

BOARD OF SELECTMEN – MEETING OF APRIL 9, 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 7:16 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.

WARRANT APPROVAL FOR TOWN OF DRACUT ELECTION – Motion made by Mr. Malliaros to approve the Warrant for Town of Dracut Election. Motion seconded by Mr. DiRocco. Motion passed unanimously.

WARRANT APPROVAL FOR SPECIAL STATE PRIMARY – Motion made by Mr. Malliaros to approve the Warrant for Special State Primary. Motion seconded by Mr. DiRocco. Motion passed unanimously.

COMMUNITY INPUT:

* Ms. Joyce Andrews, 42 Long Drive, appeared before the Board to discuss the joint meeting with the School Committee and discussed improving education.

* Ms. Linda Goldthwait, 20 Blossom Lane, appeared before the Board to discuss the joint meeting with the School Committee and discussed painting a picture of the School Committee and Board of Selectmen collaborating on the school budget. Ms. Goldthwait discussed activities making a difference in children's lives.

* Ms. Liz Buckley, 151 Patricia Lane, appeared before the Board to discuss the joint meeting with the School Committee and discussed her children being students at the Campbell School and that the Board needed to think hard about the Dracut Schools.

* Ms. Michele Green, 13 Coral Drive, appeared before the Board to discuss the joint meeting with the School Committee and discussed volunteering at the Campbell School and having to make photocopies of materials because they don't have books. Ms. Green discussed the teachers needing time for lesson plans and having shared teachers for special activities. Ms. Green discussed bringing up the schools to level funded schools.

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* Ms. Ann Van Opstal, 318 Sladen St, appeared before the Board to discuss the joint meeting with the School Committee and thanked the Boards for their time. Ms. Van Opstal stated that Dracut was a good value Town years ago and she will fight for the public schools. Ms. Van Opstal asked the Board to support the proposed override.

* Ms. Allison Tassone, 70 Sue Ann Drive, appeared before the Board to discuss the joint meeting with the School Committee and stated that she is backing up what everybody else is saying. Ms. Tassone stated that they need to educate students and that the students deserve everything they can get.

TOWN MANAGER'S REPORT – Abandoned Housing Initiative – Mr. Piendak discussed the Abandoned Housing Initiative and discussed the properties at 63 Vandette Ave and 32 Mt. View Drive. Automated Trash Program – Mr. Piendak stated that the program begins July 1st and public information meetings have been scheduled to explain the program on May 8th at the Council on Aging, May 15th at the Campbell School, May 29th at Harmony Hall and June 12th at the Parker Library. Parker Library – Mr. Piendak discussed the home bound delivery program and stated that applications for the program are available in the Town buildings and online on the Town's website. Bonds – Mr. Piendak discussed needing the Boards approval on refinancing of the bonds for the Junior High School and Fire Station. Mr. Piendak stated that they would have some savings on the refinancing of the bonds.

PUBLIC HEARINGS:

SPECIAL PERMIT APPLICATION FOR LIGHT VEHICLE SALES/ Hamze's Lakeview Services, Inc., 1543 Bridge Street – Attorney George Malonis appeared before the Board on behalf of the applicant to request a modification to the Special Permit to allow light vehicles sales for up to 15 vehicles to be sold on the property. Attorney Malonis stated that there will be no site modifications or sign modifications and no change in the operating hours.

No one spoke in favor or in opposition of the modification to the Special Permit.

Motion made by Mr. Cox to close the public hearing. Motion seconded by Mr. DiRocco. Under Discussion:

The Board discussed with Attorney Malonis the ten stipulations for the modification of the Special Permit.

Motion passed unanimously. Motion made by Mr. DiRocco to approve the modification to the Special Permit with the ten stipulations. Motion seconded by Mr. Cox. Motion passed unanimously.

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SPECIAL PERMIT APPLICATION FOR LIGHT VEHICLE SALES/ Paul Michaud, 744 Merrimack Ave – Mr. Michaud appeared before the Board and presented a plan titled Conservation/Special Permit Plan dated January 30, 2013 prepared by Aho Surveying. Mr. Michaud stated that he would like a Special Permit for light vehicles sales for up to 5 vehicles on his property. Mr. Edwards stated that he did not get a definitive answer from the applicant regarding designated customer parking at the Departmental Review Meeting.

Ms. Sheila Malo, 14 Mt. Pleasant Ave, stated to the Board that she had no problems with Mr. Michaud opening a car lot on the property.

Mr. Michaud stated that the property is paved from the entrance onto Leavitt Street and there would be spots there for customers to park. The Board reviewed the presented plan. Mr. Malliaros state that he would like to conduct a site visit before voting on the Special Permit. The Board scheduled a site visit on Monday, April 22, 2013 at 6:00 p.m.

Motion made by Mr. Zimini to continue the public hearing until April 23, 2013. Motion seconded by Mr. DiRocco. Motion passed unanimously.

APPOINTMENTS:

ANN VANDAL, FINANCE DIRECTOR RE: BONDS – Mrs. Vandal discussed reducing interest costs by refinancing bonds and the sale of bonds.

Motion made by Mr. Zimini to approve the refinance and sale of bonds as stated in the minutes below. Motion seconded by Mr. DiRocco. Motion passed unanimously.

I, the Clerk of the Board of Selectmen of the Town of Dracut, Massachusetts (the “Town”), certify that at a meeting of the board held April 9, 2013, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town’s \$16,000,000 General Obligation Municipal Purpose Loan of 2004 Bonds originally dated April 1, 2004 maturing on and after May 15, 2014 (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

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Further Voted: that the sale of the \$7,505,000 General Obligation Refunding Bonds of the Town dated April 12, 2013 (the "Bonds"), to Janney Montgomery Scott LLC at the price of \$8,151,527.59 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on May 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2014	\$1,520,000	2.00%	2018	\$920,000	4.00%
2015	1,395,000	3.00	2019	895,000	4.00
2016	1,340,000	4.00	2020	495,000	4.00
2017	940,000	4.00			

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 20, 2013, and a final Official Statement dated April 3, 2013 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver continuing disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Bonds, as applicable, for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Treasurer to review and update post issuance federal tax compliance procedures, in order to monitor and maintain the tax-exempt status of the Bonds.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

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I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds and Note were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

SCHOOL DEPARTMENT: STEVEN STONE, ANDREW GRAHAM & BILL FRANGIAMORE – TOPIC: MSBA STATEMENT OF INTEREST – Superintendent Stone and Mr. Graham appeared before the Board to discuss the Massachusetts School Building Authority (MSBA) Statement of Interest application for the Campbell School. Mr. Graham discussed the Campbell School boiler, electrical and HVAC all being original equipment and discussed if the application is approved, the State would reimburse the Town for some of the costs to renovate the Campbell School. Mr. Graham stated that the application process takes some time and they are looking at two to three years out. Mr. Graham discussed if the application was approved by the State the renovation would be completed under a debt exclusion but right now they are just looking to move the application process forward. Superintendent Stone discussed maintaining the Campbell School and they are looking at long term planning. Mr. Graham discussed the Campbell School maintenance. Mr. Zimini asked why the needs of the Campbell School have not been brought forward to the Capital Planning Committee? Mr. Graham stated that they can not fund the project individually and the need the help from the MSBA. Mr. DiRocco and Mr. Zimini discussed the timing of this project being horrible. Mr. Graham stated that the MSBA application does not obligate the Town to anything. Superintendent Stone discussed long term planning for the Campbell School and stated that the application is only a Statement of Interest. Superintendent Stone stated that the deadline for the application is tomorrow. Mr. Zimini discussed the Board not even having enough time to think about the application. Mr. Graham stated that they only became aware of the application three weeks ago and the application process was very intense. Mr. DiRocco discussed the project not looking good with the School Committee wanting a tax override.

Motion made by Mr. DiRocco that having convened in an open meeting on April 9, 2013, the Board of Selectmen of Dracut, in accordance with its charter, by-laws and ordinances, has voted to authorize the Superintendent of Schools to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 8, 2013 for the Joseph A. Campbell Elementary School located at 1021 Methuen St., Dracut Massachusetts which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School

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Building Authority in the future. (5) replacement, renovation or modernization for school facility systems, such as roofs, windows, boilers, hearing ventilation systems, to increase energy conservation and decrease energy related costs in a school facility and (7) replacement of/or addition to obsolete buildings in order to provide for a full range of programs consistent with stated and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Dracut Public School District to filing an application for funding with the Massachusetts School Building Authority. Also to approve the Town Manager to sign the Massachusetts School Building Authority's Statement of Interest application. Motion seconded by Mr. Malliaros. Under discussion:

Mr. Zimini stated that he can not vote on this application on the 11th hour.

Motion passed 4 to 1. Mr. Zimini voted opposed.

AGENDA ITEMS:

LINDA KAWA, DRACUT – Request for Re-Appointment to Dracut Historical Commission – Motion made by Mr. Zimini to Re-Appoint Linda Kawa to the Dracut Historical Commission. Motion seconded by Mr. Malliaros. Motion passed unanimously.

MICHAEL CAHILL, DRACUT – Request for Re-Appointment as Bonded Constable – Motion made by Mr. DiRocco to Re-Appoint Michael Cahill as a Bonded Constable. Motion seconded by Mr. Malliaros. Motion passed unanimously.

DAVID MEADE, DRACUT – Request for Re-Appointment as Bonded Constable – Motion made by Mr. DiRocco to Re-Appoint David Meade as a Bonded Constable. Motion seconded by Mr. Malliaros. Motion passed unanimously.

ANTHONY G. ZIAGOS, JR., DRACUT – Request for Re-Appointment as Bonded Constable – Motion made by DiRocco to Re-Appoint Anthony G. Ziagos, Jr. as a Bonded Constable. Motion seconded by Mr. Cox. Motion passed unanimously.

GUY J. GILL, ANDOVER – Request for Re-Appointment as Bonded Constable – Motion made by Mr. DiRocco to Re-Appoint Guy J. Gill as a Bonded Constable. Motion seconded by Mr. Cox. Motion passed unanimously.

ARTICLE RE: MORATORIUM ON MARIJUANA DISPENSARIES – Mr. Piendak stated that the Board of Selectmen needed to take a vote to place the article on the Town Meeting Warrant.

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Motion made by Mr. Malliaros to place the Moratorium on Marijuana Dispensaries on the Town Meeting Warrant. Motion seconded by Mr. Zimini. Motion passed unanimously.

DRACUT TOWN MANAGER PROFILE/FINAL DRAFT – Mr. Edwards stated that the Collins Center interviewed Department Heads and the Board of Selectmen and created the Town Manager Profile.

Motion made by Mr. Zimini to approve the Final Draft of the Dracut Town Manager Profile. Motion seconded by Mr. DiRocco. Motion passed unanimously.

BEAVER BROOK VILLAGE, INC. TIF – Mr. Edwards discussed the Tax Incremental Financing Agreement (TIF) between the Town and the Beaver Brook Village owners. Mr. Edwards stated that the State has decertified the TIF with the Beaver Brook Village owners. Mr. Edwards read to the Board Town Counsel's opinion on the Town decertifying the TIF Agreement. The Board discussed the TIF Agreement.

Motion made by Mr. Zimini that the Board of Selectmen vote to terminate the Beaver Brook Tax Incremental Finance (TIF) Agreement, dated the 15th day of June, 2006, due to the Economic Assistance Coordinating Council's (EACC) decertification of Beaver Brook, LLC, and to authorize the Chairman to send a copy of this vote to EACC. Motion seconded by Mr. Malliaros. Motion passed unanimously.

APPROVAL OF MINUTES – Motion made by Mr. Cox to approve the Minutes of March 26, 2013. Motion seconded by Mr. DiRocco. Motion passed unanimously.

SUB-COMMITTEE REPORTS – Ms. Richardson stated that the Educational Sub-Committee met before tonight's meeting.

OLD BUSINESS:

TOWN CHARTER – Ms. Richardson stated that the Town Charter Workshop has met and they are half way through the recommendations. Ms. Richardson stated that the next Town Charter Workshop is being held May 7, 2013.

PARKER AVENUE SCHOOL – Mr. Zimini stated that he would like this item to be kept on the agenda for further discussion.

The Chairman read the Community Calendar.

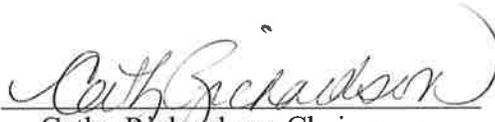
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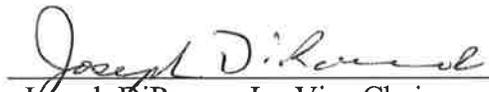
ADJOURNMENT

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

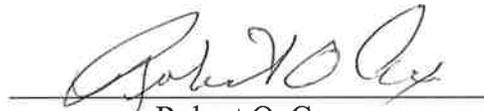
The meeting adjourned at 8:26 p.m.

BOARD OF SELECTMEN


Cathy Richardson, Chairperson


Joseph DiRocco, Jr., Vice Chairman

George A. Malliaros, Clerk


Robert O. Cox


John J. Zimin