

BOARD OF SELECTMEN – MEETING OF OCTOBER 9, 2012  
HARMONY HALL

PRESENT – Cathy Richardson, Chairperson, George A. Malliaros, Clerk, Robert O. Cox, John J. Zimini, Dennis E. Piendak, Town Manager, Glen Edwards, Asst. Manager/Town Planner and Barbara Souza, Recording Secretary.

TIME – The meeting was called to order at 7:00 p.m.

ABSENT – Vice-Chairman Joseph DiRocco, Jr. was recorded absent.

The Pledge of Allegiance was recited followed by a moment of silence being observed for all those who have given the ultimate sacrifice and for those who are currently serving especially in Iraq and Afghanistan.

WARRANT APPROVAL – On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to approve the warrant.**

NOVEMBER ANNUAL TOWN MEETING WARRANT – On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to approve and sign the warrant.**

PRESIDENTIAL ELECTION WARRANT – On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to approve and sign the election warrant.**

COMMUNITY INPUT – Deborah DeVincent, 71 Cherrywood Drive - Ms. DeVincent said she had attended the EPA meeting last Thursday regarding Future Stars at the Navy Yard Mill. At that meeting she was told that the building her son was playing in for five years was contaminated with elevated levels of TCE and PCE, cancer causing chemicals. Reading from a prepared statement, Ms. DeVincent noted that a special permit was issued to Future Stars on December 27, 2005 by the Board of Selectmen; seven months later on July 21, 2006 DEP sent out a notice to the owner of the building, Frank Polak warning him to clean up the site so that it has “No Level of Significant Risk”. “This letter was also sent to the Board of Health in Dracut, Thomas F. Bomil; the letter clearly sites TCE and PCE in the report” and questioned “why the Board of Health did not inform the Town Manager or Board of Selectmen that we had a contaminated building in Dracut which was about to open a sports facility to the children of Dracut”. Ms. DeVincent said “she wants to know why the Dracut residents were never notified about this contaminated building that hundreds of children were going in and out of for years and they were never told about it” and said “isn’t it the Board of Health’s job to protect us, to protect the residents of

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Dracut, especially children?” Ms. De Vincent, upon concluding her remarks, added that one of these chemicals, TCE, is the same chemical that killed the nine Woburn children years ago when TCE was dumped into the well drinking water.

Bud Rogers, 123 Parker Road – Stated he felt motivated to come here tonight out of concern for his son and family and is supporting his fellow Dracut baseball parents and said he is just learning of this the last few days. He is very concerned about what has come about; his son has played baseball in there since its inception. He’s concerned for the employees of the place but more concerned about his son. He is concerned about the lack of information that has been put out and said he didn’t see any notices or warnings posted; if there was something wrong going on, he wants to know everything; he wants to know what his son might have been exposed to, how long he was exposed to it and said that’s why he is here.

Deborah Goss, 51 Greenmont Avenue – Stated she would like to formally put forth a couple of requests also relating to Future All Stars; she said it was stated at last Thursday night’s meeting that there was posting in 2007-2008 that was put up at Future All Stars that Bud (Rogers) just referred to and would like to put in a request to formally get a copy of that posting so they can see exactly what it stated and also to request that they do have the EPA and the DEP and the Boston Medical Doctor that came in; all those same people who came in last Thursday night for them to come in again. She said they had stated at that Thursday night meeting that they would be more than willing to come again. Ms. Goss said she feels that as more parents learn about this they of course will have questions so she feels they should have another session.

TOWN MANAGER’S REPORT – Memorandum of Agreement/Town of Dracut & New England Police Benevolent Association, Inc. – Mr. Piendak said it was requested that because of the way the board went into executive session and closed the meeting at the last meeting that he just summarize that an agreement has been reached on a two-year collective bargaining agreement with the members of the police department; that agreement, which was approved by the board at the end of the last meeting, covers fiscal years 2013 & 2014; it provides for zero percent wage increase for each of those years, it does maintain in place the educational incentive pay (Quinn Bill) for those officers receiving it and the second year of the agreement it provides for a reduction of accrued sick leave from 15-days to 12-days per fiscal year and it provides for 50% reduction in sick leave buy-back for current personnel and provides for elimination of sick leave buy-back for any personnel hired after July 1,

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2012 and said again, that was approved for the two-year period at the end of the last meeting. New Website – Mr. Piendak reported that last week we went live with a new website; it has considerably improved graphics and is more user friendly; it allows for the placement of more information on the website and Mr. Edwards advises him that it is fully ADA compliant.

Library/Downspouts – As reported in the newspaper, Patriot Roofing which is a local roofing company operated by Dracut residents Ken & Kari Landino have agreed to replace the missing downspouts at the library. Also, those downspouts come fitted with a copper box that provides for the transition between the gutter and the downspout which he said is a very expensive item; three of them run around nine hundred dollars. A company in town (Dave's Metal) is fabricating those and has agreed to donate them also to go with the gutters. He is pleased about that and said once everything is wrapped up, he will see that suitable notification and recognition is provided to those people.

Shell Station, Lakeview Avenue - Mr. Piendak said a question was raised at the last meeting regarding the bays; Mr. Edwards has been in touch with the owner of the Shell Station and he (owner) intends to continue using the bays temporarily until his facility on Bridge Street is completed; he is then going to close them down and plans to convert the balance of the building into a convenience store.

Mr. Zimini said he has a question for the manager relating to something we talked about at the last meeting, particularly the mill site, and noted that it has nothing to do with what these people talked about under community input because knowing the rules, there can be no give or take so he is not addressing that; what he is addressing is some concerns he has that he would like the manager and have staff look into as to the adjacent properties on either side of the mill, in particular, Planet Fitness and the Dollar Store if that site was ever tested prior to them going in for any kind of contaminants that might be in that ground seeing that sometime ago that could have been a site where there were contaminants stored there. Mr. Zimini said he is just wondering if there was any testing of the soils on that side and have there ever been any concerns by the auto dealership on the opposite side of the river whether any of those chemicals could have leached into those properties.

Ms. Richardson said she was at the meeting and heard them say they will come back. Mr. Malliaros added that they are making themselves very available out of concern for the children and parents and said one thing that was a bit reassuring and one of the good things in listening to the physician was that the EPA had decreased the bar down to 40; prior to that it had been 300 and that change took place just in the recent year and feels they were mostly concerned with the children who were

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exercising vigorously and they said that once they were outside, the body gets rid of this stuff pretty quickly. He feels the parents have a legitimate beef and feels they need some answers. Discussion continued regarding inviting the agencies back to which Mr. Piendak indicated that they will be invited back for another session. Mr. Zimini said he would like to see it held on a night when it is convenient for everyone to attend. Regarding the posting, Mr. Malliaros said he would be interested in hearing from the owner of Future Stars as to whether he posted a notice on the door. Following some additional discussion, it was agreed that the owner of Future Stars and Frank Polak, owner of the building, be asked to attend the next session.

Quinn Bill – Mr. Malliaros requested that the Town Manager tell the public what the Quinn Bill is. Mr. Piendak explained that it's a statute that provides for educational incentive payments that in the case of the town was accepted back in the mid 80's by town meeting; it provides for additional salary for advanced education from either an associates or bachelors' degree up to a master's degree and can provide from anywhere he believes up to 10% to 25% additional pay; statute provides that it be funded 50% by the town and 50% by the Commonwealth. Mr. Piendak continued to say that when the fiscal issues came upon everybody and the Commonwealth was dealing with budgetary cuts, it reduced over time its contribution to the point that this fiscal year we are receiving no Commonwealth reimbursement and said it has been incrementally reduced for about three years.

Mr. Malliaros said it is his understanding that we continue to pay the State's share because we have to pursuant to the collective bargaining agreement. Mr. Piendak said that is correct. Mr. Malliaros said, and concessions were negotiated with the police, namely no raises for the next two years and also reduction of three sick days per year. Mr. Piendak again went over the agreement that was reached. Mr. Malliaros asked if the 10 to 25% is an increase in a police officer's base pay to which Mr. Piendak replied in the affirmative. Mr. Malliaros, noting that there are twenty-five individuals on it, asked what the cost is to the town. Mr. Piendak estimated about thirty-three to thirty-five hundred dollars per week.

Mr. Zimini asked if that was the total amount to which Mr. Piendak replied that it is the State's share

Mr Malliaros said we have twenty-five people on it and asked if ten more people are eligible. Mr. Piendak said he doesn't believe it's ten, probably more like six to eight; he doesn't have the list in front of him. Following a

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few brief comments, Mr. Malliaros said he feels it is important to point out that the vote of the board was not unanimous and Mr. Cox wasn't able to vote.

APPOINTMENT – Steve Coravos & Gary Campbell Re: Grassfields Commons @ 474 Mammoth Road – Ms. Richardson read the following correspondence aloud explaining their request to the board: “We represent Grassfields Development LLC, the developers of the proposed over 55 multifamily real estate project called Grassfields Commons at 474 Mammoth Road. Grassfields originally received approvals to construct 48 residential units for sale back in 2006. Due to economic conditions, we have not yet commenced construction, but we have applied for and received time extensions from the ZBA to maintain the Comprehensive Permit in good order. Conditions are such now that we are interested in finishing the development, modifying the approved Comprehensive Permit so that Grassfields is a rental over 55 community, not for sale. The number of units would stay the same at 48. Based on our successful experiences with the Allard's Grove project, we are interested in moving forward with Grassfields. In addition, under the approved plan, we would like to change the subsidizing agency from MassHousing to DHCD under the Local Initiative Program (LIP). This would require an endorsement letter from the Board of Selectmen as part of a LIP application for a Project Eligibility Letter. Allard's Grove was a LIP project, and so DHCD is familiar with our work.”

At this time, Mr. Zimini stated that he has a potential conflict of interest so he will be removing himself and will not participate in the discussion or the vote. (Mr. Zimini left the room.)

Mr. Gary Campbell addressed the board and stated he comes here as the owner and developer of Allard's Grove LLC and also the proposed developer of this project, Grassfield Commons. Mr. Campbell proceeded to highlight some of the comments addressed in the letter. Mr. Campbell said they are here tonight to see if the board is willing to do an endorsement letter as was done with Allard's Grove which he said was very helpful and essential in their application for this LIP Program through DHCD.

Ms. Richardson asked what the benefit to the town would be.

Mr. Campbell replied that converting from a “for sale” to a rental means the entire 48-units as a 48-unit project would count as part of the town's affordable housing stock. They feel it's a good project, one that would benefit the residents of the town by having a good place to live; they feel

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they have good value housing and said they've been in the business for fifty-years and have a number of projects under management; they are looking to produce more housing and feel there is a need for it in the community.

Ms. Richardson asked if jobs would go to Dracut companies similar to Allard's Grove.

Mr. Campbell said yes, and hopes that they are interested because they would be more than happy to work with them again; he feels Dracut in general is a hard working town and the people who were working for them went to the job site every day ready to work hard and said that would be one of the benefits, in his mind, and would be happy to keep it in town and have every intention on doing so.

Mr. Piendak commented that when this project was originally approved back in '06, they had a mitigation agreement in place that he just recently reaffirmed; if this project does go forward, the mitigation agreement provides that the town receive a donation of twenty-five hundred dollars per unit towards the hard cost of creating the Esplanade Park along Lakeview Avenue near the old tree department and where the Sewer Department is. Mr. Campbell stated that that is true and said they are happy to do it.

A brief discussion continued.

**Mr. Malliaros moved to endorse it; Mr. Cox seconded for discussion.**

Under discussion, Mr. Cox said that the town obviously made some concessions on Allard's Grove and asked if they would be looking for the same types of concessions.

Mr. Campbell said they have already had discussions with the town on the sewer side and because this is an existing project that has already been permitted, he believes the sewer tie-in is going to be similar to what it was when the project was permitted. They are going to be talking to the water department and will probably try to do something similar as Allard's Grove and said they will pay for a big part of the water line which he said will benefit the surrounding area.

**The motion to endorse the project called Grassfields Commons at 474 Mammoth Road passed unanimously (3-0) of those members present and voting.**

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(Mr. Zimini returned to the meeting).

AGENDA ITEMS – KSC Enterprises, Inc., Kenneth Cunha – Request for a Common Victualler License for premises located at 1734 Lakeview Avenue, Unit 24 – Mr. Cunha addressed the board and stated they would like to put an “Orange Leaf” frozen yogurt store on Lakeview Avenue; he said Orange Leaf is a national franchise with over two hundred stores, six in Massachusetts with probably ten more to go in Mass. A brief discussion followed.

On a motion by Mr. Cox and seconded by Mr. Zimini, **it was unanimously voted to approve the common victualler license.**

Anant Khayan d/b/a Rostip Thai Restaurant – Request for Common Victualler license for premises located at 7 Broadway Road (new owner)-

On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to approve.**

Assumption of the Virgin Mary Greek Orthodox Church, Nikitas Flaris, President, 1160 Mammoth Road – Request for one 1-day Beer & Wine license for outdoor Food Fair/Saturday, October 13, 2012 from 10:00 a.m. to 10:00 p.m. –

On a motion by Mr. Zimini and seconded by Mr. Malliaros, **it was unanimously voted to approve.**

Dennis Piendak, Town Manager – Library Downspouts – Mr. Piendak said he feels this was particularly galling to have those downspouts taken off the library and explained that Mass General Laws does allow, when a town has been the victim of a felony which in this case the value is in excess of \$250 which is the felony threshold, that a reward can be offered, so in accordance with that statute, he is recommending that the board authorize a reward of \$500.00 for information leading to the arrest and prosecution connected with that felony and the Chief of Police would be the determinate as to whether the information was sufficient to warrant payment of the reward. Mr. Piendak said he is recommending this to the board in accordance with the statute.

**Motion by Mr. Zimini and seconded by Mr. Malliaros for discussion.**

Under discussion, Mr. Malliaros asked Mr. Buxton (DPW Director) how long it would take to remove those downspouts. Mr. Buxton replied “minutes”. Mr. Piendak added that there is a considerable amount of

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shrubby there where someone could hide behind and said they weren't riveted at the top so it could just be pulled right down; steps are being taken to combat that.

**It was unanimously voted to support the Manager's request to offer a reward.**

APPROVAL OF MINUTES/Meeting of August 14, 2012 – On a motion by Mr. Malliaros and seconded by Mr. Cox, **it was unanimously voted to approve the minutes.**

SUBCOMMITTEE REPORTS – Subcommittee on Sewer Construction – Ms. Richardson noted that the Sewer Commission would like to meet with a subcommittee on sewer construction to approve the appropriation passed at the June 4<sup>th</sup>, 2012 town meeting and to transfer and reallocate any remaining appropriations from completed sewer projects. The town bylaw requires two members of the Board of Selectmen to be present and it will be held on Monday, October 15<sup>th</sup> at 6:00 p.m. at Harmony Hall. Mr. Cox and Mr. Malliaros offered to attend the meeting on the 15<sup>th</sup>.

OLD BUSINESS – Town Charter – Mr. Edwards reported that there is one phone interview left to be completed and one department head that is going to be offered an on-line input; other than that, everyone that was on the initial list plus the previous committee that had a proposal for the Charter Commission have all been interviewed. He has been informed that once those remaining two are completed, it will be about two to three weeks before a draft will be presented to the board and then depending on how much feedback received on the draft, it will be another two or three weeks for a final report and recommendation. A brief discussion followed.

Sign/Zoning Bylaws – Ms. Richardson said she feels that because the Zoning Bylaws committee is in fact up and running, perhaps this item can be removed from old business. She noted that Mr. Cox and her sit on that bylaw subcommittee and they are working toward placing two articles on the upcoming town meeting warrant. It was the consensus of the board to remove this item for Old Business.

Mr. Edwards noted that the Planning Board will be holding a public hearing tomorrow night on two recommended changes having to do with non-conforming uses and non-conforming structures.

Blanche Street - Mr. Zimini noted that the board is in receipt of a copy of an email from Mr. Edwards relative to the repair shop on Blanche Street

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and asked if he (Edwards) could give us an update for the benefit of anyone in the public watching and may be concerned in that area.

Mr. Edwards said, as reported by the Building Inspector, he has said that they have largely complied and that the Police Department deserves the credit; the only thing they have not done is moved the dumpster enough, it needs to be moved further off the right-of-way. No Parking signs were put up and they seem to be abiding by that; he continued to give a brief status report.

Mr. Zimini commented that he hopes Mr. McLaughlin will follow-up because he was by that site on Sunday and feels that dumpster is still not in a good position, it is unsightly and needs to be rectified. Mr. Zimini asked that this be relayed to the building inspector.

The Community Calendar was read at this time.

**ADJOURNMENT** – On a motion by Mr. Malliaros and seconded by Mr. Zimini **it was unanimously voted to adjourn the meeting at 7:46 p.m.**

BOARD OF SELECTMEN

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Cathy Richardson, Chairperson

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ABSENT

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Joseph DiRocco, Jr., Vice-Chairman

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George A. Malliaros, Clerk

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Robert O. Cox

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John J. Zimini