

**Board of Selectmen  
Minutes of August 16, 2016  
Selectmen's Chamber, Town Hall**

**Present:** Alison Hughes, Chairman, Joseph DiRocco, Jr., Vice-Chairman, Tami M. Dristiliaris, Clerk, Tony Archinski, Jesse Forcier, Jim Duggan, Town Manager, Attorney James Hall and Recording Secretary Shannon Rowe

Mrs. Hughes opened the meeting 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.

COMMUNITY INPUT:

\* No one signed in under Community Input.

TOWN MANAGER'S REPORT – Mr. Duggan stated that the new Veteran's Service Officer is Lynette Gabrila and she is coming to Dracut from Worcester, MA. Mr. Duggan stated that Lynette's case load is going from 300 to 26 and has great new outreach ideas. Mr. Duggan stated that the new IT Technician is Nathan Guilmette and he starts on Monday. Mr. Duggan stated that Town Meeting is November 7th, the Presidential Election is November 8<sup>th</sup> and the State Primary Election is September 8<sup>th</sup>. Mr. Duggan stated that the last day to register to vote for the State Primary is August 19<sup>th</sup> and early voting for the Presidential Election will be from October 24<sup>th</sup> through November 4<sup>th</sup>. Mr. Duggan stated that there are three Firefighter's currently in training and would be attending the Academy in November. Mr. Duggan stated that the Open Space Plan is being updated and discussed the upcoming Stormwater Plan. Mr. Duggan stated that the Board would receive a briefing in the near future regarding the Stormwater Plan. Mr. Duggan stated that street paving is wrapping up and the DPW has started the sidewalk repair at the Police Department. Mr. Duggan stated that two laborers have been hired at the DPW and they are also working on the drainage at Boule Park. Mr. Duggan stated that the Interim Police Chief is doing well and all is going well at the Police Department. Mr. Duggan discussed the Citizens Academy in October and the policies and procedures are being updated at the Police Department. Mr. Duggan stated that Kenwood Water is being evaluated and a new pharmacy is being located at 101 Broadway Road. Mr. Duggan stated that they are currently completing the fiscal year end close out and stated that Mrs. Daigle is doing a great job. Mr. Duggan stated that the Council on Aging would be going on a site visit to the Arbors in Stoneham, the Fire Department is hosting an ice cream social on August 24<sup>th</sup> at the Council on Aging, there will be a Grandparent's tea event on September 25<sup>th</sup> and the Council's 90<sup>th</sup> Birthday Party last Friday was a great success. Mr. Duggan stated that there are currently four subdivisions under construction with 146 new homes being built. Mr. Duggan stated that the Cross and Colburn Avenue project would be completed mid-December.

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Mr. DiRocco questioned the work being completed near the quarry. Mr. Patenaude, Department of Public Works Director, stated that the work near the quarry is being done for the height of the new castings and the raising of the height of the roadway.

Mr. Forcier asked about the Loon Hill Road project. Mr. Duggan discussed the increase in the Mass Works Grant and construction starting January 2017.

Mr. Forcier stated that the Open Space Plan should be included in the Master Plan for grants.

Mr. Forcier discussed the Stormwater Plan being an unfunded mandate through the State. Mr. Duggan stated that Stormwater Management is an unfunded mandate that cannot be adsorbed through the General Fund and will possibly be billed as a utility.

Mrs. Dristiliaris asked if there is a plan to construct sidewalks on Hildreth Street? Mr. Duggan stated that there is no proposed plans for sidewalks on Hildreth Street.

Mrs. Dristiliaris asked the Manager to review UMass Lowell celebrating local Boards and Committees. Mr. Duggan stated that to recognize the Boards and Committee's in Town, UMass Lowell will be inviting members to an upcoming Hockey Game.

Mr. Archinski commented that there were mostly women at the Council on Aging's 90<sup>th</sup> Birthday party.

Mr. DiRocco asked about the increase in the sewer bills. Mr. Duggan explained the calculation and stated that he would provide an explanation of the increase to the Board.

Mr. Duggan stated that Kenwood Water would be increasing their fees as well.

#### COMMUNITY CALENDAR:

The Chairman read the information in the Community Calendar.

Mrs. Hughes stated that Old Home Day is September 10, 2016.

#### SPECIAL PERMIT SUBMITTALS:

\* Robin & Wendy Ley – Donut Shop with Drive Thru located at 1905 Lakeview Avenue – Attorney Walter Chambers appeared before the Board and submitted a Special Permit Application for Robin Ley who is the owner of Top Donut. Mr. Duggan read the Special Permit Application into the record and stated that if all of the information is complete, the public hearing would be held on September 27, 2016.

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\* Spartan Homes – Drive Thru Gas Station and a Restaurant located at 1489 & 1499 Broadway Road – Mr. Matt Hamor appeared before the Board and submitted a Special Permit Application for Spartan Homes. Mr. Duggan read the Special Permit Application into the record and stated that if all of the information is complete, the public hearing would be held on September 27, 2016.

PUBLIC HEARINGS:

Public Hearing - Cellco Partnership d/b/a Verizon Wireless – Special Permit for a Single Antenna and a Small Radio that will be mounted on an Existing Utility Pole #10-9 located in the Public Right of Way on Robbins Avenue – Attorney Daniel Klaisnick appeared before the Board to request a Special Permit for a small cell canister antenna. Mrs. Hughes read the public hearing notice. Attorney Klaisnick stated that he has met with the Building Inspector and Betsy Ware. Mrs. Hughes stated that the Board received a letter from Betsy Ware dated August 11, 2016 regarding the proposed Special Permits. Attorney Klaisnick stated that the small cell canister antenna on Robbins Avenue would be side mounted onto an existing pole. Attorney Klaisnick stated that no ground equipment would be installed.

No abutters spoke for or in opposition of the public hearing.

Motion made Mr. Forcier to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Mr. Forcier to Approve the Special Permit for a Small Cell Canister Antenna on Utility Pole #10-9 located in the Public Right of Way on Robbins Avenue with (9) Stipulations. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Public Hearing - Cellco Partnership d/b/a Verizon Wireless – Special Permit for a Single Antenna and a Small Radio that will be mounted on an Existing Utility Pole #176-10 located in the Public Right of Way on Thissell Avenue – Attorney Daniel Klaisnick appeared before the board to request a Special Permit for a small cell canister antenna. Mrs. Hughes read the public hearing notice. Attorney Klaisnick stated that the small cell canister antenna on Thissell Avenue would be side mounted onto an existing pole. Attorney Klaisnick stated that no ground equipment would be installed.

No abutters spoke for or in opposition of the public hearing.

Motion made by Mr. Forcier to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Mrs. Dristiliaris to Approve the Special Permit for a Small Cell Canister Antenna on Utility Pole #176-10 located in the Public Right of Way on Thissell Avenue with (9) Stipulations. Motion seconded by Mr. DiRocco. Motion passed unanimously.

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Public Hearing - Cellco Partnership d/b/a Verizon Wireless – Special Permit for a Single Antenna and a Small Radio that will be mounted on an Existing Utility Pole #14/7-1 located on Broadway Road - Attorney Daniel Klaisnick appeared before the board to request a Special Permit for a small cell canister antenna. Mrs. Hughes read the public hearing notice. Attorney Klaisnick stated that the small cell canister antenna on Broadway Road would be top mounted onto an existing pole. Attorney Klaisnick stated that no ground equipment would be installed.

No abutters spoke for or in opposition of the public hearing.

Motion made by Mr. Forcier to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Mr. Forcier to Approve the Special Permit for a Small Cell Canister Antenna on Utility Pole #14/7-1 located on Broadway Road with (9) Stipulations. Motion seconded by Mr. DiRocco. Motion passed unanimously.

#### AGENDA ITEMS:

\* Dracut Water Supply District – Overview of the Recent Manganese Issue – Mr. Jim Rivard from Woodward & Curran appeared before the Board and presented a map of the Dracut Water Supply District. Mr. Rivard discussed how the Water Supply District receives their water from well fields and the City of Lowell. Mr. Rivard stated that the Water Supply District is required to sample water from the wells and the distribution center and discussed what they sample for. Mr. Rivard discussed manganese and the foods, etc. that manganese is in. Mr. Rivard discussed manganese having potential health risks for infants. Mr. Rivard stated that the DEP required that the Water Supply District send out a health advisory to their customers. Mr. Rivard stated that there was a high level of manganese from the Tyngsboro well field that got into the system last year. Mr. Rivard stated that the well field has been tested every quarter and the DEP instructed that notification needed to be sent. Mr. Rivard stated that the New Boston well field had a high level of manganese in July.

Mrs. Hughes asked if the well field has been re-tested? Mr. Rivard stated that the well has been shut off and once the well is back online it will be re-tested.

Mr. DiRocco stated that customers have not been notified that everything is o.k. and asked why it took so long to notify customers? Mr. Rivard stated that the DEP outlines exactly what has to happen. Mr. DiRocco stated that the Board new about this issue at least a week before their customers did.

Mr. Forcier asked why not re-test wells periodically after the manganese is found? Mr. Rivard stated that it all goes by the DEP's requirements.

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Mrs. Dristiliaris stated that the manganese could have been high for a longer period of time and they should notify customers to use bottled water, especially customers with infants. Mrs. Dristiliaris stated that should also notify customers when everything is o.k.

PUBLIC HEARINGS (CONT'D):

Public Hearing – Onekeo Latsapanya d/b/a Lanxang Star Thai & Lao Cuisine – Requesting Permission to Alter the Premises on the All Alcohol Liquor License located at 1734 Lakeview Avenue, Suite 11 – Mrs. Hughes read the public hearing notice.

Attorney Courtney Ball appeared before the Board to request permission to alter the premises on the all alcohol liquor license. Attorney Ball stated that the restaurant has been very successful and they would like to add additional seating.

Mr. Forcier stated that the according to the Building Inspectors letter dated July 13, 2016, he has no objection to the alteration of premises.

No abutters spoke for or in opposition of the public hearing.

Motion made by Mrs. Dristiliaris to close the public hearing. Motion seconded by Mr. Forcier. Motion passed unanimously. Motion made by Mrs. Dristiliaris to Approve the Alteration of Premises on the All Alcohol Liquor License for Onekeo Latsapanya d/b/a Lanxang Star Thai & Lao Cuisine. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Public Hearing – Verizon New England, Inc. and Massachusetts Electric Company – Requesting Permission to Place One New Pole on the Northeasterly Side of Donohue Road at a Point Approximately 119' Southeasterly from the Centerline of Gerrish Avenue

- Mrs. Hughes read the public hearing notice. Ms. Kelly Correira from Verizon New England, Inc., appeared before the Board to request permission to place one new pole on the Northeasterly side of Donohue Road. Ms. Correira stated that the existing guy wire is attached to a tree that is dead. Ms. Correira stated that they will remove the guy wire but they do not remove the dead tree. Mrs. Hughes stated that there is a letter from Betsy Ware dated August 11, 2016 regarding the Grant of Location petition.

Mr. Forcier asked how much disruption will there be of the trees to place a new pole? Ms. Correira discussed how the new pole would be installed.

Mr. DiRocco stated that there is usually a letter from the Department of Public Works Director. Mr. Duggan stated that he would have Mr. Patenaude send a letter from now on.

Mr. Patenaude, Department of Public Works Director, appeared before the Board and stated that once the guy wire is removed from the tree the stump would be removed.

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No abutters spoke for or in opposition of the public hearing.

Motion made by Mr. DiRocco to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Mr. DiRocco to Approve the Grant of Location petition to Place One New Pole on the Northeasterly Side of Donohue Road at a Point Approximately 119' Southeasterly from the Centerline of Gerrish Avenue. Motion seconded by Mr. Archinski. Motion passed unanimously.

AGENDA ITEMS (CONT'D):

\* Zachary Cook – Discuss Boston Post Cane Project – Mr. Duggan introduced Zachary Cook to the Board and stated that he sent an email to the Eagle Scouts asking if anyone would have any interest in making a display case for the Boston Post Cane for Town Hall. Mr. Cook appeared before the Board and stated that he was with Troop 25 and discussed his ideas for a case for the Boston Post Cane. Mr. Cook stated that it would be a cherry glass case.

Mrs. Julie Cook appeared before the Board and explained how the Eagle Scout project works.

Mr. Forcier stated that Mrs. Cook should be proud of Zachary for constructing this project for the Town.

\* Susan Plunkett – Requesting Permission for the Second Annual Bike Event for the Salvation Army on September 17, 2016 – Ms. Plunkett appeared before the Board to request permission for the second annual bike event for the Salvation Army to be held on September 17, 2016. Ms. Plunkett stated that it is the same event that they had last year. Ms. Plunkett stated that the event starts in Billerica and gave the website address if anyone is interested in attending.

Motion made by Mr. DiRocco to give permission for the Second Annual Bike Event for the Salvation Army on September 17, 2016. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Brandon Sweeny – Requesting Permission for the MS is BS Dracut, Inc. 5K/Duathlon on October 1, 2016 – Mr. Brandon Sweeny appeared before the Board to request permission for the MS is BS Dracut, Inc., 5K/Duathlon on October 1, 2016. Mr. Sweeny stated that it is the same event that they had last year to be held at Dillon McAnespie Park.

Motion made by Mr. DiRocco to give permission for the MS is BS Dracut, Inc., 5K/Duathlon on October 1, 2016. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

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\* MBES, Corp. d/b/a Paddy's Ale House, 1629 Lakeview Avenue – Requesting a One-Day All Alcohol Liquor License for September 10, 2016 from 8:00 a.m. to 5:00 p.m. – Mr. Barry Myers the applicant, appeared before the Board to request a one day outdoor all alcohol liquor license for September 10, 2016. Mr. Myers stated that September 10<sup>th</sup> is Old Home Day and a portion of Lakeview Avenue is closed. Mr. Myers stated that he provides the race runners with free pizza and refreshments.

Mr. DiRocco stated that Mr. Myers does a great job but he would be voting against the one day liquor license because of the family atmosphere of Old Home Day.

Motion made by Mr. Archinski to approve the One-Day Outdoor All Alcohol Liquor License on September 10, 2016 from 8:00 a.m. to 5:00 p.m. Motion seconded by Mrs. Dristiliaris. Motion passed 4 to 1. Mr. DiRocco voted no.

\* A'Brew's Tap & Grill, 1794 Bridge Street, Units 1A & 1B – Requesting a Two-Day All Alcohol Liquor License for September 17, 2016 from 8:00 a.m. to 8:00 p.m. and September 18, 2016 from 10:00 a.m. to 3:00 p.m. – Mr. James Abreu the applicant, appeared before the Board to request a two day outdoor all alcohol liquor license on September 17, 2016 and September 18, 2016. Mr. Abreu stated that they do not need the September 18, 2016 license. Mr. Abreu stated that they are hosting a cancer benefit bike run on September 17, 2016 and discussed the route for the bike run.

Mr. Archinski asked if the benefit was for one person or the Cancer Society? Mr. Abreu stated that it is for one person.

Mr. DiRocco asked if they would have tents up, etc. Mr. Abreu stated yes, it would all be weather dependent.

Motion made by Mr. Archinski to approve the One-Day Outdoor All Alcohol Liquor License on September 17, 2016 from 8:00 a.m. to 8:00 p.m. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Discussion Regarding Constable Applications – Mrs. Hughes discussed the current Constable Application not being correct regarding residency requirements and stated that we have 23 Constables in Dracut where surrounding Town's only have 2 to 3. Mrs. Hughes recommended that the Board only consider accepting renewal applications until a new Police Chief is hired. Mrs. Hughes stated that a new Police Chief may want to adjust the current application. Mrs. Hughes stated that we have no By-Laws, Charter, etc. regarding Constables so we have to go by the Mass General Law.

Attorney Hall stated that the Board can put a moratorium on new applications.

Mr. DiRocco discussed the policing of Constables and the actual authority Constables have.

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Mrs. Hughes stated that the Board could limit the number of Constables for Dracut at Town Meeting.

The Board agreed to Table this discussion until a new applicant comes forward.

\* Guy Gill – Requesting Reappointment as a Bonded Constable – Motion made by Mrs. Dristiliaris to Reappoint Mr. Guy Gill as a Bonded Constable. Motion seconded by Mr. Archinski. Motion passed unanimously.

\* Discuss Town Manager’s Performance Evaluation – Mrs. Hughes discussed the deadline dates on the evaluation form provided to the Board. Mrs. Hughes stated that after her discussion with Town Council, the evaluation form went from a 4 scale to a 5 scale.

\* Discuss Department Audit Schedule – Mr. DiRocco discussed the Department of Public Works Director being new and that department should not be audited now.

Attorney Hall stated that the Town Charter separates personnel and the Town Manager is the Board’s representative to the Town. Attorney Hall discussed the Board being supervisory over the Town Manager. Attorney Hall stated that in his opinion, the Board should not enter into the audit process and allow the Town Manager to complete the audits on his own.

Mr. Forcier stated that auditing the Department of Public Works now would be premature.

Mrs. Hughes asked how the upcoming audits would be scheduled? Mr. Duggan stated that he would not be completing audits for a while as they just completed the Police and Fire Department audits. Mr. Duggan stated that the Department of Public Works would be completed in 2017 and it is not the same as a risk assessment. Mr. Duggan stated that the Town Hall audit would be completed after the Department of Public Works.

Mr. DiRocco asked what the difference was between Town Hall being audited and the School Department being audited? Attorney Hall stated that the Board has a Charter to follow and discussed privacy and personnel laws. Attorney Hall stated that the Board cannot get into personnel matters. Mr. Duggan stated that personnel situations are redacted from the audits.

Mr. Archinski stated that he was lost in the conversation. Mrs. Hughes stated that the Board is discussing being able to implement the last 2 assessments.

Mrs. Dristiliaris stated that she was against the assessments all along and they should not be auditing the Department of Public Works right now. Mrs. Dristiliaris stated that the Board should defer to Town Council’s opinion.

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Mr. Forcier discussed Mr. Archinski's confusion and stated that the audit discussion is not listed on the agenda properly.

Mr. Archinski stated that the conversation started with which audit to do first, then went to who can ask for the audits. Mr. Archinski stated that it was a great time to do the Department of Public Works audit as the new Director could help with any recommendations.

Mr. Forcier stated that it is way too soon do complete anymore audits as they are still looking at the Police Department audit.

Mrs. Hughes stated that the Town Manger gets audited through the team when Departments are audited.

Mr. Forcier stated that he agrees with Mrs. Dristiliaris regarding taking the opinion of Town Council.

Mr. DiRocco stated that he also agrees, the Board hires Council to give them advice. Mr. DiRocco stated that he may not agree, but that is why the Board has Council.

#### OLD BUSINESS:

\* Mrs. Hughes stated that the several Committees are looking to fill vacancies and applications can be completed on the Town's website.

#### SUB-COMMITTEE REPORTS:

\* Discuss and Vote on Board of Selectmen By-Laws with Respect to Committee's – Sections 5.1.1, 5.1.2, 5.1.3, 5.1.4 and 5.1.5 – Motion made by Mr. Forcier to waive the reading of Section 5.1, 5.1.1, 5.1.2, 5.1.3, 5.1.4 and 5.1.5 of the Board of Selectmen's By-Laws. Motion seconded by Mr. Archinski. Motion passed unanimously.

Mrs. Dristiliaris discussed section 5.1.5 regarding Discretionary Committees rendering reports and the reports not having to be in writing.

Motion made by Mr. Archinski to Accept the New Board of Selectmen By-Laws with Respect to Committees. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Education Sub-Committee – Mrs. Hughes stated that the School Department received 4 RFP's for their audit and Superintendent Stone would be reporting to the School Committee at their August 22<sup>nd</sup> meeting. Mr. Forcier stated that Chelmsford's RFP's for their audit can in around \$200,000. Mrs. Hughes stated that the Town Manager did have input on the School Department's RFP.

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Mr. Duggan stated that the School Administration is doing the audit on their own and he has not met with Superintendent Stone regarding paying for the audit.

\* Economic Development – Mrs. Hughes discussed creating a database for the Town website. Mr. Duggan discussed the economic part of the Town’s website and how it will work.

\* Housing Sub-Committee – Mr. Forcier stated that the Sub-Committee would be meeting next week to discuss the process for the Greenmont Avenue project.

APPROVAL OF MINUTES:

Motion made by Mr. Forcier to approve the Minutes of July 12, 2016. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

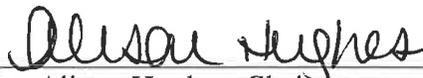
Motion made by Mr. Forcier to approve the Minutes of July 14, 2016. Motion seconded by Mr. DiRocco. Motion passed unanimously.

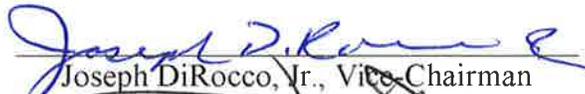
ADJOURMENT:

Motion made by Mrs. Dristiliaris to adjourn the meeting. Motion seconded by Mr. Forcier. Motion passed unanimously.

The meeting adjourned at 9:07 p.m.

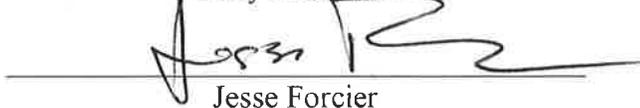
BOARD OF SELECTMEN

  
Alison Hughes, Chairman

  
Joseph DiRocco, Jr., Vice-Chairman

  
Tami M. Dristiliaris, Clerk

  
Tony Archinski

  
Jesse Forcier