

2023 Fall Town Meeting

October 24, 2023 at 7:00 PM



Presented By:
Colin F. Loiselle, Town Manager

TOWN OF TYNGSBOROUGH

Article 1: Citizen Petition – Limitation to Real Estate Tax Increase

To see if the Town will vote to require ANY warrant article that will require or impose an increase to real estate taxes, must be voted by ballot during a Town General Election and NOT during an Annual or Special Town Meeting vote unless a quorum exists with a minimum of 25% of Tyngsborough registered voters.

Explanation: The Town of Tyngsborough does not provide explanations for Citizen Petitions. However, Town Counsel has reviewed the language of the article and believes that this article is unlawful and will not pass the legal review of the Attorney General.

Submitted By:	Citizen Petition
Select Board:	5-0-0 Not In Favor
Finance Committee:	4-0-0 Not In Favor
 Vote Required:	 Majority Vote

Article 2: Citizen Petition – Limitation on Project Approval

To see if the Town will vote to require ANY project in excess of One Million Dollars must be approved by ballot during a Town General Election and NOT during an Annual or Special Town Meeting unless a quorum exists with a minimum of 25% of Tyngsborough registered voters.

Explanation: The Town of Tyngsborough does not provide explanations for Citizen Petitions. However, Town Counsel has reviewed the language of the article and believes that this article is unlawful and will not pass the legal review of the Attorney General.

Submitted By:	Citizen Petition
Select Board:	5-0-0 Not In Favor
Finance Committee:	4-0-0 Not in Favor
Vote Required:	Majority Vote

Article 3: Citizen Petition – Maintaining Local Emergency Dispatch

To see if the Town will vote to maintain Tyngsborough's Emergency Dispatch local within Tyngsborough and NOT move to Tewksbury's Regional Center.

Explanation: The Town of Tyngsborough does not provide explanations for Citizen Petitions. However, it is the opinion of Town Counsel that this article serves as a non-binding referendum as the authority to make contract decisions lies with the Select Board, not Town Meeting.

Submitted By:	Citizen Petition
Select Board:	No Vote
Finance Committee:	No Vote
Vote Required:	Majority Vote

Article 4: Transfer of funds from Free Cash

To see if the Town will vote to transfer the following amounts from free cash to the following account(s) and/or for the following purpose(s):

or take any other action relative thereto.

Amount	To	For the following purpose:
\$52,500	Other Post-Employment Benefits (OPEB) Trust Fund	Meet long-term OPEB Funding Plan commitment
\$200,000	Capital Account	Fund the 2024 Roads Program as outlined in the FY2024 Capital Asset Management Committee report.
\$60,000	Public Buildings General Fund Account – FY24	Fund the abatement and demolition of the former Council on Aging building at 180 Lakeview Ave, having recently sustained significant water damage due to a burst pipe.
\$455,018	FY24 School Department Revenue	Fund Medicaid Reimbursements for FY22 and FY23
\$200,000	Capital Asset Stabilization Fund	Reserve for future capital asset expenditures
\$100,000	Special Ed Stabilization Fund	Funding unanticipated or unbudgeted costs of special education, out-of-district tuition, or transportation
\$50,000	FINCOM Reserve Fund	To provide for extraordinary or unforeseen expenditures in FY24

Article 4: Transfer of funds from Free Cash

Explanation: This article approves appropriations from the Town's Free Cash for the purposes outlined on the previous slide.

Submitted By:

Select Board:

Finance Committee:

Vote Required:

Select Board

5-0-0 In Favor

4-0-0 In Favor

Majority Vote

Article 4: Transfer of funds from Free Cash

History of 180 Lakeview Ave Building

2015 Building vacated by the Council on Aging when new COA opens on Westford Road
Utilities to the building were turned off with the exception of electricity

Municipal use in the period between 2015 and 2019 included limited storage use by Youth Softball.

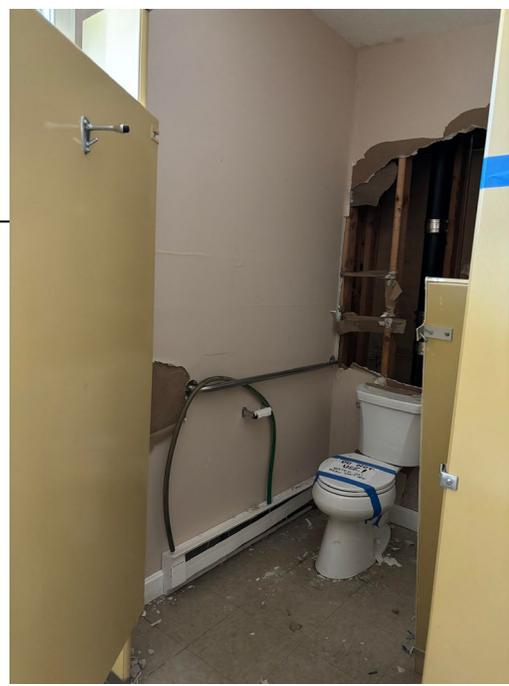
2019 Town enters into lease with private group where group was responsible for utilities
Water & gas turned back on

2021 Lease with private group terminates and Town assumes control of building again
Utilities remain on while Town assesses next steps. No municipal or private use
identified – building remains vacant except for limited storage of softball equipment.

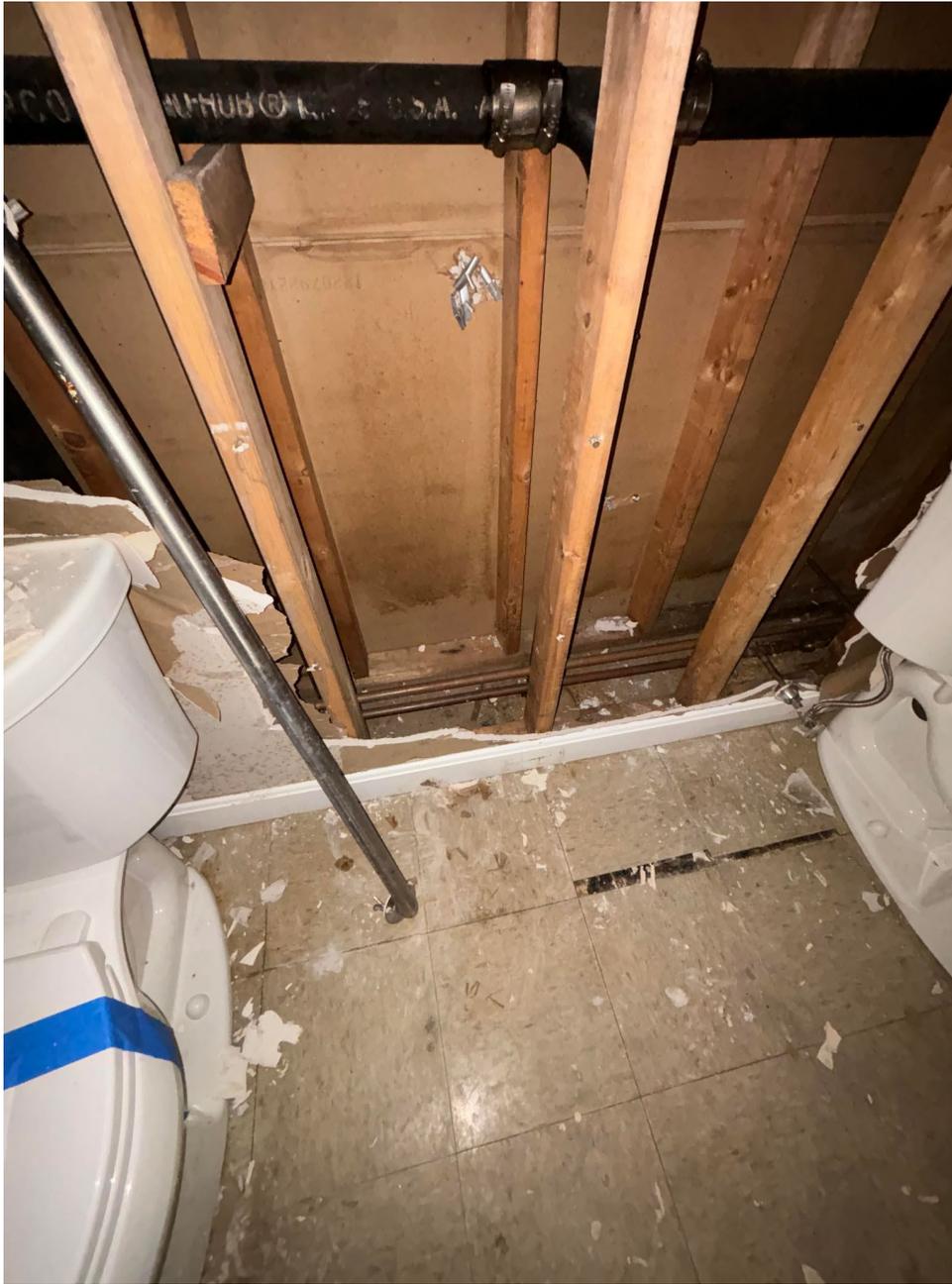
2023 Pipes freeze during the deep freeze in Early February. When thawing occurs, pipes
burst causing significant flood damage to floor, walls in bathrooms, and plumbing
throughout building.

Today Building vacant – not safe for use as storage, no plumbing available, substantial
asbestos abatement required.

Article 4: Transfer of funds from Free Cash



Article 4: Transfer of funds from Free Cash



Article 4: Transfer of funds from Free Cash

Public Building Considerations

- **Current Inventory:** Old Town Hall, First Parish Meeting House, Littlefield Library, COA
- **Upcoming Additions:** Sherburne Road Recreation Building (TCC Clubhouse)
- **Vacant Buildings:** Winslow School*, 180 Lakeview Ave, 120 Westford Road

**May 2023 TM approved \$1.5M for limited demolition and moving of the original school on same parcel*

September 2023: Select Board requests input from community groups regarding meeting space needs. Board expected to review feedback in November. +/- 12 responses from community groups looking for low-rent, minimal maintenance building use.

Considerations for 180 Lakeview Ave Parcel

- No plans to sell the parcel.
- If building is demolished, site of the building would be turned into parking lot for additional softball parking.
- Identified needs for parcel after conversation with Recreation Dept.:

Storage- Current storage use could be accommodated with a nice shed on the parcel.

Bathrooms- Currently using porta-potties on site – have been since at least 2015 – could explore more permanent outhouses like the ones at Wicasse Park.

Article 5: Sewer Enterprise Fund Retained Earnings Transfer

To see if the Town will vote to transfer the sum of \$1,025,170 from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Fund for FY24, to be expended by the Sewer Commission, as shown as Article 11 of the May 2, 2023 Annual Town Meeting, or take any other action relative thereto.

Explanation: This article would appropriate \$1,025,170 from the Sewer Enterprise Fund retained earnings to the Sewer Enterprise Fund for Fiscal Year 2024 to be expended by the Sewer Commission. This funding was originally included in Article 11 of the Annual Town Meeting Warrant in May of 2023 but had to be delayed while the Department of Revenue certified the Town's free cash. This amount was included as component of the Sewer Commission's FY24 budget.

Submitted By:

Select Board

Select Board:
Finance Committee:

5-0-0 In Favor
4-0-0 In Favor

Vote Required:

Majority Vote

Article 6: Appropriation – Community Preservation Committee Fund

To see if the Town will vote to appropriate or reserve from estimated annual revenues of the Community Preservation Fund for FY2024 the sum of \$250,000 to fund the Winslow Road Footbridge Project; or take any other action relative thereto.

Explanation: This article would appropriate \$250,000 from the Community Preservation Fund for the purposes of supplementing existing funding for the Town Center Footbridge project which will see the installation of a pedestrian bridge over the Flint Pond Dam between Winslow Road and Middlesex Road, an observation deck overlooking the dam, and site improvements. The first round of funding for this project was approved by Town Meeting at May Annual.

Submitted By:

Select Board:
CPC
Finance Committee:

Select Board

5-0-0 In Favor
6-0-0 In Favor
4-0-0 In Favor

Vote Required:

Majority Vote

Article 7: Town General Bylaw Updates: Appointments

To see if the Town will vote to amend the Town's General Bylaws, Article II, entitled "Finance Committee," by adding the language in bold and striking the language with a strikethrough, as shown below, or take any other action relative thereto.

Article II Finance Committee

SECTION 1. There shall be a Finance Committee consisting of five (5) citizens of the town, other than town officers, appointed or elected. ~~The moderator shall implement this amendment by not filling vacancies until such time as there is a five (5) person committee, a~~Any members of said committee who shall be appointed or elected to town ~~the office of Select Board, School Committee, or Board of Library Trustees or a committee or board other than the capital asset management committee~~ shall forthwith upon qualifying for such office, and any member who shall remove from the town shall upon such removal, cease to be a member of said **the Finance Committee**. Members absent from one-third of the regular meetings in any calendar year may be removed by a two-thirds vote of the other members present and voting. Said committee shall serve without salary.

SECTION 2. The Finance Committee may employ, subject to an appropriation therefor, an executive secretary.

SECTION 3. In the event of any vacancy in its membership, the Finance Committee shall notify the moderator in writing and the moderator shall thereupon fill such vacancy.

SECTION 4. The Finance Committee shall consider all matters of business included within the articles of any warrant for a Town Meeting, and shall, after due consideration report thereon in print its recommendation as to each article. The Finance Committee shall distribute its report to each of the town meeting members at least seven (7) days in advance of a Town Meeting. The recommendations shall be those of a majority of the entire committee, but this shall not be construed to prevent recommendations by a minority as such. The report shall state the total amount of the appropriations recommended by them on the entire warrant and the approximate tax rate based on such a statement of the doings of the committee during the year, with such recommendations or suggestions as it may deem advisable on any matter on referenda and other matters on any ballot other than the choices of individuals for offices.

Article 7: Town General Bylaw Updates: Appointments

Explanation: This article would amend the Town's General Bylaws regarding the elected Finance Committee by prohibiting a member of the Finance Committee from also serving on the Select Board, School Committee, or Board of Library Trustees.

Submitted By:

Select Board:

Finance Committee:

Vote Required:

Select Board

5-0-0 In Favor

4-0-0 In Favor

Majority Vote

Article 8: Town General Bylaw Addition: Sealer of Weights and Measures

To see if the Town will vote to amend the Town's General Bylaws by adding the following new Article LIII, entitled "Sealer of Weights and Measures Fees," or take any other action relative thereto.

Article LIII Sealer of Weights and Measures Fees

The Sealer of Weights and Measures shall be responsible for testing the accuracy of all weights and measures used in commercial operations. Pursuant to G.L. c. 98, § 56, the Town shall impose upon the owner of any establishment wherein devices subject to the provisions of Chapter 98 of the General Laws are used, the following fees for the sealing and inspecting of weighing or measuring devices:

SCALES

Capacity over 10,000 lbs.	\$225
Capacity 5,000 – 10,000 lbs.	\$125
Capacity 1,000 – 4,999 lbs.	\$100
Capacity 100 – 999 lbs.	\$75
Capacity 10 – 99 lbs.	\$50
Capacity less than 10 lbs.	\$35

LIQUID CAPACITY MEASURING

Avoirdupois	\$10
Gas pumps	\$40
Oil trucks/per tank	\$50

AUTOMATED ELECTRIC REGISTERS

And CHECKOUT SYSTEMS

3 or less	\$100
4 to 11	\$200
More than 11	\$300

ADDITIONAL FEES

Minimum fee	\$35
Re-inspection fee equal to fee of initial test	

Article 8: Town General Bylaw Addition: Sealer of Weights and Measures

Explanation: This article would establish a fee structure for the Sealer of Weights and Measures program in Tyngsborough. This program is a regional collaboration through the Northern Middlesex Council of Governments (NMCOG) and ensures businesses with scales and other systems that measure quantities to determine fee are inspected and operating correctly.

Submitted By:

Select Board:
Finance Committee:

Select Board

5-0-0 In Favor
4-0-0 In Favor

Vote Required:

Majority Vote

Article 9: Approve Prior Year Bills

To see if the Town will vote to approve payment on the following bills which were incurred during a previous fiscal year (FY23):

Vendor	Invoice	Amount	Account	Department
WB Mason	232351904	\$32.89	01122200 542010	Select Board Office Supplies
WB Mason	238292364	\$14.88	01175200 542010	Planning Board Office Supplies
TPX Communications	173828-00	\$1,989.30	01192200 534020	Pub Buildings Telephone
Sherburne Lumber	120600	\$154.27	01192200 524015	Pub Buildings Grnds Maint
Arden Engineering	67027	\$277.50	01424200 521010	Street Electricity

Explanation: Bills that are paid outside of the fiscal year that they are generated require Town Meeting authorization. These bills would be paid out of existing funds appropriated for FY24 and no additional funding appropriation is required.

Submitted By:

Select Board:

Finance Committee:

Vote Required:

Select Board

5-0-0 In Favor

4-0-0 In Favor

9/10ths Majority

Article 10: Increase Middle School Funding Authorization

To see if the Town will vote to increase the funding authorization previously voted under Article 28 of the May 3, 2022 Annual Town Meeting warrant, by appropriating, borrowing or transferring from available funds an additional amount of money to be expended under the direction of the Tyngsborough Middle School Building Committee for the design and construction of a new middle school with an approximate square footage of 112,784 square feet located at 50 Norris Road in Tyngsborough, Massachusetts inclusive of abatement and demolition of the existing middle school structures on said property; new parking lot, new softball field, and all other costs incidental and related thereto, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The Town acknowledges that the MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town may receive from the MSBA for the Project shall not exceed the lesser of (1) 58.61 percent (%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA; or take any other action relative thereto.

Article 10: Increase Middle School Funding Authorization

Explanation: This article would amend the May 2022 Town Meeting and Town Election vote that authorized a debt exclusion of \$82,530,000 by increasing the authorization \$4,626,000 to bring the total authorization to \$87,156,000. The MSBA does not allow the dollar amount to be included in the warrant article language but the motion made at Town Meeting will include the dollar amount. The School Building Committee will present a budget that shows an anticipated combination of state relief and MassSaves energy rebates that will cover the additional increase and result in no new tax increase. The MSBA, however, requires the Town have authorization for the full project budget.

Submitted By:

Select Board:
Finance Committee:

Select Board

5-0-0 In Favor
4-0-0 In Favor

Vote Required:

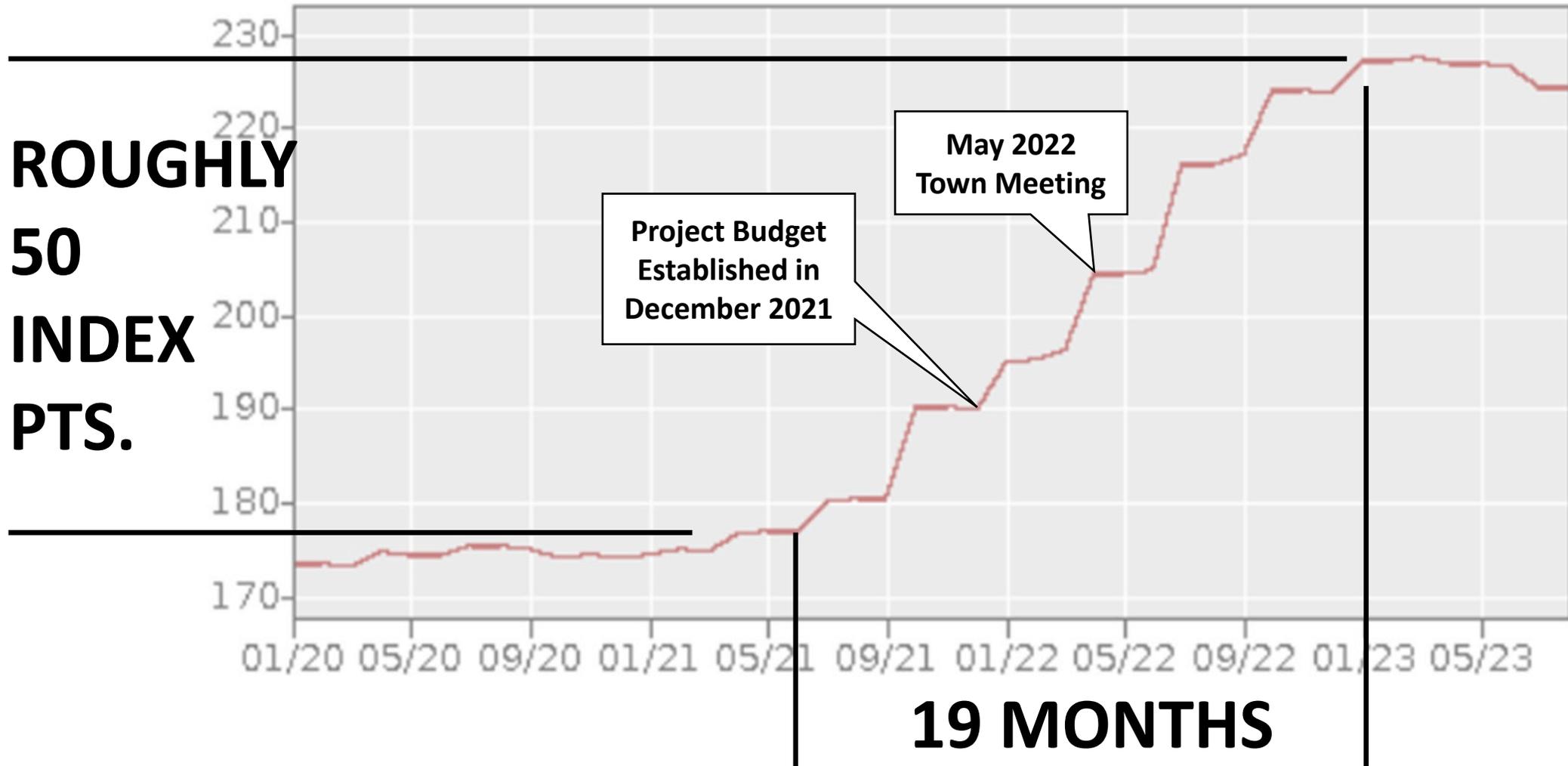
2/3rds Majority



Article 10 Summary



PRODUCER PRICE INDEX DATA – NEW SCHOOL CONSTRUCTION, K-12 MARKET



Since May of 2022

- Public Meetings Since May 2022 Town Meeting (20 SBC / 2 SB / 1 SC)
- Released 4 major bid packages (93% awarded)
- Legislative advocacy (Relief Funding and Mass Save Rebate)
- In addition to monitoring bids and following market trends and advocating with legislators. **The SBC went through 4 rounds of VE - \$3.2M**



SBC & Select Board Recommendation (Oct.2)



Utilize 393K of project contingency funds to deliver the project that the community supported in May 2022



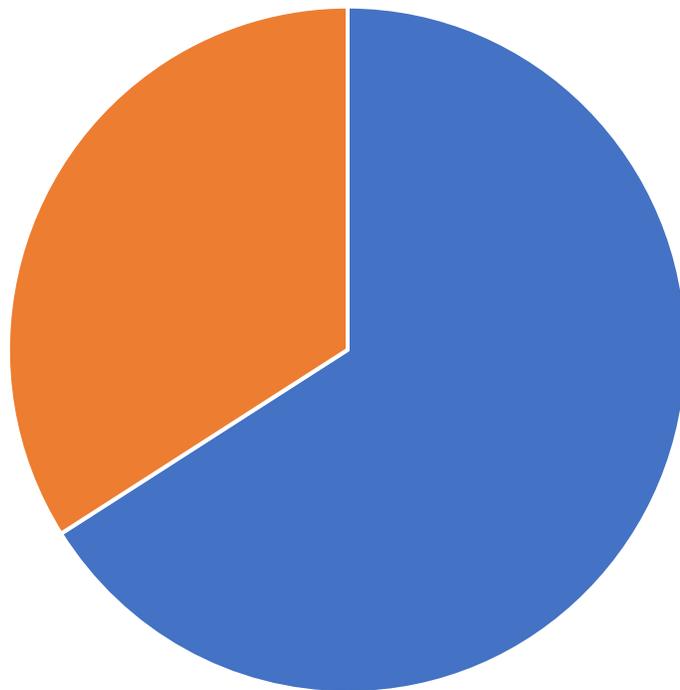
Includes the Softball Field & Campus Canopy. Same scope as previously presented at May 2022 Town Meeting **with no additional tax impact**



\$3.3M remains in available contingency with 93% of the project awarded.

No Additional Tax Impact

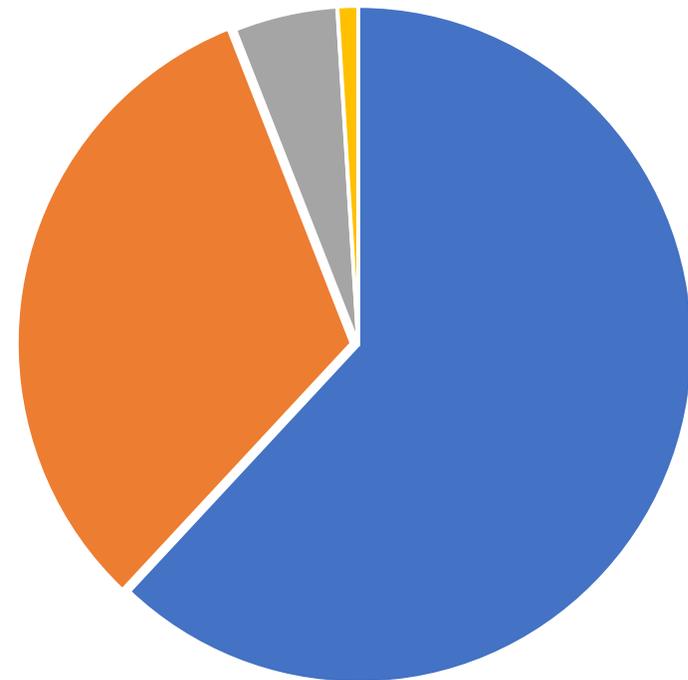
May, 2022



■ Original Tax Impact ■ Original MSBA Grant

Total Project Cost \$82,530,000

Article 10 Passage



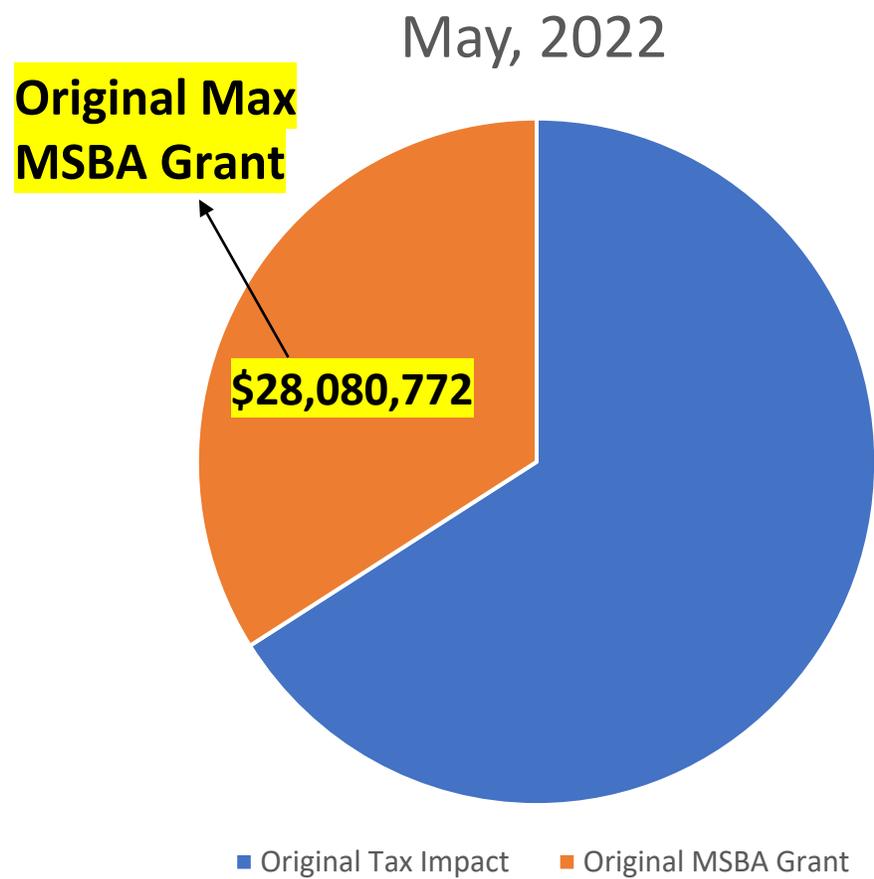
■ Original Tax Impact ■ Original MSBA Grant
■ MSBA Relief Funding ■ Mass Save Grant

Total Project Cost \$87,156,000

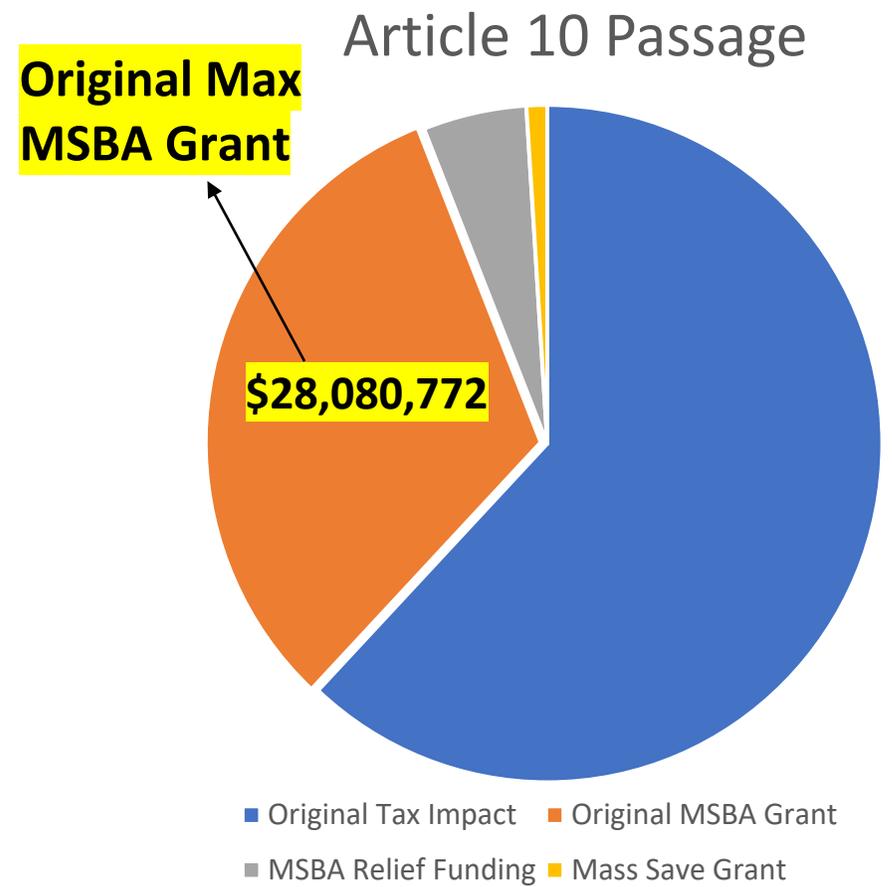
\$4,626,000



No Additional Tax Impact



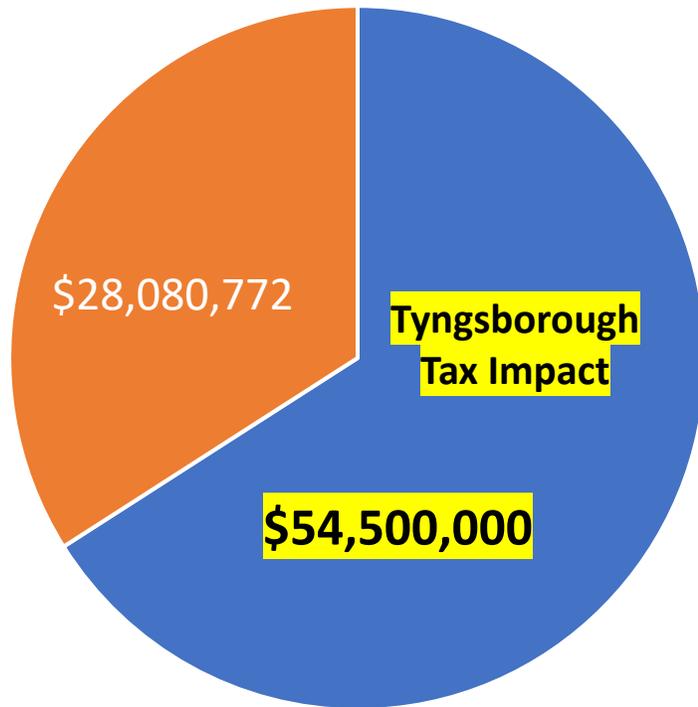
Total Project Cost \$82,530,000



Total Project Cost \$87,156,000

No Additional Tax Impact

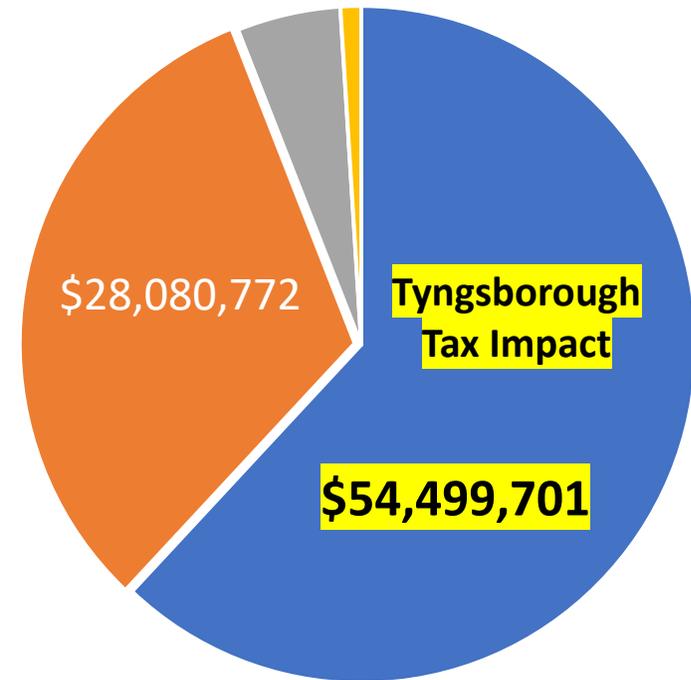
May, 2022



■ Original Tax Impact ■ Original MSBA Grant

Total Project Cost \$82,530,000

Article 10 Passage

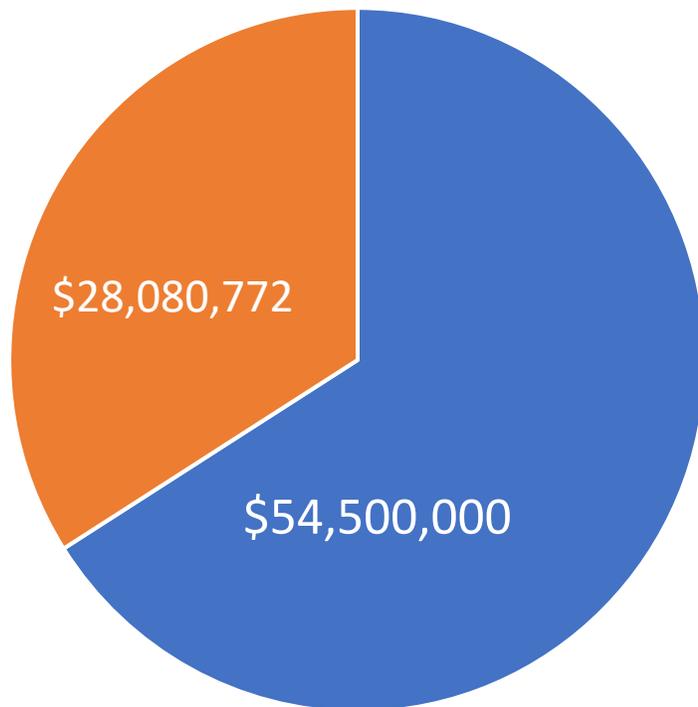


■ Original Tax Impact ■ Original MSBA Grant
■ MSBA Relief Funding ■ Mass Save Grant

Total Project Cost \$87,156,000

No Additional Tax Impact

May, 2022

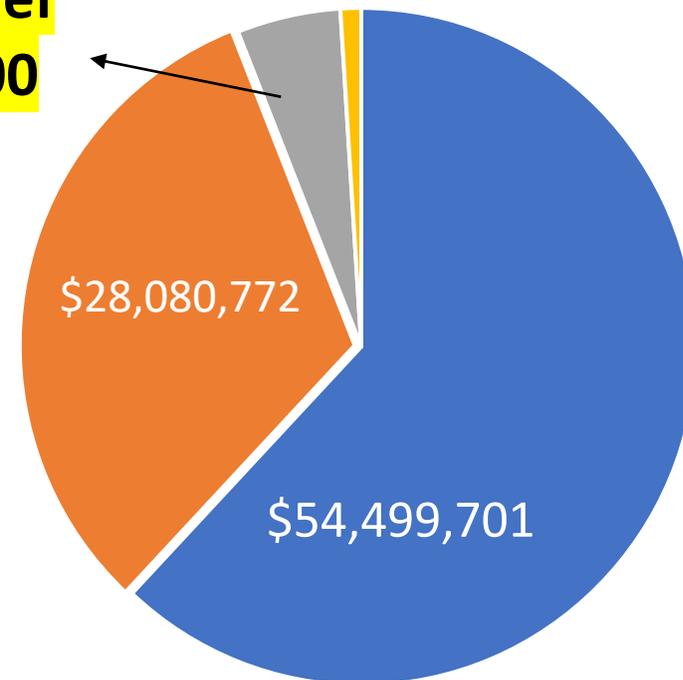


■ Original Tax Impact ■ Original MSBA Grant

Total Project Cost \$82,530,000

Article 10 Passage

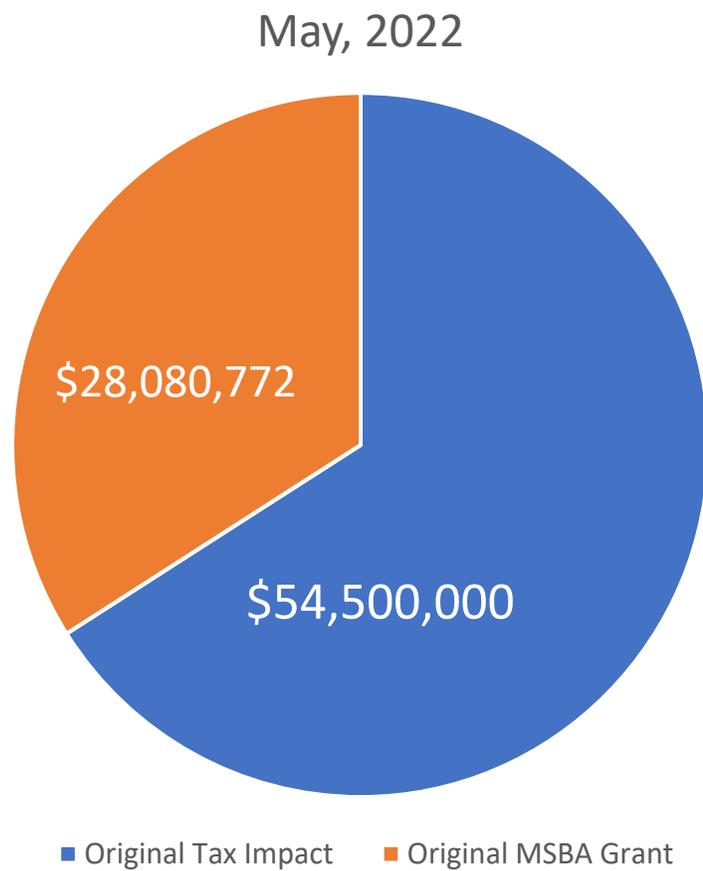
**MSBA Relief
\$4,100,000**



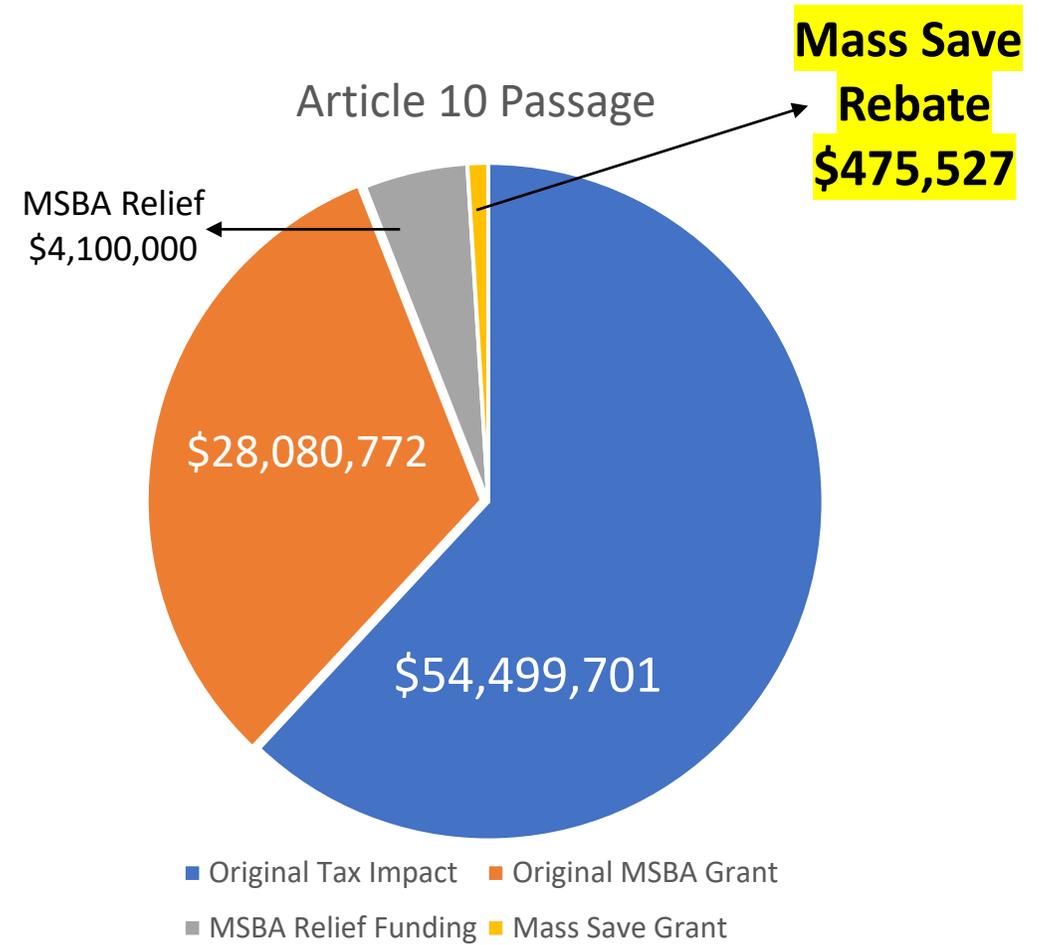
■ Original Tax Impact ■ Original MSBA Grant
■ MSBA Relief Funding ■ Mass Save Grant

Total Project Cost \$87,156,000

No Additional Tax Impact



Total Project Cost \$82,530,000



Total Project Cost \$87,156,000

Project Budget Summary

Original Budget May 2022	Anticipated Cost at Completion	Anticipated Variance (Under) / Over
\$82,530,000	\$87,156,000	\$4,626,000

Anticipated Project Cost	\$87,156,000
State funding and Rebate	<u>(\$32,656,299)</u>
Anticipated District Share	\$54,499,701
Original District Share	\$54,500,000

As a requirement of the MSBA's vote requirements [Bulletin 11-02], the MSBA procedures state "A city or town must vote to appropriate and authorize the full amount of a Project's cost, including both the local share and the MSBA's share." This is required, REGARDLESS of whether we need to borrow the full amount or not. Since the Project value has increased, a new vote [Article 10] is required. However, based on the MSBA one-time relief funding and a State rebate, there is NO ADDITIONAL TAX IMPACT.

Why are we voting again?

What happens with a NO vote?

If a NO vote occurs, the Project will:

1. Be put into a **moratorium**.
2. The Town **will have various delay claims** associated with said moratorium.
3. When the Project is re-activated, **the cost of the Project will be dramatically more** due to remobilization costs, as well as encumbered continued escalation costs.
4. The Project **will be in breach of the Project Funding Agreement** with the Massachusetts School Building Authority. **\$28M in MSBA reimbursement would be in jeopardy**. To date, \$7.2 has been issued in reimbursement.
5. **\$4.1M of one-time additional funding would be in jeopardy**. The MSBA could reallocate the \$4.1 funding to other school projects.

A **YES** vote enables us to
continue the project as
originally planned to deliver
the same school approved in
May of 2022, with
NO ADDITIONAL TAX
IMPACT



Questions?