



TOWN OF TYNGSBOROUGH

ANNUAL TOWN MEETING WARRANT

TYNGSBOROUGH ELEMENTARY SCHOOL
205 WESTFORD ROAD, TYNGSBOROUGH, MA 01879

May 17, 2016

7:00 PM

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in the election, to meet at the following locations:

- PRECINCT 1 & 2. TYNGSBOROUGH MIDDLE SCHOOL, 50 NORRIS ROAD
- PRECINCT 3 & 4. TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

in Tyngsborough on Tuesday, the tenth day of May in the year two thousand sixteen from 7 o'clock in the forenoon to 8 o'clock in the evening. And to meet at the following location:

TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

on Tuesday, the seventeenth day of May in the year two thousand sixteen at 7 o'clock in the evening to act on the following articles:

GENERAL ARTICLES:

Article 1. To bring in their votes by ballot for 1 Selectmen for the term of three years, 1 Assessor for the term of three years, 1 Board of Health Member for the term of three years, 1 Board of Health for the term of two years, 1 Cemetery Commissioner for the term of three years, 1 Cemetery Commission for the term of two years, 1 Cemetery Commissioner for the term of one year, 2 Finance Committee Member for the term of three years, 2 Library Trustees for the term of three years, 2 School Committee Members for the term of three years, 1 Sewer Commissioner Member for the term of three years, 1 Tax Collector for the term of three years, 1 Planning Board Member for the term of five years, 1 Tyngsborough Housing Authority Member for the term of five years.

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 2: Reports of the Town Officers and Committees. 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.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 3: Choose all Officers Not Named. To see if the Town will choose all officers not named in Article 1 of the Annual Town Election Warrant, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: Deferred to later date

FINANCIAL ARTICLES:

Article 4: Compensation of Elected Officials. 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 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

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

	REQUEST		
	SALARIES	SALARIES	RECOMMENDED
	7/01/15	7/01/16	7/01/16
	6/30/16	6/30/17	6/30/17
<u>Elective Town Officers</u>			
Moderator	\$ 0	\$ 500	\$ 0
Selectmen (5)			
Chairman	\$ 0	\$ 6,000	\$ 0
Members (4)	\$ 0	\$ 5,000	\$ 0
Tax Collector	\$ 64,627	\$ _____	\$ 0
Town Clerk	\$ 59,242	\$ 60,427	\$ 0
Assessors (3)			
Chairman	\$ 0	\$ _____	\$ 0
Member (2)	\$ 0	\$ _____	\$ 0
Board of Health			
Chairman	\$ 0	\$ 1,250	\$ 0
Members (4)	\$ 0	\$ 1,000	\$ 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	\$ 1,500	\$ 1,500	\$ 0
Member (2)	\$ 1,500	\$ 1,500	\$ 0

Planning Board (5)			
Chairman	\$ 0	\$ 1,750	\$ 0
Members (4)	\$ 0	\$ 1,500	\$ 0
Finance Committee (5)	\$ 0	\$ 0	\$ 0
Constables (2)	\$ 0	\$ 0	\$ 0
Greater Lowell Technical HS (1)	\$ 0	\$ 1,500	\$ 0

Submitted by: Board of Selectmen

Board of Selectmen: Recommendation to be Made at Town Meeting
Finance Committee: Deferred to later date

Article 5: Appropriation – General Fund for Fiscal Year 2017. 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 2017 (July 1, 2016 - June 30, 2017), or take any other action relative thereto.

Submitted by: Board of Selectmen and Finance Committee

Board of Selectmen: Recommendation to be Made at Town Meeting
Finance Committee: Deferred to later date

Article 6: Transfer of Funds. 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 2017 by funding recreational, public safety, or other public purposes, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 7: Transfer of Funds. 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 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 8: Transfer of Funds. To see if the Town will vote to appropriate by transfer the sum of \$242,140.00 from the PEG Fund to stabilize the tax rate for FY 2017, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 9: Transfer to Stabilization. To see if the Town will vote to appropriate by transfer the sum of \$576,656.06 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	<u>\$576,656.06</u>
Transfer to:	Stabilization Fund	\$326,771.77
	Capital Asset Stabilization Fund	\$249,884.29

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 10: Transfer of Funds. To see if the Town will vote to appropriate by transfer the sum of \$100,914.81 from Free Cash to the following funds, or take any other action relative thereto.

Transfer from:	Free Cash	<u>\$100,914.81</u>
Transfer to:	Other Post-Employment Benefits Liability Trust Fund	\$52,860.14
	Compensated Absence Fund	\$48,054.67

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 11: Appropriation – Capital Improvements for Fiscal Year 2017. To see if the Town will vote to transfer from available funds the sum of \$283,522.00, and that the Town be authorized to accept any available grant dollars, for the following purposes:

<u>Department</u>	<u>Project</u>	<u>Amount Not to Exceed</u>	<u>Expended by</u>
Fire Department	Portable Radios	\$24,000	Selectmen
Police Department	Portable Radios	\$30,676	Selectmen
Highway	¾-Ton Truck with Plow	\$50,000	Selectmen
Selectmen	Town Offices Improvements	\$62,846	Selectmen
Information Tech.	Town Hall Phone system	\$21,000	Selectmen
School	Technology Replacement	\$50,000	School Committee
School	Maintenance vehicle	\$45,000	School Committee
		\$283,522	

for a total of \$283,522.00, or take any other action relative thereto.

Submitted by: Board of Selectmen and Capital Asset Management Committee

Board of Selectmen: X **In Favor**
Finance Committee: **Deferred to later date**

Article 12: Appropriation – Sewer Enterprise Fund for Fiscal Year 2017. 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 2017 as follows, or to take any action relative thereto.:

Submitted by: Sewer Commissioners

Board of Selectmen: Recommendation to be Made at Town Meeting
Finance Committee: Deferred to later date

Article 13: Appropriation – Ambulance Enterprise Fund for Fiscal Year 2017. 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 Board of Fire Engineers to operate the Ambulance Enterprise for Fiscal Year 2017 as follows:

Salaries	\$ 253,352.00
Expenses	\$ 30,000.00
Capital Outlay – Year 1	\$ 40,000.00
<u>Subtotal</u>	<u>\$ 323,352.00</u>
Indirect Costs to the General Fund	\$ 48,722.00
TOTAL	\$372,074.00

That \$372,074.00 be raised through Department Receipts

<u>Department Receipts</u>	<u>\$372,074.00</u>
TOTAL	\$372,074.00

That \$48,722.00 be included in appropriations from the General Fund for indirect costs and be allocated to the Ambulance Enterprise for funding, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 14: Authorization of the Board of Selectmen Regarding Contracts in Excess of Three Years. 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.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 15: Authorization of the School Committee Regarding a Transportation Contracts in Excess of Three Years. To see if the Town will vote to authorize the School Committee to enter into an Agreement up to five years to provide transportation services for the school department. Said contracts shall be subject to annual appropriations, or take any other action relative thereto.

Submitted by: School Committee

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 16: Authorization for the Board of Selectmen to Lease Property for a Billboard.

To see if the Town will vote to authorize the Board of Selectmen to enter into any and all necessary agreements to let and/or lease the property for the construction, installation, operation and maintenance of a billboard, on such terms and conditions as the Board of Selectmen deem appropriate, property identified as 120 Westford Road, shown as Assessors Map 22, Parcel 1-0, containing approximately 14.61 acres of land, zoned Industrial 1 Light (I-1), recorded in Middlesex North Registry of Deeds in Book 2652, Page 722, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 17: Authorization to Accept Chapter 90 Funds.

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.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X In Favor

Article 18: Continue and Approve Revolving Funds.

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 FY2016 and FY2017 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
Ambulance	Ambulance programs and materials	Fees	Board of Fire Engineers	\$50,000.00
Recreation Committee	Recreational programs and activities	Fees collected from participants	Board of Selectmen	\$120,000.00
Old Town Hall	Old Town Hall operation and maintenance	Fees	Board of Selectmen	\$25,000.00
School Field Use Committee	Field maintenance	Field use fees	School Field Use Committee	\$50,000.00
Board of Health	Recycling programs and materials	Fees collected from participants	Board of Health	\$7,000.00

Board of Health	Collection and disposal of bulky items	Fees collected from Republic Services and participants	Board of Health	\$40,000.00
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.

Submitted by: Town Entities as shown

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 19: Establish a Police Detail Revolving Fund. To see if the Town will vote to establish a Traffic Police Detail Revolving Fund as authorized by Chapter 44, §53E½ of the Massachusetts General Laws. This fund shall be funded by citations and other traffic violations charged. These funds may be expended without further appropriation for wages and expenses related to traffic and roadway safety. The Board of Selectmen may expend from this account an amount not to exceed \$30,000 for the fiscal year beginning July 1, 2016, or take any action in relation thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 20: Transfer Funds. 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	\$57,395.00
Transfer to:	Long Term Debt Principal	\$50,000.00
	Long Term Debt Interest	\$ 7,395.00

Transfer from:	Stabilization Fund for Debt & Debt Assessment	\$69,378.00
Transfer to:	Technical School Assessment	\$69,378.00

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 21: Appropriation from Community Preservation Committee Fund. 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 the fiscal year 2017, 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.

Reserves	Amount
Reserve for Historic Preservation	\$ 57,225.00
Reserve for Affordable Housing	\$ 57,225.00
Reserve for Open Space	\$ 57,225.00
FY 2017 Budgeted Reserve	\$ 171,675.00

Appropriations	Amount	Fund Category
Administrative Expenses	\$ 25,000.00	Administrative
Lake Mascuppic Weed Control Program	\$ 7,000.00	Open Space/Rec
Flint Pond Restoration	\$ 35,000.00	Open Space/Rec
First Parish Fence	\$ 9,913.75	Open Space/Rec
Winslow School	\$ 30,000.00	Historic
Artifact Display Cabinet	\$ 4,000.00	Historic
Tyngsborough Housing Authority Study	\$ 30,000.00	Housing
Long-Term Debt – Principal Red Pines	\$ 400,000.00	
Long-Term Debt – Principal First Parish	\$ 470,000.00	
Long-Term Debt – Principal Old Town Hall	\$ 375,000.00	
Total CPC Appropriations	\$ 1,385,913.75	

or take any other action relative thereto.

Submitted by: Community Preservation Committee

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

MISCELLANEOUS ARTICLES

Article 22: Authorization to Sell Surplus Property. To see if the Town will vote to authorize the Board of Selectmen to convey to direct abutters a parcel of land situated on Lakeview Avenue, having approximately 1.7 acres of land and shown on Assessors Map 25, Block 21, Lot 0, and also recorded in the Middlesex North Registry of Deeds, Book 6084 Page 347, such land having been determined to be no longer needed for any municipal purposes, upon such terms and conditions as determined by the Selectmen, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: **Deferred to later date**

Article 23: Amend the Wetland Bylaw. To see if the Town will vote to amend the Wetlands Bylaw, Article XXXIII, Section 5.1 by amending the following language by deleting the underlined words and replacing them with the **BOLDED** words;

5.1 Any person filing a permit application or a RDA with the Commission at the same time shall give written notice thereof, by certified mail (return receipt requested) **Certificate of Mail** or hand delivered, to all abutters at their mailing addresses shown on the most recent applicable tax list of the assessors,”

or to take any other action relative thereto

Submitted by: Conservation Commission

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

CITIZEN PETITION:

Article 24: Citizen Petition to Amend the Zoning Bylaw. To see if the town will vote to amend the zoning map from Business (B3) to Industrial One (I1) with respect to a certain portion of land situated in Tyngsborough, Middlesex County, Massachusetts, known as 324 Middlesex Road and being shown on a Zoning Extension Plan dated April 5, 2016 prepared by LandPlex Civil Engineering & Surveying containing the following metes and bounds:

Beginning at a point on the southerly side of a twenty-five foot wide Right of Way known as Chisholm Road, at the northwest corner of the premises;

Thence running N 78°51’57”E along the southerly side of said Right of Way a distance of 164.54’;

Thence running S 26°36’40”E a distance of 1,046.05’;

Thence running S 63°23’20”W a distance of 328.66’;

Thence running N 38°08’52”W a distance of 70.89’;

Thence running along a curve to the right of radius 600.00' a length of 120.72’;

Thence running N 26°37’11”W a distance of 227.19’;

Thence running N 44°01’59”E a distance of 118.46’;

Thence running N 19°00’27”W a distance of 639.76’ to the point of beginning.

The remaining portion of the property shall remain zoned as currently designated.

The property is more particularly described in a deed to Tyngsboro D.J.D., LLC recorded at Book 29698, Page 69 on December 29, 2015 in the North Middlesex District Registry of Deeds, or to take any other action relative thereto.

Citizen Petition

Board of Selectmen: **Recommendation to be Made at Town Meeting**
Finance Committee: **Deferred to later date**

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Council on Aging Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

Given under our hands and seals this 2nd day of May, in the year two thousand sixteen.

Board of Selectmen


Richard D. Reault, Chair

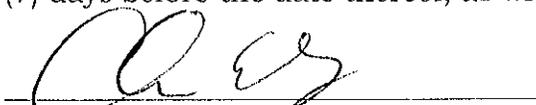

William F. Gramer, Vice Chair

Robert G. Jackson, Clerk

Corliss F. Lambert, Member


Steven A. Nocco, Member

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Council on Aging Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.


Constable **CHRISTOPHER W. DERY**

3 MAY 2016
Date

16.35
Time



TOWN OF TYNGSBOROUGH

SPECIAL TOWN MEETING WARRANT

May 17, 2016

7:30 PM

Middlesex, SS.

To either of the Constables of the Town of Tyngsborough, Massachusetts, in the County of Middlesex:

GREETINGS:

In the name of the Commonwealth of Massachusetts, you are hereby directed to notify and warn the inhabitants of said Town of Tyngsborough, qualified to vote in the election, to meet at the following location:

TYNGSBOROUGH ELEMENTARY SCHOOL, 205 WESTFORD ROAD

on Tuesday, the seventeenth day of May in the year two thousand sixteen at 7:30 pm in the evening to act on the following articles:

Article 1: Department Transfers from Available Funds. 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 2016, or take any other action relative thereto.

Submitted by: Board of Selectmen

Board of Selectmen: Recommendation to be Made at Town Meeting
Finance Committee: Deferred to later date

Article 2: Transfer of Funds for Town Collector Retirement. To see if the Town will vote to transfer from available funds \$10,813.62 for the Town Collector's planned retirement in May 2016, or to take any other action thereto.

Submitted by: Board of Selectmen

Board of Selectmen: X In Favor
Finance Committee: X NOT In Favor

Article 3: Transfer of Funds for School Medicaid. To see if the Town will vote to appropriate by transfer from Free Cash (available funds) the sum of \$139,965.56 to

supplement the Tyngsborough School Budget for fiscal year 2016 to be expended by the School Committee. Said amount represents reimbursements made through June 30, 2015 from the Municipal Medicaid Program for school services provided to eligible residents, or take any other action relative thereto.

Submitted by: Board of Selectmen and School Committee

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 4: Approve Payment of Prior Year Unpaid Bills. To see if the Town will vote to appropriate by transfer from Fiscal Year 2016 departmental appropriations the following amounts to pay prior years' bills, or to take any other action relative thereto.

<u>Prior Year</u>	<u>Invoices/Vendor</u>	<u>Amount</u>	<u>Department</u>
FY15	The Lowell Publishing Co.	266.64	Planning Board
FY15	The Lowell Publishing Co.	266.64	Planning Board

Submitted by: Board of Selectmen

Board of Selectmen: X **In Favor**
Finance Committee: X **In Favor**

Article 5: Transfer from Sewer Enterprise. 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 an amount to be expended by the Sewer Commissioners, or to take any other action relative thereto.

Petition of the Sewer Commissioners

Board of Selectmen: **Recommendation to be Made at Town Meeting**
Finance Committee: **Deferred to later date**

And you are hereby directed to serve this Warrant, by posting attested copies thereof at the Town Hall, Kendall Road Fire Station No.1, Council on Aging Center, Lakeview Avenue Fire Station No.2, in said Town, seven (7) days at least before the time of holding said meeting.

HEREOF FAIL NOT, and make due return the Warrant, with your doings thereon to the Town Clerk at the time and place of meeting, aforesaid.

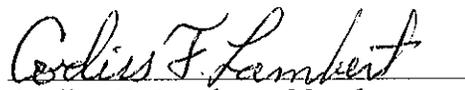
Given under our hands and seals this 2nd day of May, in the year two thousand sixteen.

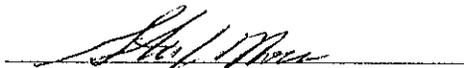
Board of Selectmen


Richard D. Reault, Chair


William F. Gramer, Vice Chair

Robert G. Jackson, Clerk


Corliss F. Lambert, Member


Steven A. Nocco, Member

Pursuant to the foregoing Warrant, I have notified and warned the inhabitants of the Town of Tyngsborough by posting attested copies of same at the Town Hall, Kendall Road Fire Station No. 1, Council on Aging Center, and Lakeview Avenue Fire Station No. 2, and at least seven (7) days before the date thereof, as within directed.


Constable

CHRISTOPHER W. DERY

3 MAY 2016 1635
Date Time

