



# TOWN OF TYNGSBOROUGH

Office of the Board of Selectmen

Town Offices

25 Bryants Lane

Tyngsborough, MA 01879

Tel: (978) 649-2300 Ext. 100 | Fax: (978) 649-2320

Board of Selectmen Meeting Minutes

**APPROVED**

Monday, August 26, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

Members Present: Members Present: Selectman Rick Reault, Selectwoman Karyn Puleo, Selectman Robert Jackson. Selectman Corliss Lambert.

Member Absent: Selectman Allen Curseaden.

Staff Present: Town Administrator Michael Gilleberto, Assist Town Administrator Nina Nazarian, and Admin Assistant Therese Gay.

The listing of matters are those reasonable anticipated by the Chairman which may be discussed at the meeting. Not all items listed may in fact be discussed, and other items not listed may also be brought up for discussion to the extent permitted by law. "Chairman Puleo read the following: "The following meeting is being recorded and broadcast through our local cable access channels on Comcast and Verizon FIOS. A recording of this meeting will also be available for viewing on our town's website - tyngsboroughma dot gov. Also, after instruction from the State Fire Marshall and the Tyngsborough Fire Chief, in the event of an emergency, there is an exit to my left and directly across from me, along the back wall."

## **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

The Chairman opened the meeting at 6:00PM followed by the Pledge of Allegiance; the introduction of the Board and the reading of the Agenda by Rick Reault, Clerk.

## **2. Meeting Minutes**

A. Regular Session Meeting Minutes for Approval

1. Monday, August 12, 2013

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve the Minutes of Monday August 12, 2013. Selectman Jackson abstains, he was not present at the August 12 meeting.

B. Executive Session Meeting Minutes for Approval/Not Release

1. Monday, August 12, 2013

The Board voted 3-0-1 on a motion by Selectman Reault, second by Selectman Lambert to approve and not to release the Executive Session Minutes of Monday August 12, 2013. Selectman Jackson abstains, he was not present at the August 12 meeting.

## **3. Citizen/Business Time - No one came forward this evening.**

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

## **4. New Business**

A. 6:10 P.M. Pole Petition Request - Mascuppic Trail

The Board received a pole petition from Verizon for a pole installation on the shoulder of Mascuppic Trail between 37 and 39 Mascuppic Trail. Over the past several weeks the Electrical Inspector has

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been diligently working with National Grid and several abutters to address any questions or concerns that were identified as part of this proposed pole. Several abutters have voiced a request that the pole is not connected from the pole to the east of the proposed pole. As a result, through communication with National Grid, the electrical supply to the proposed pole (pole #45/17-2) is to be fed from the pole which is located northwest, on the shoulder of Forest Park Avenue.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to open the hearing.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to waive the reading of the abutter's list and the legal notice.

Mr. Joe Gleason, Representing Verizon, presented the petition to place one pole located on Mascuppic Trail and fed from a pole located northwest on the shoulder of Forest Park Avenue.

Abutters were present to give input to the location. Abutters Mr. Grondine and Ms. Fauvel both voiced their approval on the new location of the pole. No other abutter came forward.

The Board voted 4-0-0 on a motion by Selectman Reault, Second by Selectman Jackson to close the hearing.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to approve the pole petition as amended to show the electrical supply being fed from the northwest on the shoulder of Forest Park Avenue.

## B. YMCA Day Care at Recreation Center – Approve License

As the Board is aware, the Recreation Committee, Recreation Director and the Assist Town Administrator met with the UMCA of Greater Lowell on Tuesday, August 13<sup>th</sup> regarding the YMCA's use of the Recreation Center this school year. Based on the recommendations by the Town Administrator and the Recreation Director, the Rental & Building Use Policy was established as the terms and conditions of the user agreement. During the meeting all terms and conditions listed were discussed and agreed upon all parties. The term of the agreement is between August 27, 2013 and December 31, 2013. The monthly leased payment has increased to \$1000 per month (prorated for August) which will be reduced to \$750, if proper procedures (as listed in the agreement) are followed.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve and sign the contract with the listed conditions as presented.

## C. Vacant Buildings – Discuss

The Building Commissioner presented a list of vacant properties located in Tyngsborough. The MassDoT owns two properties 11 Indian Lane and 20 Locust Ave; and the Town owns four properties, 76 Frost Road, Riverfront Park; 86 Frost Road, Garage & park; 250 Middlesex Road, Winslow School Building; and 292 Middlesex Road, Garage at end of Bryants. The Board discussed briefly the vacant buildings. Selectman Jackson was inquiring on who owned the property and wants to set up a plan to address the issues that arise when a building is vacant. Selectwoman Puleo asked if the demolition of public buildings project would qualify as a Capital Asset Plan funding. The Board will meet with the Building Commission to discuss the physical state of the buildings.

## D. Library Circulation Assistant – Accept Appointment

As the Board knows, a new part-time (10 hours per week, non-benefited) position of Circulation Assistant was established for Fiscal Year 2014 in the Library. There was a significant amount of interest in this position, with a total of 77 resumes and/or applications submitted. The position





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was advertised in the Lowell Sun, five candidates were contacted for an initial interview with the Library Director, a select Library staff and Assist. Town Admin. Two candidates were brought back for a second interview. The Board is asked to ratify Ms. Lori Furtado to the position of Circulation Assistant effective September 5, 2013, pending a CORI check. A favorable reference check has been completed. Her starting hourly wage will be \$14.88 per hour for a 10 hour work week.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to ratify Ms. Lori Furtado to the position Circulation Assistant, condition to the appointment vote of the Board of Library Trustees, effective September 5, 2013 pending a favorable CORI check to be completed by the Library Director.

### E. Police Chief – MOU and Licensing Presentation

Chief Howe has received a request for action regarding an MOU established by the Middlesex County Chiefs of Police Association. He referred the following excerpt from the letter, "Recent events in both Massachusetts and other states that have highlighted the need for interagency partnerships and underscore the fact that the public expects and demands that municipal law enforcement agencies be structured so as to support one another in times of natural disaster, acts of terrorism, school violence, or any other event that could threaten the safety of our communities". The MOU is authorized under Massachusetts General Laws, c.40 s8G and empowers on-duty police officers in one jurisdiction to legally enforce the laws of the commonwealth and respond to public safety emergencies in any other participating jurisdictions under a defined set of guidelines. The Town Clerk has informed the Chief that the Town of Tyngsborough has accepted the provisions covered in MGL c.40 s.8G on February 20<sup>th</sup> 1973. The Chief strongly recommend that the Board approve Tyngsborough's addition to this MOU as he firmly believes it will enhance the public safety of Tyngsborough by allowing on-duty officers from any jurisdiction participating in this MOU to have full police powers in Tyngsborough. Upon approval of this MOU, the Chief will draft new or edit existing policy which maintains strict guidelines on when Tyngsborough Police Officers may go into another jurisdiction. Further each officer will receive specific training on any new or edited policy.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve Tyngsborough's addition to this MOU as presented by Police Chief Howe and to authorize the Chairman and the Chief to sign the MOU.

The Chief is also looking to form a liquor licensing unit within the Tyngsborough Police Department, the officers assigned to this unit as part of their regular shifts and duties will be specifically trained and be responsible for all issues concerning liquor licensing enforcement. Four members of this department, 2 Sergeants and 2 Patrolman who work varying shifts have volunteered to be part of this unit. Specifically the unit members will; 1) report directly to the Chief on all matters concerning liquor licensed establishments; 2) investigate all matters relating to enforcement of liquor laws covered under Mass Gen. Laws Ch.138; 3) look for grant opportunities periodically offered by the state regarding enforcement of liquor laws; 4) Give recommendations and take action to mediate future issues through enforcement, guidance, training, inspection or sting operations; 5) write thorough reports on each investigation that will be forward to the Board of Selectmen; 6) testify at hearings in front of the Board of Selectman and ABCC. Each member will receive specialized training which consists of a 3 day course with a retired ABCC investigator. The Chief has attended this course and it was extremely detailed. The Chief recommends the Board

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appoint the following Officers to the unit: Sgt. Brian Nasworthy, Sgt. Charles Melanson, Officer Michael Cassella, and Officer Steve Desilets.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to appoint Sergeants Bryan Nasworthy, and Charles Melanson and Officers Michael Cassella and Steve Desilets to the Liquor Licensing Unit as presented by Police Chief Howe. The Board asks that the Administrator notify the Establishments to inform them of the new Liquor Licensing Unit.

## 5. Old Business

### A. Paramedic/Ambulance Contracts – Review/Approve

There has been much progress made in discussions between Trinity Ambulance and Lowell General Hospital. While a formal operational protocol appears to be nearly finalized, a contract extension will not be available until later this month. Therefore, the Administrator recommends the Board vote to extend the current contract with Trinity Ambulance effective July 1, 2010 to expire September 30, 2013; and to extend the current contract with Lowell General EMS effective July 1, 2009, to expire on September 30, 2013.

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to extend the current contract with Trinity Ambulance effective July 1, 2010 to expire September 30, 2013, and to extend the current contract with Lowell General EMS effective July 1, 2009, to expire on September 30, 2013.

### B. Evaluation of Town Government – Discuss

The Board discussed the regulation for the Government Study Committee. The Board discussed the make-up of the Board everyone agreed with the 5 or 7 members, a brief discussion about whether the committee has to post meetings/hearings in the local publications, as stated in Item 7 of the regulations, everyone is in agreement that a posting in the Town Hall is sufficient and if a hearing is called for then the committee would follow the hearing guidelines. The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to approve the Mission Statement and the Government Study Committee regulations as discussed. The Board asks that the Administrator to advertise for members.

### C. MassDoT – Project Updates

The Board had some discussion on the status of 11 Indian Lane, the Administrator is in active dialogue with Mass DoT right now but there is no immediate time line. Further updates the markings at exit 34 and Westford Road have been done. A traffic engineer will be looking at the possibility of the right turn on red. The Board had some discussion on having the TIP project for the Town Center. The lights on the Bridge should be on by September 30<sup>th</sup>. The Selectmen asked about the removal of the barrels and what if any planting of shrubs will take place.

### D. Road Reconstruction – Approve Contract (Independence/Ridge/Trinity)

The sealed bids for the Roadway Reconstruction of Independence Drive, Ridge Road, and Trinity Drive were opened and read aloud. The eight bid packages were taken out by MassDoT pre-qualified companies. Three bid packages were received. After reviewing each bid, P.J. Keating Company was the apparent low bidder, followed by Aggregate Industries – Northeast Region, Inc. and Sunshine Paving Corporation respectively. There was informality in the bid submission by J.P. Keating Company. Their bid did not acknowledge that an addendum as distributed, as stated in the Contract Documents. We are working with Town Counsel to determine if the award can be made to P.J. Keating Company. The Total Contract Price bid by P.J. Keating Company was

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\$342,830.00. The next lowest bidder supplied a Total Contract Price of \$383,374.00. If, after a thorough review of the lack of addendum acknowledgment determines that the award cannot be made to P.J. Keating Company, we are prepared to award the contract to the second lowest bidder. Please note that both bids for the lowest and second lowest bidders are within our project cost of \$400,000. The plan is to have a determination and make an award by Wednesday, August 28<sup>th</sup>. The Board is asked to approve the award of this contract to the lowest bidder and qualified (or eligible) bidder.

The Board voted 3-0-1 on a motion by Selectman Jackson, second by Selectman Lambert to approve the award of this contract to the lowest bidder and qualified (or eligible) bidder. Chairman Puleo abstains from voting, she would like to see a long term evaluation done.

### E. Flints Corner Intersection – Authorize Expenditure of Chapter 90 Funds

Per the Board's request, the Administrator has solicited proposals for traffic engineering services related to Flint's Corner. The responses are attached and the Administrator recommends the Board vote as follows: The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Jackson to authorize the use of Chapter 90 funding to conduct a review of Flint's Corner intersection, in the form of a contract with Vanasse and Associates, Inc. for \$6,000. The Town Administrator is to work on the project with Vanasse and Associates.

### 6. Citizen/Business Time – No one came forward this evening.

Citizens or business owners may contact the Office of the Selectmen to request to address the Selectmen during citizen/business time. Citizens or business owners who have not contacted the Office of the Selectmen in advance may address the Board of Selectmen on matters of interest to the public for not more than five (5) minutes.

### 7. Correspondence

A list of correspondence will be included with approved meeting minutes per the requirements of the Massachusetts Open Meeting Law. Copies of correspondence may be requested from the Office of the Board of Selectmen.

#### A. Informational

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to accept the correspondence as read.

#### B. Action

##### 1. Police Department – Emergency Management Deputy Director Appointment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to appoint Michael Cassella as the Emergency Management Deputy Director.

##### 2. Request for Comment – Planning Board

The Board has no comment on the Planning Board request.

### 8. Review of Weekly Warrants

The Weekly Warrants read this week are as follows: Warrant #8B for \$104,633.58 on 8/19/2013; Warrant # 9P for \$339,859.30 on 8/26/2013, Warrant #9S for \$174,078.44 on 8/26/2013; Warrant #9B for \$686,795.93 on 8/26/2013.





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## 9. Town Administrator's Report

- Response to Selectmen's Requests

Attached is a memorandum regarding the status of the road listing and conditions; due to its size, a hard copy of the spreadsheet will be emailed and provided at the meeting.

- Budget

I intend to circulate departmental budget requests for the next three fiscal years on or about September 1<sup>st</sup>.

- Departmental Information

Attached is a copy of a recent Board of Health MOU that the Health Agent and I have signed.

Attached is the Auditor's report of two departmental reviews that were conducted. This is the first of a multi-year review of all departments.

- Contracting/Procurement

A report regarding the pending road re-construction project on Independence/Ridge/Trinity was submitted under separate cover.

- Other

Attached is a copy of our response to a further request for information associated with our pending Hazard Mitigation Grant application for the TES driveway. The bid for disposal of surplus at the Winslow School will be advertised on Friday, August 30<sup>th</sup>. And the RFQ for the Town Building Master Plan's responses will be in two weeks from Tuesday, and will have a recommendation later in September. Selectman Lambert thanked all involved in moving the material from the Winslow school building.

## 10. Selectmen's Reports

Tomorrow is the start of school, the Chairman cautions all to be careful. The Chairman is asking to meet with the Police Chief to discuss the intersection of Coburn and Lakeview Avenue the east to west portion.

## 11. Executive Session

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to enter into Executive Session to discuss the following :

- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares –Clerical Union; Mid-Managers Union
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

and to exit executive session only to adjourn. Roll Call Vote: Selectman Rick Reault, yes; Selectwoman Karyn Puleo, yes; Selectman Robert Jackson, yes; Selectman Corliss Lambert, yes. The Board entered into Executive Session at 8:44 PM.





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### 12. Adjournment

The Board voted 4-0-0 on a motion by Selectman Reault, second by Selectman Lambert to adjourn the meeting at 9:33 PM.

Respectfully submitted

Therese Gay  
Admin Assistant

Approved on: Monday September 9, 2013









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**REVISED 8-23-2013**

## **Board of Selectmen Meeting Notice**

Monday, August 26, 2013 at 6:00 P.M.

Community Room, Town Offices, 25 Bryants Lane

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### **1. 6:00 PM Open Meeting/Pledge of Allegiance/Board Introduction/Read Agenda**

### **2. Meeting Minutes**

- A. Regular Session Meeting Minutes for Approval
  - 1. Monday, August 12, 2013
- B. Executive Session Meeting Minutes for Approval/Not Release
  - 1. Monday, August 12, 2013

### **3. Citizen/Business Time**

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### **4. New Business**

- A. 6:10 P.M. Pole Petition Request – Mascuppic Trail
- B. YMCA Day Care at Recreation Center – Approve License
- C. Vacant Buildings – Discuss
- D. Library Circulation Assistant – Accept Appointment
- E. Police Chief – MOU and Licensing Presentation

### **5. Old Business**

- A. Paramedic/Ambulance Contracts – Review/Approve
- B. Evaluation of Town Government – Discuss
- C. MassDoT – Project Updates
- D. Road Reconstruction – Approve Contract (Independence/Ridge/Trinity)
- E. Flints Corner Intersection – Authorize Expenditure of Chapter 90 Funds

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- A. Informational
- B. Action

## 8. Review of Weekly Warrants

## 9. Town Administrator's Report

- Response to Selectmen's Requests
- Budget
- Departmental Information
- Contracting/Procurement
- Other

## 10. Selectmen's Reports

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- A. Exemption Three – To discuss strategy with respect to collective bargaining and litigation because an open meeting may have a detrimental effect on the bargaining and litigation position of the Board, and the Chair so declares – Clerical Union; Mid-Managers Union; Police Union
  
- B. Exemption Six – To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body

## 12. Adjournment

### Future Meetings

**Monday, September 9<sup>th</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

**Monday, September 23<sup>rd</sup>, 2013 at 6:00 PM at Tyngsborough Town Offices, 25 Bryants Lane**

