

**SPECIAL TOWN MEETING MINUTES  
NOVEMBER 16, 2010**

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

**Time:** 7:05 PM  
**Voters:** 198

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, Susana Arthur – Library Director, Barbara Reynolds – COA Director, Donald Ciampa – Superintendent of Schools, Jay Donovan – NMCOG, George Woodbury, Matt Marro – Conservation Director, Doug Deschenes – Attorney, Maurice LaRiviere – Attorney.

**Action:** Motion carries.

**Article 1.** To see if the Town will vote to transfer from one or more municipal government accounts a sum of money to supplement various governmental accounts for Fiscal Year 2011, or take any other action relative thereto.

<u>Amount</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
\$ 4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
\$ 4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
\$ 6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
\$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
\$ 8,500.00	#543-5110 Veteran’s Agent Salary	#241-5110 Building Coms. Salary

**Motion:** That the Town will vote to appropriate by transfer the following sums of money to supplement the following accounts for fiscal year 2011:

<u>Amount</u>	<u>Transfer From:</u>	<u>Transfer To:</u>
\$ 4,400.00	#242-5110 Gas Inspector Salary	#241-5318 Inspectional Coverage
\$ 4,400.00	#243-5110 Plumbing Inspector Salary	#241-5318 Inspectional Coverage
\$ 6,500.00	#245-5110 Wiring Inspector Salary	#241-5318 Inspectional Coverage
\$45,000.00	#215-5110 Communication Salary	#210-5130 Police Department Salary
\$ 6,100.00	#543-5110 Veteran’s Agent Salary	#241-5110 Building Coms. Salary

**Action:** Does carry.

**Article 2.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$150,000 to the Stabilization Fund.

**Motion:** That the Town vote to appropriate by transfer from free cash the sum of \$150,000 to the Stabilization Fund.

**Action:** Does carry unanimously.

**Article 3.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$200,000 to the Capital Asset Stabilization Fund.

**Motion:** That the Town vote to appropriate by transfer from free cash the sum of \$200,000 to the Capital Asset Stabilization Fund.

**Action:** Does carry unanimously.

**Article 4.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer the sum of \$265,000 as follows: \$100,000 to Snow Removal Expense Account #423-5533 and \$165,000 to Other Salaries Account #122-5119.

**Motion:** That the Town vote to raise and appropriate the sum of \$75,000 and transfer from free cash the sum of \$25,000 to Snow Expense Account #423-5533 and to raise and appropriate the sum of \$128,589 for the following departments:

Dept. 135 Accountant	\$1,643	Dept. 141 Assessors	\$7,639
Dept. 145 Treasurer	\$6,648	Dept. 146 Town Collector	\$3,452
Dept. 160 Town Clerk	\$2,167	Dept. 171 Conservation Comm.	\$2,190
Dept. 175 Planning Board	\$948	Dept. 210 Police Department	\$55,958
Dept. 211 Police Station	\$840	Dept. 241 Building Inspector	\$4,283
Dept. 421 Highway & Street Admin	\$1,768	Dept. 422 Hwy & Streets Construction/Maintenance	\$7,322
Dept. 510 Board of Health	\$3,205	Dept. 541 Council on Aging	\$11,460
Dept. 543 Veterans Agent	\$252	Dept. 610 Library	\$18,814

**Action:** Does carry.

**Article 5.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to be expended by the Board of Selectmen for street light acquisition.

**Motion:** That the Town vote to appropriate by transfer from free cash the sum of \$10,000 to be expended by the Board of Selectmen for street light acquisition.

**Action:** Does carry.

**Article 6.** To see if the Town will vote raise and appropriate the sum of \$680.18 to be expended by the Planning Board to pay a prior year’s bill, or take any other action relative thereto.

**Motion:** That the Town vote to raise and appropriate the sum of \$680.18 to be expended by the Planning Board to pay a prior year’s bill.

**Action:** Carries unanimously.

**Article 7.** To see if the Town will vote to appropriate by transfer from available funds the sum of \$83,060 to supplement the Tyngsborough School Budget for fiscal year 2011, to be expended by the School Committee for reimbursable medical services provided to school pupils who are in residential special education programs pursuant to the provisions of Chapter 71B and for other reimbursable medical services provided by the school department pursuant to state or federal law to students requiring educational or related medical services, or take any other action relative thereto.

**Motion:** That the Town vote to approve Article 7 as printed.

**Action:** Does carry.

**Article 8.** To see if the Town will vote to appropriate by transfer \$14,000 from Debt Service Account #710-5910 and \$12,515 from Debt Service Account #751-5915 to be expended by the School Committee for the purpose of purchasing one new 2010 Chevrolet Silverado HD2500 Pickup Truck for the upkeep of school property, or take any other action relative thereto.

**Motion:** That the Town vote to approve Article 8 as printed.

**Action:** Does carry.

**Article 9.** To see if the Town will vote to appropriate by transfer a sum of monies from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Capital Improvement Reserve Fund and the Sewer Enterprise Capital Replacement Reserve Fund, or take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer the sum of \$790,918 from the Sewer Enterprise Fund Retained Earnings as follows:

Capital Reserve Account	\$700,000
Capital Replacement Reserve Account	90,918

**Action:** Does carry.

**Article 10.** To see if the town will vote to appropriate and/or appropriate by transfer from available funds the sum of \$10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen, or take any other action relative thereto.

**Motion:** That the town will vote to appropriate from free cash the sum of \$10,000 to fund a feasibility study for the installation of sidewalks on public ways at or near Tyngsborough Public Schools to be expended by the Board of Selectmen.

**Motion #2:** To withdraw this article until the spring.

**Action:** Original motion does not carry.

**Article 11.** To see if the Town will vote to accept Cedar Street as a public way as laid out by the Board of Selectmen and shown on a plan of land entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc., or take any other action relative thereto.

**Motion:** Having complied with the requirements of M.G.L.c.82 s22-24 and having conducted a public hearing after notice to abutters, I move that the Town vote to accept Cedar Street as a public way and accept said way, as shown on a plan entitled "Plan of Land in Tyngsborough, Massachusetts – Cedar Street" dated June 1, 2010, prepared by Land Engineering & Environmental Services, Inc.

**Motion #2 & Second:** To allow Mr. Meredith to address the meeting – not registered to vote.

**Action:** Does carry with one opposing vote.

**Article 12.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen, or take any other action relative thereto.

**Motion:** That the Town vote to appropriate by transfer from free cash the sum of \$2,000 to fund land takings associated with the establishment of a public way known as Cedar Street, to be expended by the Board of Selectmen.

**Action:** Does carry.

**Article 13.** To see if the Town will vote to raise and appropriate and/or appropriate by transfer from available funds the sum of \$4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

**Motion:** That the Town vote to appropriate by transfer from free cash the sum of \$4,500 for the continued analysis of the status of town roads and parcels, to be expended by the Board of Selectmen.

**Action:** Does carry.

**Article 14.** To see if the Town will vote to authorize the Board of Selectmen to convey and/or execute land damage agreements in the amount of \$0 for three parcels of Town land situated on or near Pawtucket Boulevard to be included in the state project known as the "Relocation of Pawtucket Boulevard" to the Commonwealth of Massachusetts or to the Massachusetts Department of Transportation, or any subdivision thereof, and said Parcels are identified as:

Parcel 14-D-3-F in Fee

Parcel 14-18-T in Fee

Parcel 14-9-T in Fee

as shown on certain plans on file with the Town Clerk's Office and the Office of the Board of Selectmen, which may be examined during regular business hours, or take any other action relative thereto.

**Motion:** That the Town accept the article as printed.

**Action:** Does carry.

**Article 15.** To see if the Town will vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline, or take any other action relative thereto.

**Motion:** That the Town vote to accept the provisions of Massachusetts General law Chapter 53, Section 9A to establish the final date for obtaining nomination papers for town office as forty-eight hours prior to the submittal deadline.

**Action:** Does carry.

**Article 16.** To see if the Town will vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1

Owner: Westford Road Development, LLC

**Motion:** That the Town vote to accept M.G.L. Chapter 43D as amended pursuant to Section 11 of Chapter 205 of the Acts of 2006, which provides for an expedited permitting process, and to approve the filing of a formal proposal with the Interagency Permitting Board for the designation as a priority development site, the land specifically described below; or take any other relative action thereto.

Location: 50 Westford Road, Map 21, Parcel 23, Lot 1

Owner: Sycamore Networks Real Estate LLC

**Action:** Does carry.

**Motion:** To adjourn.

**Action:** Meeting adjourned at 8:45 pm.

*Attest: A true copy*

*Joanne Shifres, Town Clerk*