



TOWN OF TYNGSBOROUGH

SPECIAL TOWN MEETING WARRANT

Tyngsborough Elementary School  
205 Westford Road  
Tyngsborough MA 01879

Tuesday, October 25, 2022  
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 town affairs, to meet at the Tyngsborough Elementary School, 205 Westford Road, in said Tyngsborough on Tuesday the twenty fifth day of October in the year two thousand twenty two at 7 o'clock in the afternoon, then and there to act on the following articles:

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**Article 1: 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):

Amount	Purpose
\$200,000	General Stabilization Account
\$50,000	Winslow School Hazardous Materials Abatement

or take any other action relative thereto.

**Article 2: Sewer Enterprise Fund Retained Earnings Transfer**

To see if the Town will vote to transfer the sum of \$78,525 from the Sewer Enterprise Fund Retained Earnings to the Sewer Enterprise Fund Capital Line item for FY23, to be expended by the Sewer Commissioners for the purpose of purchasing (3) pump station grinders, or take any other action relative thereto.

**Article 3: Zoning Bylaw Amendments and Recodification**

To see if the Town will vote to amend the Tyngsborough Zoning Bylaw as follows:

(i) by deleting, in their entirety, the following Sections of the existing Tyngsborough Zoning Bylaw, including all provisions comprising the same, but NOT the Town’s official zoning map:

- Section 1.00.00: Purpose, Authority and Procedure
- Section 2.00.00: District Regulations
- Section 3.00.00: General Regulations
- Section 4.00.00: Special Regulations
- Section 5.00.00: Special Requirements for Licensed Marijuana Establishments

which Sections together constitute the entirety of said Zoning Bylaw (excepting the aforementioned zoning map); and

(ii) by substituting therefor the following new Sections, the complete text of which is contained in a document entitled “Town of Tyngsborough Proposed Zoning By-law, October 3, 2022,” on file with the Town Clerk and the Planning Board:

- Section 1. Purpose and Authority
- Section 2. Administration and Procedures
- Section 3. Districts
- Section 4. Use Regulations
- Section 5. Dimensional Regulations
- Section 6. Nonconforming Uses and Structures
- Section 7. General Regulations
- Section 8. Special Regulations
- Section 9. Special Residential Regulations
- Section 10. Special District Regulations
- Section 11. Definitions

or to take any other action relative thereto.

**Article 4: Zoning Bylaw Amendment- “Signs”**

To see if the Town will vote to amend Section 7.2 of the Town’s aforesaid, recodified Zoning Bylaw, entitled “Signs,” by adding a new Subsection R thereto, as follows:

R. Waiver of Signage Requirement(s) by Special Permit. In the Business 3 (B-3) and Industrial 1 (I-1) Districts, the Zoning Board of Appeals may authorize, by issuance of a special permit, up to one (1) additional attached sign and/or up to a thirty percent (30%) increase in the maximum square footage of attached sign(s) beyond what is otherwise permitted hereunder; provided, however, that the Zoning Board of Appeals finds that such variation in number or size is not incongruous with the applicable zoning district nor injurious to traffic and safety conditions, or take any other action relative thereto.

**Article 5: Accept MGL Chapter 59, Section 5, Clause Twenty-Second G: Disabled Veterans Real Estate Tax Exemptions**

To see if the Town will vote to accept Massachusetts General Laws Chapter 59, Section 5, Clause Twenty-Second G, providing that the following property shall be exempt from taxation:

“In any city or town that accepts this clause, real estate that is the domicile of a person but is owned by a trustee, conservator, or other fiduciary for the person’s benefit if the real estate would be eligible for exemption under clause Twenty-second, Twenty-second

A, Twenty-second B, Twenty-second C, Twenty-second D, Twenty-second E or Twenty-second F [of said Chapter 59, Section 5] if the person were the owner of the real estate”, or take any action related thereto.

**Article 6: Town General Bylaws - Tyngsborough Affordable Housing Trust**

To see if the Town will to amend Town Bylaw XLIV Affordable Housing Trust Fund by removing the language with a strikethrough and adding the language in bold; or take any action related thereto.

Section 1. Name of Trust

The Trust shall be called the “Tyngsborough Affordable Housing Trust Fund” (Trust).

Section 2. Purpose

The purpose of the Trust shall be to provide for the preservation and creation of affordable housing in the Town of Tyngsborough (Town) for the benefit of low and moderate-income households. In furtherance of this purpose, the Trustees are authorized, in accordance with the below procedures to acquire by gift, purchase or otherwise real estate, ~~and~~ **personal property, or money**, both tangible and intangible, of every sort and description; to use such property, **both real and personal, or money** in such manner as the Trustees shall deem most appropriate to carry out such purpose, provided however, that all property, **and money** held by the Trust and the net earnings ~~from such properties~~ **thereof** shall be used exclusively for the preservation and creation in the Town of affordable housing for the purposes for which this Trust was formed.

Section 3. Tenure of Trustees

- A. Composition.** There shall be a Board of Trustees (Trustees) consisting of not less than five nor more than seven trustees who shall be appointed by the Board of Selectmen (Selectmen). At least one of the Trustees shall be a member of the Selectmen, or its designee. One member of the Trustees shall be the Town Administrator, or his or her designee. Only persons who are residents of the Town shall be eligible to hold the office of Trustee, provided, however, the Town Administrator need not be a resident. **Of the Board of Selectmen appointees, at least one shall be a tenant who earns a low-or moderate-income, and resides in subsidized housing as defined by G.L. c. 40B or who received state- or federally-sponsored rental subsidies and demonstrates knowledge of tenant issues.**
- B. Appointment of Trustees.** Trustees shall serve for a term not to exceed two years, except that two of the initial trustee appointments shall be for a term of one year, and may be reappointed at the discretion of the Board of Selectmen. Any Trustee who ceases to be a resident of the Town shall cease to be a Trustee and shall promptly provide a written notification of the change in residence to the Selectmen. Any Trustee may resign by written instrument signed and acknowledged by such Trustee and duly filed with the Town Clerk. If a Trustee shall die, resign, or for any other reason cease to be a Trustee before his or her

term of office expires, a successor shall be appointed by the Selectmen to fill such vacancy provided that in each case the said appointment and acceptance in writing by the Trustee so appointed is filed with the Town Clerk. No such appointment shall be required so long as there are five trustees in office. Upon the appointment of any succeeding Trustee and the filing of such appointment, the title to the Trust estate shall thereupon and without the necessity of any conveyance be vested in such succeeding Trustee jointly with the remaining trustees. **Reference to the Trustee shall mean the Trustee or Trustees for the time being hereunder.**

- C. Officers. The Trustees shall designate a chair, vice chair, treasurer, and clerk.**
- D. Removal. A Trustee may be removed by the Board of Selectmen for cause following a hearing.**
- E. Declaration of Trust. The Trustees executed a Declaration of Trust and Certificate of Trust for the Tyngsborough Affordable Housing Trust Fund, recorded with the Middlesex North Registry of Deeds and filed with the Middlesex North Registry District of the Land Court, following approval of the Board of Selectmen.**

#### Section 4. Meetings of the Trust

The Trust shall meet at least quarterly at such time and at such place as the Trustees shall determine. Notice of all meetings of the Trust shall be given in accordance with the provisions of the Open Meeting Law, M.G.L. c. 30A, §§ 18 – 25. A quorum at any meeting shall be a majority of the Trustees qualified and present in person.

#### Section 5. Powers of Trustees

The Trustees shall have the following powers which shall be carried out in accordance with and in furtherance of the provisions of M.G.L. c. 44, § 55C:

A. With the approval of the Selectmen, to accept and receive property, whether real or personal, **or money**, by gift, grant, devise, or transfer from any person, firm, corporation or other public or private entity, including without limitation, grants of funds or other property tendered to the Trust in connection with provisions of any zoning by-law, any other by-law; **or any general or special law, or any other source, including money from chapter 44B; provided, however, that any such money received from chapter 44B shall be used exclusively for community housing and shall remain subject to all the rules, regulations and limitations of that chapter when expended by the Trust, and such funds shall be accounted for separately by the Trust; and provided further, that at the end of each fiscal year, the Trust shall ensure that all expenditures of funds received from said chapter 44B are reported to the Tyngsborough Community Preservation Act Committee for inclusion in the community preservation initiatives report, form CP-3, to the Department of Revenue;**

B. With the approval of the Selectmen, to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;

- C. With the approval of the Selectmen, to sell, lease, exchange, transfer or convey any real or personal property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertakings relative to Trust ~~real or personal~~ property **as the Trustees deems advisable**, notwithstanding the length of any such lease or contract;
- D. To execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the Trustees engage for the accomplishment of the purposes of the Trust;
- E. To employ advisors and agents, such as accountants, appraisers and lawyers as the Trustees deem necessary;
- F. To pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the Trustees deem advisable;
- G. To apportion receipts and charges between income and principal as the Trustees deem advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- H. With the approval of the Selectmen, to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution, to vote any securities or certificates of interest, and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- I. With the approval of the Selectmen, to deposit any security with any reorganization committee, and to delegate to such committee such powers and authority **with relation thereto** as the Trustees may deem proper and to pay, out of Trust property, such portion of expenses and compensation of such committee as the Trustees may deem necessary and appropriate;
- J. To carry property for accounting purposes other than acquisition date values;
- K. With the approval the Selectmen and the approval of Town Meeting by a two-thirds majority vote, to incur debt, to borrow money on such terms and conditions and from such sources as the Trustees deem advisable, and to mortgage and pledge Trust assets as collateral; **however, the Trust borrowing shall not exceed \$15,000,000 at any one time without Town Meeting approval."**
- L. With the approval of the Selectmen, to disburse Trust funds for the purpose of making loans or grants in furtherance of the creation or preservation of affordable housing in the Town upon such terms as the Trustees shall deem most appropriate to carry out such purposes;
- M. To make distributions or divisions of principal in kind;

N. To comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the Trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of M.G.L. c. 44, § 55C, to continue to hold the same for such period of time as the Trustees may deem appropriate;

O. To manage or improve real property and, with the approval of the Selectmen, to abandon any property which the Trustees determine not to be worth retaining;

P. To hold all or part of the Trust property not invested for such purposes and for such time as the Trustees may deem appropriate; and

Q. To extend the time for payment of any obligation to the Trust.

#### Section 6. Funds Paid to the Trust

Notwithstanding any general or special law to the contrary, all moneys paid to the Trust in accordance with any zoning by-law, exaction fee, or private contribution, or other by-law shall be paid directly into the Trust and need not be appropriated or accepted and approved into the Trust. General revenues appropriated into the Trust become Trust property and these funds need not be further appropriated to be expended. All moneys remaining in the Trust at the end of any fiscal year, whether or not expended by the Trustees within one year of the date they were appropriated into the Trust, remain Trust property.

#### Section 7. Acts of Trustees

A majority of Trustees may exercise any or all of the powers of the Trustees and may execute on behalf of the Trustees any and all instruments with the same effect as though executed by all the Trustees. No Trustee shall be required to give bond. No license of court shall be required to confirm the validity of any transaction entered into by the Trustees with respect to the Trust Estate.

#### Section 8. Liability

Neither the Trustees nor any agent or officer of the Trust shall have the authority to bind the Town, except in the manner specifically here authorized. The Trust is a public employer and the Trustees are public employees for the purposes of M.G.L. c. 268A. The Trust shall be deemed a municipal agency and the Trustees special municipal employees for the purposes of M.G.L. c. 268A.

#### Section 9. Taxes

The Trust is exempt from M.G.L. c. 59 and c. 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the Commonwealth or any of its subdivisions.

#### Section 10. Custodian of Funds

The Town Treasurer shall be the custodian of the funds of the Trust. The books and records of the Trust shall be audited annually by an independent auditor in accordance with accepted accounting practices for municipalities.

#### Section 11. Governmental Body

The Trust is a governmental body for purposes of Sections of M.G.L. c. 30A §§ 18-25.

#### Section 12. Board of the Town

The Trust is a board of the Town for purposes of M.G.L. c. 30B and M.G.L. c. 40, § 15A but agreements and conveyances between the Trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the Town shall be exempt from Chapter 30B.

#### Section 13. Duration of the Trust

This Trust shall be of indefinite duration, until terminated in accordance with applicable law. Upon termination of the Trust, subject to the payment of or making provisions for the payment of all obligations and liabilities of the Trust and the Trustees, the net assets of the Trust shall be transferred to the Town and held by the Selectmen for affordable housing purposes. In making any such distribution, the Trustees may, subject to the approval of the Selectmen, sell all or any portion of the Trust property and distribute the net proceeds thereof or they may distribute any of the assets in kind. The powers of the Trustees shall continue until the affairs of the Trust are concluded.

#### Section 14. Recordings

The Trustees have the authority to execute, deliver, and record with the Registry of Deeds any documents required for any conveyance here authorized.

#### Section 15. Titles

The titles to the various Articles are for convenience only and are not to be considered part of such Articles nor shall they affect the meaning or the language of any such Article.

### **Article 7: Rescind prior funding authorization- Community Preservation Committee Fund**

To see if the Town will vote to rescind the funding authorization voted at the September 16, 2020 Annual Town Meeting, as a part of Warrant Article 11, to expend up to \$250,000 to renovate a property on Indian Lane into an affordable housing unit, or take any other action relative thereto.



**Article 8: Appropriation – Community Preservation Committee Fund**

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 2023, 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, as follows:

<u>Description</u>	<u>Amount</u>	<u>Fund Category</u>
Lake Massapog Weed Control	\$3,000	Open Space and Rec
Administrative costs to establish a Tyngsborough Land Trust	\$25,000	Open Space and Rec
Tyngsborough Housing Trust for renovation and construction of affordable housing on Indian Lane	\$250,000	Affordable Housing
Total CPC Appropriations	\$278,000	

or take any other action relative thereto.

**Article 9: Town General Bylaws- Solicitor Registration**

To see if the Town will vote to adopt the following new Bylaw, entitled “Door-to-Door Solicitation,” as Article LII of the Town’s General Bylaws:

**Door-to-Door Solicitation**

**Section 1. Registration required.**

- A. It shall be unlawful for any person to solicit orders or subscriptions for goods or services, or to sell goods or services door to door, in the Town without first having registered with the Police Department. The registrant shall provide proof of identification, his or her signature, the name of his or her employer, the type of products or services which he or she is soliciting and such other information as may be requested by the Police Department. Each person soliciting in the Town on behalf of a for-profit corporation, for-profit business or other for-profit organization, but not any bona fide religious, charitable, educational or political organization, or person or entity acting for, on behalf of or with the support of any such organization, or for such a cause, shall be required to register with the Police Department and shall be subject to a background check.
- B. Each person shall pay to the Police Department at the time of registration an annual registration fee set pursuant to MGL c. 40, § 22F, to the extent permitted by law. The annual registration fee shall compensate the Town for costs associated with processing a registrant’s application and administering the Bylaw.

## **Section 2. Permit and identification badge.**

- A. The Chief of Police or his or her designee shall have the power and authority to grant, deny, suspend or revoke licenses as provided for herein. The Chief of Police or his or her designee shall issue or deny a license within five business days, excluding Saturdays, Sundays and legal holidays, following the date of submission thereof.
- B. The Chief of Police shall issue a permit upon his or her determination that the person requesting it has good morals and integrity and will not present a threat or risk to public safety. No permit shall be issued to any person who:
  - i. has failed to fully comply with the requirements for issuance of a permit, including submission of a registration application and payment of the applicable fee;
  - ii. has falsified information in its submittal(s) to the Chief of Police;
  - iii. has been convicted in any state or federal court of the United States or territory thereof for any of the following crimes or offenses, by whatever name called, within seven (7) years prior to the date of application: burglary; stalking; breaking and entering; larceny; kidnapping; robbery; home invasion; buying, receiving or concealing stolen property; assault; fraud; conduct as specified in G.L. c. 265, §§ 13B and 22-24; sexual assault, rape or other sex-related offenses; unlawfully carrying weapons; or the attempt of any such crime or offense; or
  - iv. has violated any of the provisions of this Bylaw or any state law or regulation or municipal ordinance, bylaw or regulation regulating canvassing or soliciting.
- C. A qualifying person who pays the fee provided herein shall be furnished a permit indicating that he or she has registered and showing the dates covered by such registration.
- D. Each person shall at all times while soliciting in the Town carry upon his or her person the registration permit, and the same shall be exhibited by such person whenever required to do so by any police officer or by any person solicited.
- E. In addition to the permit, the Town shall issue an identification badge to every person registered hereunder. Permittees shall wear their badges in such a manner that the badges may be easily read while transacting business. If a badge becomes damaged or obscured, the permittee shall return it to the town and receive another badge. Badges issued hereunder shall conspicuously state that the Town of Tyngsborough does not endorse the goods or services being solicited.
- F. Permits and identification badges shall be used only by the person to whom they were issued and may not be transferred or extended to include any other person.

## **Section 3. Hours of operation.**

There shall be no door-to-door solicitation or selling before 9:00 a.m. or after 6:00 p.m. for any person subject to registration as defined in Section 1. Registration required., paragraph A.

## **Section 4. No solicitation list; posted premises**

Any residence or business that does not wish to be visited by solicitors may request inclusion by the Chief of Police on a "no solicitation" list. A copy of such "no solicitation" list shall be provided to each registrant hereunder; the list shall be updated by the Chief of Police or his or her designee regularly and no less frequently than once per month; and registrants shall be obligated to request a copy of the list monthly. In addition or

as an alternative to the foregoing, a residence or business may opt to clearly and legibly display an unobstructed “no soliciting,” “no solicitation” or comparable sign on its premises; and no registrant shall enter onto or solicit at any property so posted.

**Section 5. Suspension or revocation of permit.**

Any permit issued under this article may be suspended or revoked by the Chief of Police for any of the following reasons:

- A. Fraud or misrepresentation in the application for the permit.
- B. Fraud or misrepresentation in the course of soliciting.
- C. Conducting the business of soliciting contrary to the conditions specified in this article.
- D. Conducting the business of soliciting in such manner as to violate any of the laws or regulations of the Commonwealth of Massachusetts or the Town of Tyngsborough.
- E. Transfer or extension of a permit as is prohibited hereunder.
- F. Conducting the business of soliciting at any property that displays a “no soliciting”, “no solicitation”, or comparable sign, or at a property that has been added to a “no solicitation” list administered by the Town.

**Section 6. Enforcement.**

This Bylaw may be enforced by the Chief of Police or his or her designee, through any lawful means in law or in equity, including but not limited to noncriminal disposition in accordance with the provisions of G.L. c. 40, § 21D. Violations shall be punished by a fine of \$200 per offense. Each violation and each day that such violation occurs or continues shall constitute a separate offense.

or take any other action relative thereto.

**Article 10: Town General Bylaw Amendment- Regulation of Dogs**

To see if the Town will vote to amend Article XVII of the Town’s General Bylaws, entitled “Regulation of Dogs,” but only the Subsections thereof entitled “Definitions,” “Leash Law” and “Nuisance Abatement,” and only the portions thereof printed below, by removing therefrom the language with a strikethrough and adding thereto the language in bold, as follows:

DEFINITIONS

...

AT LARGE: ~~On or off~~Off the premises of the owner, and not under the control of the owner or authorized person either by leash, cord, chain or other means.

...

RESTRAINT: A dog shall be deemed to be under restraint if it is on the premises of the owner accompanied by a person who shall have the dog under control **as determined by the Animal Control Officer**; or is in a suitably enclosed area; or if outside the premises of the owner, is

accompanied by a person who shall have the dog under control by holding it firmly on a leash no greater than six (6) feet in length, **or otherwise under control as determined by the Animal Control Officer.**

**LEASH LAW**

No owner or keeper of any dog shall permit such dog to run at large ~~at any time between the hours of 7:00 A.M. and 9:00 P.M.~~ licensed or unlicensed...

**NUISANCE ABATEMENT**

...

The definition of nuisance dogs includes but it not limited to dogs whose owners repeatedly allow them to:

...

Roam **At Large** ~~free or unrestrained during the hours of 7 A.M. to 9 P.M.~~

...

or take any other action relative thereto.

**Article 11: Special Act to establish a Department of Public Works**

To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation establishing a Department of Public Works in the Town of Tyngsborough, outlining the powers, duties and responsibilities of such Department, all as set forth below; and, to authorize the General Court to make clerical and editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and the Board of Selectmen shall be authorized to approve amendments which shall be within the scope of the general public objectives of the petition, or take any action relative thereto.

**An Act Establishing a Department of Public Works in the Town of Tyngsborough**

**Section 1. Establishment and Scope** There shall be a department of public works responsible for the performance of all public works activities of the town placed under its control by by-law, or otherwise, including but not limited to forestry services, protection of natural resources, cemetery, parks, recreation, sewers and sewerage systems, streets and roads, and maintenance of all buildings and grounds, other than those under the jurisdiction of the school department, board of library trustees, and conservation commission, unless otherwise agreed by the department.

**1.1 Powers and Duties** The department of public works shall assume all of the duties and responsibilities in the performance of public works functions, including but not limited to those performed prior to the adoption of the Act by or under the authority of

the tree warden, park commission, cemetery commission, board of highway surveyors or road commissioners, and select board. The department of public works shall assume limited duties and responsibilities in the performance of public works functions related to the sewer commission as described in section 5 of this Act.

**Section 2. Superintendent of Public Works** The department of public works shall be under the direct control of a superintendent of public works who shall be appointed by the town manager and who shall serve at the pleasure of, and be directly responsible to, the town manager. The superintendent shall be a person especially fitted by education, training and previous experience to perform the duties of the office.

**2.1 Role and Authority** The superintendent of public works shall be responsible for the supervision and coordination of the department in accordance with state statutes, town by-laws, and directives of the town manager. The superintendent may, with the approval of the town manager and select board, establish within the department various operational divisions, such as, but not limited to, highway, facilities, parks and sewers.

**Section 3. Department Policy Formulation** Unless otherwise described in section 5 of this Act, the select board shall be responsible for the establishment of priorities and policies to govern the operation of the department, and through the town manager, shall have ultimate responsibility therefor.

**Section 4. Transition** As of the effective date of this act, the offices of board of highway surveyors or road commissioners, by whatever name, and the cemetery commission shall be abolished, the terms of any incumbents thereof terminated and all powers, duties and responsibilities of such offices shall be immediately transferred to the department of public works. No existing contract or liability shall be affected by the abolition or change in manner of selection of any board or office in this section or the creation of the department of public works, and the department of public works shall in all respects be the lawful successor of such boards, departments and offices so abolished. Any permanent employee of any of the boards or committees or departments abolished by the creation of the department of public works or of a department whose authority has changed as a result thereof, shall be transferred to and become an employee of the department of public works in a capacity as similar to the employee's former position as is practical without loss of seniority, retirement, holiday, sick leave, or vacation. Until such time as a superintendent of public works is appointed, the town manager shall act as the superintendent of public works.

**Section 5. Board of sewer commissioners** Notwithstanding any other provision of this act to the contrary, the incumbent members of the board of sewer commissioners, referred to as the "sewer commission" both herein and as of the effective date of this act, shall remain elected. The sewer commission shall continue to serve as the authority with respect to any sewer construction projects ongoing at the time this Act takes effect,

as well as with any future sewer expansion phases, setting sewer rates, and ensuring compliance with the sewer enterprise fund in accordance with G.L. c. 44, § 53F½, including review of all expenditures from the enterprise fund on a regular basis. The sewer commission shall also serve in an advisory capacity to the Superintendent of Public Works on matters related to the town's sewer system, and in an advisory capacity to the Board Selectmen on intermunicipal agreements affecting the town's sewer system, capacity, or flow, and the Superintendent of Public Works shall provide technical assistance to the sewer commission.

**5.1 Setting of Rates and Promulgation of Regulations** The board of sewer commissioners shall be authorized to set sewer rates and promulgate regulations in connection with the scope of the authority of the department of public works. Prior to taking any action hereunder, however, the sewer commission shall, in conjunction with the superintendent of public works, hold a public hearing for which notice is published in a newspaper of general circulation in the town once in each of two successive weeks, the first publication to be not less than fourteen days before the day of said hearing, and by posting such notice in a conspicuous place in or at town hall for a period of not less than fourteen days before the day of said hearing.

**5.2 Role of the superintendent of public works.** The superintendent of public works shall provide technical assistance to the board of sewer commissioners and shall have a voice, but no vote, in any of their proceedings. The department of public works, under the authority of a superintendent of public works, shall be responsible for the maintenance of the existing sewer system, day-to-day operations, employees, contracting and procurement, and other matters not under the authority of the board of sewer commissioners as outlined in sections 5 and 5.1 of this Act. Appointments at the level of Sewer Senior Foreman or above, including the Sewer Administrator, shall be made only after consultation with the sewer commission but shall be the responsibility of the Town Manager per the Act establishing the position of Town Manager in the town of Tyngsborough. Contracts related to any sewer construction projects ongoing at the time this Act takes effect, as well as any future sewer expansion phases, shall be approved and signed by the sewer commission.

**5.3 Completion of work** The board of sewer commissioners may, by unanimous vote of the full commission, and after holding a public hearing, determine that no future phases of sewer expansion are required and that the commission shall be abolished. In this instance, the remaining powers and duties of the board will, effective immediately upon abolition of the board of sewer commissioners, transfer to the department of public works in a manner consistent with section 4 of this Act, and the select board shall be responsible for holding public hearings to set sewer rates and promulgate regulations in accordance with section 5.1 of this Act.

**Article 12: Prior Year Unpaid Bills**

To see if the Town will vote to approve the payment of invoices incurred during a previous fiscal year:

<b>Vendor</b>	<b>Amount</b>	<b>Department</b>	<b>Account</b>
Buckley Elevator	\$175.00	Recreation	01192200-523800

; or take any action related thereto.

Board of Selectmen



Ronald J. Keohane, Chair



Eric Eldridge, Vice Chair



Andrew Michael Moran

\_\_\_\_\_  
Katerina Kalabokis, Clerk

\_\_\_\_\_  
Hillary I. Wennerstrom

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 fourteen (14) days before the date thereof, as within directed.

\_\_\_\_\_  
Constable

\_\_\_\_\_  
Date

\_\_\_\_\_  
Time