

**Board of Selectmen  
Minutes of March 8, 2016  
Selectmen's Chamber, Town Hall**

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

The Chairman opened the meeting at 7:04 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. Ms. Richardson also asked for a moment of silence for the family of Stanley Greszik.

COMMUNITY INPUT:

\* Anna Corey, 215 Jones Avenue – Mrs. Corey appeared before the Board and extended the Pipeline Awareness Group's heartfelt gratitude for the Board's letter to FERC requesting a scoping session for the residents that were not notified. Mrs. Corey stated that the DPU meeting will be held on March 10, 2016 at 2:00 p.m. and residents can write in comments to the DPU if they can't make the meeting. Mrs. Corey discussed the National Grid Reliability project also going to the DPU for a tariff as well. Mrs. Corey stated that the next Pipeline Awareness Group meeting will be held on March 31, 2016 at 7:00 p.m. and the Dracut American Legion. Mrs. Corey discussed the DPU meeting on April 13, 2016 at 7:00 p.m. at the Dracut High School. Mrs. Corey discussed many land owners being affected and discussed addressing the override issue. Mrs. Corey discussed the discourse on the override issue all together. Mrs. Corey discussed her thoughts on the override and discussed bringing the Fire Department, Police Department and School Department's up to standards. Mrs. Corey discussed there being no talk about the DPU meeting regarding the tariff for the Kinder Morgan project.

\* Brenda Kline, 106 Meadow Creek Drive – Mrs. Kline appeared before the Board and thanked each member for their input at the Tri-Board meeting, for working together and having a united front. Mrs. Kline discussed having only one override question to avoid a repeat from the last override question. Mrs. Kline asked the Board that they not make the Community choose between two questions and stated that history shows that with having two questions, both will fail. Mrs. Kline stated that all services are vital and technology will benefit many other services. Mrs. Kline discussed the School Department capitalizing on the technology rebate, the unsafe staff numbers for the Police and Fire Departments and asked the Board to lead the way to change and have one united plan of action.

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TOWN MANAGER'S REPORT – Mr. Duggan stated that Animal Control is holding a rabies clinic on March 26, 2016 from 9:00 a.m. to 12:00 Noon, Recreation Lacrosse starts practicing next week and the Cross and Colburn intersection bids will be opened on Thursday. Mr. Duggan stated that the Secretary of State's Office is launching the Census and the Veteran's Service Officer is almost moved into the Council on Aging. Mr. Duggan thanked Superintendent Stone and the School Committee for their help with the work for the Veteran's Agent's office. Mr. Duggan stated that the Veteran's Agent will be in her new office full time in two weeks, she will define the walk in hours and all Veteran's will be serviced during the transition. Mr. Duggan stated that annual inspections of the Schools and Building will start and a Police Officer is soon graduating from the Academy. Mr. Duggan discussed the Beaver Brook Farm assessment review, the 55 and over project at 324 Broadway Road is progressing and the Municipal Aggregation Program has 89% of the residents on its plan. Mr. Duggan stated that they would be posting the open positions in the Assessor's and Accounting Offices and they would be waiting until May to fill the position in the Assessor's Office and they would be filling the position in the Accounting Office as soon as possible. Mr. Duggan stated that the Council on Aging would be having a St. Patrick's Day celebration on March 18, 2016 at Noon, they are starting a networking ability for at home businesses and the DOT approved the Nashua and Lakeview Avenue road improvements.

Mr. DiRocco asked about the recent email the Board received regarding the Regional Emergency Communication Center's (RECC). Mr. Duggan stated that there is a potential change in the State's policy as they are looking at rehabs instead of new buildings. Mr. Duggan stated that he is continuing to advocate that this project should move forward. Mr. DiRocco stated that he is worried that the State is already cutting back and the RECC hasn't evened happened yet. Mr. Duggan stated that the Governor is doing evaluations of projects to review and he is continuing to think positive.

Mr. Archinski stated that the Tewksbury Selectmen are also disappointed. Mr. Duggan stated that he recommends having a firm understanding before they move forward with anything else.

SPECIAL PERMIT SUBMITTAL:

\* Spartan Homes, 1489 & 1499 Broadway Road – Construction of a Drive-Thru Gas Station and a Restaurant – Mr. Matt Hamor from Landplex appeared before the Board and submitted the Special Permit Application. Mr. Duggan read the Special Permit Application into the record and recommended acceptance of the application.

Motion made by Mrs. Hughes to accept the Special Permit Submittal. Motion seconded by Mr. DiRocco. Motion passed unanimously.

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AGENDA ITEMS:

\* Superintendent Stone – MSBA Statements of Interests for George H. Englesby Elementary School, Brookside Elementary School and Joseph A. Campbell Elementary School – Superintendent Stone appeared before the Board and stated that these are the annual requests for Statements of Interests. Superintendent Stone discussed Capital Plan submissions and stated that the only thing different in the Statement of Interests this year is building security.

Motion made by Mrs. Hughes to authorize the Town Manager to sign the Statement of Interest for the Brookside Elementary School. Motion seconded by Ms. Richardson. Mrs. Dristiliaris read the following vote:

Resolved: Having convened in an open meeting on March 8, 2016, prior to the closing date, the Board of Selectmen of the Town 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 March 2, 2016 for the Brookside Elementary School located at 1560 Lakeview Ave, 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 Building Authority in the future. Number (5) replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating ventilation systems, to increase energy conservation and decrease energy related costs in a school facility and upgrade building security and number (7) replacement of/or addition to obsolete buildings in order to provide for a full range of programs consistent with state 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.

Motion passed unanimously.

Motion made by Mrs. Hughes to authorize the Town Manager to sign the Statement of Interest for the Joseph A. Campbell Elementary School. Motion seconded by Ms. Richardson. Mrs. Dristiliaris read the following vote:

Resolved: Having convened in an open meeting on March 8, 2016, prior to the closing date, the Board of Selectmen of the Town 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 March 2, 2016 for the Joseph A. Campbell Elementary School located at 1021 Methuen St., Dracut, Massachusetts which describes and explains the following deficiencies and the

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Priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future. Number (5) replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating ventilation systems, to increase energy conservation and decrease energy related costs in a school facility and upgrade building security and number (7) replacement of/ or addition to obsolete buildings in order to provide for a full range of programs consistent with state 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.

Motion passed unanimously.

Motion made by Mrs. Hughes to authorize the Town Manager to sign the Statement of Interest for the George H. Englesby Elementary School. Motion seconded by Ms. Richardson. Mrs. Dristiliaris read the following vote:

Resolved: Having convened in an open meeting on March 8, 2016, prior to the closing date, 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 March 2, 2016 for the George H. Englesby Elementary School located at 1580 Lakeview Ave, 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 Building Authority in the future. Number (5) replacement of the roof system to increase energy conservation and decrease energy related costs and the installation of building security; in a school facility consistent with state 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.

Motion passed unanimously.

**PUBLIC HEARING:**

7:20 p.m. – Four Oaks Country Club, Inc., 80 Meadow Creek Drive – Requesting the Transfer of Stock and New Officer/Director on the All Alcohol Beverages License – Mr. Archinski read the public hearing notice.

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Mr. Mike Kuenzler appeared before the Board to request a Transfer of Stock and New Officer/Director on the All Alcohol Beverages License.

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

Motion made by Ms. Richardson to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Mrs. Dristiliaris to approve the Transfer of Stock and New Officer/Director on the All Alcohol Beverages License. Motion seconded by Mrs. Hughes. Motion passed unanimously.

AGENDA ITEMS (CONT'D):

\* Actors, Inc. – Request for a Five-Day Beer & Wine License on April 23, 29, 30 from 6:00 p.m. to 9:00 p.m. and April 24 and May 1, 2016 from 12:00 noon to 3:00 p.m. at Harmony Hall – Mr. Tom Hickey appeared before the Board to request a Five-Day Beer & Wine License for the upcoming musical comedy Bingo being held at Harmony Hall.

Motion made by Mr. DiRocco to approve the Five-Day Beer & Wine License. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* O'Hara's Tavern, 44 Tennis Plaza Road – Request for a One-Day Outdoor Liquor License on May 1, 2016 from 11:00 a.m. to 6:00 p.m. – Mr. Matt Sheehan appeared before the Board to request a One-Day Outdoor Liquor License for the 2<sup>nd</sup> annual Loulou and Gookin road race. Mr. Sheehan stated that he has reviewed the safety plan for the road race with Deputy Chartrand.

Motion made by Mr. DiRocco to approve the One-Day Outdoor Liquor License. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Approval of Four Oaks Country Club, Inc., 80 Meadow Creek Drive - Special Permit #16-1 Statement of Facts – Mr. Archinski stated that the Special Permit was approved at the previous meeting and Ms. Ware, Community Development Director, drafted the Statement of Facts with six stipulations.

Motion made by Ms. Richardson to approve the Statement of Facts for Special Permit #16-1. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Continuation of New England Power Company d/b/a National Grid (Merrimack Valley Reliability Project) – Requesting Franchise Rights to Locate Overhead Transmission Lines Across the Following Public Ways – Merrimack Ave, Methuen St, Wheeler Rd, Broadway Rd and Methuen Rd – Mr. Archinski read the public hearing notice. Mrs. Dristiliaris stated that she has signed the Certification of Examination of Evidence under the Mullen Rule. Mr. Joshua Smith from Bowditch & Dewey, appeared before the Board to discuss the previous comments and questions.

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Mr. Smith stated that additional EMF data and information has been provided and the information has been submitted to the DPU with a summary of findings. Mr. Smith stated that they have submitted clearance requirements for the height clearances of the wires over the roadways. Mr. Smith stated that they have had ongoing communication with certain abutters, they have met with the Cahill's and discussed mitigation efforts. Mr. Smith stated that a Form of Order was drafted by Ms. Ware, Community Development Director, and they are working with Ms. Ware and Town Counsel.

Ms. Ware appeared before the Board and discussed her memorandum dated March 3, 2016 regarding the EMF issue. Ms. Ware stated that they are proposing to operate within standards and stated that the Board has very limited jurisdiction as they are only granting an easement to go over roadways. Ms. Ware stated that they are increasing the number of wires across the roadways to eight wires and discussed some visual impacts.

Ms. Richardson stated that Mr. DiRocco and she met with the Frechette's regarding the tree's on their property. Mr. Bryan Hudock, Project Manager, National Grid, appeared before the Board and stated that they have cleared up the issues with the Frechette's.

Ms. Richardson discussed the visual impacts of the towers for the Frechette's, Cahill's and Berube's. Ms. Richardson stated that a courtesy should be afforded to all three abutters and they should be reaching out to abutters.

Mr. DiRocco asked about the boundary also in question with the Frechette's? Mr. Hudock stated that they have also cleared up the boundary issues with the Frechette's.

Mr. Hudock stated that they would come to the Board again with the project timeline and answer any questions in regards to the timeline.

Attorney Hall stated that he has found the information provided to be legally sufficient.

Mr. DiRocco asked why the Board needed to sign the easement if the easement is going to happen anyway? Attorney Hall stated that the Board should sign on the Local level.

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

Motion made by Mrs. Dristiliaris to close the public hearing. Motion seconded by Mrs. Hughes. Under Discussion:

Ms. Richardson stated that the amount of clearing is more than originally proposed and asked how they are going to maintain the work? Mr. Hudock discussed the vegetation management program and stated that there are procedures in place for the management.

Mr. DiRocco stated that if this work causes health issues, in the end he would vote no.

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Ms. Richardson read part of a NMCOG letter regarding EMF.

Mr. Hudock stated that anyone can receive information regarding the project on National Grid's website.

Motion passed unanimously. Motion made by Mrs. Dristiliaris to approve the Franchise Rights to Locate Overhead Transmission Lines. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Selectwoman Richardson – Discuss the Boston Post Cane - Ms. Richardson gave the history of the Boston Post Cane and discussed possibly receiving a grant to find a replica of the cane and giving to the oldest member of Town on the Town's Birthday. Mr. Archinski stated that he has found the original cane; that Russ Taylor has had it for over 60 years. Mr. Archinski discussed forming a Committee with guidelines for the cane. Ms. Richardson read the history of the Boston Post Cane and stated that maybe the Boston Post Cane Society could help the Board as well. Mr. Archinski asked Ms. Richardson to speak with Ms. Duda and the Boston Post Cane Society and report back to the Board.

\* Discuss the Wording of the Proposition 2 ½ Override Questions for Police, Fire and School and to Vote to Place the Override Question or Questions on the Ballot for the Next Municipal Election – Mr. Archinski stated that the Board should first vote on whether they want one or two questions on the ballot.

Mrs. Dristiliaris asked if Fireman could be changed to Firefighter and Policeman to Police Officer in the wording of the proposed questions.

Motion made by Mr. DiRocco to place two ballot questions on the next Municipal Election. Motion seconded by Mrs. Hughes. Under Discussion:

Mrs. Dristiliaris stated that her first belief is for one question and discussed joining the Town together. Mrs. Dristiliaris discussed the work of the Joint Budget Task Force and stated that this is one Town, should be one question with one choice. Mrs. Dristiliaris stated that she always believes in making it easy for the voters and discussed being respectful to all departments and the need to move the Town forward.

Mrs. Hughes stated that this is not an easy decision and has been elected to put information out to the voters. Mrs. Hughes stated that she does not think splitting the questions is dividing the Town and thinks it has a better chance of passing as two questions. Mrs. Hughes discussed each question having its own merit and she would be supporting both questions.

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Mr. DiRocco discussed the messages he is getting from voters, discussed possibly having a senior abatement and doing the right thing and convincing the residents of the need for both questions.

Ms. Richardson discussed the Erate money coming back to the School Department and asked if the money could be put aside for capital planning instead of salaries?

Superintendent Stone appeared before the Board and stated that the School Committee decides how the Erate money is spent and stated that the value would be added in salaries.

Ms. Richardson stated that Town money coming back has been put up to capital plan and asked about the School Department's audit process?

Dr. Mike McNamara appeared before the Board and stated that it was the vote of the School Committee for an independent audit and stated that the Town Manager offered to pay for the audit down the line.

Ms. Richardson asked if they would be using the same agency as the Town used? Mr. Duggan stated that until they enter into an agreement they will explore companies.

Dr. McNamara stated that they would have the Town Manager weigh in.

Superintendent Stone stated that they would create proposals with an RFP for and independent audit.

Ms. Richardson stated that she clearly would want two questions but it is never a good policy for an override for operating expenses. Ms. Richardson stated that an override raises the levy each year and she is not against residents weighing in. Ms. Richardson stated that the School Department is better off doing a debt exclusion for technology, discussed expectation of the Tri-Board and discussed the School Department not moving to Town Hall.

Dr. McNamara stated that he suggested to Dennis Piendak, Former Town Manager, moving the School Department building to the New Town Hall but Mr. Piendak didn't want them to.

Ms. Richardson discussed having two different charges for each Board and two questions having just as good of a chance of passing.

Dr. McNamara discussed the past override for 2.9 million and \$250,000 for the Fire Department failing.

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Mr. DiRocco stated that people were aggravated with the School Department so both failed.

Ms. Richardson discussed home values and some people not being able to afford their taxes going up.

Mr. Archinski stated that the Joint Budget Task Force was a collaboration and stated that costs have outpaced revenues. Mr. Archinski stated that public safety and education is in need the most. Mr. Archinski stated that the Town Manager gave reasonable requests for funding and stated that he respects all of the work of his colleagues. Mr. Archinski stated that residents should not have to choose between two questions and only one question should be placed on the ballot.

Ms. Richardson stated that she has seen the School Committee and Town trying to save money and the conversation needs to continue.

Mrs. Dristiliaris discussed the Town knowingly not funding the schools and public safety and the need to strive for more. Mrs. Dristiliaris stated that they have to look at the future.

Mrs. Hughes stated that the Joint Budget Task Force Committee created a living document to be continuously reviewed and pushing economic development which takes time.

Mr. DiRocco stated that he would be convincing residents to vote for both questions.

Motion passed 3 to 2. Mr. Archinski and Mrs. Dristiliaris voted No.

Motion made by Mrs. Hughes to place the following wording on the ballot for the next Municipal Election: Shall the Town of Dracut be allowed to assess an additional \$560,000 in real estate and personal property taxes for the purpose of supplementing the Town operating budget to hire six police officers and three firefighters for the fiscal year beginning July 1, 2016. Should the Town of Dracut be allowed to assess an additional \$550,000 in real estate and personal property taxes for the purpose of funding for the Dracut Public Schools for technology upgrades which include installation of a wireless network, fiber optics, voice over internet communications and hardware for the fiscal year beginning July 1, 2016? Motion seconded by Mr. DiRocco. Under Discussion:

Mr. Archinski called for a vote based on the language just read. Motion passed 4 to 1. Mrs. Dristiliaris voted No.

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Motion made by Mrs. Hughes to place the following wording on the ballot for the schools for the next Municipal Election: Should the Town of Dracut be allowed to assess an additional \$550,000 in real estate and personal property taxes for the purpose of funding for the Dracut Public Schools for technology upgrades which include installation of a wireless network, fiber optics, voice over internet communications and hardware for the fiscal year beginning July 1, 2016. Motion seconded by Mr. DiRocco. Under Discussion:

Ms. Richardson discussed the wording of question two and stated that the wording is for a debt exclusion.

Mr. Archinski stated that the Board voted to put two questions on the ballot.

Motion passed 4 to 1. Mrs. Dristiliaris voted No.

\* Selectwoman Richardson – Discuss and Vote on the Petition of the Town of Dracut for a Formal Evidentiary Hearing on Need for the Northeast Energy Direct Pipeline - Ms. Richardson stated that Attorney Hall has reviewed the Petition.

Motion made by Ms. Richardson to send the Petition to FERC. Motion seconded by Mrs. Hughes. Motion passed 4 to 1. Mrs. Dristiliaris voted No.

#### OLD BUSINESS:

Mr. Archinski stated that the Finance Committee, Capital Planning Committee, Open Space Committee, Government Rules and Regulations Committee, Affordable Housing Partnership Committee, Conservation Commission and Dracut Cultural Council are looking for new members.

#### NEW BUSINESS:

Mr. DiRocco discussed the letter sent to the Town Manager dated March 1, 2016 regarding clarifying erroneous information. Mr. Archinski stated that he would put the discussion on the next agenda.

#### SUB-COMMITTEE REPORTS:

\* Pipeline Coalition – Ms. Richardson provided the Board with a copy of the “draft” letter to Mark Marini, Secretary, DPU, regarding the tariff. Ms. Richardson stated that there is a tariff meeting on May 11, 2016 at the Timney School and she would provide the Board with a copy of the Townsend Conservation Land Trust KM/TGP Proposed NED Pipeline - Fitchburg Lateral PowerPoint Presentation at the next meeting.

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APPROVAL OF MINUTES:

Motion made by Mrs. Hughes to approve the Minutes of January 26, 2016 Board of Selectmen's meeting. Motion seconded by Mr. DiRocco. Motion passed unanimously.

COMMUNITY CALENDAR:

The Chairman read the information in the Community Calendar.

Ms. Richardson stated that the DHS Telethon is being held on March 16<sup>th</sup>, 17<sup>th</sup> and 18<sup>th</sup> and the Board of Selectmen and School Committee would be playing Family Feud on March 16<sup>th</sup> at 8:00 p.m.

EXECUTIVE SESSION:

\* Discuss and Strategize with Regard to the Engagement Contract of Attorney Richard Kanoff and Vote to Sign an Engagement Contract in Executive Session

9:04 p.m. Motion made by Mrs. Hughes to go into Executive Session. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Mrs. Dristiliaris called for a roll call vote:

Mr. DiRocco – Yes  
Mr. Archinski – Yes  
Mrs. Dristiliaris – Yes

Mrs. Hughes – Yes  
Ms. Richardson – Yes

9:27 p.m. The regular meeting resumed with one vote being taken in Executive Session.

ADJOURMENT:

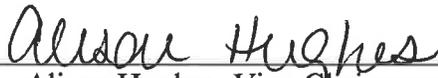
Motion made by Mrs. Hughes to adjourn the meeting. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

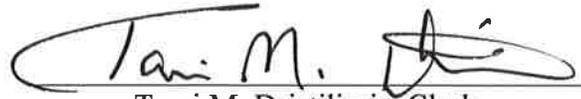
The meeting adjourned at 9:27 p.m.

BOARD OF SELECTMEN

  
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Tony Archinski, Chairman

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Alison Hughes, Vice-Chairwoman

  
Tami M. Dristiliaris, Clerk

  
Joseph DiRocco, Jr.

  
Cathy Richardson