

SELECTMEN MEETING MINUTES
TOWN OFFICES COMMUNITY ROOM
25 BRYANTS LANE
MONDAY, OCTOBER 17, 2005
6:00 P.M.

Member present: Selectman Jason Booth, Selectman Rich Lemoine, Selectman Kevin O'Connor, Selectwoman Karyn Puleo and Selectwoman Jacqueline Schnackertz.

The meeting was called to order. The Board and staff were introduced.

I. CITIZENS' TIME

The Chair asked if there were any residents not on the agenda who wished to speak this evening. No one came forward.

II. CORRESPONDENCE

Selectman O'Connor read the agenda as posted and the correspondence as submitted.

Motion by Selectman O'Connor to accept the correspondence as read, second by Selectwoman Puleo,
Vote – Unanimous

III. APPOINTMENTS

A. 6:05 P.M. Citation

Representative Colleen Garry was in attendance this evening to present a citation to Mr. and Mrs. A. Lucien Lacourse in honor of their 60th wedding anniversary. Representative Garry read the citation and congratulated Mr. and Mrs. Lacourse. The Board thanked Representative Garry for coming out and recognizing our citizens and thanked Mr. Lacourse for his support and many years of service to the town. Mr. Lacourse served 25 years on the Planning Board and Zoning Board of Appeals and has been a member of the Housing Authority since serving on the study committee. The Board thanked Mrs. Lacourse for all of years of supporting her husband in his service to the Town.

Before departing Representative Garry did announce that the temporary bridge will be opened next week and all is progressing well. The Board thanked Representative Garry for all of her assistance in making it happen.

B. 6:15 P.M. Sign Documents Sewer Loan/Treasurer

The Town Treasurer was in attendance to ask the selectmen to motion and vote to sign bonds for financing the costs of conducting Phase II report as mandated by DEP. This loan was approved at the Annual Town meeting in 2003.

Motion by Selectman O'Connor we, the undersigned members of the Board of Selectmen (the "Board") of the Town of Tyngsborough, Massachusetts (the "Town"), hereby certify that the following is a true copy of excerpts from the minutes of a regular/special meeting of the Board duly called on October 17, 2005 at 6:05 P.M. at the Town Offices Community Room (the "Meeting"), that 5 (five) members of the Board constituting a quorum were in attendance and voting throughout and that all of the members of the Board were duly notified of the time, place, and purposes of the Meeting. The following vote was duly adopted by vote of 5 (five) yeas and 0 (zero) nays (the "Vote").

We further certify that the following is a true copy of a Vote adopted at the Meeting:
"Voted,

(1) That the Town shall issue bonds for financing the costs of conducting studies, surveys, and tests to complete the CWMP/EIR Phase II report as mandated by the Department of Environmental Protection and Executive Office of Environmental Affairs, that the studies and reports are eligible for State Revolving Loan funding, and related engineering, accounting, and other expenses, including, without limitation, all costs thereof (the "Project"), in the aggregate principal amount not in excess of \$90,000 (the "Bonds"), authorized under and pursuant to Chapter 44, Section 7(1) and Chapter 29C of the Massachusetts General Laws, as amended and supplemented, and by votes of the Town, duly adopted under Article 9 of the Warrant of 2003 Annual Town Meeting.

(2) The Bonds shall be dated as of their date of issuance and issued initially as registered Bonds, shall mature in annual installments and bear interest on such day(s) in each year as may be approved by the Treasurer and the Board of Selectmen in accordance with Schedule C appended to the Loan Agreement between the Town and the Massachusetts Water Pollution Abatement Trust (the "Trust") hereinafter described (the "Loan Agreement"), such approval to be evidenced by their execution of the Bonds. The Bonds are substantially in the form set forth in Exhibit B to the Loan Agreement and otherwise shall be used in such manner and forms as the signatories shall approve by their execution thereof.

(3) That the forms, execution and delivery of the Project Regulatory Agreement No. CW-03-27 between the Town and the Department of Environmental Protection of the Commonwealth of Massachusetts dated February 1, 2005, and the Loan Agreement No. CW-03-27 dated as of March 2, 2005 as amended on September 8, 2005, as amended, both as executed in the name and on behalf of the Town by the Treasurer or any other appropriate official of the Town in order to evidence the sale of the Bonds, are hereby approved, ratified and confirmed in all respects, with any changes therein not inconsistent with this vote as may be approved by the Treasurer or any other appropriate official of the Town.

(4) That all things heretofore done and all action heretofore taken by the Town and its officers and agents in its authorization of the Project and its financing are hereby ratified, approved and confirmed.

(5) That the Town Clerk and the signers of the Bonds are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including delivering the Bonds against payment therefore.”, second Selectwoman Puleo,
Vote - Unanimous

C. 6:10 P.M. Pole Petition/Old Tyng Road & Scribner Road

The Selectmen received two petitions one for a pole location and one for underground conduit from Verizon.

The Chair asked the Clerk to read the legal notice for the Old Tyng Road Petition. Motion by Selectman O'Connor to waive the reading of the abutter list, second by Selectwoman Puleo,
Vote – Unanimous

Motion by Selectman O'Connor to open the hearing, second by Selectwoman Puleo,
Vote – Unanimous

Mr. Bob Grassia of Verizon was in attendance to present the petition and to answer any questions the Board may have.

The petition is for approximately 10 feet of underground conduit on Old Tyng Road to service the new subdivision under construction. Entered into the records was the schematic plan and correspondence from the Highway Superintendent stating

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there are no problems with this petition. The Chair hearing no further discussions or questions on this petition entertained a motion from the Board.

Motion by Selectman O'Connor to close the hearing, second by Selectwoman Puleo,
Vote – Unanimous

Motion by Selectman O'Connor to approve the petition for 10 feet of underground conduit as per plan 719 as submitted, second by Selectwoman Puleo,
Vote – Unanimous

The Chair asked the Clerk to read the legal notice for the Scribner Road Petition.
Motion by Selectman O'Connor to waive the reading of the abutter list, second by Selectwoman Puleo,
Vote – Unanimous

Motion by Selectman O'Connor to open the hearing, second by Selectwoman Puleo,
Vote – Unanimous

Mr. Bob Grassia of Verizon was in attendance to present the petition and to answer any questions the Board may have.

The petition is to place one pole on Scribner Road to upgrade for use for high speed internet wiring. Entered into the records was the schematic plan and correspondence from the Highway Superintendent stating that there were no problems with this petition. The Chair hearing no further discussions or questions on this petition entertained a motion from the Board.

Motion by Selectman O'Connor to close the hearing, second by Selectwoman Puleo,
Vote – Unanimous

Motion by Selectman O'Connor to approve the petition to place one pole on Scribner Road as per plan 720 as submitted, second by Selectwoman Puleo,
Vote – Unanimous

IV. ACTION/DISCUSSION

- A. Approve Minutes of June 27, 2005; August 29, 2005;
and October 11, 2005.

The Board reviewed the minutes of June, August and October. The Chair hearing no discussion or questions entertained a motion from the Board.

Motion by Selectman O'Connor to approve the Minutes of June 27, August 29 and October 11, 2005 as submitted, second by Selectwoman Puleo,
Vote – Unanimous

B. Discussion Vacation/Sick Leave Report

The Board received and reviewed the Mid-Management's Sick/Vacation Leave report from the Treasurer's office. Selectman O'Connor asked that personnel folders be established for each employee and a copy of the individual's report be added to that file as many employees have no folder to date. The Board wishes to treat all of the employees fairly and requests that copies of the Highway and Clerical individual reports also be included and folders created for those employees also. Only the employees can request a copy of their own documents. These print outs are confidential.

Motion by Selectman O'Connor for the Board to do diligence and to create a personnel folder for each of the mid-managers and to place sick/vacation leave reports in each folder and to also do the same for the clerical, and highway employees, second by Selectman Lemoine,
Vote – Unanimous

V. SELECTMEN'S NOTES

The Selectmen have a few notices to announce and to thank all of the residents who attended the Special Town Meeting, the meeting was well attended and everyone acted courteously which made the meeting run smoothly it made for a great meeting. Thank you to the custodial staff for the preparations.

The Board received notice that the State matching fund for the CPA was a 100% giving the town a match of \$328,000.00, thank you to all the residents.

The Board announced that on Thursday, November 17, 2005 at 6:30 P.M. Mass Highway will host a public hearing to present the 25% completion phase of the Pawtucket Blvd relocation project.

Other announcements were for a ceremony on November 11 Veterans Day at the American Legion all are welcomed.

The Board received a letter from a resident recognizing Mark Dupell, Building Commissioner for his assistance to a resident. The letter will be placed in Mark's personnel folder.

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The Chair reminded everyone that next Monday, October 24 will be the Tax Classification hearing this hearing will set next year's tax class.

VI. EXECUTIVE SESSION

Motion by Selectman O'Connor to enter into Executive Session to discuss contract agreement with non-union personnel and to discuss litigation strategy and to return to open session only to adjourn,

Roll Call Vote – Selectman Jay Booth, yes; Selectman Rich Lemoine, yes; Selectman Kevin O'Connor, yes; and Selectwoman Jacqueline Schnackertz, yes.

VII. ADJOURNMENT

The Board exited the Work Session and returned to open session to adjourn.

Motion by Selectwoman Puleo to adjourn the meeting, second by Selectman Booth,
Vote – Unanimous

The meeting adjourned at 8:10 P.M.

Respectfully submitted,

Therese Gay
Admin Assist.