

BOARD OF SELECTMEN – MEETING OF APRIL 23, 2013  
HARMONY HALL

PRESENT – Cathy Richardson, Chairperson, Joseph DiRocco, Jr., Vice Chairman, George A. Malliaros, Clerk, Robert O. Cox, John J. Zimini, Dennis E. Piendak, Town Manager, Glen Edwards, Assistant Manager/Planner and Shannon Rowe Beaulieu, Recording Secretary.

TIME – The Chairman called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited followed by a moment of silence being observed for those who paid the ultimate sacrifice on behalf of this country and for those currently serving in the military particularly in Afghanistan and Iraq.

WARRANT APPROVAL – Motion made by Mr. DiRocco to approve the Warrant. Motion seconded by Mr. Cox. Motion passed unanimously.

COMMUNITY INPUT:

\* Ms. Joyce Andrews, 42 Long Drive, appeared before the Board and discussed moving to Dracut in 2005 to a poorly inspected home and she had to find a way to fix it. Ms. Andrews discussed this is the same with the Dracut Schools, they need to teach and have textbooks. Ms. Andrews discussed impacting the children in the Middle School and that the schools have been in a crisis for awhile and if they have more cuts what will the schools have left. Ms. Andrews stated that the behavior at the end of the last Selectmen's meeting was very unprofessional.

\* Ms. Allison Tassone, 70 Sue Ann Drive, appeared before the Board and discussed being very concerned with the School and Town. Ms. Tassone discussed the handout that was provided at the last School Committee meeting of what would be cut if the override does not happen. Ms. Tassone discussed with these cuts, what would happen for the children applying for College? Ms. Tassone stated that everyone needed to work together as the children are our future. Ms. Tassone stated that the behavior at the end of the last Selectmen's meeting was very unprofessional.

\* Mr. Jim Valade, 615 Mammoth Rd, appeared before the Board and thanked them for their time. Mr. Valade discussed the school budget being extremely tight and the children are our future. Mr. Valade asked the Board how could they not support the override?

\* Ms. Linda Goldthwait, 20 Blossom Lane, appeared before the Board and apologized to Selectmen Malliaros for her comments regarding him at the last meeting. Ms. Goldthwait discussed the vote being in a bubble and wished all of the cards were on the table.

\* Crystal Arnott, Lowell Humane Society, appeared before the Board and discussed the free spay and neuter cat program services for Dracut residents.

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Ms. Arnott stated that residents just need to get in touch with the Lowell Humane Society for further information. Ms. Arnott stated that they would be having a free spay and neuter cat day on May 21, 2013 at Veteran's Memorial Park.

TOWN MANAGER'S REPORT – Hazardous Waste Day – Mr. Piendak stated Hazardous Waste Day will be held on April 27, 2013 from 8:00 a.m. to 12:00 noon at the Department of Public Works. Town Auction – Mr. Piendak stated that the Town Surplus Auction will be held on May 4, 2013 at 1600 Lakeview Avenue. Dracut Center Overlay District – Mr. Piendak stated that NMCOG will be holding a meeting on May 2, 2013 at Harmony Hall to update property owners on the Dracut Center Overlay District. Automated Trash Program – Mr. Piendak stated that the program begins July 1<sup>st</sup> and public information meetings have been scheduled to explain the program on May 8<sup>th</sup> at the Council on Aging, May 15<sup>th</sup> at the Campbell School, May 29<sup>th</sup> at Harmony Hall and June 12<sup>th</sup> at the Parker Library. Next Sewer Contract – Mr. Piendak stated that they should be receiving the final word from the DEP next week. Town Hall – Mr. Piendak stated that the bidding begins April 24<sup>th</sup> through May 15<sup>th</sup>. Mr. Piendak stated that groundbreaking would possibly be in June or July with a 14 month construction period.

PUBLIC HEARINGS:

Application for Transfer of Liquor License from Dalphond Enterprises, LTD d/b/a Lin Garden to: Estogo, Inc. d/b/a Lin Garden, Steven Lin, Manager – Mr. Chris Coleman, the applicant's representative, appeared before the Board requesting the transfer of the liquor license to Estogo, Inc. d/b/a Lin Garden with Steven Lin as Manager. Mr. Coleman stated that the hours of operation would remain unchanged and that Mr. Lin was a US Citizen and is also TIPS trained. Mr. Coleman stated that Mr. Lin would be providing alcohol training for all of his staff on site. Mr. Coleman stated that they would only be doing cosmetic work on the property.

No one spoke in favor or against the transfer of the liquor license.

Motion made by Mr. Malliaros to close the public hearing. Motion seconded by Mr. Zimini. Motion passed unanimously. Motion made by Mr. Zimini to approve the transfer of the liquor license. Motion seconded by Mr. Malliaros. Motion passed 4 to 0. Mr. Cox abstained from voting.

Paul Michaud, 744 Merrimack Ave, Special Permit Application for Light Vehicle Sales – Ms. Richardson stated that Mr. Zimini, Mr. Edwards and she completed a site inspection last night on the property. Mr. DiRocco stated that he has also been at the property. Mr. Michaud, the applicant, stated that the Special Permit is for 5 car vehicle sales within a small paved area in his existing driveway. Mr. Zimini asked if there would be any car repairs completed on the site? Mr. Michaud stated no, there would be no repairs completed on the property. Mr. Michaud reviewed the Special Permit Conditions and agreed to them all. Mr. DiRocco stated that his only issue is that this is a tough road

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getting onto Merrimack Ave from the property. Mr. Michaud stated that customers would enter onto Leavitt Street.

No one spoke in favor or against the Special Permit Application.

Motion made by Mr. Zimini to close the public hearing. Motion seconded by Mr. Cox. Motion passed unanimously. Motion made by Mr. DiRocco to issue a Special Permit including the 12 Special Conditions. Motion seconded by Mr. Cox. Motion passed unanimously.

APPOINTMENTS:

Gary Campbell, Gilbert Campbell Real Estate, re: Grassfields Commons Regulatory Agreement – Mr. Campbell appeared before the Board to discuss the Grassfields Commons LIP Project.

Mr. Zimini left the meeting at 7:27 p.m.

Mr. Campbell stated that they would like to change the units from for sale units to rental units. Mr. Campbell stated that the Zoning Board of Appeals approved the language change to rental units and that they are ready to start construction as soon as possible. Mr. Campbell stated that they would use local contractors like they did with the Allard's Grove project. Mr. Campbell discussed the water agreement and stated that they agreed to bring the water down Mammoth Road and there is a \$3,500 permit fee per unit. Mr. Campbell discussed the sewer and Town agreements. Mr. Campbell stated that the Department of Housing and Community Development wants the Regulatory Agreement signed by all parties stating the units will be rentals. Mr. Piendak stated that this project would be constructed like Dallas Park and the applicant would be donating money towards the construction of Esplanade Park where the existing Sewer Department is now.

Motion made by Mr. Malliaros to approve the Grassfields Commons Regulatory Agreement. Motion seconded by Mr. Cox. Motion passed unanimously.

AGENDA ITEMS:

Kathleen Graham, Town Clerk – Request for time change for June 3<sup>rd</sup> Town Meeting – Ms. Graham appeared before the Board to request a time change for the June 3<sup>rd</sup> Town Meeting. Ms. Graham stated that as of right now there are 42 warrant articles and after discussions with the Moderator, Town Manager and the Finance Director she is requesting that the Selectmen change the meeting time from 7:30 p.m. to 7:00 p.m.

Mr. Zimini returned to the meeting at 7:34 p.m.

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Ms. Graham also discussed the amount of people they are expecting at Town Meeting and stated that the Junior High Cafeteria/Gym can hold up to approximately 900 people. Ms. Graham stated that moving Town Meeting to the Junior High would be the best thing to do even though parking may be tight she is working with the Council on Aging to help shuttle people back and forth from the parking lot to the Junior High. Mr. Piendak stated that the Junior High would have to be used for the Fall Town Meeting and next Spring's Town Meeting due to the construction at the High School. Mr. Piendak stated that the Building Inspector has approved the occupancy for the Junior High.

Motion made by Mr. DiRocco to change the time for Town Meeting from 7:30 p.m. to 7:00 p.m. and to change the location to the Junior High. Motion seconded by Mr. Cox. Motion passed unanimously.

Application for Second Hand Dealer/Pawnbroker Licenses:

Diana-Gold, 101 Broadway Road

Robert Jewelers, 1084 Lakeview Avenue

Seng Jewelry, 1105 Lakeview Avenue

Seng Jewelry, II, 1287 Bridge Street

Mr. Piendak discussed second hand dealers and pawnbrokers having more restrictive policies subject to by-law conditions when applying for licenses. Mr. Piendak discussed this helping the Police Department with any property that may be stolen.

Motion made by Mr. DiRocco to issue Second Hand Dealer/Pawnbroker Licenses to Diana-Gold, Robert Jewelers, Seng Jew Jewelry, Seng Jewelry, II. Motion seconded by Mr. Cox. Motion passed unanimously.

Statement of Facts/Special Permit #13-2/Hamze Lakeview Services, Inc., 1543 Bridge Street – Ms. Richardson discussed this new business and stated the Board needed to approve the Statement of Facts/Special Permit.

Motion made by Mr. Malliaros to approve the Statement of Facts/Special Permit. Motion seconded by Mr. DiRocco. Motion passed unanimously.

OTHER ITEMS FOR DISCUSSION:

Death Penalty – Mr. Cox stated that he requested that this discussion be placed on the agenda after what happened in Boston last Monday. Mr. Cox stated that he feels that its time to reinstate the Death Penalty. Mr. Cox stated that he would like the Board of Selectmen to write a letter to State Representative Colleen Garry and Senator Barry Finegold stating that they support the Death Penalty; if the rest of the Board supports its.

Mr. Malliaros stated that as a lawyer, it's a hard decision for him because the person who receives the Death Penalty has to be actually guilty of the crime committed.

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Mr. Malliaros stated that he understands that the people responsible for the attacks last Monday are guilty.

Mr. Cox stated that his son was at the Boston Marathon last Monday and heard the first blast.

Mr. Zimini also discussed needing to know overwhelmingly that a person is guilty before receiving the Death Penalty. Mr. Zimini stated that he would need to find out more about the Death Penalty.

Mr. Malliaros read an email he received from Krista Bassett who is a friend of Roseann Sdoia who was injured at the Boston Marathon and stated the people can donate to the go fund me website or Enterprise Bank.

Mr. DiRocco stated that he believes that the Death Penalty needs to be looked at again and that a message needs to be sent that it does need to be re-looked at.

Ms. Richardson discussed the Death Penalty and discussed if society values life. Ms. Richardson stated that Mr. Cox would do some more research and draft a letter to Representative Garry and Senator Finegold for the Board to review.

SUBCOMMITTEE REPORTS:

Economic Development Sub-Committee - Ms. Richardson stated that there would be a second networking event with the Greater Lowell Chamber of Commerce being held at Harmony Hall on May 16, 2013.

OLD BUSINESS:

Town Charter – Mr. Edwards stated that the profile for the new Town Manager has been published and is on the Town's website. Mr. Edwards discussed needing discussions on creating the Screening Committee.

The Board agreed to place creating the Screening Committee on the agenda for the first meeting in May.

Ms. Richardson stated that second Town Charter workshop will be held on May 7, 2013 at 7:00 p.m. in the Dracut Historical Society.

Parker Avenue School – Mr. Zimini stated that he would like this to be kept on the agenda. Mr. Zimini stated that no one from the school side is talking about selling both properties which would help them with money.

Ms. Richardson stated that the Board of Selectmen are responsible for the entire Town.

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Mr. DiRocco stated that the Town Manager has been under unnecessary criticism which is not the way to get things done.

Ms. Richardson stated that the New Town Hall is being constructed within the budget not another override.

Mr. Piendak discussed the Stabilization Fund and that the last five years have been the worst economic years. Mr. Piendak stated that the Town has been playing catch up the last five years.

Mr. Malliaros discussed the last two failed Superintendent's of Schools that were hired by the School Committee.

Mr. Piendak discussed the budgets, the schools, volunteering in the classrooms, override going up every year and discussed the differences between a general override and debut exclusion.

Mr. Piendak stated that next year tax bills will include the High School renovation project, Library and Police Station. Mr. Piendak stated that Ann Vandal created examples of how much taxes will go up. Mr. Piendak stated that the override will be included on commercial tax bills as well.

The Chairman read the Community Calendar.

ADJOURNMENT

Motion made by Mr. Cox to adjourn the meeting. Motion seconded by Mr. Malliaros. Motion passed unanimously.

The meeting adjourned at 8:20 p.m.

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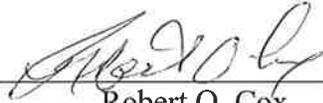
  
Cathy Richardson, Chairperson

  
Joseph DiRocco, Jr., Vice Chairman

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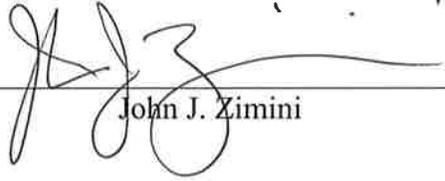
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George A. Malliaros, Clerk



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Robert O. Cox



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John J. Zimini