

**ANNUAL TOWN MEETING MINUTES
JUNE 2, 2015**

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

Time: 7:15 pm
Voters: 382

Prior to the start of the meeting, former Selectwoman Karyn Puleo was recognized for her years of service with the presentation of a plaque acknowledging her years on the School Committee and the Board of Selectmen. Representative Colleen Garry presented a citation from the House of Representatives and Senator Eileen Donoghue presented a citation from the Senate.

Moderator opened the meeting with the Pledge of Allegiance. The moderator then called for a moment of silence in honor of Phil O'Brien and others who passed during the past year.

Motion: To allow the following non-residents to address the meeting: Attorney Charles Zaroulis, Town Administrator Curt Bellevance, Superintendent of Schools Donald Ciampa, Library Director Sue Arthur, Assistant Town Administrator Nina Nazarian, Town Accountant Catherine Gabriel, Conservation Director Matt Marro, Superintendent of GLTHS Roger Bourgeois, School Business Administrator George Garabedian, Rosemary Blacquier Woodard & Curran, Jack Troidl Woodard & Curran and David Holt representing the Historical Commission.

Action: Does carry.

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: I move 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 Christopher Dery 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 2016 (July 1, 2015 - June 30, 2016), or take any other action relative thereto.

Salaries of the Elected Officials are included in the Department Appropriations to be submitted within Article 5.

	SALARIES	REQUEST SALARIES	RECOMMENDED
	7/01/2014 6/30/2015	7/01/2015 6/30/2016	7/01/2015 6/30/2016
<u>Elective Town Officers</u>			
Moderator	\$0	\$0	\$0
Selectmen Members (5)	\$0	\$0	\$0
Tax Collector	\$62,424	\$64,627	\$64,627
Town Clerk	\$57,222	\$59,242	\$59,242
Assessors (3)			
Chairman	\$1	\$0	\$0
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	\$1,500	\$1,500
Members (1)	\$0	\$1,000	\$1,000
Members (1)	\$0	\$1,000	\$1,000
Planning Board			
Chairman	\$0	\$0	\$0
Members (4)	\$0	\$0	\$0
Finance Committee (5)	\$0	\$0	\$0
Constables (2)	\$0	\$0	\$0
Greater Lowell Technical H.S. (1)	\$0	\$0	\$0

Motion: I move that the Town vote to waive the reading of the balance of this article. I move that the Town fix the salary and compensation of elective officers as shown in the recommended column.

Motion #2: I move that the Town vote to reinstate all stipends.

Action #2: Does not carry.

Action #1: 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 Fiscal Year 2016 (July 1, 2015 - June 30, 2016), or take any other action relative thereto.

<u>DEPARTMENT/DESCRIPTION</u>	<u>FY 2015 ADJUSTED BUDGET</u>	<u>FY 2016 DEPT REQUEST</u>	<u>FY 2016 SELECTMEN PROPOSED</u>	<u>FY 2016 FINCOM PROPOSED</u>
... 1 SALARIES & WAGES:	120,204	119,293	119,293	119,293
... 2 DEPT. EXPENSES:	12,250	19,830	19,830	19,830
DEPT 122 SELECTMEN:	132,454	139,123	139,123	139,123
... 1 SALARIES & WAGES:	184,765	193,052	193,052	193,052
... 2 DEPT. EXPENSES:	2,500	3,500	3,500	3,500
DEPT 123 TOWN ADMINISTRATOR:	187,265	196,552	196,552	196,552
... 2 DEPT. EXPENSES:	675	675	675	675
DEPT 131 FINANCE COMMITTEE:	675	675	675	675
... 2 DEPT. EXPENSES:	55,000	55,000	55,000	55,000
... LESS FY14 TRANSFERS				
DEPT 132 RESERVE FUND:	55,000	55,000	55,000	55,000
... 1 SALARIES & WAGES:	71,164	73,309	73,309	73,309
... 2 DEPT. EXPENSES:	10,420	11,526	11,526	11,526
DEPT 135 ACCOUNTANT:	81,584	84,835	84,835	84,835
... 2 DEPT. EXPENSES:	31,500	24,000	24,000	24,000

DEPT 136 ANNUAL AUDITS:	31,500	24,000	24,000	24,000
... 1 SALARIES & WAGES:	107,877	112,462	112,461	112,461
... 2 DEPT. EXPENSES:	24,250	24,250	24,250	24,250
DEPT 141 ASSESSORS:	132,127	136,712	136,711	136,711
... 2 DEPT. EXPENSES:	24,500	24,500	24,500	24,500
DEPT 142 REVALUATION:	24,500	24,500	24,500	24,500
... 1 SALARIES & WAGES:	150,399	156,005	156,005	156,005
... 2 DEPT. EXPENSES:	30,415	30,864	30,864	30,864
DEPT 145 TREASURER:	180,814	186,869	186,869	186,869
... 1 SALARIES & WAGES:	110,430	126,304	113,744	113,744
... 2 DEPT. EXPENSES:	31,730	31,730	31,730	31,730
DEPT 146 TOWN COLLECTOR:	142,160	158,034	145,474	145,474
... 2 DEPT. EXPENSES:	63,200	63,200	63,200	63,200
DEPT 151 TOWN COUNSEL:	63,200	63,200	63,200	63,200
... 2 DEPT. EXPENSES:	35,000	42,500	42,500	42,500
DEPT 159 SPECIAL LEGAL SERVICES:	35,000	42,500	42,500	42,500
... 1 SALARIES & WAGES:	81,546	85,291	85,291	85,291
... 2 DEPT. EXPENSES:	1,760	1,760	1,760	1,760
DEPT 160 TOWN CLERK:	83,306	87,051	87,051	87,051
... 1 SALARIES & WAGES:	10,835	8,370	8,370	8,370
... 2 DEPT. EXPENSES:	20,915	17,995	17,995	17,995
DEPT 162 ELECTION/REGISTRATION:	31,750	26,365	26,365	26,365
... 2 DEPT. EXPENSES:	350	375	375	375
DEPT 169 OTHER LICENSING & REG:	350	375	375	375
... 1 SALARIES & WAGES:	48,818	50,950	50,950	50,950
... 2 DEPT. EXPENSES:	2,750	2,750	2,750	2,750
DEPT 171 CONSERVATION COMMISSION:	51,568	53,700	53,700	53,700
... 1 SALARIES & WAGES:	19,836	21,125	21,125	21,125
... 2 DEPT. EXPENSES:	7,880	7,880	7,880	7,880
DEPT 175 PLANNING BOARD:	27,716	29,005	29,005	29,005
... 1 SALARIES & WAGES:	2,974	3,155	3,155	3,155
... 2 DEPT. EXPENSES:	6,700	6,700	6,700	6,700
DEPT 176 ZONING BD OF APPEALS:	9,674	9,855	9,855	9,855
... 1 SALARIES & WAGES:	5,000	3,000	3,000	3,000
... 2 DEPT. EXPENSES:	156,650	125,155	125,155	125,155
DEPT 192 PUBLIC BLDGS AND PROPERTY:	161,650	128,155	128,155	128,155
... 1 SALARIES & WAGES:	5,100	10,102	10,102	10,102
...2 DEPT. EXPENSES:	16,000	41,020	22,020	22,020
DEPT 193 INFORMATION TECHNOLOGY	21,100	51,122	32,122	32,122
... 2 DEPT. EXPENSES:	600	0	0	0
DEPT 195 TOWN REPORTS:	600	0	0	0

... 1 SALARIES & WAGES:	0	55,159	55,159	55,159
... 2 DEPT. EXPENSES:	0	45,950	45,950	45,950
DEPT 199 MEDIA & TECHNOLOGY	0	101,109	101,109	101,109
... 1 SALARIES & WAGES:	2,141,552	2,383,986	2,268,134	2,268,134
... 2 DEPT. EXPENSES:	272,452	274,292	274,292	274,292
DEPT 210 POLICE DEPARTMENT:	2,414,004	2,658,278	2,542,426	2,542,426
... 1 SALARIES & WAGES:	23,515	24,471	24,471	24,471
... 2 DEPT. EXPENSES:	50,300	48,900	48,900	48,900
DEPT 211 POLICE STATION:	73,815	73,371	73,371	73,371
... 1 SALARIES & WAGES:	323,861	337,480	337,480	337,480
... 2 DEPT. EXPENSES:	62,500	62,500	62,500	62,500
DEPT 215 COMMUNICATION CENTER:	386,361	399,980	399,980	399,980
... 1 SALARIES & WAGES:	494,000	513,958	513,958	513,958
... 2 DEPT. EXPENSES:	168,997	169,060	169,060	169,060
DEPT 220 FIRE DEPARTMENT:	662,997	683,018	683,018	683,018
... 1 SALARIES & WAGES:	99,492	103,797	103,797	103,797
... 2 DEPT. EXPENSES:	21,760	21,760	21,760	21,760
DEPT 241 BUILDING INSPECTOR:	121,252	125,557	125,557	125,557
... 1 SALARIES & WAGES:	11,511	12,125	12,125	12,125
... 2 DEPT. EXPENSES:	0	0	0	0
DEPT 242 GAS INSPECTOR:	11,511	12,125	12,125	12,125
... 1 SALARIES & WAGES:	11,511	12,125	12,125	12,125
... 2 DEPT. EXPENSES:	0	0	0	0
DEPT 243 PLUMBING INSPECTOR:	11,511	12,125	12,125	12,125
... 1 SALARIES & WAGES:	29,995	31,629	31,629	31,629
... 2 DEPT. EXPENSES:	0	0	0	0
DEPT 245 ELECTRICAL INSPECTOR:	29,995	31,629	31,629	31,629
... 1 SALARIES & WAGES:	1,400	1,400	1,400	1,400
... 2 DEPT. EXPENSES:	800	800	800	800
DEPT 291 EMERGENCY MANAGEMENT:	2,200	2,200	2,200	2,200
... 2 DEPT. EXPENSES:	38,775	40,300	40,300	40,300
DEPT 292 ANIMAL INSPECTION & CONTROL:	38,775	40,300	40,300	40,300
... 2 DEPT. EXPENSES:	7,450	7,450	7,450	7,450
DEPT 294 FORESTRY:	7,450	7,450	7,450	7,450
... 1 SALARIES & WAGES:				
... 2 DEPT. EXPENSES:				
DEPT 300 SCHOOL DEPARTMENT:	18,102,309	19,196,144	18,523,769	18,523,769
... 2 DEPT. EXPENSES:	1,257,065	1,180,010	1,180,010	1,180,010
DEPT 301 GR. LOWELL REG. SCHOOL:	1,257,065	1,180,010	1,180,010	1,180,010
... 2 DEPT. EXPENSES:	22,389	0	0	0
DEPT 302 ESSEX NORTH SHORE SCHOOL:	22,389	0	0	0
... 2 DEPT. EXPENSES:	6,000	20,000	7,000	7,000

DEPT 410 TOWN ENGINEER	6,000	20,000	7,000	7,000
... 1 SALARIES & WAGES:	19,288	20,502	20,502	20,502
... 2 DEPT. EXPENSES:	22,080	22,580	22,580	22,580
DEPT 421 HIGHWAY & STREETS ADMIN:	41,368	43,082	43,082	43,082
... 1 SALARIES & WAGES:	492,350	563,005	514,205	514,205
... 2 DEPT. EXPENSES:	121,000	121,000	121,000	121,000
DEPT 422 HWY & STREETS CONSTR/MAINT:	613,350	684,005	635,205	635,205
... 1 SALARIES & WAGES:	37,500	37,500	37,500	37,500
... 2 DEPT. EXPENSES:	212,500	212,500	212,500	212,500
DEPT 423 HWY SNOW EXPENSE:	250,000	250,000	250,000	250,000
... 2 DEPT. EXPENSES:	51,000	53,550	53,550	53,550
DEPT 424 HWY STREET LIGHTING:	51,000	53,550	53,550	53,550
... 2 DEPT. EXPENSES:	91,750	91,750	91,750	91,750
DEPT 425 HWY VEHICLE MAINTENANCE:	91,750	91,750	91,750	91,750
... 1 SALARIES & WAGES:	500	500	500	500
... 2 DEPT. EXPENSES:	829,122	759,784	759,784	759,784
DEPT 430 WASTE COLLECTION & DISPOSAL:	829,622	760,284	760,284	760,284
... 1 SALARIES & WAGES:	23,200	23,200	23,200	23,200
... 2 DEPT. EXPENSES:	11,150	11,150	11,150	11,150
DEPT 491 CEMETERY DEPARTMENT:	34,350	34,350	34,350	34,350
... 1 SALARIES & WAGES:	54,113	56,408	56,408	56,408
... 2 DEPT. EXPENSES:	24,490	24,490	24,490	24,490
DEPT 510 BOARD OF HEALTH:	78,603	80,898	80,898	80,898
... 2 DEPT. EXPENSES:	200	200	200	200
DEPT 520 OTHER CLINICAL SERVICES:	200	200	200	200
... 1 SALARIES & WAGES:	98,323	100,590	100,590	100,590
... 2 DEPT. EXPENSES:	22,700	22,700	22,700	22,700
DEPT 541 COUNCIL ON AGING:	121,023	123,290	123,290	123,290
... 1 SALARIES & WAGES:	68,282	70,789	70,789	70,789
... 2 DEPT. EXPENSES:	268,850	244,350	244,350	244,350
DEPT 543 VETERANS AGENT:	337,132	315,139	315,139	315,139
... 1 SALARIES & WAGES:	242,278	251,180	251,180	251,180
... 2 DEPT. EXPENSES:	88,374	87,281	87,281	87,281
DEPT 610 LIBRARY:	330,652	338,461	338,461	338,461
... 1 SALARIES & WAGES:	43,697	45,239	45,239	45,239
... 2 DEPT. EXPENSES:	22,998	82,043	23,443	23,443
DEPT 630 RECREATION DEPARTMENT:	66,695	127,282	68,682	68,682
... 2 DEPT. EXPENSES:	900	900	900	900
DEPT 691 HISTORICAL COMMISSION:	900	900	900	900
... 2 DEPT. EXPENSES:	900	900	900	900
DEPT 692 MEMORIAL DAY COMM:	900	900	900	900

... 2 DEPT. EXPENSES:	661,959	1,342,715	1,342,715	1,342,715
DEPT 710 LONG TERM DEBT PRINCIPAL:	661,959	1,342,715	1,342,715	1,342,715
... 2 DEPT. EXPENSES:	212,170	341,730	341,730	341,730
DEPT 751 LONG TERM DEBT INTEREST:	212,170	341,730	341,730	341,730
... 2 DEPT. EXPENSES:	9,713	0	0	0
DEPT 760 SHORT TERM DEBT INTEREST:	9,713	0	0	0
... 2 DEPT. EXPENSES:	3,157	3,236	3,236	3,236
DEPT 840 N. MIDDX. COUNCIL OF GOV'T:	3,157	3,236	3,236	3,236
... 2 DEPT. EXPENSES:	4,780,161	5,054,011	5,054,011	5,054,011
DEPT 910 EMPLOYEE BENEFITS:	4,780,161	5,054,011	5,054,011	5,054,011
... 2 DEPT. EXPENSES:	239,500	256,214	256,214	256,214
DEPT 940 OTHER INSURANCE:	239,500	256,214	256,214	256,214
TOTALS:	33,355,832	35,942,921	35,002,733	35,002,733

SUMMARY BY FUNCTION				
GENERAL GOVERNMENT	1,453,993	1,497,628	1,567,176	1,567,176
PUBLIC SAFETY	3,759,871	4,046,033	3,930,181	3,930,181
EDUCATION	19,381,763	20,376,154	19,703,779	19,703,779
HIGHWAY & CEMETERY	1,917,440	1,937,021	1,875,221	1,875,221
HUMAN SERVICES	536,958	519,527	519,527	519,527
CULTURAL & RECREATION	399,147	467,543	408,943	408,943
DEBT	883,842	1,684,445	1,684,445	1,684,445
INTERGOVERNMENTAL	3,157	3,236	3,236	3,236
UNCLASSIFIED	<u>5,019,661</u>	<u>5,310,225</u>	<u>5,310,225</u>	<u>5,310,225</u>
TOTAL TOWN BUDGET	33,355,832	35,841,812	35,002,733	35,002,733

Motion: That the Town vote to waive the reading of the balance of this article. I move that the Town raise and appropriate the amounts in Article 5 as shown in the FY2016 FINCOM column of the Annual and Special Town Meeting Guide Supplement and that the sum of \$35,002,733 be raised and appropriated.

Action: Does carry.

Article 6. To see if the Town will vote to appropriate by transfer from the Billboard Stabilization Fund the sum of \$20,000.00 to be expended by the Board of Selectmen to be used to stabilize the tax rate for Fiscal Year 2016 by funding recreational, public safety, or other public purposes, or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 6 as printed.

Action: Does carry unanimous.

Article 7. To see if the Town will vote to appropriate by transfer the sum of \$5,000.00 from the Wetland Protection Fund to stabilize the tax rate for FY 2016, or take any other action relative thereto.

Motion: I move 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 the sum of \$109,522.18 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	\$109,522.18
Transfer to:	Stabilization Fund	\$34,522.18
	Capital Asset Stabilization Fund	\$75,000.00

Motion: I move that the Town vote to approve Article 8 as printed.
Action: Does carry unanimous.

Article 9. To see if the Town will vote to appropriate by transfer the sum of \$27,617.74 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	\$27,617.74
Transfer to:	Other Post-Employment Benefits	\$13,808.87
	Liability Trust Fund	
	Compensated Absence Fund	\$13,808.87

Motion: I move that the Town vote to approve Article 9 as printed.
Action: Does carry.

Article 10. To see if the Town will vote to appropriate by transfer the sum of \$12,974.00 from Free Cash to stabilized the tax rate, for the purpose of funding increased inspections for the Greater Lowell Technical High School, or take any other action relative thereto.

Transfer from:	Free Cash	\$12,974.00
Transfer to:	General Fund (Reduce Tax Rate)	\$12,974.00

Motion: I move that the Town vote to approve Article 10 as printed.
Action: Does carry.

Article 11. To see if the Town will vote to raise and appropriate and transfer to a special purpose Compensated Absence Fund the sum of \$21,668.00 for the purpose of funding the future payment of accrued liabilities for compensated absences due any Town employee upon the termination of such employee's employment, or take any other action relative thereto

Motion: I move that the Town vote to approve Article 11 as printed.
Action: Does carry.

Article 12. To see if the Town will vote to transfer from available funds or borrow the sum of \$255,000.00, and that the Town be authorized to accept any available grant dollars, for the following purposes:

<u>Department</u>	<u>Item</u>	<u>Amount</u>	<u>To be Expended by</u>
Fire	Pick-up Truck Replacement	\$35,000	Selectmen
Highway	Fuel Control System	\$30,000	Selectmen
Highway	Sander/Plow attachment for truck	\$40,000	Selectmen
Selectmen	Town Offices repairs/maintenance	\$35,000	Selectmen
Tax Collector	Financial Software Replacement	\$18,100	Selectmen
School	School security upgrades	\$21,900	School Committee
School	Technology Replacement	\$50,000	School Committee
School	TPS Furniture	<u>\$25,000</u>	School Committee
		\$255,000	

for a total of \$255,000.00, and to meet this appropriation, if by borrowing, the Town Treasurer, with the approval of the Selectmen, is authorized to borrow a sum of money pursuant to any enabling authority, and is authorized to issue bonds or notes of the Town, or take any other action relative thereto.

Motion: I move that the Town vote to waive the reading of the list of this article. I move that the Town vote to borrow a sum of money not to exceed \$255,000 for the purpose of purchasing the items printed within warrant Article 12 including costs incidental and related thereto, and that the

identified departments be authorized to expend these sums on behalf of the Town as printed in Article 12, and further that the Treasurer is authorized to issue bonds and notes of the Town therefore, with the approval of the Board of Selectmen, under and pursuant to Chapter 44, Section 7, Paragraphs (3a), (9), (28), and (29) of the General Laws.

Action: Does carry unanimous.

Motion: To adjourn to Special Town Meeting.

Action: Meeting adjourned at 7:30 pm.

Article 13. To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be expended by the Sewer Commission to operate the Sewer Enterprise for Fiscal Year 2016, or take any other action relative thereto.

That the following sums be appropriated:

Salaries	\$195,554.00
Expenses	\$727,404.00
Capital Outlay	\$863,750.00
Debt	<u>\$75,319.00</u>
<u>Subtotal</u>	\$1,862,027.00
Indirect Costs to General Fund	<u>\$114,819.00</u>
Total	\$1,976,846.00

That \$1,707,559 be appropriated from the Sewer Enterprise fund

Department receipts	\$1,209,715.00
Retained Earnings	<u>\$767,130.00</u>
Total	\$1,976,846.00

That \$114,819.00 be included in appropriations from the General Fund for indirect costs and be allocated to the Sewer Enterprise for funding, or take any other action relative thereto.

Motion:

Action: Does carry.

Article 14. To see if the Town will vote to (i) appropriate a sum of money for construction and land acquisition costs of the Phase I West Sewer System infrastructure project (the "Project"), identified as Needs Area 1, Phase 1 West of the 2009 Comprehensive Wastewater Management Plan as shown on Figure 1 attached to this Article, and filed with the Office of the Town Clerk, including without limitation all costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Clean Water Trust or otherwise; and (ii) authorize the Board of Selectmen to take by eminent domain, by purchase, by gift, or otherwise acquire easements and other interests in land as necessary or convenient for public sewer purposes related to the Project in accordance with M.G.L. c. 40, § 14, and M.G.L. c. 79, and M.G.L. c. 82, or by any and every other power and authority in any way enabling, including, but not limited to, land and/or easements situated on the following parcels of land:

- 135 Middlesex Road, Assessors Map 21, Lot 14,
- 48 Kendall Road, Assessors Map 20A, Lot 18,
- 36 Kendall Road, Assessors Map 20A, Lot 17,
- 122 Middlesex Road, Assessors Map 21, Lot 18, and
- 37 Old Tyng Road, Assessors Map 21, Lot 18A;

or to take any other action relative thereto.

Motion: I move that (i) \$8,834,000 is appropriated for the purpose of financing the construction and land acquisition costs the Phase I West Sewer System infrastructure project (the "Project"), identified as Needs Area 1, Phase 1 West of the 2009 Comprehensive Wastewater Management Plan as shown on Figure 1 attached to Article 14 in the Annual and Special Town Meeting Guide, and filed with the Office of the Town Clerk, including without limitation all costs incidental or related thereto; that to meet this appropriation the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow an amount not to exceed \$8,834,000 and issue bonds or notes therefore under M.G.L. c. 44, § 7, and/or M.G.L. c. 29C, or any other enabling authority; that such bonds or notes shall be general obligations of the Town unless the Town Treasurer with the approval of the Board of Selectmen determines that such bonds should be issued as limited obligations and may be secured by local system revenues as defined in M.G.L. c. 29C, § 1, as amended; that the Town Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Clean Water Trust established pursuant to M.G.L. c. 29C, as amended; and in connection therewith to enter into a financing agreement and/or security agreement with the Massachusetts Clean Water Trust and otherwise to contract with the Massachusetts Clean Water Trust and the Department of Environmental Protection with respect to such loan, and for any federal or state aid or other grants available for the project or for the financing thereof, provided that the amount of the authorized borrowing shall be reduced by the amount of such aid or other grants received prior to the issuance of bonds or notes under this vote; that the Board of Selectmen and/or Sewer Commission is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary or convenient to carry out the project; and (ii) the Board of Selectmen is authorized to take by eminent domain, by purchase, by gift, or otherwise acquire easements and other interests in land as necessary or convenient for public sewer purposes related to the Project in accordance with M.G.L. c. 40, § 14, and M.G.L. c. 79, and M.G.L. c. 82, or by any and every other power and authority in any way enabling, including, but not limited to, land and/or easements situated on the following parcels of land:

135 Middlesex Road, Assessors Map 21, Lot 14,
48 Kendall Road, Assessors Map 20A, Lot 18,
36 Kendall Road, Assessors Map 20A, Lot 17,
122 Middlesex Road, Assessors Map 21, Lot 18, and
37 Old Tyng Road, Assessors Map 21, Lot 18A.

Although any borrowing by Town to meet this appropriation shall constitute a general obligation of the Town and a pledge of its full faith and credit, recovery of the costs of the project and its financing shall be 94 percent payment by betterment fees or assessments upon abutting non-Town owned properties and 6 percent payment by the Town.

Motion #2: I make a motion to amend warrant Article 14 to appropriate \$8.834M to include a gravity fed system and pump station for Flint Pond Rd., Flint Rd., and Upton Drive per the amended Figure 1 map dated June 2, 2015.

Action #2: Amendment carries to include Flint Pond Rd., Flint Rd. & Upton Rd.

Action: Moderator called for a hand count. Yes votes 245, no votes 89. Does carry.

Article 15. To see if the Town will vote to accept the State Grant of Chapter 90 Highway Funds and authorize the Board of Selectmen to expend said funds for Highway purposes in accordance with the terms of said grants; or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 15 as printed.

Action: Does carry.

Article 16. 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 FY15 and FY16 shall remain in the revolving accounts for each of the following town entities:

Fund	Programs and Purposes	Departmental Receipts	Authorization	Max. Annual Expenditure
Fire Department	Fire programs and materials	Hazmat fees	Board of Fire Engineers	\$10,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen	\$120,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee	\$50,000.00
Recycling Committee	Recycling programs and materials	Fees collected from participants	Board of Health	\$ 7,000.00
Board of Health	Collection and disposal of bulky items and appliances	Fees collected from participants	Board of Health	\$35,000.00
Board of Health	Reimbursement program for Medicare Plan members	Medicare reimbursements	Board of Health	\$ 6,000.00
Conservation Commission	Conservation Commission activities	Fees from local Wetland Protection By-law	Conservation Commission	\$ 5,000.00
Sealer of Weights and Measures	Inspection activities	Fees collected from participants	Board of Selectmen	\$ 3,000.00

or take any other action relative thereto.

Motion: I move that the Town vote to waive the reading of the balance of this Article and that the Town vote to approve Article 16 as printed.

Action: Does carry.

Article 17. To see if the Town will vote to establish a Tyngsborough Fire Department Ambulance Revolving Fund as authorized by Chapter 44, Section 53E ½ of the Massachusetts General Laws. This fund shall be funded by the dispatch fees received by the Town for contracted ambulance services. These funds may be expended without further appropriation for expenses related to dispatch and ambulance service. The Fire Department may expend from this account an amount not to exceed \$30,000 for the fiscal year beginning July 1, 2015, or take any action in relation thereto.

Motion: I move that the Town vote to approve Article 17 as printed.

Action: Does carry.

Article 18. To see if the Town will vote to establish an Old Town Hall Revolving Fund as authorized by Chapter 44, §53E½ of the Massachusetts General Laws. This fund shall be funded by fees charged for use of the building. These funds may be expended without further appropriation for wages and expenses related to operation and maintenance of Old Town Hall. The Board of Selectmen may expend from this account an amount not to exceed \$25,000 for the fiscal year beginning July 1, 2015, or take any action in relation thereto.

Motion: I move that the Town vote to approve Article 18 as printed.

Action: Does carry.

Article 19. To see if the Town will vote to accept the provisions of G.L. c.44, §53F¾ (inserted by c.352 of the Acts of 2014) for the purpose of establishing a separate revenue account (a receipts reserved for appropriation account) to be known as the "PEG Access and Cable Related Fund", into which shall be deposited cable television license proceeds, which funds may be appropriated by Town Meeting for cable-related purposes in accordance with law, including, but not limited to: (1) support of public, educational, or governmental ("PEG") access cable television services; (2) monitoring compliance of the cable operator with the cable television license(s); or (3) preparing for the renewal of the cable license(s); and to transfer from said fund or from previously received cable television license proceeds or otherwise fund a sum of money as a grant for PEG purposes, and to authorize the Board of Selectmen to enter into a grant agreement for the expenditure of such funds for cable-related purposes in accordance with law; or to take any other action relative thereto.

Motion: I move that the Town vote to approve Article 19 as printed and transfer \$101,109 to offset the tax rate.

Motion #2: To strike "a sum of money as a grant for PEG purposes" from the motion.

Action #2: Does not carry.

Action: Does carry.

Article 20. To see if the Town will vote to authorize the Board of Selectmen to enter into Lease/Purchase Agreements up to five years to purchase equipment for Town Departments. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 20 as printed

Action: Does carry.

Article 21. To see if the Town will vote to transfer an amount in FY16 from Stabilization Fund for Debt & Debt Assessment and said funds be used by the Treasurer to be used towards the payment of debt principal and interest for the Early Childhood Center (ECC) Roof, 135 Coburn Road, and the Greater Lowell Technical High School for Debt Assessment; or to take any other action relative thereto.

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$59,645.00
Transfer to:	Long Term Debt Principal	\$50,000.00
	Long Term Debt Interest	\$9,645.00

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$72,707.00
Transfer to:	Vocational School Assessment	\$72,707.00

Motion: I move that the Town vote to approve Article 21 as printed.

Action: Does carry unanimous.

Article 22. To see if the Town will vote a sum of money to be appropriated or reserved from estimated annual revenues of the Community Preservation Fund for the fiscal year 2016, 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, or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 22 as printed in the Annual & Special Town Meeting Guide Supplement.

AS PRINTED IN THE SUPPLEMENT:

Appropriations

Administrative Expenses	\$30,000.00
Debt Principal	\$170,000.00
Debt Interest	\$0.00
Lake Masscuppic Weed Control Program	<u>\$7,000.00</u>
Total CPC Appropriations	\$207,000.00

Reserves

To Reserve for Historic Preservation	\$60,168.00
To Reserve for Affordable Housing	\$60,168.00
To Reserve for Open Space	<u>\$60,168.00</u>
FY 2016 Budgeted Reserve	\$180,504.00

Action: Does carry.

Article 23. To see if the Town will vote to close the following account of the Community Preservation Fund by transferring the remaining balance of the account to the Community Preservation Account from which the funds were originally transferred as listed below or take any other action relative thereto.

From:	Acct #230-183-6202-000	CPC Advance Community Housing Pgms.	\$39,686.90
To:	Acct #230	CPC Reserve for Affordable Housing	\$39,686.90

Motion: I move that the Town vote to approve Article 23 as printed.

Action: Does carry.

Article 24. To see if the Town will vote, as provided by M.G.L. c. 41, § 1B, that the position of Tax Collector become an appointed position, or take any action relative thereto.

Motion: I move that the Town vote to approve Article 24 as printed.

Action: Moderator called for a hand count. Yes votes 142, no votes 120. Article does carry.

Article 25. To see if the Town will vote to amend the Town Bylaws by adding the below as Article XLV; or to take any other action relative thereto.

All elective and appointed Boards, Committees, Sub-Committees and Commissions (Boards) of the Town shall keep and maintain accurate and detailed minutes of all meetings and hearings, in accordance with the requirements, the Open Meeting Law, M.G.L. c. 30A § 22, and the Public Records Law, M.G.L. c. 66 § 5A, and except for executive session minutes shall within a reasonable time after the adjournment of any meeting or hearing of such Boards, the Clerks of the respective Boards, or some person they designate, shall file with the Town of Tyngsborough Town Administrator or designee a copy of the minutes and proceedings. Such minutes, except for executive session minutes, shall be made available to the public at reasonable times at the offices of the Boards.

Motion: I move that the Town vote to approve Article 25 as printed.

Action: Does carry.

Article 26. To see if the Town will vote to authorize the Board of Selectmen to convey any right, title or interest the town may have to land shown as Assessor's map 33, parcel 32, lot 0, to GESI Realty, LLC, for the amount of \$1,000.00, or take any action relative thereto.

Motion: I move that the Town vote to approve Article 26 as printed.
Action: Does carry.

Article 27. To see if the Town will vote to accept the conveyance of 1,613 square feet of land along Bryants Lane (also known as Bryant Lane) from Applewood Construction Corp., shown on Plan of Land 81 Kendall Road, Tyngsborough, Massachusetts, dated November 1, 2012, prepared for Applewood Construction Corp., 92 Middlesex Road, Tyngsborough, MA 01879, by Norse Design Services, Inc, 3 Pondview Place, Tyngsborough, MA 01879, recorded at the Middlesex North Registry of Deeds in Plan Book 235, Plan No. 42, or take any action relative thereto.

Motion: I move that the Town vote to approve Article 27 as printed.
Action: Does carry.

Article 28. To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation authorizing the Town Administrator to sign warrants for payment, as set forth below; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

An Act Relative to Signing of Warrants for Payment in the Town of Tyngsborough Notwithstanding the provisions of §56 of chapter 41 of the General Laws, or of any other general or special law to the contrary; the town administrator in the town of Tyngsborough, and in the absence of the town administrator, the assistant town administrator, is hereby authorized to approve all warrants for payment of town funds, including payroll warrants. The approval of all such warrants by the town administrator or assistant town administrator, as the case may be, shall be sufficient authority to authorize payment of the same by the town treasurer, but a majority of the board of selectmen shall approve all such warrants in the event of the absence of said town administrator, or assistant town administrator, or a vacancy in the office of town administrator.

or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 28 as printed.
Action: Does carry.

Article 29. To see if the Town will vote to grant the Board of Selectmen authority to research, develop and participate in a contract, or contracts, to aggregate the electricity load of the residents and businesses in the Town and for other related services, independently, or in joint action with other municipalities, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 29 as printed.
Action: Does carry.

Article 30. To see if the Town will vote to authorize the Board of Selectmen to enter into a payment in lieu of taxes agreement, said agreement not to exceed 20 years duration and subject to other terms in conditions the Selectmen deem appropriate, pursuant to G.L. C. 59, §38H, and regulations promulgated thereunder, with respect to annual payments in lieu of real and personal property taxes relative to land located at the corner of Dunstable and Cummings Roads, otherwise known as the Charles George Reclamation Site; said agreement is based upon the proposed construction and operation of a solar photovoltaic power plant with a capacity of approximately 2.4 megawatts and to be executed with a solar energy company, or take any other action relative thereto.

Motion: I move to withdraw Article 30.
Action: Does carry.

Article 31: To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for the purchase of net metering credits generated by a renewable energy facility for a term of up to 25 years upon such terms and conditions as the Board of Selectmen deem in the best

interests of the Town, and to authorize the Board of Selectmen to take such other actions as may be necessary to implement and administer such agreement; or take any other action relative thereto.

Motion: I move that the Town vote to approve Article 31 as printed.

Action: Does carry.

Article 32. The Conservation Commission seeks voter approval to change the language on the following section of the local wetlands by-law:

Section 7.7 Replace: "Any permit may be renewed once for up to an additional three year period..." with: "Any permit may be renewed for up to an additional three year period..." removing the word "once", or take any other action thereto.

Motion: I move that the Town vote to approve Article 32 as printed.

Action: Does carry.

Article 33. To see if the Town will vote to amend the Zoning Map and Re-Zone from B2 to B3 a certain parcel of land in Tyngsborough, Massachusetts, containing 1 acre more or less, and identified as Tyngsborough Tax Assessor's Map 18, Block 46A. Said land is known as 194 Frost Road, Tyngsborough, Massachusetts and is more specifically identified in a deed dated April 4, 2012 and recorded at Book 25873, Page 040 in the Middlesex North District Registry of Deeds.

Motion: I move that the Town vote to approve Article 33 as printed

Action: Does carry unanimous.

Article 34. To see if the Town will vote to revoke the action taken under Article 12 of the October 16, 2012, Special Town Meeting where \$82,434.00 was transferred from several accounts to restore and refurbish Adam's Barn" and under Article 20 of the 2013 Annual Town Meeting which appropriated \$76,000.00 for the restoration of Adam's Barn, or to take any other action thereto.

Motion: I move that the Town vote to revoke the action taken under Article 12 of the October 16, 2012, Special Town Meeting where \$82,434.00 was transferred from several accounts to restore and refurbish Adam's Barn" and under Article 20 of the 2013 Annual Town Meeting which appropriated \$76,000.00 for the restoration of Adam's Barn less any money already expended.

Motion #2: To indefinitely postpone Article 34.

Action #2: Hand count. Yes 108 and no 135. Does not carry to postpone.

Action: Hand count to vote on Article 34 as amended. Yes 129 and no 123. Does carry.

Article 35. To see if the Town will vote to transfer from available funds such as Capital Asset Stabilization, Free Cash, or any other appropriate fund, or raise and appropriate up to \$50,000.00 to be expended by the Board of Selectmen to fund the deconstruction of the barn located at 216 Middlesex Road, or to take any other action thereto. The deconstruction should be done in such a manner as to preserve any useful building materials for use by the town as it sees fit.

Motion: I move that the Town vote to transfer from Capital Asset Stabilization up to \$50,000.00 to be expended by the Board of Selectmen to fund the deconstruction of the barn located at 216 Middlesex Road, or to take any other action thereto. The deconstruction should be done in such a manner as to preserve any useful building materials for use by the town as it sees fit.

Action: Hand count. Yes votes 115, and no votes 118. Does not carry.

Article 36. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts the sum of \$59,242 to fund the salary of the Town Clerk or take any other action thereto.

Motion: To withdraw the article.

Action: Does carry.

Article 37. To see if the Town will vote to raise and appropriate or transfer from available funds \$65,563.00 to fund the salary of the Town Collector or take any other action thereto.

Motion: To withdraw the article.

Action: Does carry.

Article 38. To see if the Town vote to raise and appropriate or transfer from available funds \$5,024.00 estimated unused vacation time for the Town Collector's planned retirement in May of 2016, or take any other action thereto.

Motion: I move that the Town will vote to raise and appropriate \$5,024.00 estimated unused vacation time for the Town Collector's planned retirement in May of 2016

Action: Hand count. Yes 84 no 64. Does carry.

Article 39. To see if the Town will vote to raise and appropriate or transfer from available funds \$7,536.00 sick time buy back for the Town Collector's planned retirement in May of 2016, or take any other action thereto.

Motion: I move that the Town vote to raise and appropriate \$7,536.00 sick time buy back for the Town Collector's planned retirement in May of 2016

Action: Does carry.

Article 40. To see if the Town will vote to appropriate funds estimated at \$400,000 to cover all costs associated with extending the water line from the Town Hall on Bryant Lane to Kendall Road for the purpose of mitigating impact of past and present town road salt storage and operations located nearby on the local well water of residents. The town should develop a timeline immediately to do the work swiftly as residents are suffering without potable water.

Motion: I move that the Town vote to approve Article 40 as printed.

Action: Does not carry.

Motion to adjourn.

Meeting adjourned at 12:30 AM.

Attest: a true copy.

*Joanne Shifres
Town Clerk*

SPECIAL TOWN MEETING MINUTES
June 2, 2015

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

Time: 7:30 pm
Voters: 382

Article 1. To see if the Town will vote to raise and appropriate, appropriate by transfer from available funds, and/or appropriate by transfer from one or more municipal government accounts a sum of money to supplement various municipal government groups for fiscal year 2015, or take any other action relative thereto.

Motion: I move that the Town vote to appropriate by transfer from one or more municipal government accounts to supplement various municipal government accounts for fiscal year 2015 as printed in the Annual and Special Town Meeting Guide Supplement.

As printed in the Annual and Special Town Meeting Guide Supplement

FROM:		
122	Selectmen Salaries & Wages	\$76,000.00
123	Town Administrator Salaries & Wages	\$24,000.00
136	Annual Audit Expenses	\$600.00
301	Greater Lowell Technical School Assessment	\$5,731.00
302	Essex North Shore Voc. Tech Assessment	\$10,000.00
430	Waste Collection and Disposal Expenses	\$40,000.00
543	Veterans Services Expenses	\$25,000.00
TOTAL:		\$181,531.00
TO:		
135	Town Accountant Salaries and Wages	\$1,110.00
135	Town Accountant Expenses	\$500.00
141	Assessor's Salaries and Wages	\$1,092.00
145	Town Treasurer Salaries and Wages	\$2,825.00
146	Town Collector Salaries and Wages	\$1,622.00
159	Other Legal Services Expenses	\$3,000.00
160	Town Clerk Salaries and Wages	\$1,209.00
162	Elections/Registration Salaries and Wages – Temp.	\$2,000.00
171	Conservation Salaries and Wages	\$736.00
175	Planning Board Salaries and Wages	\$303.00
176	Zoning Board Salaries and Wages	\$46.00
192	Public Buildings and Property Expenses	\$7,500.00
193	Information Technology Expenses	\$17,000.00
210	Police Department Salaries and Wages	\$56,831.00
210	Police Department Expenses	\$20,000.00
211	Police Station Salaries and Wages	\$1,040.00
211	Police Station Expenses	\$5,300.00
215	Communication Center Salaries and Wages	\$6,478.00
220	Fire Department Salaries and Wages	\$9,880.00
241	Building Inspection Salaries and Wages	\$1,487.00
242	Gas Inspection Salaries and Wages	\$428.00
243	Plumbing Inspection Salaries and Wages	\$161.00
245	Electrical Inspection Salaries and Wages	\$161.00
421	Highway and Streets – Admin Salaries and Wages	\$288.00
422	Highway Department Salaries and Wages	\$9,377.00
424	Street Lighting Expenses	\$813.00

541	Council on Aging Salaries and Wages	\$1,371.00
543	Veterans Services Salaries and Wages	\$1,012.00
610	Library Salaries and Wages	\$2326.00
630	Recreation Salaries and Wages	\$655.00
940	Other Unclassified Expenses (Insurance Premiums)	\$2,530.00
Fund 301	Capital Asset Fund (Exterior maintenance on Town Offices)	\$10,000.00
TOTAL:		\$181,531.00

Action: Does carry.

Article 2. To see if the Town will vote under the provisions of M.G.L. c.40, §5B to create a special purpose Stabilization Fund for the purpose of reserving funds intended for Debt or Debt Assessments; or to take any other action relative thereto.

Motion: I move that the Town vote to approve Article 2 as printed.

Action: Does carry.

Article 3. To see if the Town will vote to transfer a sum of money from FY15 available funds to fund the Stabilization Fund for Debt & Debt Assessment; or to take any other action relative thereto.

Transfer from:	Fund Balance Reserved – Reduction of Future Debt	\$274,814.00
	Free Cash	\$387,026.00
Transfer to:	Stabilization Fund for Debt & Debt Assessment	\$661,840.00

Motion: I move that the Town vote to approve Article 3 as printed.

Action: Does carry unanimous.

Article 4. To see if the Town will vote to transfer an amount in FY15 from Stabilization Fund for Debt & Debt Assessment and said funds be used by the Treasurer to be used towards the partial payment of debt principal for the Early Childhood Center (ECC) Roof, 135 Coburn Road; or to take any other action relative thereto.

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$9,211.50
Transfer to:	Long Term Debt Principal	\$9,211.50

Motion: I move that the Town vote to approve Article 4 as printed.

Action: Does carry unanimous.

Article 5. To see if the Town will vote to raise and appropriate or transfer from available funds an amount to fund the General Fund’s Snow & Ice accounts, or to take any other action relative thereto.

Motion: I move that the Town vote to approve Article 5 as printed in the Annual and Special Town meeting Guide Supplement.

Action: Does carry.

Article 5 as printed in the Annual and Special Town Meeting Guide Supplement

Transfer from:	Free Cash	\$262,492.43
Transfer to:	Snow and Ice Salaries and Wages	\$98,561.43
	Snow and Ice Removal Expenses	\$163,931.00

Article 6. To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for items requested to the Capital Asset Committee for funding, or to take any other action relative thereto.

TRANSFER FROM:		TRANSFER TO:	
Long Term Debt Principal	\$9,211.50	Police IT Security	\$10,000.00
Engineering Services	\$788.50		
Assessor Expenses	\$7,000.00	Building Dept. Permit Tracking Software	\$10,000.00
Building Dept. Expenses	\$3,000.00		
Council On Aging Salaries	\$5,500.00	Council On Aging Equipment (Snow Thrower and Shed)	\$10,000.00
Council On Aging Expenses	\$3,500.00		
Cemetery Salary & Wages	\$1,000.00		

Motion: I move that the Town vote to transfer from available funds for the items requested to the Capital Asset Committee as printed in Article 6.

Action: Does carry.

Article 7. To see if the Town will vote to certify the Chapter 90 apportionment for Fiscal Year 2015 of up to an additional \$202,517.00 as an available fund to be expended by the Board of Selectmen, or to take any other action relative thereto.

Motion: I move that the Town vote to approve Article 7 as printed.

Action: Does carry.

Motion to adjourn.

Meeting adjourned at 7:41 pm.

Attest: a true copy

*Joanne Shifres
Town Clerk*