managers, and Police) expired on June 30th. While it is hoped that new agreements can be finalized very soon, those agreements are not anticipated to be in place before the end of the first FY 2011 pay period.

Massachusetts General Law Chapter 150E requires that any change in working conditions be bargained with the union. Accordingly, salary and wage rates effective June 30th, 2010 are carried forward to July 1st until a new contract is agreed upon.

Below is an outline of the status of each agreement, and the corresponding impact upon salaries/benefits:

- Clerical: salaries and wages continue at the rate they were at as of June 30th, 2010
- Highway: salaries and wages continue at the rate they were at as of June 30th, 2010
- Mid-Managers: salaries and wages continue at the rate they were at as of June 30th, 2010
- Police: terms and conditions of the agreement effective June 30th, 2010 are carried forward (patrol officers within their first two years may be eligible for a step increase)

Additionally, the Sewer Commission requested, and Town Meeting approved funding for, the restoration of hours for the Sewer Superintendent and the Assistant Superintendent for Fiscal Year 2011. These positions are eligible for payment for those restored hours at the June 30th, 2010 rate.

cc: Board of Selectmen
Darren Klein, Esquire



GRIEVANCE FORM

Filed With Employer on: 7/8/2010

Filed at Step: 1 2 3

Steward: Pamela Berman

MEMBER INFORMATION

Member's Name: SEIU Local 888, Clerical Chapter - Town of Tyngsborough, MA, et al

Home Address: _____

Phone: w) _____

h) _____

c) 508-584-3423

Job Title: _____

Fax: _____

Employer: Town of Tyngsborough

Shift: _____ FT PT

Supervisor: _____

Date of Hire: / /

GRIEVANCE INFORMATION

Statement of Grievance: Violation of Article XIX: Wages Section 19.01 "... employees will advance one step on each succeeding July 1st upon completion of one full year of additional service..." per correspondence received from Michael Gillebert, Town Administrator, concerning Collective Bargaining Agreements dated July 8, 2010. Violation of the Tyngsborough Town Meeting vote on the FY 2011 Budget that included the Step increases, - Voted on May 18, 2010.

Date of Occurrence or Knowledge: 7/8/2010

Articles/Provisions violated: All relevant provisions of the collective bargaining agreement including but not limited to See Attached and: Article XIX: Wages, Section 19.01

Remedy: Make the Union whole including but not limited to See Attached and: Full Compensation increase approved by Town Meeting and under SEIU Local 888, Clerical Chapter Contract

PLEASE SIGN

Signature of Member: Pamela C. Berman

Date: 7/8/10

For the Union: _____

Date: / /

Tyngsborough Clerical Chapter of SEIU Local 888
25 Bryants Lane
Tyngsborough, MA 01879

2010 07 08 10:02

SEIU
TYNGSBOROUGH, MA

July 8, 2010

TO: Patrick McCabe, SEIU Executive Director
Michael Gilleberto, Town Administrator

FROM: Town of Tyngsborough SEIU Local 888, Clerical Chapter, et al

RE: Effective Wage Rate Grievance

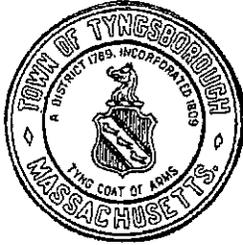
On behalf of the members of the SEIU Local 888, Clerical Chapter, et. al, I submit the attached Grievance Form in response to Michael Gilleberto's letter dated July 8, 2010 regarding "Collective Bargaining Agreements".

Please be advised that the Union has not negotiated or agreed to any of the terms highlighted in said memo. Supporting this grievance are the attached documents in support of the Union's contention that the wage steps were budgeted and approved by Town Meeting on May 18, 2010. In addition, the Union contends that there have not been any changes in working conditions, as there have not been any modifications to the contract, therefore, the current contract is automatically extended and remains in effect until such time when a new collective bargaining agreement is completed.

The Clerical Union demands a full restoration of all Clerical Union member hours to Fiscal Year 2009 levels, and the implementation of the contracted step wage increase as approved by Tyngsborough Town Meeting. It should be noted that the last paragraph of Mr. Gilleberto's letter sets precedent for this restoration.

Clerical Chapter of SEIU Local 888

Pamela Q. Berman
Pamela Berman, Steward



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator *MP*

TO: Jacqueline Cronin, Town Accountant
Kerry Colburn-Dion, Town Treasurer

DATE: July 8, 2010

RE: Collective Bargaining Agreements

Agreements for the Town's four collective bargaining units (Clerical, Highway, Mid-Managers, and Police) expired on June 30th. While it is hoped that new agreements can be finalized very soon, those agreements are not anticipated to be in place before the end of the first FY 2011 pay period.

Massachusetts General Law Chapter 150E requires that any change in working conditions be bargained with the union. Accordingly, salary and wage rates effective June 30th, 2010 are carried forward to July 1st until a new contract is agreed upon.

Below is an outline of the status of each agreement, and the corresponding impact upon salaries/benefits:

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- Police: terms and conditions of the agreement effective June 30th, 2010 are carried forward (patrol officers within their first two years may be eligible for a step increase)

Additionally, the Sewer Commission requested, and Town Meeting approved funding for, the restoration of hours for the Sewer Superintendent and the Assistant Superintendent for Fiscal Year 2011. These positions are eligible for payment for those restored hours at the June 30th, 2010 rate.

cc: Board of Selectmen
Darren Klein, Esquire

COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWN OF TYNGSBOROUGH
AND
SEIU Local 888, Clerical Chapter

2007-2010

ARTICLE I: RECOGNITION

1.01 The Town of Tyngsborough (hereinafter the "Board of Selectmen or its designee") agrees to recognize the Service Employees International Union (SEIU) Local 888 (hereinafter the "Union") as the sole and exclusive collective bargaining agent with regards to wages, hours, working conditions, standards of productivity and performance and any other terms and conditions of employment for all full time and regular part time administrative, clerical, technical, service and maintenance employees of the Town indicated in MCR 4176, and excluding all other employees.

1.02 The Town Administrator will designate a space convenient for all Unit members where a bulletin board may be erected. The purpose of this board will be the posting of notices by the employees and/or the Union. No notices shall be posted unless they have been signed by a duly authorized representative of the Board of Selectmen or its designee or the Union.

1.03 No Union business may be conducted during working hours unless approved in advance by the Board of Selectmen or its designee. No town facilities, supplies and/or equipment may be used for union business.

1.04 The Union will furnish the Board of Selectmen or its designee with a written list of stewards and other officers of the local immediately after their designation. The Union shall subsequently immediately notify the Board of Selectmen or its designee of any changes in such designations.

ARTICLE II: MANAGEMENT RIGHTS

2.01 Except as limited by specific provisions of this Agreement, the Board of Selectmen retains all of its rights to manage the employees covered by this Agreement and, except as so limited, the exercise of such rights shall not be grievable or arbitrable.

ARTICLE III: EFFECT OF AGREEMENT

3.01 This Agreement represents complete collective bargaining and full agreement by the parties with respect to rates of pay, wages, hours of employment or other conditions of employment which shall prevail during the term hereof, and any matters or subjects not herein covered, have been satisfactorily adjusted, compromised or waived by the parties for the life of this agreement. In addition to the foregoing, the parties expressly agree to exclude grievances concerning "past

ARTICLE XIX: WAGES

19.01 Employees shall be paid in accordance with the salary schedule(s) attached hereto as "Exhibit A." The salary schedules shall be adjusted to reflect the following: Base wage increases of 2.5% effective July 1, 2007, 3% effective July 1, 2008, and 3% effective July 1, 2009. Also, effective July 1, 2008, steps 1-3 shall cease to exist and the former step 4 shall become step 1 (current employees will remain at their old step even though it will be renumbered: i.e. employee at step 5 will now be at step 2, rather than at new step 5), and one additional step (step 10) will be added at 2.2% higher than the previous step. This will result in a 10 step pay scale. Employees shall advance to the 10th step after completion of their 10th year of consecutive service, excluding layoff periods, on his/her tenth year anniversary date of hire. ~~Except for Step 10, employees will advance one step on each succeeding July 1st upon completion of one full year of additional service.~~ Employees who are hired during the course of a fiscal year will advance one step on the next succeeding July 1st if they have been employed for more than ½ of the fiscal year. If such new hires have been employed for less than ½ of a fiscal year on the next succeeding July 1st, they will not receive a step increase until the second July 1st following their initial date of hire.

Effective upon the execution of this contract (2004), the Assessor's Assistant will be upgraded one pay grade and will be placed at the lowest step that would provide for a salary increase. (i.e. Assuming position is currently a Grade 5, Step 9, on July 1, 2003, position becomes Grade 5,

**ANNUAL TOWN MEETING MINUTES
MAY 18, 2010**

Place: Tyngsborough Elementary School
Moderator: Robert L. Kydd, Jr.

Voters: 132
Time: 7:03 PM

Meeting opened with the Pledge of Allegiance.

Motion: To allow the following non-residents to address the meeting: Atty. Charles Zaroulis – Town Counsel, Michael Gilleberto - Town Administrator, Jacquelyn Cronin – Town Accountant, Barbara Reynolds – Council on Aging Director, Susan Arthur – Library Director, Don Ciampa – Principal, and Darrell Lockwood – Superintendent of Schools.

Action: Motion carries.

Selectman Lemoine acknowledged Rob Kydd as Town Moderator and thanked him for his twenty-five years of service to the town as the moderator.

Article 2. 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.

Motion: That the Town vote to accept the reports of the Town Officers and Committees as printed.

Action: Does carry.

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Motion: That the Town vote to appoint Alan A. Sherburne as Surveyor of Wood, Bark and Lumber and to appoint Nancy A. Johnson and Kevin V. O'Connor to the Memorial Day Committee.

Action: Does carry.

Article 4. 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 2011 (July 1, 2010 - June 30, 2011), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations.

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/09	7/01/10	7/01/10
	6/30/10	6/30/11	6/30/11
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	0
Selectmen Members (5)	\$ 0	\$ 0	0
Tax Collector	\$56,020	\$56,020	\$56,020
Town Clerk	\$52,094	\$52,094	\$52,094
Assessors (3)			
Chairman	\$ 1	\$ 1	1
Member (1)	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Board of Health			
Chairman	\$ 0	\$ 0	0
Members (4)	\$ 0	\$ 0	0
Tree Warden	\$ 0	\$ 0	0
Cemetery Commissioners (3)	\$ 0	\$ 0	0
School Committee (7)	\$ 0	\$ 0	0
Library Trustees (6)	\$ 0	\$ 0	0

Sewer Commissioners (3)			
Chairman	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Planning Board (5)			
Chairman	\$ 0	\$ 0	0
Members (4)	\$ 0	\$ 0	0
Finance Committee (5)	\$ 0	\$ 0	0
Constables (2)	\$ 0	\$ 0	0
Greater Lowell Technical High School (1)	\$ 0	\$ 0	0

Motion: That the Town fix the salary and compensation of elective officers as shown in the recommended column.

Action: Does carry.

Article 5. 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 the Fiscal Year 2011 (July 1, 2010 - June 30, 2011), or take any other action relative thereto.

<u>DEPARTMENT/DESCRIPTION</u>	<u>FY 2010 ADJUSTED BUDGET</u>	<u>FY 2011 DEPT REQUEST</u>	<u>FY 2011 SELECTMEN PROPOSED</u>	<u>FY 2011 FINCOM PROPOSED</u>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 114 MODERATOR:	0.00	0.00	0.00	0.00
... 1 SALARIES & WAGES:	36,382.00	36,382.00	41,382.00	41,382.00
... 2 DEPT. EXPENSES:	11,650.00	8,400.00	8,400.00	8,400.00
DEPT 122 SELECTMEN:	48,032.00	44,782.00	49,782.00	49,782.00
... 1 SALARIES & WAGES:	115,700.00	111,450.00	113,000.00	113,000.00
... 2 DEPT. EXPENSES:	13,600.00	13,600.00	12,000.00	12,000.00
DEPT 123 TOWN ADMINISTRATOR:	129,300.00	125,050.00	125,000.00	125,000.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	1,655.00	1,655.00	1,655.00	1,655.00
DEPT 131 FINANCE COMMITTEE:	1,655.00	1,655.00	1,655.00	1,655.00
... 2 DEPT. EXPENSES:	70,133.00	47,000.00	55,000.00	55,000.00
... LESS FY10 TRANSFERS	(54,000.00)			
DEPT 132 RESERVE FUND:	16,133.00	47,000.00	55,000.00	55,000.00
... 1 SALARIES & WAGES:	80,567.00	81,436.00	81,436.00	81,436.00
... 2 DEPT. EXPENSES:	7,100.00	8,740.00	7,740.00	7,740.00
DEPT 135 ACCOUNTANT:	87,667.00	90,176.00	89,176.00	89,176.00
... 2 DEPT. EXPENSES:	27,000.00	27,000.00	27,000.00	27,000.00
DEPT 136 ANNUAL AUDITS:	27,000.00	27,000.00	27,000.00	27,000.00
... 1 SALARIES & WAGES:	91,000.00	88,336.00	88,336.00	88,336.00
... 2 DEPT. EXPENSES:	19,950.00	24,350.00	23,350.00	23,350.00
DEPT 141 ASSESSORS:	110,950.00	112,686.00	111,686.00	111,686.00
... 2 DEPT. EXPENSES:	44,502.00	27,500.00	27,500.00	27,500.00

DEPT 142 REVALUATION:	44,502.00	27,500.00	27,500.00	27,500.00
... 1 SALARIES & WAGES:	114,111.00	101,614.00	101,614.00	101,614.00
... 2 DEPT. EXPENSES:	17,595.00	27,950.00	26,950.00	26,950.00
DEPT 145 TREASURER:	131,706.00	129,564.00	128,564.00	128,564.00
... 1 SALARIES & WAGES:	96,459.00	95,635.00	95,635.00	95,635.00
... 2 DEPT. EXPENSES:	29,748.00	29,708.00	29,708.00	29,708.00
DEPT 146 TOWN COLLECTOR:	126,207.00	125,343.00	125,343.00	125,343.00
... 2 DEPT. EXPENSES:	61,092.00	61,092.00	61,092.00	61,092.00
DEPT 151 TOWN COUNSEL:	61,092.00	61,092.00	61,092.00	61,092.00
... 2 DEPT. EXPENSES:	55,000.00	55,000.00	51,000.00	51,000.00
DEPT 159 SPECIAL LEGAL SERVICES:	55,000.00	55,000.00	51,000.00	51,000.00
... 1 SALARIES & WAGES:	70,025.00	70,613.00	70,613.00	70,613.00
... 2 DEPT. EXPENSES:	2,150.00	2,150.00	2,150.00	2,150.00
DEPT 160 TOWN CLERK:	72,175.00	72,763.00	72,763.00	72,763.00
... 1 SALARIES & WAGES:	9,760.00	10,461.00	10,461.00	10,461.00
... 2 DEPT. EXPENSES:	18,970.00	18,543.00	18,543.00	18,543.00
DEPT 162 ELECTION/REGISTRATION:	28,730.00	29,004.00	29,004.00	29,004.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	250.00	250.00	250.00	250.00
DEPT 169 OTHER LICENSING & REG:	250.00	250.00	250.00	250.00
... 1 SALARIES & WAGES:	33,910.00	34,116.00	34,116.00	34,116.00
... 2 DEPT. EXPENSES:	4,455.00	3,350.00	3,350.00	3,350.00
DEPT 171 CONSERVATION COMMISSION:	38,365.00	37,466.00	37,466.00	37,466.00
... 1 SALARIES & WAGES:	13,069.00	14,733.00	14,733.00	14,733.00
... 2 DEPT. EXPENSES:	7,700.00	9,200.00	7,200.00	7,200.00
DEPT 175 PLANNING BOARD:	20,769.00	23,933.00	21,933.00	21,933.00
... 1 SALARIES & WAGES:	1,000.00	1,000.00	1,000.00	1,000.00
... 2 DEPT. EXPENSES:	2,700.00	2,700.00	2,700.00	2,700.00
DEPT 176 ZONING BD OF APPEALS:	3,700.00	3,700.00	3,700.00	3,700.00
... 2 DEPT. EXPENSES:	1,782.00	3,000.00	6,000.00	6,000.00
DEPT 182 ECONOMIC DEVELOPMENT:	1,782.00	3,000.00	6,000.00	6,000.00
... 2 DEPT. EXPENSES:	123,325.00	125,525.00	119,225.00	119,225.00
DEPT 192 PUBLIC BLDGS AND PROPERTY:	123,325.00	125,525.00	119,225.00	119,225.00
... 2 DEPT. EXPENSES:	500.00	500.00	500.00	500.00
DEPT 195 TOWN REPORTS:	500.00	500.00	500.00	500.00
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
DEPT 198 CAPITAL MANAGEMENT:	200.00	200.00	200.00	200.00
... 1 SALARIES & WAGES:	1,776,245.00	1,871,821.00	1,793,821.00	1,793,821.00
... 2 DEPT. EXPENSES:	197,716.00	188,436.00	210,436.00	210,436.00

DEPT 210 POLICE DEPARTMENT:	1,973,961.00	2,060,257.00	2,004,257.00	2,004,257.00
... 1 SALARIES & WAGES:	18,977.00	18,977.00	18,977.00	18,977.00
... 2 DEPT. EXPENSES:	46,750.00	46,750.00	46,750.00	46,750.00
DEPT 211 POLICE STATION:	65,727.00	65,727.00	65,727.00	65,727.00
... 1 SALARIES & WAGES:	310,908.00	310,908.00	310,908.00	310,908.00
... 2 DEPT. EXPENSES:	48,400.00	48,400.00	48,400.00	48,400.00
DEPT 215 COMMUNICATION CENTER:	359,308.00	359,308.00	359,308.00	359,308.00
... 1 SALARIES & WAGES:	398,751.00	410,714.00	410,714.00	410,714.00
... 2 DEPT. EXPENSES:	150,997.00	150,997.00	150,997.00	150,997.00
DEPT 220 FIRE DEPARTMENT:	549,748.00	561,711.00	561,711.00	561,711.00
... 1 SALARIES & WAGES:	84,952.00	88,652.00	85,642.00	85,642.00
... 2 DEPT. EXPENSES:	21,260.00	11,260.00	11,260.00	11,260.00
DEPT 241 BUILDING INSPECTOR:	106,212.00	99,912.00	96,902.00	96,902.00
... 1 SALARIES & WAGES:	0.00	8,817.00	8,817.00	8,817.00
... 2 DEPT. EXPENSES:	0.00	900.00	900.00	900.00
DEPT 242 GAS INSPECTOR:	0.00	9,717.00	9,717.00	9,717.00
... 1 SALARIES & WAGES:	0.00	8,817.00	8,817.00	8,817.00
... 2 DEPT. EXPENSES:	0.00	1,000.00	1,000.00	1,000.00
DEPT 243 PLUMBING INSPECTOR:	0.00	9,817.00	9,817.00	9,817.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 244 WEIGHTS & MEASURERS:	0.00	0.00	0.00	0.00
... 1 SALARIES & WAGES:	12,955.00	12,955.00	12,955.00	12,955.00
... 2 DEPT. EXPENSES:	1,900.00	1,900.00	1,900.00	1,900.00
DEPT 245 ELECTRICAL INSPECTOR:	14,855.00	14,855.00	14,855.00	14,855.00
... 1 SALARIES & WAGES:	1,200.00	1,200.00	1,200.00	1,200.00
... 2 DEPT. EXPENSES:	1,000.00	1,000.00	1,000.00	1,000.00
DEPT 291 EMERGENCY MANAGEMENT:	2,200.00	2,200.00	2,200.00	2,200.00
... 1 SALARIES & WAGES:	775.00	775.00	775.00	775.00
... 2 DEPT. EXPENSES:	42,000.00	45,000.00	45,000.00	45,000.00
DEPT 292 ANIMAL INSPECTION & CONTROL:	42,775.00	45,775.00	45,775.00	45,775.00
... 2 DEPT. EXPENSES:	7,450.00	7,450.00	7,450.00	7,450.00
DEPT 294 FORESTRY:	7,450.00	7,450.00	7,450.00	7,450.00
... 1 SALARIES & WAGES:				
... 2 DEPT. EXPENSES:				
DEPT 300 SCHOOL DEPARTMENT:	15,923,525.00	16,073,073.00	15,808,073.00	15,808,073.00
	0	0	0	0
... 2 DEPT. EXPENSES:	917,570.00	1,041,502.00	1,035,975.00	1,035,975.00
DEPT 301 GR. LOWELL REG. SCHOOL:	917,570.00	1,041,502.00	1,035,975.00	1,035,975.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	11,000.00	11,000.00	1,000.00	1,000.00

DEPT 420 TOWN ENGINEER	11,000.00	11,000.00	1,000.00	1,000.00
... 1 SALARIES & WAGES:	13,850.00	12,800.00	12,800.00	12,800.00
... 2 DEPT. EXPENSES:	27,155.00	27,155.00	24,595.00	24,595.00
DEPT 421 HIGHWAY & STREETS ADMIN:	41,005.00	39,955.00	37,395.00	37,395.00
... 1 SALARIES & WAGES:	497,116.00	439,104.00	441,000.00	441,000.00
... 2 DEPT. EXPENSES:	111,000.00	120,000.00	109,000.00	109,000.00
DEPT 422 HWY & STREETS CONSTR/MAINT:	608,116.00	559,104.00	550,000.00	550,000.00
... 1 SALARIES & WAGES:	37,500.00	37,500.00	37,500.00	37,500.00
... 2 DEPT. EXPENSES:	87,500.00	87,500.00	112,500.00	112,500.00
DEPT 423 HWY SNOW EXPENSE:	125,000.00	125,000.00	150,000.00	150,000.00
... 2 DEPT. EXPENSES:	57,318.00	53,000.00	53,000.00	53,000.00
DEPT 424 HWY STREET LIGHTING:	57,318.00	53,000.00	53,000.00	53,000.00
... 2 DEPT. EXPENSES:	60,750.00	60,750.00	60,750.00	60,750.00
DEPT 425 HWY VEHICLE MAINTENANCE:	60,750.00	60,750.00	60,750.00	60,750.00
... 2 DEPT. EXPENSES:	877,000.00	856,000.00	840,000.00	840,000.00
DEPT 430 WASTE COLLECTION & DISPOSAL:	877,000.00	856,000.00	840,000.00	840,000.00
... 1 SALARIES & WAGES:	36,200.00	36,200.00	36,200.00	36,200.00
... 2 DEPT. EXPENSES:	11,650.00	11,650.00	11,650.00	11,650.00
DEPT 491 CEMETERY DEPARTMENT:	47,850.00	47,850.00	47,850.00	47,850.00
... 1 SALARIES & WAGES:	38,378.00	47,209.00	47,209.00	47,209.00
... 2 DEPT. EXPENSES:	30,225.00	21,525.00	19,525.00	19,525.00
DEPT 510 BOARD OF HEALTH:	68,603.00	68,734.00	66,734.00	66,734.00
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
DEPT 520 OTHER CLINICAL SERVICES:	200.00	200.00	200.00	200.00
... 1 SALARIES & WAGES:	68,552.00	69,745.00	69,745.00	69,745.00
... 2 DEPT. EXPENSES:	18,579.00	17,386.00	17,386.00	17,386.00
DEPT 541 COUNCIL ON AGING:	87,131.00	87,131.00	87,131.00	87,131.00
... 1 SALARIES & WAGES:	38,375.00	38,375.00	46,875.00	46,875.00
... 2 DEPT. EXPENSES:	223,225.00	213,225.00	243,225.00	243,225.00
DEPT 543 VETERANS AGENT:	261,600.00	251,600.00	290,100.00	290,100.00
... 1 SALARIES & WAGES:	186,311.00	207,381.00	192,751.00	192,751.00
... 2 DEPT. EXPENSES:	58,000.00	104,847.00	58,000.00	58,000.00
DEPT 610 LIBRARY:	244,311.00	312,228.00	250,751.00	250,751.00
... 1 SALARIES & WAGES:	25,826.00	25,826.00	25,826.00	25,826.00
... 2 DEPT. EXPENSES:	10,000.00	19,963.00	19,963.00	19,963.00
DEPT 630 RECREATION DEPARTMENT:	35,826.00	45,789.00	45,789.00	45,789.00
... 2 DEPT. EXPENSES:	850.00	850.00	850.00	850.00
DEPT 691 HISTORICAL COMMISSION:	850.00	850.00	850.00	850.00

... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
DEPT 692 MEMORIAL DAY COMM:	900.00	900.00	900.00	900.00
... 2 DEPT. EXPENSES:	1,121,454.00	509,431.00	520,176.00	520,176.00
DEPT 710 LONG TERM DEBT PRINCIPAL:	1,121,454.00	509,431.00	520,176.00	520,176.00
... 2 DEPT. EXPENSES:	293,329.00	286,545.00	264,001.00	264,001.00
DEPT 751 LONG TERM DEBT INTEREST:	293,329.00	286,545.00	264,001.00	264,001.00
... 2 DEPT. EXPENSES:	26,516.00	34,216.00	18,660.00	18,660.00
DEPT 760 SHORT TERM DEBT INTEREST:	26,516.00	34,216.00	18,660.00	18,660.00
... 2 DEPT. EXPENSES:	2,962.00	2,873.00	2,873.00	2,873.00
DEPT 840 N. MIDDX. COUNCIL OF GOV'T:	2,962.00	2,873.00	2,873.00	2,873.00
... 2 DEPT. EXPENSES:	4,778,542.00	5,272,483.00	5,272,733.00	5,272,733.00
... LESS FY11 SFAF GRANT			(135,435.00)	(135,435.00)
DEPT 910 EMPLOYEE BENEFITS:	4,778,542.00	5,272,483.00	5,137,298.00	5,137,298.00
... 2 DEPT. EXPENSES:	234,713.00	244,147.00	244,147.00	244,147.00
DEPT 940 OTHER INSURANCE:	234,713.00	244,147.00	244,147.00	244,147.00
... 2 DEPT. EXPENSES:	228,100.00	0.00	0.00	0.00
DEPT 992 TRANSFER TO OTHER FUNDS	228,100.00	0.00	0.00	0.00
TOTALS:	30,305,447.0 0	30,364,279.0 0	29,835,211.0 0	29,835,211.0 0

SUMMARY BY FUNCTION				
GENERAL GOVERNMENT	1,129,040.00	1,143,189.00	1,143,839.00	1,143,839.00
PUBLIC SAFETY	3,122,236.00	3,236,729.00	3,177,719.00	3,177,719.00
EDUCATION	16,841,095.0 0	17,114,575.0 0	16,844,048.0 0	16,844,048.0 0
HIGHWAY & CEMETERY	1,828,039.00	1,752,659.00	1,739,995.00	1,739,995.00
HUMAN SERVICES	417,534.00	407,665.00	444,165.00	444,165.00
CULTURAL & RECREATION	281,887.00	359,767.00	298,290.00	298,290.00
DEBT	1,441,299.00	830,192.00	802,837.00	802,837.00
INTERGOVERNMENTAL	2,962.00	2,873.00	2,873.00	2,873.00
UNCLASSIFIED	<u>5,241,355.00</u>	<u>5,516,630.00</u>	<u>5,381,445.00</u>	<u>5,381,445.00</u>
TOTAL TOWN BUDGET	30,305,447.0 0	30,364,279.0 0	29,835,211.0 0	29,835,211.0 0

Motion: That the Town approve the amounts in Article 5 as shown in the Finance Committee proposed column, that the sum of \$29,835,211 is raised and appropriated and to help meet this appropriation the sum of \$5,000 is transferred from Dog Licenses and Fees to be used as a funding source.

Action: Does carry.

Article 6. To see if the Town will vote to appropriate the sum of \$800,000.00 to purchase Capital Assets, to be expended by the Board of Selectmen, and that the appropriations are expressly contingent upon the Town voting to approve a capital outlay expenditure exclusion referendum question under proposition two and one-half, so-called, for the fiscal year beginning July 1, 2010, at a town election to be held, or take any other action relative thereto.

Motion: That the Town raise and appropriate \$780,000 to purchase the capital assets as recommended by the Fiscal Year 2011 Capital Asset Management Plan and that this appropriation be contingent on the approval of a Proposition 2-1/2 capital outlay expenditure exclusion under Mass General Laws Chapter 59, Sec. 21C(i1/2).

<u>Purpose</u>	<u>Recommend</u>
Replace Fire Dept. Incident Command Car #1	\$ 40,000
Replace Highway Dump Truck w/Plow, Sander, & Wing	\$ 130,000
Highway Wash Station -- Phase II Completion	\$ 100,000
School District-Wide Technology Plan	\$ 100,000
School District-Wide Paving Plan	\$ 80,000
Replace Bleachers in Middle School Gym	\$ 80,000
Replace Bleachers at HS Pierce Field	\$ 125,000
Town-Wide Technology	\$ 25,000
Town Road Plan	\$ 100,000
Total Capital Asset Recommendation	\$ 780,000

Action: Does carry.

Motion: To temporarily suspend the Annual Town Meeting to open the Special Town Meeting.

Action: Does carry. ATM suspended at 7:42 pm.

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise for fiscal year 2011 as follows:

That the following sums be appropriated:

Salaries	\$ 175,739.00
Expenses	\$ 570,944.00
Capital outlay	\$ 279,500.00
Debt	\$ 78,300.00
Total	\$1,104,483.00

And that \$1,104,483.00 be raised as follows:

Department receipts	\$1,104,483.00
Capital Reserve Account	\$ -0-
Total	\$1,104,483.00

Or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 8. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2011 of \$275,950.00 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 9. 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 FY 2010 and FY 2011 shall remain in the revolving accounts for each of the following town entities.

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$ 20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$ 10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$ 30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Sealer of Weights and Measures or designee	\$ 3,000.00

Or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 10. To see if the Town will vote to appropriate from estimated annual revenues of the Community Preservation Fund for fiscal year 2011, the sum of \$25,000.00 for fencing and signage for the Town Center in general areas reflected on the Town Center Master Plan, to be expended by the Community Preservation Committee, or take any other action relative thereto.

Motion: **To amend the article as follows:** That the Town vote to appropriate from estimated annual revenues of the Community Preservation Fund for fiscal year 2011, the sum of \$25,000.00 for fencing and signage for the Town Center in general areas to be expended by the Board of Selectmen.

Action: Does carry as amended.

Article 11. To see if the Town will vote to appropriate estimated annual revenues of the Community Preservation Committee for Fiscal 2011, the sum of \$25,000.00 for consultant services to provide an RFP document, plans and specifications required for bid solicitation for the improvements, renovation and construction of areas identified in the Town Center Master Plan, to be expended by the Community Preservation Committee, or take any other action relative thereto.

Motion: To amend the article as follows: That the Town vote to appropriate estimated annual revenues of the Community Preservation Committee for Fiscal 2011, the sum of \$25,000.00 for consultant services to provide an RFP document, plans and specifications required for bid solicitation for the improvements, renovation and construction of areas identified in the Town Center Master Plan, to be expended by the Board of Selectmen.

Action: Does carry as amended.

Article 12. 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 fiscal year 2011, 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.

Appropriations

Administrative Expenses	\$ 30,000.00
Long-Term Debt Service (Long Pond)	\$ 57,413.00
Interest on Long-Term Debt (Rec. Fields)	\$ 5,625.00
Retirement of Debt (Rec. Fields)	\$250,000.00
Interest on Short-Term Debt (Rec. Fields)	\$ 15,557.00
Lake Mascuppic Weed Control Program	\$ 6,000.00
	<u>\$364,595.00</u>

Reserves

To Reserve for Historic Preservation	\$ 60,000.00
To Reserve for Affordable Housing	\$ 60,000.00
FY11 Budgeted Reserve	\$ 65,405.00
	<u>\$185,405.00</u>

Total \$550,000.00

Or take any other action relative thereto.

Motion: To accept the article as written.

Action: Does carry.

Article 13. To see if the Town will vote that \$540,000.00 be appropriated from the following available Community Preservation funds to pay-down the Recreation Fields short-term note due and payable in fiscal 2011.

Available Funds

From Reserve for Open Space	\$ 65,000.00
From FY10 Budgeted Reserve	\$345,000.00
Community Preservation Undesignated Fund Balance	\$130,000.00
	<u>\$540,000.00</u>

Or take any other action relative thereto.

Motion: That the Town approve this article as written.

Action: Does carry.

Article 14. To see if the Town will vote to transfer from free cash the sum of \$18,000.00 to purchase two heavy duty rider lawn mowers, to be expended by the Highway Department, or take any other action relative thereto.

Motion: That the Town votes to transfer from free cash the sum of \$18,000.00 to purchase two heavy duty rider lawn mowers, to be expended by the Highway Department.

Action: Does carry.

Article 15. To see if the Town will vote to transfer from free cash the sum of \$10,000.00 to purchase one ride on automatic floor scrubber, to be expended by the School Department, or take any other action relative thereto.

Motion: That the Town votes to transfer from free cash the sum of \$10,000.00 to purchase one ride on automatic floor scrubber, to be expended by the School Department.

Action: Does carry.

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to conduct a Code Assessment and a Cost Analysis for the Shurfine Barn improvement to comply with the use of and occupancy of the building, to be expended by the Board of Selectmen, and to accept any and all State and Federal funding, or take any other action relative thereto.

Motion: That the Town votes to transfer \$10,000 from then Shurfine demolition fund to conduct a Code Assessment and Cost Analysis for the Shurfine Barn improvement to comply with the use of and occupancy of the building to be expended by the Board of Selectmen and to accept any and all State and Federal funding.

Amendment to the motion: That the Historical Commission be added.

Action on amended motion: Hand count required. Vote 69 in favor and 24 opposed. As amended does carry.

Article 17. To see if the Town will vote to raise and appropriate the sum of \$20,000.00 to supplement the Stabilization Fund, or take any other action relative thereto.

Motion: That the Town vote to raise and appropriate the sum of \$20,000 to supplement the Stabilization Fund.

Action: Passes unanimously.

Article 18. To see if the Town will vote to appropriate by transfer from the Capital Asset Stabilization Fund the sum of \$228,100.00, to be expended by the Board of Selectmen, to be used to stabilize the tax rate for fiscal year 2011, or take any other action relative thereto.

Motion: That the Town vote to appropriate by transfer from the Capital Asset Stabilization Fund the sum of \$228,100 to be used to stabilize the tax rate for fiscal year 2011.

Action: Passes unanimously.

Article 19. To see if the Town will vote to adjust Clause 41C eligibility requirements, amended by Chapter 184 section 51 of the Acts of 2002, which would increase income limits for the elderly to \$20,000 (single), \$30,000 (married) and whole estate limits to \$40,000 (single), and \$55,000 (married), or to take any other action relative thereto.

Motion: To approve as written.

Action: Carries.

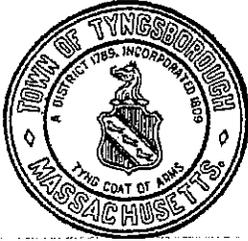
Article 20. To see if the Town will vote to amend the Zoning By-Laws Section 2.13.00 and 2.14.00 as follows:
1. In Section 2.13.00, delete the language and substitute the following:

Section 2.13.00 Flood Plain and Floodway Districts.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Tyngsborough designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Tyngsborough are panel numbers 25017C0104E, 25017C0108E, 25017C0109E, 25017C0111E, 25017C0112E, 25017C0113E, 25017C0114E, 25017C0116E, 25017C0117E, 25017C0118E, 25017C0119E, 25017C0128E, 25017C0136E, and 25017C0226E, dated 4, 2020. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the Middlesex County FIRM and FIS are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Town Engineer, and the Conservation Commission Director.

2. Amend Section 2.13.20, by adding the following:

In the event the field survey does not agree with the Middlesex County FIRM, the applicant must apply to FEMA requesting that the Middlesex County FIRM be amended.



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

July 22, 2010

Mr. Mark Dupell, Steward
SEIU Local 888, Mid-Manager's Chapter

Dear Mr. Dupell:

This correspondence is sent in response to SEIU Local 888, Mid-Manager's Chapter's grievance dated July 8, 2010.

Local 888, Mid-Manager's Chapter, contends that the Town has not negotiated the restoration of hours for Sewer Department personnel and grieves the timing of the internal notification dated July 8, 2010. Please be advised that the grievance is denied. While the Town is not required to notify Local 888 prior to restoring hours, the Town is willing to negotiate the restoration of these hours with Local 888.

The Town is also eager to address other pending collective bargaining issues through negotiations and looks forward to meeting with you as soon as possible.

Sincerely,

Michael P. Gilleberto
Town Administrator



TOWN OF TYNGSBOROUGH
Office of the Town Administrator
25 Bryants Lane
Tyngsborough, MA 01879
Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320
E-mail: mgilleberto@tyngsboroughma.gov

July 15, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

This correspondence is sent in response to SEIU Local 888, Clerical Chapter's grievance dated July 8, 2010.

Local 888, Clerical Chapter, contends that the Town has not negotiated the terms of an internal memorandum dated July 8, 2010 ("Clerical: salaries and wages continue at the rate they were as of June 30th, 2010"), and that there "have not been any changes in working conditions, as there have not been any modifications to the contract, therefore, the current contract is automatically extended and remains in effect until such time when a new collective bargaining agreement is completed".

On December 21, 2009, the Town notified Local 888 of its desire to negotiate potential changes to the collective bargaining agreement that expires on June 30, 2010. As a result of said notice and in accordance with the Duration clause that appears in the parties' contract, the parties' contract has now expired and, as such, the provisions for wage/salary increases have also expired. Therefore, the grievance is denied.

The Town is eager to address pending collective bargaining issues, including potential salary and wage adjustments, through negotiations and looks forward to meeting with you as soon as possible.

Sincerely,

Michael P. Gilleberto
Town Administrator

Highway Negotiation Briefing Sheet – July, 2010

- *Gilleberto* comments in **bold**; *Klein* comments in **red**.
- Contract status: expired June 30, 2010. No evergreen clause.
- Town Meeting approved funding for FY 2011 to sustain wages and hours at the FY 2010 rate.
- At a negotiation session on July 8, 2010, Selectwoman Coughlin and I expressed that the Town's position was that wages and hours would remain the same for FY 2011.
- At that same negotiation session, the union expressed the following priorities:
 - Desire to return to 40 hour work week (currently averages 38 hours with 13 Fridays off). **Jim Hustins has estimated that the additional hours would cost approximately \$22,000.**
 - Desire to move Sewer Assistant Superintendent out of the Highway bargaining unit. **Policy decision. Darren would support, but Sewer Commission could set salary outside a contract.**
 - Desire to remove interim titles for Highway Administrator, Administrative Assistant, and Foreman. **Policy decision.**
 - Explore removing the Highway Superintendent from the bargaining unit. **Policy decision. It is unusual for the supervisor to be in the same unit as those he supervises.**
 - Explore transferring the Administrative Assistant to the bargaining unit. **Policy decision. Qualifications, job responsibilities, etc. are not similar.**
 - Explore restoring hours for the Administrative Assistant. **Position is presently funded at 18 hours but was funded at 20 hours in FY 2010. Estimated cost of restoration is \$1,500 annually. Health insurance.**
 - Desire to establish vacation carryover. **Highway Department personnel are discouraged from taking vacation time during the winter months. They must also carefully plan time off during the summer due to field maintenance responsibilities. There are also fewer available work days to utilize vacation time during the summer months due to the reduced work schedule (Fridays off). May require use of overtime to fill in (currently not the practice). Might work with good language.**

- Desire to have a no-work clause for weather conditions (high heat/humidity). **The number of applicable days is low (2 or 3 per summer)...we could consider a modified work schedule (leave at noon, etc). Could be a management decision with no contract language.**
- Desire to increase the rate or add a stipend for 2 newly-licensed hydraulic operators. **This would promote recognition of professional development, but would limit award to those who are certified.**
- Desire to increase call-in to 5 hours instead of current 4 hours. **This provision would kick in mostly during snow plowing/sanding operations. The addition of new linear street mileage, and the reduction of the number of Highway staff positions, has resulted in longer plow and sand routes. The union would like to see the callback time expanded to reflect this. The Highway Administrator has expressed that he always advises staff to take their time and drive safely to avoid injury or damage to property. Advise no.**
- Desire to provide additional paid days off (Good Friday was the example provided). **This would be something we should consider evaluating holistically (Town Hall office hours). Policy decision.**
- Increase the number of personal days from 3 to 4. **Could pose operational challenges similar to vacation carryover. May require use of overtime to fill in (currently not the practice). Four would be high.**
- Increase pay rate to double time at 10 hours rather than 12. **This provision would kick in mostly during snow plowing/sanding operations. Highway staff are generally called in around 4:00 or 5:00 am for an overnight storm. This results in a work day of approximately 10.5 or 11 hours. Advise to stay the same.**
- Offer a cell-phone stipend. **At \$35 per month, it would cost the Town approximately \$3,500. Policy decision.**



Town of Tyngsborough
Clerical/Library Chapter 888
25 Bryants Lane
Tyngsborough, MA 01879

2010 JUN 10 AM 10:40
BOARD OF SELECTMEN
TYNGSBOROUGH, MA.

Gloria Clancy
Chapter Chairwoman
978-649-2300, ext. 127

Pamela Berman
Chapter Steward
978-649-2300, ext. 115
pamberm@aol.com

July 19, 2010

Town of Tyngsborough Board of Selectmen
25 Bryants Lane
Tyngsborough, MA 01879

CONFIDENTIAL
EXEC SESSION MATERIAL
For BOS

RE: Effective Wage Rate Grievance Appeal

Honorable Board,

On behalf of the members of the SEIU Local 888, Clerical/Library Chapter, et. al, I submit the attached Grievance Appeal in response to Michael Gilleberto's letter dated July 15, 2010.

The Town of Tyngsborough contends that on December 21, 2009, the Town notified Local 888 of its desire to negotiate potential changes to the collective bargaining agreement that expired on June 30, 2010. The Town further contends that as a result of said notice, and in accordance with the Duration clause that appears in the Clerical/Library Union's contract, the contract has now expired and, as such, the provisions for wage/salary increases have also expired.

Article XXII: Duration, Section 18.02 states that "either the Union or the Town may reopen this Agreement for the negotiation of a successor Agreement by giving written notice of its desire to modify or terminate this Agreement..." The Union contends that the Town's notification did not provide the required draft proposed amendments as cited in Article XXII, Section 18.02, Sentence 2, "*such written notice shall contain a draft of any proposed amendments*". Therefore, the notification is deficient and remains non-compliant with the Clerical/Library Union's contract.

As a result, the Clerical/Library Union appeals the Town Administrator's decision of the grievance dated July 8, 2010. We reiterate that there have not been any modifications to the contract, therefore, the current contract conditions are automatically extended and remain in effect until such time when a new collective bargaining agreement is completed.

The Clerical/Library Union demands a full restoration of all Clerical/Library Union member hours to Fiscal Year 2009 levels, and the implementation of the contract step wage increase as approved by Tyngsborough Town Meeting on May 18, 2010. It should be noted that the Town Meeting approved funding for the Sewer Commission sets precedent for this restoration.

Clerical/Library Chapter of SEIU Local 888

Pamela A. Berman

Pamela A. Berman, Steward

Cc: Michael Gilleberto, Town Administrator, Gloria Clancy, Chapter Chairwoman, Patrick McCabe, Executive Director, SEIU 888, Harold Jones, Esq. SEIU 888

ARTICLE XVII: DURATION

18.01 This agreement shall be effective July 1, 2007 and continue in full force and effect for a three (3) year period, expiring on June 30, 2010.

18.02 Either the Union or the Town may reopen this Agreement for the negotiation of a successor Agreement by giving written notice of its desire to modify or terminate this Agreement not later than January 1, 2006. ~~Such written notice shall contain a draft of any proposed amendments.~~ If no notice is given, this Agreement shall be automatically extended from year to year without modification until such a notice is given not later than 60 days before its expiration date.

18.03 In the event of legislative approval during the term of this Agreement, the Town will offer "domestic partner" insurance coverage.



TOWN OF TYNGSBOROUGH

Office of the Selectmen

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

December 21, 2009

Tina Hardy
SEIU Local 888
529 Main Street
Suite 222
Charlestown, MA 02129

RE: CLERICAL UNION

Dear Ms. Hardy:

In accordance with Article XXII of the collective bargaining agreement, please accept this letter as the Town's notice of its desire to negotiate potential changes in the terms of the collective bargaining agreement that expires on June 30, 2010. The Town reserves its right to propose amendments to any of the terms of the collective bargaining agreement. Accordingly, please contact the Town Administrator so that an initial negotiation session can be scheduled at a mutually convenient time.

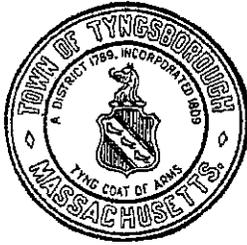
Thank you for your attention.

Sincerely,

Richard B. Lemoine
Chairman, Board of Selectmen

received
7-16-2010

RBL



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

July 15, 2010

Ms. Pamela Berman, Steward
SEIU Local 888, Clerical Chapter

Dear Ms. Berman:

This correspondence is sent in response to SEIU Local 888, Clerical Chapter's grievance dated July 8, 2010.

Local 888, Clerical Chapter, contends that the Town has not negotiated the terms of an internal memorandum dated July 8, 2010 ("Clerical: salaries and wages continue at the rate they were as of June 30th, 2010"), and that there "have not been any changes in working conditions, as there have not been any modifications to the contract, therefore, the current contract is automatically extended and remains in effect until such time when a new collective bargaining agreement is completed".

On December 21, 2009, the Town notified Local 888 of its desire to negotiate potential changes to the collective bargaining agreement that expires on June 30, 2010. As a result of said notice and in accordance with the Duration clause that appears in the parties' contract, the parties' contract has now expired and, as such, the provisions for wage/salary increases have also expired. Therefore, the grievance is denied.

The Town is eager to address pending collective bargaining issues, including potential salary and wage adjustments, through negotiations and looks forward to meeting with you as soon as possible.

Sincerely,

Michael P. Gilleberto
Town Administrator

received *plp*
7-15-10 3:00pm

**Effective Wage Rate Grievance
July 8, 2010**

Tyngsborough Clerical Chapter of SEIU Local 888
25 Bryants Lane
Tyngsborough, MA 01879

7/13/2010 10:02
TOWN OF TYNGSBOROUGH, MA.

July 8, 2010

TO: Patrick McCabe, SEIU Executive Director
Michael Gilleberto, Town Administrator

FROM: Town of Tyngsborough SEIU Local 888, Clerical Chapter, et al

RE: Effective Wage Rate Grievance

On behalf of the members of the SEIU Local 888, Clerical Chapter, et. al, I submit the attached Grievance Form in response to Michael Gilleberto's letter dated July 8, 2010 regarding "Collective Bargaining Agreements".

Please be advised that the Union has not negotiated or agreed to any of the terms highlighted in said memo. Supporting this grievance are the attached documents in support of the Union's contention that the wage steps were budgeted and approved by Town Meeting on May 18, 2010. In addition, the Union contends that there have not been any changes in working conditions, as there have not been any modifications to the contract, therefore, the current contract is automatically extended and remains in effect until such time when a new collective bargaining agreement is completed.

The Clerical Union demands a full restoration of all Clerical Union member hours to Fiscal Year 2009 levels, and the implementation of the contracted step wage increase as approved by Tyngsborough Town Meeting. It should be noted that the last paragraph of Mr. Gilleberto's letter sets precedent for this restoration.

Clerical Chapter of SEIU Local 888

Pamela Q. Berman
Pamela Berman, Steward



GRIEVANCE FORM

Filed With Employer on: 7/8/2010

Filed at Step: 1 2 3

Steward: Pamela Berman

MEMBER INFORMATION

Member's Name: SEIU Local 888, Clerical Chapter - Town of Tyngsborough, MA, et al

Home Address: _____

Phone: w) _____

h) _____

c) 508-284-3423

Job Title: _____

Fax: _____

Employer: Town of Tyngsborough

Shift: _____ FT PT

Supervisor: _____

Date of Hire: 1/1

GRIEVANCE INFORMATION

Statement of Grievance: Violation of Article XIX: Wages Section 19.01 "... employees will advance one step on each succeeding July 1st upon completion of one full year of additional service..." per correspondence received from Michael Gillette, Town Administrator, concerning Collective Bargaining Agreements dated July 8, 2010. Violation of the Tyngsborough Town Meeting vote in the FY 2011 Budget that included the step increases, - Voted on May 18, 2010.

Date of Occurrence or Knowledge: 7/8/2010

Articles/Provisions violated: All relevant provisions of the collective bargaining agreement including but not limited to See Attached and Article XIX: Wages, Section 19.01

Remedy: Make the Union whole including but not limited to See Attached and Full compensation increase approved by Town Meeting and under SEIU Local 888, Clerical Chapter Contract

PLEASE SIGN

Signature of Member: Pamela E. Berman

Date: 7/8/10

For the Union: _____

Date: 1/1



TOWN OF TYNGSBOROUGH

Office of the Town Administrator

25 Bryants Lane

Tyngsborough, MA 01879

Tel: 978 649-2300 Ext. 100 Fax: 978 649-2320

E-mail: mgilleberto@tyngsboroughma.gov

FROM: Michael P. Gilleberto, Town Administrator *GMP*

TO: Jacqueline Cronin, Town Accountant
Kerry Colburn-Dion, Town Treasurer

DATE: July 8, 2010

RE: Collective Bargaining Agreements

Agreements for the Town's four collective bargaining units (Clerical, Highway, Mid-Managers, and Police) expired on June 30th. While it is hoped that new agreements can be finalized very soon, those agreements are not anticipated to be in place before the end of the first FY 2011 pay period.

Massachusetts General Law Chapter 150E requires that any change in working conditions be bargained with the union. Accordingly, salary and wage rates effective June 30th, 2010 are carried forward to July 1st until a new contract is agreed upon.

Below is an outline of the status of each agreement, and the corresponding impact upon salaries/benefits:

- Clerical: salaries and wages continue at the rate they were at as of June 30th, 2010
- Highway: salaries and wages continue at the rate they were at as of June 30th, 2010
- Mid-Managers: salaries and wages continue at the rate they were at as of June 30th, 2010
- Police: terms and conditions of the agreement effective June 30th, 2010 are carried forward (patrol officers within their first two years may be eligible for a step increase)

Additionally, the Sewer Commission requested, and Town Meeting approved funding for, the restoration of hours for the Sewer Superintendent and the Assistant Superintendent for Fiscal Year 2011. These positions are eligible for payment for those restored hours at the June 30th, 2010 rate.

cc: Board of Selectmen
Darren Klein, Esquire

COLLECTIVE BARGAINING AGREEMENT BETWEEN
THE TOWN OF TYNGSBOROUGH
AND
SEIU Local 888, Clerical Chapter

2007-2010

ARTICLE I: RECOGNITION

1.01 The Town of Tyngsborough (hereinafter the "Board of Selectmen or its designee") agrees to recognize the Service Employees International Union (SEIU) Local 888 (hereinafter the "Union") as the sole and exclusive collective bargaining agent with regards to wages, hours, working conditions, standards of productivity and performance and any other terms and conditions of employment for all full time and regular part time administrative, clerical, technical, service and maintenance employees of the Town indicated in MCR 4176, and excluding all other employees.

1.02 The Town Administrator will designate a space convenient for all Unit members where a bulletin board may be erected. The purpose of this board will be the posting of notices by the employees and/or the Union. No notices shall be posted unless they have been signed by a duly authorized representative of the Board of Selectmen or its designee or the Union.

1.03 No Union business may be conducted during working hours unless approved in advance by the Board of Selectmen or its designee. No town facilities, supplies and/or equipment may be used for union business.

1.04 The Union will furnish the Board of Selectmen or its designee with a written list of stewards and other officers of the local immediately after their designation. The Union shall subsequently immediately notify the Board of Selectmen or its designee of any changes in such designations.

ARTICLE II: MANAGEMENT RIGHTS

2.01 Except as limited by specific provisions of this Agreement, the Board of Selectmen retains all of its rights to manage the employees covered by this Agreement and, except as so limited, the exercise of such rights shall not be grievable or arbitrable.

ARTICLE III: EFFECT OF AGREEMENT

3.01 This Agreement represents complete collective bargaining and full agreement by the parties with respect to rates of pay, wages, hours of employment or other conditions of employment which shall prevail during the term hereof, and any matters or subjects not herein covered, have been satisfactorily adjusted, compromised or waived by the parties for the life of this agreement. In addition to the foregoing, the parties expressly agree to exclude grievances concerning "past

ARTICLE XIX: WAGES

19.01 Employees shall be paid in accordance with the salary schedule(s) attached hereto as "Exhibit A." The salary schedules shall be adjusted to reflect the following: Base wage increases of 2.5% effective July 1, 2007, 3% effective July 1, 2008, and 3% effective July 1, 2009. Also, effective July 1, 2008, steps 1-3 shall cease to exist and the former step 4 shall become step 1 (current employees will remain at their old step even though it will be renumbered: i.e. employee at step 5 will now be at step 2, rather than at new step 5), and one additional step (step 10) will be added at 2.2% higher than the previous step. This will result in a 10 step pay scale. Employees shall advance to the 10th step after completion of their 10th year of consecutive service, excluding layoff periods, on his/her tenth year anniversary date of hire. ~~Except for Step 10, employees will advance one step on each succeeding July 1st upon completion of one full year of additional service.~~ Employees who are hired during the course of a fiscal year will advance one step on the next succeeding July 1st if they have been employed for more than ½ of the fiscal year. If such new hires have been employed for less than ½ of a fiscal year on the next succeeding July 1st, they will not receive a step increase until the second July 1st following their initial date of hire.

Effective upon the execution of this contract (2004), the Assessor's Assistant will be upgraded one pay grade and will be placed at the lowest step that would provide for a salary increase. (i.e. Assuming position is currently a Grade 5, Step 9, on July 1, 2003, position becomes Grade 5,

**ANNUAL TOWN MEETING MINUTES
MAY 18, 2010**

Place: Tyngsborough Elementary School
Moderator: Robert L. Kydd, Jr.

Voters: 132
Time: 7:03 PM

Meeting opened with the Pledge of Allegiance.

Motion: To allow the following non-residents to address the meeting: Atty. Charles Zaroulis – Town Counsel, Michael Gilleberto - Town Administrator, Jacquelyn Cronin – Town Accountant, Barbara Reynolds – Council on Aging Director, Susan Arthur – Library Director, Don Ciampa – Principal, and Darrell Lockwood – Superintendent of Schools.

Action: Motion carries.

Selectman Lemoine acknowledged Rob Kydd as Town Moderator and thanked him for his twenty-five years of service to the town as the moderator.

Article 2. 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.

Motion: That the Town vote to accept the reports of the Town Officers and Committees as printed.

Action: Does carry.

Article 3. To choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Motion: That the Town vote to appoint Alan A. Sherburne as Surveyor of Wood, Bark and Lumber and to appoint Nancy A. Johnson and Kevin V. O'Connor to the Memorial Day Committee.

Action: Does carry.

Article 4. 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 2011 (July 1, 2010 - June 30, 2011), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations.

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/09	7/01/10	7/01/10
	6/30/10	6/30/11	6/30/11
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 0	0
Selectmen Members (5)	\$ 0	\$ 0	0
Tax Collector	\$56,020	\$56,020	\$56,020
Town Clerk	\$52,094	\$52,094	\$52,094
Assessors (3)			
Chairman	\$ 1	\$ 1	1
Member (1)	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Board of Health			
Chairman	\$ 0	\$ 0	0
Members (4)	\$ 0	\$ 0	0
Tree Warden	\$ 0	\$ 0	0
Cemetery Commissioners (3)	\$ 0	\$ 0	0
School Committee (7)	\$ 0	\$ 0	0
Library Trustees (6)	\$ 0	\$ 0	0

Sewer Commissioners (3)			
Chairman	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Member (1)	\$ 0	\$ 0	0
Planning Board (5)			
Chairman	\$ 0	\$ 0	0
Members (4)	\$ 0	\$ 0	0
Finance Committee (5)	\$ 0	\$ 0	0
Constables (2)	\$ 0	\$ 0	0
Greater Lowell Technical High School (1)	\$ 0	\$ 0	0

Motion: That the Town fix the salary and compensation of elective officers as shown in the recommended column.

Action: Does carry.

Article 5. 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 the Fiscal Year 2011 (July 1, 2010 - June 30, 2011), or take any other action relative thereto.

<u>DEPARTMENT/DESCRIPTION</u>	<u>FY 2010 ADJUSTED BUDGET</u>	<u>FY 2011 DEPT REQUEST</u>	<u>FY 2011 SELECTMEN PROPOSED</u>	<u>FY 2011 FINCOM PROPOSED</u>
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 114 MODERATOR:	0.00	0.00	0.00	0.00
... 1 SALARIES & WAGES:	36,382.00	36,382.00	41,382.00	41,382.00
... 2 DEPT. EXPENSES:	11,650.00	8,400.00	8,400.00	8,400.00
DEPT 122 SELECTMEN:	48,032.00	44,782.00	49,782.00	49,782.00
... 1 SALARIES & WAGES:	115,700.00	111,450.00	113,000.00	113,000.00
... 2 DEPT. EXPENSES:	13,600.00	13,600.00	12,000.00	12,000.00
DEPT 123 TOWN ADMINISTRATOR:	129,300.00	125,050.00	125,000.00	125,000.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	1,655.00	1,655.00	1,655.00	1,655.00
DEPT 131 FINANCE COMMITTEE:	1,655.00	1,655.00	1,655.00	1,655.00
... 2 DEPT. EXPENSES:	70,133.00	47,000.00	55,000.00	55,000.00
... LESS FY10 TRANSFERS	(54,000.00)			
DEPT 132 RESERVE FUND:	16,133.00	47,000.00	55,000.00	55,000.00
... 1 SALARIES & WAGES:	80,567.00	81,436.00	81,436.00	81,436.00
... 2 DEPT. EXPENSES:	7,100.00	8,740.00	7,740.00	7,740.00
DEPT 135 ACCOUNTANT:	87,667.00	90,176.00	89,176.00	89,176.00
... 2 DEPT. EXPENSES:	27,000.00	27,000.00	27,000.00	27,000.00
DEPT 136 ANNUAL AUDITS:	27,000.00	27,000.00	27,000.00	27,000.00
... 1 SALARIES & WAGES:	91,000.00	88,336.00	88,336.00	88,336.00
... 2 DEPT. EXPENSES:	19,950.00	24,350.00	23,350.00	23,350.00
DEPT 141 ASSESSORS:	110,950.00	112,686.00	111,686.00	111,686.00
... 2 DEPT. EXPENSES:	44,502.00	27,500.00	27,500.00	27,500.00

DEPT 142 REVALUATION:	44,502.00	27,500.00	27,500.00	27,500.00
... 1 SALARIES & WAGES:	114,111.00	101,614.00	101,614.00	101,614.00
... 2 DEPT. EXPENSES:	17,595.00	27,950.00	26,950.00	26,950.00
DEPT 145 TREASURER:	131,706.00	129,564.00	128,564.00	128,564.00
... 1 SALARIES & WAGES:	96,459.00	95,635.00	95,635.00	95,635.00
... 2 DEPT. EXPENSES:	29,748.00	29,708.00	29,708.00	29,708.00
DEPT 146 TOWN COLLECTOR:	126,207.00	125,343.00	125,343.00	125,343.00
... 2 DEPT. EXPENSES:	61,092.00	61,092.00	61,092.00	61,092.00
DEPT 151 TOWN COUNSEL:	61,092.00	61,092.00	61,092.00	61,092.00
... 2 DEPT. EXPENSES:	55,000.00	55,000.00	51,000.00	51,000.00
DEPT 159 SPECIAL LEGAL SERVICES:	55,000.00	55,000.00	51,000.00	51,000.00
... 1 SALARIES & WAGES:	70,025.00	70,613.00	70,613.00	70,613.00
... 2 DEPT. EXPENSES:	2,150.00	2,150.00	2,150.00	2,150.00
DEPT 160 TOWN CLERK:	72,175.00	72,763.00	72,763.00	72,763.00
... 1 SALARIES & WAGES:	9,760.00	10,461.00	10,461.00	10,461.00
... 2 DEPT. EXPENSES:	18,970.00	18,543.00	18,543.00	18,543.00
DEPT 162 ELECTION/REGISTRATION:	28,730.00	29,004.00	29,004.00	29,004.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	250.00	250.00	250.00	250.00
DEPT 169 OTHER LICENSING & REG:	250.00	250.00	250.00	250.00
... 1 SALARIES & WAGES:	39,910.00	34,116.00	34,116.00	34,116.00
... 2 DEPT. EXPENSES:	4,466.00	3,350.00	3,350.00	3,350.00
DEPT 171 CONSERVATION COMMISSION:	38,366.00	37,466.00	37,466.00	37,466.00
... 1 SALARIES & WAGES:	13,069.00	14,733.00	14,733.00	14,733.00
... 2 DEPT. EXPENSES:	7,700.00	9,200.00	7,200.00	7,200.00
DEPT 175 PLANNING BOARD:	20,769.00	23,933.00	21,933.00	21,933.00
... 1 SALARIES & WAGES:	1,000.00	1,000.00	1,000.00	1,000.00
... 2 DEPT. EXPENSES:	2,700.00	2,700.00	2,700.00	2,700.00
DEPT 176 ZONING BD OF APPEALS:	3,700.00	3,700.00	3,700.00	3,700.00
... 2 DEPT. EXPENSES:	1,782.00	3,000.00	6,000.00	6,000.00
DEPT 182 ECONOMIC DEVELOPMENT:	1,782.00	3,000.00	6,000.00	6,000.00
... 2 DEPT. EXPENSES:	123,325.00	125,525.00	119,225.00	119,225.00
DEPT 192 PUBLIC BLDGS AND PROPERTY:	123,325.00	125,525.00	119,225.00	119,225.00
... 2 DEPT. EXPENSES:	500.00	500.00	500.00	500.00
DEPT 195 TOWN REPORTS:	500.00	500.00	500.00	500.00
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
DEPT 198 CAPITAL MANAGEMENT:	200.00	200.00	200.00	200.00
... 1 SALARIES & WAGES:	1,776,245.00	1,871,821.00	1,793,821.00	1,793,821.00
... 2 DEPT. EXPENSES:	197,716.00	188,436.00	210,436.00	210,436.00

DEPT 210 POLICE DEPARTMENT:	1,973,961.00	2,060,257.00	2,004,257.00	2,004,257.00
... 1 SALARIES & WAGES:	18,977.00	18,977.00	18,977.00	18,977.00
... 2 DEPT. EXPENSES:	46,750.00	46,750.00	46,750.00	46,750.00
DEPT 211 POLICE STATION:	65,727.00	65,727.00	65,727.00	65,727.00
... 1 SALARIES & WAGES:	310,908.00	310,908.00	310,908.00	310,908.00
... 2 DEPT. EXPENSES:	48,400.00	48,400.00	48,400.00	48,400.00
DEPT 215 COMMUNICATION CENTER:	359,308.00	359,308.00	359,308.00	359,308.00
... 1 SALARIES & WAGES:	398,751.00	410,714.00	410,714.00	410,714.00
... 2 DEPT. EXPENSES:	150,997.00	150,997.00	150,997.00	150,997.00
DEPT 220 FIRE DEPARTMENT:	549,748.00	561,711.00	561,711.00	561,711.00
... 1 SALARIES & WAGES:	84,952.00	88,652.00	85,642.00	85,642.00
... 2 DEPT. EXPENSES:	21,260.00	11,260.00	11,260.00	11,260.00
DEPT 241 BUILDING INSPECTOR:	106,212.00	99,912.00	96,902.00	96,902.00
... 1 SALARIES & WAGES:	0.00	8,817.00	8,817.00	8,817.00
... 2 DEPT. EXPENSES:	0.00	900.00	900.00	900.00
DEPT 242 GAS INSPECTOR:	0.00	9,717.00	9,717.00	9,717.00
... 1 SALARIES & WAGES:	0.00	8,817.00	8,817.00	8,817.00
... 2 DEPT. EXPENSES:	0.00	1,000.00	1,000.00	1,000.00
DEPT 243 PLUMBING INSPECTOR:	0.00	9,817.00	9,817.00	9,817.00
... 2 DEPT. EXPENSES:	0.00	0.00	0.00	0.00
DEPT 244 WEIGHTS & MEASURERS:	0.00	0.00	0.00	0.00
... 1 SALARIES & WAGES:	12,955.00	12,955.00	12,955.00	12,955.00
... 2 DEPT. EXPENSES:	1,900.00	1,900.00	1,900.00	1,900.00
DEPT 245 ELECTRICAL INSPECTOR:	14,855.00	14,855.00	14,855.00	14,855.00
... 1 SALARIES & WAGES:	1,200.00	1,200.00	1,200.00	1,200.00
... 2 DEPT. EXPENSES:	1,000.00	1,000.00	1,000.00	1,000.00
DEPT 291 EMERGENCY MANAGEMENT:	2,200.00	2,200.00	2,200.00	2,200.00
... 1 SALARIES & WAGES:	775.00	775.00	775.00	775.00
... 2 DEPT. EXPENSES:	42,000.00	45,000.00	45,000.00	45,000.00
DEPT 292 ANIMAL INSPECTION & CONTROL:	42,775.00	45,775.00	45,775.00	45,775.00
... 2 DEPT. EXPENSES:	7,450.00	7,450.00	7,450.00	7,450.00
DEPT 294 FORESTRY:	7,450.00	7,450.00	7,450.00	7,450.00
... 1 SALARIES & WAGES:				
... 2 DEPT. EXPENSES:				
DEPT 300 SCHOOL DEPARTMENT:	15,923,525.00	16,073,073.00	15,808,073.00	15,808,073.00
	0	0	0	0
... 2 DEPT. EXPENSES:	917,570.00	1,041,502.00	1,035,975.00	1,035,975.00
DEPT 301 GR. LOWELL REG. SCHOOL:	917,570.00	1,041,502.00	1,035,975.00	1,035,975.00
... 1 SALARIES & WAGES:	0.00	0.00	0.00	0.00
... 2 DEPT. EXPENSES:	11,000.00	11,000.00	1,000.00	1,000.00

DEPT 420 TOWN ENGINEER	11,000.00	11,000.00	1,000.00	1,000.00
... 1 SALARIES & WAGES:	13,850.00	12,800.00	12,800.00	12,800.00
... 2 DEPT. EXPENSES:	27,155.00	27,155.00	24,595.00	24,595.00
DEPT 421 HIGHWAY & STREETS ADMIN:	41,005.00	39,955.00	37,395.00	37,395.00
... 1 SALARIES & WAGES:	497,116.00	439,104.00	441,000.00	441,000.00
... 2 DEPT. EXPENSES:	111,000.00	120,000.00	109,000.00	109,000.00
DEPT 422 HWY & STREETS CONSTR/MAINT:	608,116.00	559,104.00	550,000.00	550,000.00
... 1 SALARIES & WAGES:	37,500.00	37,500.00	37,500.00	37,500.00
... 2 DEPT. EXPENSES:	87,500.00	87,500.00	112,500.00	112,500.00
DEPT 423 HWY SNOW EXPENSE:	125,000.00	125,000.00	150,000.00	150,000.00
... 2 DEPT. EXPENSES:	57,318.00	53,000.00	53,000.00	53,000.00
DEPT 424 HWY STREET LIGHTING:	57,318.00	53,000.00	53,000.00	53,000.00
... 2 DEPT. EXPENSES:	60,750.00	60,750.00	60,750.00	60,750.00
DEPT 425 HWY VEHICLE MAINTENANCE:	60,750.00	60,750.00	60,750.00	60,750.00
... 2 DEPT. EXPENSES:	877,000.00	856,000.00	840,000.00	840,000.00
DEPT 430 WASTE COLLECTION & DISPOSAL:	877,000.00	856,000.00	840,000.00	840,000.00
... 1 SALARIES & WAGES:	36,200.00	36,200.00	36,200.00	36,200.00
... 2 DEPT. EXPENSES:	11,650.00	11,650.00	11,650.00	11,650.00
DEPT 491 CEMETERY DEPARTMENT:	47,850.00	47,850.00	47,850.00	47,850.00
... 1 SALARIES & WAGES:	38,378.00	47,209.00	47,209.00	47,209.00
... 2 DEPT. EXPENSES:	30,225.00	21,525.00	19,525.00	19,525.00
DEPT 510 BOARD OF HEALTH:	68,603.00	68,734.00	66,734.00	66,734.00
... 2 DEPT. EXPENSES:	200.00	200.00	200.00	200.00
DEPT 520 OTHER CLINICAL SERVICES:	200.00	200.00	200.00	200.00
... 1 SALARIES & WAGES:	68,552.00	69,745.00	69,745.00	69,745.00
... 2 DEPT. EXPENSES:	18,579.00	17,386.00	17,386.00	17,386.00
DEPT 541 COUNCIL ON AGING:	87,131.00	87,131.00	87,131.00	87,131.00
... 1 SALARIES & WAGES:	38,375.00	38,375.00	46,875.00	46,875.00
... 2 DEPT. EXPENSES:	223,225.00	213,225.00	243,225.00	243,225.00
DEPT 543 VETERANS AGENT:	261,600.00	251,600.00	290,100.00	290,100.00
... 1 SALARIES & WAGES:	186,311.00	207,381.00	192,751.00	192,751.00
... 2 DEPT. EXPENSES:	58,000.00	104,847.00	58,000.00	58,000.00
DEPT 610 LIBRARY:	244,311.00	312,228.00	250,751.00	250,751.00
... 1 SALARIES & WAGES:	25,826.00	25,826.00	25,826.00	25,826.00
... 2 DEPT. EXPENSES:	10,000.00	19,963.00	19,963.00	19,963.00
DEPT 630 RECREATION DEPARTMENT:	35,826.00	45,789.00	45,789.00	45,789.00
... 2 DEPT. EXPENSES:	850.00	850.00	850.00	850.00
DEPT 691 HISTORICAL COMMISSION:	850.00	850.00	850.00	850.00

... 2 DEPT. EXPENSES:	900.00	900.00	900.00	900.00
DEPT 692 MEMORIAL DAY COMM:	900.00	900.00	900.00	900.00
... 2 DEPT. EXPENSES:	1,121,454.00	509,431.00	520,176.00	520,176.00
DEPT 710 LONG TERM DEBT PRINCIPAL:	1,121,454.00	509,431.00	520,176.00	520,176.00
... 2 DEPT. EXPENSES:	293,329.00	286,545.00	264,001.00	264,001.00
DEPT 751 LONG TERM DEBT INTEREST:	293,329.00	286,545.00	264,001.00	264,001.00
... 2 DEPT. EXPENSES:	26,516.00	34,216.00	18,660.00	18,660.00
DEPT 760 SHORT TERM DEBT INTEREST:	26,516.00	34,216.00	18,660.00	18,660.00
... 2 DEPT. EXPENSES:	2,962.00	2,873.00	2,873.00	2,873.00
DEPT 840 N. MIDDX. COUNCIL OF GOV'T:	2,962.00	2,873.00	2,873.00	2,873.00
... 2 DEPT. EXPENSES:	4,778,542.00	5,272,483.00	5,272,733.00	5,272,733.00
... LESS FY11 SFAF GRANT			(135,435.00)	(135,435.00)
DEPT 910 EMPLOYEE BENEFITS:	4,778,542.00	5,272,483.00	5,137,298.00	5,137,298.00
... 2 DEPT. EXPENSES:	234,713.00	244,147.00	244,147.00	244,147.00
DEPT 940 OTHER INSURANCE:	234,713.00	244,147.00	244,147.00	244,147.00
... 2 DEPT. EXPENSES:	228,100.00	0.00	0.00	0.00
DEPT 992 TRANSFER TO OTHER FUNDS	228,100.00	0.00	0.00	0.00
TOTALS:	30,305,447.0 0	30,364,279.0 0	29,835,211.0 0	29,835,211.0 0

SUMMARY BY FUNCTION				
GENERAL GOVERNMENT	1,129,040.00	1,143,189.00	1,143,839.00	1,143,839.00
PUBLIC SAFETY	3,122,236.00	3,236,729.00	3,177,719.00	3,177,719.00
EDUCATION	16,841,095.0 0	17,114,575.0 0	16,844,048.0 0	16,844,048.0 0
HIGHWAY & CEMETERY	1,828,039.00	1,752,659.00	1,739,995.00	1,739,995.00
HUMAN SERVICES	417,534.00	407,665.00	444,165.00	444,165.00
CULTURAL & RECREATION	281,887.00	359,767.00	298,290.00	298,290.00
DEBT	1,441,299.00	830,192.00	802,837.00	802,837.00
INTERGOVERNMENTAL	2,962.00	2,873.00	2,873.00	2,873.00
UNCLASSIFIED	<u>5,241,355.00</u>	<u>5,516,630.00</u>	<u>5,381,445.00</u>	<u>5,381,445.00</u>
TOTAL TOWN BUDGET	30,305,447.0 0	30,364,279.0 0	29,835,211.0 0	29,835,211.0 0

Motion: That the Town approve the amounts in Article 5 as shown in the Finance Committee proposed column, that the sum of \$29,835,211 is raised and appropriated and to help meet this appropriation the sum of \$5,000 is transferred from Dog Licenses and Fees to be used as a funding source.

Action: Does carry.

Article 6. To see if the Town will vote to appropriate the sum of \$800,000.00 to purchase Capital Assets, to be expended by the Board of Selectmen, and that the appropriations are expressly contingent upon the Town voting to approve a capital outlay expenditure exclusion referendum question under proposition two and one-half, so-called, for the fiscal year beginning July 1, 2010, at a town election to be held, or take any other action relative thereto.

Motion: That the Town raise and appropriate \$780,000 to purchase the capital assets as recommended by the Fiscal Year 2011 Capital Asset Management Plan and that this appropriation be contingent on the approval of a Proposition 2-1/2 capital outlay expenditure exclusion under Mass General Laws Chapter 59, Sec. 21C(i1/2).

<u>Purpose</u>	<u>Recommend</u>
Replace Fire Dept. Incident Command Car #1	\$ 40,000
Replace Highway Dump Truck w/Plow, Sander, & Wing	\$ 130,000
Highway Wash Station – Phase II Completion	\$ 100,000
School District-Wide Technology Plan	\$ 100,000
School District-Wide Paving Plan	\$ 80,000
Replace Bleachers in Middle School Gym	\$ 80,000
Replace Bleachers at HS Pierce Field	\$ 125,000
Town-Wide Technology	\$ 25,000
Town Road Plan	\$ 100,000
Total Capital Asset Recommendation	\$ 780,000

Action: Does carry.

Motion: To temporarily suspend the Annual Town Meeting to open the Special Town Meeting.

Action: Does carry. ATM suspended at 7:42 pm.

Article 7. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to operate the Sewer Enterprise for fiscal year 2011 as follows:

That the following sums be appropriated:

Salaries	\$ 175,739.00
Expenses	\$ 570,944.00
Capital outlay	\$ 279,500.00
Debt	\$ 78,300.00
Total	\$1,104,483.00

And that \$1,104,483.00 be raised as follows:

Department receipts	\$1,104,483.00
Capital Reserve Account	\$ -0-
Total	\$1,104,483.00

Or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 8. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2011 of \$275,950.00 as an available fund to be expended by the Board of Selectmen, or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 9. 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 FY 2010 and FY 2011 shall remain in the revolving accounts for each of the following town entities.

<u>Fund</u>	<u>Programs & Purposes</u>	<u>Departmental Receipts</u>	<u>Authorization</u>	<u>Maximum Annual Expenditure</u>
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers or designee	\$ 20,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen or designee	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee or designee	\$ 10,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health or designee	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health or designee	\$ 30,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health or designee	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission or designee	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Sealer of Weights and Measures or designee	\$ 3,000.00

Or take any other action relative thereto.

Motion: That the Town approve this article as printed.

Action: Does carry.

Article 10. To see if the Town will vote to appropriate from estimated annual revenues of the Community Preservation Fund for fiscal year 2011, the sum of \$25,000.00 for fencing and signage for the Town Center in general areas reflected on the Town Center Master Plan, to be expended by the Community Preservation Committee, or take any other action relative thereto.

Motion: **To amend the article as follows:** That the Town vote to appropriate from estimated annual revenues of the Community Preservation Fund for fiscal year 2011, the sum of \$25,000.00 for fencing and signage for the Town Center in general areas to be expended by the Board of Selectmen.

Action: Does carry as amended.

Article 11. To see if the Town will vote to appropriate estimated annual revenues of the Community Preservation Committee for Fiscal 2011, the sum of \$25,000.00 for consultant services to provide an RFP document, plans and specifications required for bid solicitation for the improvements, renovation and construction of areas identified in the Town Center Master Plan, to be expended by the Community Preservation Committee, or take any other action relative thereto.

Motion: To amend the article as follows: That the Town vote to appropriate estimated annual revenues of the Community Preservation Committee for Fiscal 2011, the sum of \$25,000.00 for consultant services to provide an RFP document, plans and specifications required for bid solicitation for the improvements, renovation and construction of areas identified in the Town Center Master Plan, to be expended by the Board of Selectmen.

Action: Does carry as amended.

Article 12. 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 fiscal year 2011, 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.

Appropriations

Administrative Expenses	\$ 30,000.00
Long-Term Debt Service (Long Pond)	\$ 57,413.00
Interest on Long-Term Debt (Rec. Fields)	\$ 5,625.00
Retirement of Debt (Rec. Fields)	\$250,000.00
Interest on Short-Term Debt (Rec. Fields)	\$ 15,557.00
Lake Mascuppic Weed Control Program	<u>\$ 6,000.00</u>
	\$364,595.00

Reserves

To Reserve for Historic Preservation	\$ 60,000.00
To Reserve for Affordable Housing	\$ 60,000.00
FY11 Budgeted Reserve	<u>\$ 65,405.00</u>
	\$185,405.00

Total \$550,000.00

Or take any other action relative thereto.

Motion: To accept the article as written.

Action: Does carry.

Article 13. To see if the Town will vote that \$540,000.00 be appropriated from the following available Community Preservation funds to pay-down the Recreation Fields short-term note due and payable in fiscal 2011.

Available Funds

From Reserve for Open Space	\$ 65,000.00
From FY10 Budgeted Reserve	\$345,000.00
Community Preservation Undesignated Fund Balance	<u>\$130,000.00</u>
	\$540,000.00

Or take any other action relative thereto.

Motion: That the Town approve this article as written.

Action: Does carry.

Article 14. To see if the Town will vote to transfer from free cash the sum of \$18,000.00 to purchase two heavy duty rider lawn mowers, to be expended by the Highway Department, or take any other action relative thereto.

Motion: That the Town votes to transfer from free cash the sum of \$18,000.00 to purchase two heavy duty rider lawn mowers, to be expended by the Highway Department.

Action: Does carry.

Article 15. To see if the Town will vote to transfer from free cash the sum of \$10,000.00 to purchase one ride on automatic floor scrubber, to be expended by the School Department, or take any other action relative thereto.

Motion: That the Town votes to transfer from free cash the sum of \$10,000.00 to purchase one ride on automatic floor scrubber, to be expended by the School Department.

Action: Does carry.

Article 16. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to conduct a Code Assessment and a Cost Analysis for the Shurfine Barn improvement to comply with the use of and occupancy of the building, to be expended by the Board of Selectmen, and to accept any and all State and Federal funding, or take any other action relative thereto.

Motion: That the Town votes to transfer \$10,000 from then Shurfine demolition fund to conduct a Code Assessment and Cost Analysis for the Shurfine Barn improvement to comply with the use of and occupancy of the building to be expended by the Board of Selectmen and to accept any and all State and Federal funding.

Amendment to the motion: That the Historical Commission be added.

Action on amended motion: Hand count required. Vote 69 in favor and 24 opposed. As amended does carry.

Article 17. To see if the Town will vote to raise and appropriate the sum of \$20,000.00 to supplement the Stabilization Fund, or take any other action relative thereto.

Motion: That the Town vote to raise and appropriate the sum of \$20,000 to supplement the Stabilization Fund.

Action: Passes unanimously.

Article 18. To see if the Town will vote to appropriate by transfer from the Capital Asset Stabilization Fund the sum of \$228,100.00, to be expended by the Board of Selectmen, to be used to stabilize the tax rate for fiscal year 2011, or take any other action relative thereto.

Motion: That the Town vote to appropriate by transfer from the Capital Asset Stabilization Fund the sum of \$228,100 to be used to stabilize the tax rate for fiscal year 2011.

Action: Passes unanimously.

Article 19. To see if the Town will vote to adjust Clause 41C eligibility requirements, amended by Chapter 184 section 51 of the Acts of 2002, which would increase income limits for the elderly to \$20,000 (single), \$30,000 (married) and whole estate limits to \$40,000 (single), and \$55,000 (married), or to take any other action relative thereto.

Motion: To approve as written.

Action: Carries.

Article 20. To see if the Town will vote to amend the Zoning By-Laws Section 2.13.00 and 2.14.00 as follows:
1. In Section 2.13.00, delete the language and substitute the following:

Section 2.13.00 Flood Plain and Floodway Districts.

The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Tyngsborough designated as Zone A and AE, on the Middlesex County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Middlesex County FIRM that are wholly or partially within the Town of Tyngsborough are panel numbers 25017C0104E, 25017C0108E, 25017C0109E, 25017C0111E, 25017C0112E, 25017C0113E, 25017C0114E, 25017C0116E, 25017C0117E, 25017C0118E, 25017C0119E, 25017C0128E, 25017C0136E, and 25017C0226E, dated 4, 2020. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the Middlesex County FIRM and FIS are incorporated herein by reference and are on file with the Town Clerk, Planning Board, Building Commissioner, Town Engineer, and the Conservation Commission Director.

2. Amend Section 2.13.20, by adding the following:

In the event the field survey does not agree with the Middlesex County FIRM, the applicant must apply to FEMA requesting that the Middlesex County FIRM be amended.