

BOARD OF SELECTMEN – MEETING OF FEBRUARY 12, 2013  
HARMONY HALL

PRESENT – Cathy Richardson, Chairperson, 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.

ABSENT – Joseph DiRocco, Jr., Vice Chairman

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. Ms. Richardson also expressed condolences to the families of Roger Marsh, Peter Apostolos and the Pelchat family.

WARRANT APPROVAL – Motion made by Mr. Malliaros and seconded by Mr. Cox, **it was unanimously voted to approve the warrant.**

COMMUNITY INPUT – No one signed in under community input.

TOWN MANAGER’S REPORT – Thank You - Mr. Piendak stated that he wanted to extend a public thanks to the Department of Public Works, Police and Fire Departments for the services during the Blizzard of 2013. Mr. Piendak stated that he also would like to thank Jayne Boissonneault, Assistant Town Clerk, for all of her hard work over the last several weeks as Kathy Graham, Town Clerk, has been out of work do to an injury. Mr. Piendak stated that there have been some unexpected absences in the Finance Department and he would like to thank Ann Vandal, Finance Director, for all of her hard work. Mr. Piendak also thanked Mike Buxton, Public Works Director, for all of his hard work. Three Procurements – Mr. Piendak stated that the bids have gone out for Sewer Contract #31 which covers the Wheeler Street Area and the bids are due back on February 28, 2013. Mr. Piendak stated that the RFP for the new Automated Trash Program to start July 1<sup>st</sup> have gone out and the responses are due back on February 25, 2013. Mr. Piendak stated that the Arlington Street project is to be bid on March 2, 2013 and will be funded by Mass DOT using Federal Funds being estimated at 7.5 million. Bonds – Mr. Piendak stated that the standard rating agency as reaffirmed our long term bond rating as A-Plus. New Library Director – Mr. Piendak stated that John Dyer is in attendance at the meeting to introduce the new Library Director, Nancy Maloney, to the Board.

Mr. John Dyer introduced Nancy Maloney, Library Director to the Board. Mr. Dyer stated that Ms. Maloney is very experienced and they are looking forward to working with her. Ms. Maloney stated that she is very excited to be here.

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Ms. Richardson stated that she wanted to thank Tom Bomil, Director of Public Health, for his help with the Witham Avenue Residents as they sent a letter to the Board thanking him for all of his help.

Ms. Richardson stated that Steve Adie, a resident of Dracut, put together a pictorial stone boundary atlas and wanted to thank him for putting the atlas together. Mr. Piendak stated that the atlas has been placed on the Town's website, with the Register of Deeds and at the Dracut Library.

Mr. Cox stated that one of the stone bounds is on Black Oak Lane and is an amazing piece of workmanship. Mr. Cox stated that the dates and names are on the stone which is located far in the woods.

APPOINTMENTS

Ann Vandal, Finance Director, Re: Bonds – Mr. Piendak stated that this is a temporary borrowing of \$11,100,000 pending permanent bonding later this summer so the debt schedules fall within the upcoming fiscal years. Mr. Piendak stated that some of the \$11,100,000 will fund some of the high school construction project, the Town Hall, some sewer work and the second salt shed built at the Department of Public Works. Mr. Piendak stated that he would recommend the Board adopt the motion in front of them prepared by bond counsel.

Motion made by Mr. Malliaros to approve the following:

Voted: to approve the sale of the \$11,100,000 1.50 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated February 22, 2013, and payable July 19, 2013, to Mitsubishi UFJ Securities (USA), Inc. at par and accrued interest if any, plus a premium of \$59,052.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated January 30, 2013, and a final Official Statement dated February 6, 2013, 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 Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

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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.

Motion seconded by Mr. Zimini. Motion passed unanimously.

Jayne Boissonneault, Assistant Town Clerk, Re: Changing the Date of the Town Election

– Mr. Piendak stated that the Governor and Secretary of State have scheduled a Special State Primary for US Senate on April 30, 2013. Mr. Piendak stated that our Town Election is scheduled six days after the Special Election on May 6, 2013. Mr. Piendak stated that the Secretary of State's Office has filed legislation to allow municipalities to change the date of their municipal election if it is already scheduled to be within 30 days of either the primary or final election by a vote of the Board of Selectmen. Mr. Piendak recommended the Board's approval as it would be fiscally beneficial for the Town.

Motion made by Mr. Zimini pursuant to Section 2 of Chapter 2 of the Acts of 2013, and after consultation with the Town Clerk, to change the date of the Annual Town Election to coincide with the date of the Special State Primary on April 30, and further, pursuant to the authority of said Chapter 2, the last day for filing nomination papers with the Board of Registrars for said local election will continue to be March 18, 2013, notwithstanding the provisions of G.L. c.53, s7, and that the remainder of the election calendar for said Annual Town Election shall be set as required by statute and shown on a calendar prepared by the Town Clerk, posted in her office, in the office of the Board of Selectmen, and on the Town's official website; an further, to direct that the Town Clerk and Town Manager work to ensure that information about the rescheduled election be widely publicized in a manner calculated to best inform the public of the change in date of the Annual Town Election and related election calendar. Motion seconded by Mr. Cox. Motion passed unanimously.

Mr. Richard Kobayashi & Mr. Michael Ward Re: Review of Town Charter and

discussion Re: Town Manager Recruitment – Mr. Ward stated that they reviewed the Town Charter in regards to what is working well for the Town and what could be reviewed to work better for the Town. Mr. Ward discussed the report that was prepared for the Town and stated that the Town's Charter is a sound document which is a good foundation of the Town. Mr. Ward discussed considering other forms of government and discussed Article #1 and the preamble of the report.

Mr. Cox left the meeting at 7:25 p.m.

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Mr. Ward discussed Article #2 and discussed the language that creates the spring and fall Town Meeting. Mr. Ward discussed some possible confusion in regards to what can be included in the fall Town Meeting. Mr. Ward discussed the quorum numbers for the spring and fall Town Meeting. Mr. Malliaros stated that they have hit on some highlights already such as the current form of government, quorums for Town Meeting and a referendum device. Mr. Piendak discussed the referendum device when the Town purchased Veteran's Memorial Park. Mr. Malliaros discussed the referendum device and didn't realize it was used once. Much discussed followed regarding Town Meeting quorums and the Town Meeting process. Mr. Ward discussed standing Committee's and the difficulty to fill the positions. Mr. Ward discussed Article #3 and discussed Elected and Appointed Officers and discussed the School Committee language being outdated. Mr. Ward discussed who the Town Accountant should answer to; the Board of Selectmen, Town Manager or the Finance Director. Mr. Ward discussed the Town Moderator's term being changed to a three year term. Mr. Ward discussed the Planning Board and their Alternate Members being able to vote. Mr. Ward discussed Article #4 and discussed prohibition on appointed officers becoming candidates for Town Manager, termination pay for the Town Manager, administrative organization implementing the Public Works Department and one of the water districts being independent from the Town and how the voting lines do not appear to line up exactly. Mr. Ward discussed Article #6 and discussed the submission of the budget, fixed dollar amount tied to the level of money that would be needed for an appropriation and the possible signing of the warrants by the Town Manager. Mr. Ward discussed Article #7 and discussed the periodic review of the By-Laws and employment security. Ms. Richardson discussed going to a City Council and City Manager. Mr. Malliaros discussed Mr. Piendak being a Strong Town Manager and that would attract an experienced Town Manager. Mr. Kobayashi stated that the length of time Mr. Piendak served will also attract an experienced Town Manager. Mr. Zimini asked where do they go from here? Mr. Zimini discussed completing a full charter review. Mr. Ward discussed special acts or provisions within the State Legislation and that most charter changes could be done through Town Meeting, then a ballot vote and then to the Attorney General. Mr. Ward stated that most of the changes could be done through Town Meeting and a ballot vote. Mr. Ward discussed creating a Charter Review Commission and what would need to be completed to get the charter changes approved. Mr. Zimini stated that separate meetings should be scheduled to deal with these charter issues. Ms. Richardson stated what work sessions should be scheduled when all five Selectmen are present. Ms. Richardson discussed scheduling work sessions starting the first week of March and to work towards a goal of the Spring Town Meeting.

The Board discussed still having a contract in place for the recruitment of a new Town Manager. Mr. Kobayashi stated that he would need to verify that the contract is still good. Mr. Kobayashi stated that they would give the Board a fresh proposal. Mr. Kobayashi discussed the scheduling for the recruitment and stated that by the end of June they will have created a profile, advertise and have started recruiting. Mr. Kobayashi

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stated that immediately after Labor Day they would provide the screening committee with resumes and then they could have preliminary interviews, then a tentative decision and can start checking references. Mr. Kobayashi stated that by October 15, 2013 they should be able to make a recommendation of the Board of Selectmen and proceed with public interviews. Mr. Kobayashi discussed the composition of the screening committee and stated that there are two ways to create a screening committee. Mr. Kobayashi discussed a screening committee being set up of seven members who are not employees or official of the Town. Mr. Kobayashi discussed a screening committee being set up of two Selectmen, one Department Head and other people highly knowledgeable of the Town. Mr. Kobayashi and the Board discussed the screening committee options. Mr. Kobayashi stated that he would send the fresh proposal to Mr. Piendak for the Board's review. Mr. Kobayashi stated that the Board would receive a list of all of the applicant's but they will only select a few of the applicant's for the preliminary interviews.

The Board took a five minute recess.

JOHN BROX, DRACUT – Motion made by Mr. Malliaros to appoint Mr. John Brox to the Dracut Agricultural Commission as an Alternate Member. Motion seconded by Mr. Zimini. Motion passed unanimously.

APPROVAL OF MINUTES – Motion made by Mr. Malliaros to approve the Minutes of January 8, 2013. Motion seconded by Mr. Zimini. Motion passed unanimously.

SUBCOMMITTEE REPORTS – Ms. Richardson stated that the Economic Development Committee met with Dow Company and the proposed funeral home on Broadway Road. Ms. Richardson stated that they would have the minutes for the next meeting for all to review.

Ms. Richardson stated that Chairman McNamara of the Dracut School Committee would like to meet with the Board on February 25, 2013 at 5:00 p.m. in Harmony Hall. Mr. Zimini explained that meeting at 5:00 p.m. is difficult. Ms. Richardson stated that she would suggest to Chairman McNamara meeting at 5:30 p.m.

### OLD BUSINESS

Town Charter – Mr. Malliaros stated that he was glad to see the review of the Town Charter getting off the ground.

### OTHER ITEMS FOR DISCUSSION

Creation of Study Committee to study & evaluate future uses for the Parker Avenue School – Mr. Zimini discussed the Parker Avenue School and stated that he would be happy with any further discussion on any Town owned property. Mr. Zimini stated that

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he would like to see a committee created to study the Parker Avenue School and to make recommendations for future uses. Mr. Piendak explained that the School Committee has to declare the Parker Avenue School surplus before the school going back to the Town. Mr. Piendak stated that Town Counsel also needs to take a look at it. Mr. Zimini stated that he would like this left on the agenda.

ORDER OF TAKING

Mr. Mike Buxton, Director of Public Works, appeared before the Board to discuss the permanent and temporary easements on Arlington Street, Methuen Street, Cheever Avenue, Carle Drive, Small Road, Kelley Road and Broadway Road. Mr. Buxton stated that with Mass Highway and Mass DOT the Public Works Department will be installing sidewalks and alignments in the Arlington Street area. Mr. Buxton stated that they have had numerous meeting with the abutters regarding the proposed work, permanent and temporary easements. Mr. Buxton stated appraisal reports have been completed on the easements and the proposed work is good for the Town. Mr. Buxton stated that he didn't receive much negativity from the abutters on the proposed work.

Ms. Richardson asked if anyone from the public had any comments or questions. Mr. Charles Daigle, 298 Arlington Street, appeared before the Board and stated that he was in favor of the sidewalks and doesn't like to give up parts of his property but understands the proposed work needs to happen. Mr. Daigle stated that he had planted trees along his property many years ago and they are going to be taking them all down. Mr. Daigle explained that he planted these trees for safety and aesthetic purposes. Mr. Daigle discussed planting these trees to enhance the look of this property trying to keep the property as a farm. Mr. Daigle stated that he is going to lose the look he has created once these trees are removed. Mr. Daigle stated that he would like the Town to put up a stone wall along his entire property as the property needs protection and to keep it "farm" looking for this customers. Mr. Buxton explained to the Board that they would be replanting the trees that they remove but they can't give him a stone wall. Mr. Buxton stated that he does a stone wall for one abutter he would have to do it for them all and they just can't do that. Mr. Buxton stated that Mr. Daigle's property has been appraised and they will be replanting trees and could even put in rocks if Mr. Daigle would like.

Motion made by Mr. Zimini to Adopt the Order of Taking as prepared and presented by Town Counsel. Motion seconded by Mr. Malliaros. Motion passed unanimously.

The Chairman read the Community Calendar.

Mr. Zimini discussed the memo the Board received from Ron Beauregard regarding smoking issues and Mr. Zimini would like the memo given to staff and Town Counsel to make recommendations as to where they can go with it.

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ADJOURNMENT

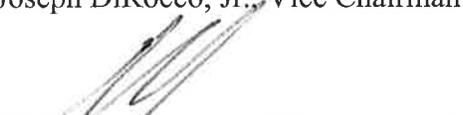
Motion made by Mr. Zimini to adjourn the meeting. Motion seconded by Mr. Malliaros.  
Motion passed unanimously.

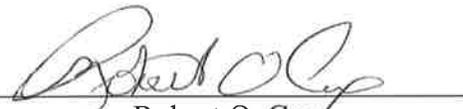
The meeting adjourned at 8:51 p.m.

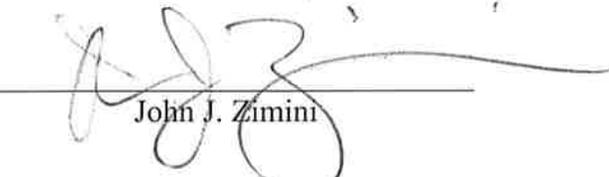
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Cathy Richardson, Chairperson

ABSENT  
Joseph DiRocco, Jr., Vice Chairman

  
George A. Malliaros, Clerk

  
Robert O. Cox

  
John J. Zimini