

**Board of Selectmen  
Minutes of December 8, 2015  
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 and Recording Secretary Shannon Rowe Beaulieu

The Chairman opened the meeting at 7:01 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:

\* Robert Sims, 86 Cart Path Road – Mr. Sims appeared before the Board and stated that he is raising his family in Dracut and has concerns with the proposed pipeline. Mr. Sims stated that the Farmgate Community already has a gas pipeline and with the proposed pipeline they will be surrounded by two pipelines and a metering station. Mr. Sims stated that the property near his home is used for recreation, the proposed compressor station would be located one mile from his home and they already are near the Brox Quarry which is an active quarry. Mr. Sims discussed the proximity to the Campbell School and residents being forced to harbor a burden with the proposed pipeline. Mr. Sims asked for the Board's assistance and support.

\* Gina Boisse, 190 Methuen Road – Ms. Boisse appeared before the Board and stated that she just heard about the proposed compressor station three weeks ago and her property is in the incinerator zone. Ms. Boisse discussed the impact on children, is very unhappy with the change and was not notified of the route change. Ms. Boisse stated that the Town Manager has been instrumental with the route change and in the future management should be sending out mailings of the proposed changes. Ms. Boisse asked the Board what are they going to do?

\* Randy Boisse, 190 Methuen Road – Mr. Boisse appeared before the Board and discussed a health impact study and discussed the diseases that a compressor station can cause. Mr. Boisse asked if the Town has asked for a health impact study and discussed terrorism to the proposed compressor station. Mr. Boisse stated that the compressor station would be remotely controlled and discussed cyber terrorism. Mr. Boisse stated that the residents were not notified of the route change and stated that people do not have an understanding of compressor and metering stations.

\* Gerald D'Avolio, 87 Dadak Drive – Mr. D'Avolio appeared before the Board and discussed the impact to the residents of the Community regarding the proposed compressor station.

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Mr. D'Avolio discussed the effects on the development of children, stated that he did not receive notice of the route change, asked about their due process rights, benefits, environmental effects of the station and other proposed locations. Mr. D'Avolio stated that he would be reaching out to the Attorney General. Mr. D'Avolio discussed alternatives and stated that there is no need for the proposed pipeline.

TOWN MANAGER'S REPORT – Mr. Duggan stated that the Municipal Aggregation opt out letters are being mailed out this week. Mr. Duggan stated that the re-use examination of the Beaver Brook Farm is still happening and a New Police Officer is finishing the FTO Program and should be on his own within a week. Mr. Duggan stated that the Collinsville Fire Station has a new roof and the Fire Department reached a contract agreement and the ratification of the contract would be coming soon. Mr. Duggan stated that he sent the Department Head's comments regarding unfunded State mandates and discussed the Lowell Sun article regarding the ABCC possibly allowing Local Licensing Authorities to have local control of issuing liquor licenses.

Mrs. Dristiliaris asked about the Municipal Aggregation opt out letter's return address so residents would be aware when they receive it in the mail. Ms. Ware, Community Development Director, stated that the opt out letter comes from Con Edison in New York and stated that there is additional information regarding the program on the Town's website. Ms. Ware stated that she is the contact person if anyone has any questions.

FIRE CHIEF'S REPORT – Chief Brouillette appeared before the Board and stated that the Fire Department responded to 260 calls last month. Chief Brouillette stated that they are currently completing recertification training and engine 3 training. Chief Brouillette stated that they have received a \$260,000 grant for self-contained breathing apparatus and discussed micro grants for rescue equipment. Chief Brouillette stated that they would also be completing cold weather training and stated that a new roof has been put on the Collinsville Station from the sale of a fire truck to Methuen, MA. Mr. DiRocco congratulated the Chief on receiving the grant for the self-contained breathing apparatus. Chief Brouillette stated that he went to Brox Industries with Mr. Duggan and all blasting from Brox Industries is completed within the blasting standards. Chief Brouillette explained how blasting works. Mr. Archinski also thanked Congresswoman Tsongas for her help in receiving the grant.

PUBLIC HEARING:

\* DeFelice Corp. – Special Permit Request to Allow Heavy Vehicle Sales, 28 Silva Lane  
– Mr. Archinski read the public hearing notice. Attorney Michael Fadden appeared before the Board to request a special permit to allow heavy vehicle sales consisting of five vehicles. Attorney Fadden stated that the applicant employees 60 people and has 60 vehicles as the applicant installs municipal water lines. Attorney Fadden stated that 15% of the vehicles are retired per year and the applicant would like to sell the used vehicles.

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Attorney Fadden stated that once the applicant applies and receives a used car dealers license, he would also be able to attend auctions to purchase vehicles for his business. Attorney Fadden stated that there was a Department Head meeting for the proposed special permit and the business hours would be Monday through Saturday 7:00 a.m. to 5:00 p.m.

No one from the audience spoke against the special permit request. One member of the audience spoke in favor, stating that the applicant is a great guy.

Motion made by Mrs. Hughes to close the public hearing. Motion seconded by Ms. Richardson. Motion passed unanimously. Motion made by Ms. Richardson to approve the Special Permit to Allow Heavy Vehicle Sales at 28 Silva Lane. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Furtado, Inc. – Requesting to Transfer the All Alcoholic Beverages Restaurant License to Tony F. Furtado d/b/a Scola’s Restaurant, 101 Broadway Road – Mr. Archinski read the public hearing notice. Attorney George Malonis appeared before the Board to request the Transfer of the All Alcoholic Beverages Restaurant License. Attorney Malonis explained that this is two transactions for accounting purposes. Attorney Malonis stated that the applicant Tony F. Furtado would be the Manager and there is no change in hours or operations.

No one spoke in favor or against the transfer request.

Motion made by Mrs. Dristiliaris to close the public hearing. Motion seconded by Mrs. Hughes. Motion passed unanimously. Motion made by Mrs. Hughes to approve the Transfer of the All Alcoholic Beverages Restaurant License to Tony F. Furtado d/b/a Scola’s Restaurant. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Tony F. Furtado – Requesting to Transfer the All Alcoholic Beverages License to Furtado Brothers Italia, Inc. d/b/a Scola’s Restaurant, 101 Broadway Road – Mr. Archinski read the public hearing notice. Attorney George Malonis appeared before the Board to request the Transfer of the All Alcoholic Beverages Restaurant License. Attorney Malonis stated that this is the same corporation and again Tony F. Furtado would be the Manager.

No one spoke in favor or against the transfer request.

Motion made by Mrs. Hughes to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously. Motion made by Ms. Richardson to approve the Transfer of the All Alcoholic Beverages Restaurant License to Furtado Brothers Italia, Inc. d/b/a Scola’s Restaurant. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

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AGENDA ITEMS:

\* Michael Murphy – Requesting a One-Day Beer & Wine License – December 27, 2015 at Harmony Hall from 4:00 p.m. to 10:00 p.m. – Mr. Murphy appeared before the Board to request a One-Day Beer & Wine License. Ms. Richardson asked if the provided Certificate of Liability Insurance was enough insurance? Attorney Hall stated that the Certificate of Liability Insurance was o.k.

Motion made by Mr. DiRocco to approve the One-Day Beer & Wine License for December 27, 2015 at Harmony Hall from 4:00 p.m. to 10:00 p.m. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Lakeview Gas Station, Inc. d/b/a Jay's Mart, 1266 Lakeview Avenue – Requesting Change of Hours for 10:00 a.m. Sunday Beer & Wine Sales – Mr. Archinski stated that this would allow them to start selling at 10:00 a.m. on Sunday's.

Motion made by Mr. DiRocco to approve the Change of Hours for 10:00 a.m. Sunday Beer & Wine Sales. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Mack's Rendezvous BPOE, Inc., 473 Riverside Street – Requesting a Change of Manager from Ronald Lowe to Paul Mercier on the All Alcohol Liquor License – Mr. Paul Mercier appeared before the Board and stated that he bought out his partner and is now the Manager of the establishment. Attorney Hall explained the Change of Manager process as all ABCC renewals were due by December 1<sup>st</sup>, 2015.

Motion made by Mr. DiRocco to approve the Change of Manager from Ronald Lowe to Paul Mercier. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

\* Mack's Rendezvous BPOE, Inc., 473 Riverside Street – Requesting Permission to Change the 2016 ABCC On-Premises License Renewal Application by Striking Ronald Lowe as Manager and Inserting Paul Mercier as Manager – Motion made by Mr. DiRocco to approve the Change to the 2016 ABCC On-Premises License Renewal by Striking Ronald Lowe as Manager and Inserting Paul Mercier as Manager. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Selectwoman Alison Hughes – Presentation and Discussion of the Joint Budget Task Force (JBTF) Committee's Final Document – Mrs. Hughes stated that the JBTF's final document was mailed to all Board members from the Finance Director and discussed the JBTF approach. Mrs. Hughes stated that the fixed costs are raising by 6% and revenue is rising by 3% each year. Mrs. Hughes discussed expenses and revenues, reviewed cost savings, discussed contractual and fixed costs. Mrs. Hughes stated that the Tri-Board should be the forum for discussions then the members would go back to their respective Boards. Mrs. Hughes stated that the final document is not for definitive answers it is just a tool to use.

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Mrs. Hughes discussed Economic Development coming on and stated that the JBTF has worked together to provide the final document. Mrs. Hughes stated that the JBTF asked the financial team to come up with three funding ideas. Mrs. Hughes stated that they have to look at all options which is a great opportunity as we are going into the preparation of the budget.

Mr. Archinski stated that the JBTF was a great collaboration with all three Boards and staff. Mr. Archinski stated that he agrees with the financial team coming up with funding ideas and bringing them to the Tri-Board.

Mrs. Hughes stated that the final presentation is on the Town's website for review.

Mr. DiRocco stated that the JBTF did work hard and that time is of the essence.

Mrs. Hughes discussed the FY17 3.3 million dollar shortfall and stated that they are not expecting to be able to close the gap. Mrs. Hughes stated that they are looking for options on how part of the gap could be funded. Mrs. Hughes discussed last year's withdrawn trash fee proposal, a timeline option for a possible debt exclusion, override and a vote on May ballot with a Special March Town Meeting. Mrs. Hughes stated that the Tri-Board should have a meeting in January to discuss options.

Mr. DiRocco stated that the JBTF started out great but the Superintendent recently receiving an 8% raise is not going to look like the need for additional money is real. Mr. DiRocco stated that the recent raise makes the process more difficult.

Ms. Richardson stated that she finds it harmful and outrageous that an 8% raise for anyone in this Town is even considered. Ms. Richardson stated that she has a couple of ideas for the Tri-Board; selling the land and moving the School Administration Building to the old Town Hall Annex, hiring a grant writer for both the Town and School Department and placing a moratorium on single family homes to encourage 55 and old development. Ms. Richardson stated that the moratorium would slow down the impact to the schools. Ms. Richardson discussed revisiting the Master Plan especially with the population changes and with housing changes.

Mrs. Hughes stated that moving the School Administration Building to the old Town Hall Annex would be costly but maybe they could move somewhere else. Mrs. Hughes stated that placing a moratorium on single family homes for over 55 development would make their homes available when they move.

Mrs. Dristiliaris stated that the Board is facing an audience full of residents and a moratorium on single family homes is absurd. Mrs. Dristiliaris stated that is not the opinion of the Board, it is only the opinion of one member. Mrs. Dristiliaris stated that she is pro-family and she appreciates the residents in the audience.

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Mrs. Dristiliaris thanked Mrs. Hughes and Mr. Archinski for their hard work on the JBTF and also commended Mr. Duggan and Mrs. Vandal for their hard work as well.

\* Selectwoman Cathy Richardson – Discuss and Vote on Obtaining Legal Counsel to Protect the Interest of the Town in Discussion and/or Negotiation with Kinder Morgan –  
Ms. Richardson stated that she has asked Attorney Richard Kanoff to attend a meeting to discuss obtaining legal counsel as the proposed pipeline affects the Town in a number of ways. Attorney Kanoff appeared before the Board and stated that he does represent a number of residents in Dracut regarding the proposed pipeline. Attorney Kanoff stated that he is familiar with the proposed pipeline, compressor station and stated that Dracut is ground zero of the proposed pipeline. Attorney Kanoff stated that this is not a done deal and will be a long tough battle. Attorney Kanoff discussed alternatives to the pipeline, Kinder Morgan having financial problems and FERC looking at alternative options. Attorney Kanoff stated that the Board can oppose the pipeline politically and advocate against Article 97. Attorney Kanoff discussed the number of State proceedings and discussed having some participation in the proceedings is better than having none. Attorney Kanoff stated that the Town needs to be well served with having counsel.

Ms. Richardson stated it would make sense for Attorney Kanoff to stay with the Board.

Attorney Hall stated that he needed to research whether the Board can discuss fees under Executive Session.

Mr. Archinski stated that he would like time to research and have more discussions regarding obtaining legal counsel. Mr. Archinski discussed Article 97 and moving the proposed pipeline out of Article 97.

Mr. DiRocco asked if the Board could use their own Town Counsel for some of this?

Attorney Kanoff stated that he would coordinate with Town Counsel if that was the wish of the Board.

Mrs. Dristiliaris asked if the Board were to hire Attorney Kanoff, would he be able to start proceedings for the January 6, 2016 deadline?

Mrs. Hughes discussed representation at the State and Federal level.

Attorney Kanoff discussed what he would do if he were representing the Town.

Attorney Hall stated that they have already filed as an Intervenor and he would speak with Attorney Kanoff regarding what could be done in collaboration.

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\* Selectwoman Cathy Richardson – Discuss and Vote on Proposed Letter to FERC Indicating Concerns Regarding the Northeast Direct Project – Ms. Richardson stated that she created a letter, stressing the complexity of the proposed project, dated December 8, 2015 to FERC, for the Board’s review and approval. Ms. Richardson stated that the Dracut Pipeline Awareness Group made suggestions to the proposed letter, but they do not change the bulk of the proposed letter and discussed possible other changes to the proposed letter. Ms. Richardson discussed the Coalition writing letters opposing the pipeline as well.

Mrs. Dristiliaris stated that she would like to review the proposed letter before it is mailed to FERC.

Motion made by Mrs. Dristiliaris to Table sending out the proposed letter to FERC until the next meeting. Motion seconded by Mrs. Hughes. Motion passed unanimously.

\* Caroline Zuk – Dracut Pipeline Awareness Group Update – Ms. Zuk appeared before the Board and stated that the next Pipeline Awareness Group information meeting would be held on December 12, 2016 at 9:00 a.m. at the Dracut Police Station. Ms. Zuk presented the Board with a list of concerns dated December 8, 2015. Ms. Zuk stated that the residents located within the new route never received notice and stated that Kinder Morgan keeps changing the proposed plans. Ms. Zuk requested that a letter be drafted to all residents to make them aware of the proposed pipeline, look at Communities outside of Dracut that have been negatively impacted by a compressor station and complete inspections with test results. Ms. Zuk discussed accountability, health risks and contamination in food production. Ms. Zuk stated that the Conservation Commission is going a great job dealing with the wetlands issues in regards to the proposed pipeline. Ms. Zuk stated that they have asked for design specifications of the proposed compressor station. Ms. Richardson stated that they have received design specifications but no information on emissions, which she would provide to Ms. Zuk.

Ms. Richardson discussed a proposed electric compressor station and the need for more information and the need to look at many particulars.

Ms. Richardson stated that there were questions regarding 100’ borings from the Conservation Commission meeting. Mr. Duggan discussed the locations of the proposed boring and stated that all work would be overseen by a third party reviewer.

Mr. Duggan discussed the 21,000 page submission and requested which sections are focused on the proposed compressor station. Mr. Duggan stated that some information is redacted due to issues with possible terrorism. Mr. Duggan stated that once he received the information, he would provide it to the Board.

Ms. Richardson stated that she has the categories of the submission and would provide that to Mr. Duggan.

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Ms. Richardson stated that over 700 residents were not notified of the newest route and stated that the Coalition is working on that on a larger level.

Mr. Duggan stated that the Kinder Morgan presentation at Four Oaks was very poorly done. Mr. Duggan stated that fourteen months ago, Kinder Morgan had a meeting where people could ask questions with answers from Kinder Morgan. Mr. Duggan stated that he is trying to get Kinder Morgan to come back to Town for another meeting.

Ms. Zuk asked who is going to hold Kinder Morgan responsible for what they say and do? Ms. Zuk discussed having tight protections, overall health concerns and safety concerns.

#### 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, Zoning Board of Appeals and Dracut Cultural Council are looking for new members.

#### NEW BUSINESS:

The Board discussed whether or not to have a Board of Selectmen's meeting on December 22, 2015. The Board agreed to meet to discuss obtaining legal counsel for the proposed pipeline and Ms. Richardson's letter to FERC.

SUB-COMMITTEE REPORTS – There were no Sub-Committee reports for this meeting.

#### APPROVAL OF MINUTES:

Motion made by Mrs. Hughes to approve the Education Sub-Committee Minutes of October 20, 2015. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Motion made by Mrs. Hughes to approve the Joint Budget Task Force Committee Minutes of October 28, 2015. Motion seconded by Mr. Archinski. Motion passed unanimously.

Motion made by Mrs. Hughes to approve the Joint Budget Task Force Committee Minutes of November 4, 2015. Motion seconded by Mr. Archinski. Motion passed unanimously.

Motion made by Ms. Richardson to approve the Board of Selectmen Minutes of November 10, 2015. Motion seconded by Mrs. Dristiliaris. Motion passed 4 to 0. Mr. DiRocco abstained from voting.

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Motion made by Ms. Richardson to approve the Board of Selectmen Minutes of November 17, 2015. Motion seconded by Mrs. Dristiliaris. Motion passed 4 to 0. Mr. Archinski abstained from voting.

COMMUNITY CALENDAR:

The Chairman read the information in the Community Calendar.

Mrs. Dristiliaris stated that on December 11<sup>th</sup> and 18<sup>th</sup>, 2015 from 6:00 p.m. to 10:00 p.m. at the VFW in Lowell, MA, there would be a gift wrapping fundraiser for the Mathew Boule Memorial Park.

Mr. Archinski stated that on December 12, 2015, the Salvation Army Radiothon would be on WCAP.

Mrs. Dristiliaris stated that on December 12, 2015 from 4:00 p.m. to 8:00 p.m. is a Toy's for Tot's fundraiser at O'Hara's.

ADJOURNMENT:

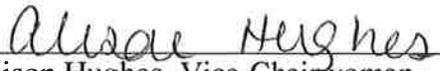
Motion made by Mrs. Hughes to adjourn the meeting. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

The meeting adjourned at 9:27 p.m.

BOARD OF SELECTMEN



Tony Archinski, Chairman



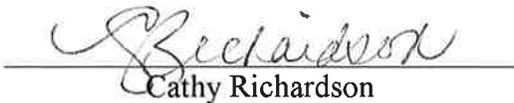
Alison Hughes, Vice-Chairwoman

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Tami M. Dristiliaris, Clerk

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Joseph DiRocco, Jr.

  
Cathy Richardson