

BOARD OF SELECTMEN – MEETING OF MAY 8, 2012
HARMONY HALL

PRESENT – George A. Malliaros, Chairman, Robert O. Cox, Vice-Chairman, Joseph DiRocco, Jr., Clerk, John J. Zimini, Cathy Richardson-Brown, Dennis E. Piendak, Town Manager, Glen Edwards, Town Planner/Assistant Manager and Barbara Souza, Recording Secretary.

Mr. Malliaros called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was recited; a moment of silence was observed for those who have given their lives in the service for this Country and for those currently serving in the military particularly in Iraq & Afghanistan.

REORGANIZATION OF BOARD – **Nomination of Chairman** – Mr. DiRocco moved to nominate Cathy Richardson-Brown as Chairman. Mr. Cox seconded the nomination. Mr. DiRocco added that he believes she would be the first woman Chairman on the board.

There were no further nominations. Mr. Zimini moved to close nominations for Chairman; Mr. DiRocco seconded; it was a unanimous vote to close nominations for Chairman. **It was unanimously voted that Ms. Richardson-Brown be appointed Chairman.**

Vice-Chairman – Ms. Richardson opened nominations for Vice-Chair.

Mr. Malliaros moved to nominate Mr. DiRocco; Mr. Cox seconded the nomination. There being no further nominations, Mr. Zimini moved to close the nominations for Vice-Chairman seconded by Mr. Malliaros, unanimous. **It was unanimously voted that Mr. DiRocco be appointed as Vice-Chairman.**

Clerk – Ms. Richardson opened nominations for Clerk.

Mr. Cox moved to nominate Mr. Malliaros for the position of Clerk; Mr. DiRocco seconded the nomination. There being no further nominations, Mr. Zimini moved to close nominations, seconded by Mr. Cox, unanimous. **It was unanimously voted that Mr. Malliaros be appointed as Clerk.**

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

APPROVAL OF JUNE TOWN MEETING WARRANT – On a motion by Mr. Zimini and seconded by Mr. Cox, it was unanimously voted to approve.

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Community Input - No one signed up.

Town Manager's Report - Town Accountant - Mr. Piendak confirmed that the Town Accountant, Paul Hebert, has provided notice that he will be resigning from town service effective May 23rd, 2012; he has accepted another position in a community in New Hampshire which is his native State; he has been with this town for five-years and has done a very good job and said this is an opportunity for him to advance himself and wished him well. Mr. Piendak said he has placed the subject of town accountant on the agenda so we can discuss transition and recruitment of filling the position which is a Charter position and an appointment of the board.

The Community Preservation Committee is holding a public meeting on May 15th here at Harmony Hall at 7 pm to discuss their proposal which is regarding two articles on the warrant to acquire the properties at 509 and 515 Hildreth Street. GLTHS – Last week the Greater Lowell Tech High School Committee had a meeting at which the Building Committee's Chairman, Ellis Neofotistos, attended regarding their ongoing renovation plans; it seems they are leaning toward a renovation program in the neighborhood of sixty-five million dollars that will be coming to the four communities for consideration and approval and believes their target is this October, November. They are eligible for SPA funding of about 75% leaving the balance to be funded by the member communities. It was noted in one of the handouts that it will take unanimous approval of all four communities for that project to move forward. The Building Committee has reviewed the many proposals received for the Town Hall Design Architectural Services for the Town Hall; they have shortlisted it to six and will be interviewing three tomorrow night and three next week.

Mr. Piendak continued to report that good news was received today from the Massachusetts Water Pollution Abatement Trust; our next two sewer contracts (#30 Wheeler Road/Street area) and (#31 upper Mammoth Road/Winter Hill areas) have both been identified on the Revolving Fund List for low interest funding. Should we be successful in obtaining the additional appropriations that are also on the June town meeting warrant, we will be eligible for low interest funding which will benefit the rate payers and the town. Lastly, the next sidewalk project is going to be the installation of a sidewalk up along Methuen Street from the intersection of Arlington down to the Campbell School area. As done in the past, they would like to conduct a public meeting for the residents abutting that proposed sidewalk installation as part of a Selectmen's meeting and are looking to do it during the June meeting.

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With regard to the property on Hildreth Street, Mr. Cox asked Mr. Piendak if a price has been arrived at or will it be taken by eminent domain.

Mr. Piendak replied that CPA Committee in the past has appraised the property and made offers which have been unsuccessful so they are proposing a eminent domain taking if town meeting authorizes such.

AGENDA ITEMS –

Michael Surprenant d/b/a “All Mixed Up” – Request for Common Victualler License for a frozen yogurt café at 101 Broadway Road, #24 – Motion by Mr. DiRocco and seconded by Mr. Cox, **it was unanimously voted to approve.**

Marc Gosselin, Dracut – Letter of request to be reappointed to the Dracut Historical Commission – Motion by Mr. Cox and seconded by Mr. DiRocco, **it was unanimously voted to approve.**

Louise Tremblay, Dracut – Letter of request to be reappointed to the Dracut Historical Commission – Motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to approve.**

Gordon C. Lutz, Dracut – Letter of request to be appointed to the Cable Advisory Committee – Motion by Mr. Zimini and seconded by Mr Cox, **it was unanimously voted to approve.**

David Paquin, Vice Chairman/Dracut Old Home Day Committee – Request the closing of Lakeview Avenue on Saturday, September 8th, 2012 between the hours of 8 am & 3 pm between Litchfield Avenue and Harold Avenue – Motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to grant permission.**

Special Permit Statement of Facts/Shawn Angluin d/b/a Shawn’s Auto Repair, 338 Aiken Avenue – Submitted for board’s final adoption and signatures – Mr. Zimini moved to approve. Mr. Malliaros seconded the motion. Under discussion, Mr. Edwards confirmed that the hours of operation will be Monday through Friday from 8:00 a.m. to 6:00 p.m.

Mr. Zimini said the discussion focused on one particular neighbor that was concerned about that particular business being in that area and thinks that we all agreed at that point, as well as the abutter, that it wasn’t pointed at him (Angluin) but was pointed at the entire area so he therefore felt that we couldn’t penalize one business because the rest of the area isn’t cooperating with the town.

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Mr. DiRocco said he had brought up about all the storage containers on the site and asked if it is known whether they will be removing them.

Mr. Edwards replied that it was brought to the building inspector’s attention; he went and visited the site but nothing has been received back from him.

Following a brief discussion, Mr. Edwards said he will get back to the Building Inspector and try and get something in writing about his findings.

The motion to sign special permit # 12-1 for Shawn's Auto Repair @ 338 Aiken Avenue passed unanimously.

PUBLIC HEARING/Application for Transfer of Wine & Malt Packaged Goods Store License from Muddy River Coffee & Convenience, Inc. to: Victory Beer & Wine Corp, d/b/a Muddy River Convenience, Alice Vinh, Manager and also for approval for Pledge of License & Stock –

Ms. Richardson-Brown opened the public hearing by reading aloud the notice of hearing that appeared in the Lowell Sun on Friday, February 27, 2012.

George W. LaBonte III, Esquire addressed the board and stated that he is the current owner of Muddy River Convenience and introduced the prospective buyers (Alice Vinh and Timmy Truong along with their eleven year old son) who were also in attendance. Mr. LaBonte explained that he is also an attorney and it has come to a point that he can no longer do both; although it has been a great experience running the store and has met a lot of great people; they did a nice job rebuilding the store and feels it's been a good part of the neighborhood but unfortunately, being an attorney takes up a lot of his time and it has been a little difficult lately trying to do both so he placed the store on the market and these folks are interested; they have experience in the business as Ms. Vinh ran a store in Rhode Island.

There were no abutters recorded present to speak either in favor of or opposed to this application.

Motion by Mr. Cox, seconded by Mr. Zimini **it was unanimously voted to close the public hearing.**

Motion by Mr. Malliaros and seconded by Mr. Zimini **it was unanimously voted to approve the transfer.**

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On a motion by Mr. Malliaros and seconded by Mr. Zimini, **it was unanimously voted to approve the pledge of the license & stock in the amount of \$50,000.**

Other Business – Northern Middlesex Counsel of Governments – Re: Cost Estimate for Comprehensive Review & Update of Town's Zoning Bylaws:
Mr. Edwards reported that to update the zoning bylaws, NMCOG offered a price of \$30,000 to do the work. At the last meeting it was suggested that perhaps a

joint meeting be set up with the Planning Board and Board of Appeals to go over this and get their input.

Mr. Zimini moved that the Chairperson set up a joint meeting to discuss this prior to the next meeting and seconded by Mr. Cox. Motion passed unanimously.

Ms. Richardson asked if any particular night would be best for board members.

Mr. Piendak suggested that the Chairperson and the secretary work it out when it is convenient for everybody; it is going to take some jockeying back and forth and said quite frankly, he's not sure if they would be able to get them all together prior to the board's next meeting. Mr. Zimini said whenever it is, if not before the next meeting then whenever.

Local Government Access Channel 99 – Ms. Richardson explained that there was some discussion at the last meeting about some residents not being able to get some of the local access programming.

Mr. Piendak reported that those issues were taken to the Cable Advisory Committee; they sought input from Comcast and noted that two members of the committee are here tonight and also noted that an explanation from Comcast is included in the agenda. It states that the only ones they are aware of who might not be able to get Channel 99 are those who have an old rotary dial televisions and the B-1 level of service they can only get channels 2 – 13. It goes on to say that they can get a free digital box to correct that situation and there is no charge to have it mailed or to have a technician come and install it and as of August 13th, notices have already gone out that they will have to have that digital box if they have one of those old rotary style TV sets.

Mr. DiRocco said he was the one who brought this up because he had a few complaints from a few seniors who have the very basic plan which is just the cable coming in, one of which is a cable ready TV and they still don't get it.

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Hank Noel, member of the Cable Committee, addressed the board. Mr. Noel proceeded to explain how it is set up; if you do not have the cable box Comcast will provide you with up to three (DTA's) at no charge for three TV's. If you have the cable box, you only get two free; any additional boxes, there's a monthly charge.

Mr. DiRocco said the way he reads this is if you have cable ready TV it says you will get channel 99 and said he knows of one particular case where they do not and that TV is supposed to be cable ready.

Mr. Noel said it may be cable ready, it's not Hi-def ready and said it has to be digital; Hi-def television is digital, previously it was analog.

Chris Ferguson, Chairman of the Cable Advisory Committee said most cable ready TV's will go up to channel 99 and some will only go up to channel 97; in those cases, one would have to contact Comcast to obtain one of those DTA boxes which will allow them to get the programming up to channel 99. He said unfortunately it's a case by case basis but for the majority of televisions, they do go up to channel 99 if they are cable ready.

Mr. DiRocco asked if there would be a fee for Comcast to come out and program the DTA box to which Mr. Ferguson replied that according to the conversation they had with Comcast, there is no charge for any of these forced upgrades. If there is, he suggested that the customer contact the manager's office to let them (cable committee) know and they will address it. Discussion continued.

Mr. DiRocco said it's unfortunate that they took it (channel 10) away and put a shopping channel in its place.

Mr. Noel said that under the law, government channels are flexible and paying channels get priority.

Mr. Ferguson added that it is called "right to carry" by the FCC guidelines. It basically says that the provider can put whatever channel wherever they want.

Mr. DiRocco said he knows of three people so he has to think that there are a lot more out there who just figure that they have lost it and don't get the channel.

Mr. Ferguson said and that's just in Dracut; this was an east coast thing and not just Dracut it was all over the east coast.

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Mr. DiRocco talked about his concern about notifying these people who haven't been getting it and they just figured it was taken away.

Mr. Ferguson said he understands Mr. DiRocco's concern and said he met with DATV and that Gary (Meuse) was running bulletins advising of the change in the weeks before hand; Comcast did send a postcard out and a pamphlet was sent out with the bills.

Mr. Cox asked if it were possible to run a public service message on channel 8. Mr. Ferguson said he believes it is still on there.

Following some additional comments, Mr. Zimini said he would suggest that perhaps the Cable Advisory Committee sit down with Gary Meuse and do a ten-minute piece that explains what was just explained to us because those people still get channel 8 and they would be able to watch that public service announcement and perhaps understand better what they need to do.

Mr. Ferguson agreed to contact Gary Meuse and address it.

Town Accountant (Mr. Piendak) - Mr. Piendak said there are two issues related to the position; (1) obviously is the recruitment filling of the full-time position and said he has taken steps to advertise it and post it; applications are coming in but there is the interim for a transition period which is important and needs to be addressed. He said obviously two weeks is a short time and we will need some oversight of the accounting operation until we can get a full-time person in there. They have met with one person who was referred to them who is a retired municipal accountant but declined because of the long commute. He has been in contact with a local CPA firm, Cain, Bourret, Jarry & Associates located on Lakeview Avenue; they have a Master's Degree accountant on staff that they are willing to assist us in the transition period with and said if the board would concur, he would like to engage them in a short term contract. We then need to discuss how to go forward with a full-time position; the Charter calls for that to be an appointment by the Board of Selectmen. Mr. Piendak said the last two times that the position was vacant, on both instances a committee consisting of two members of the board and staff of himself, Mr. Edwards and Mrs. Vandal reviewed the applications, shortlisted them and conducted interviews and brought forth the recommendation to the board.

Mr. Piendak said his first request would be for the board to concur in contracting the local firm here in Dracut for the transitional period.

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Mr. DiRocco asked how long that would be for. Mr. Piendak said it would be until we could get a full-timer. He said they are flexible and would think 30 – 60 days max. Mr. Cox asked what kind of cost would be involved. Mr. Piendak said he doesn't know yet, they are going to come in on Thursday and spend some time looking at it and doesn't anticipate it to be outrageous and said we will be using the salary savings to pay for it. A brief discussion followed about the number of applications that have been received so far.

Ms. Richardson indicated that the first thing the board needs to do is figure out whether or not we want to have Cain, Bourret, Jarry meet with the manager on Thursday and have them come up with some parameters to at least start that process.

Mr. Cox moved to approve that; Mr. DiRocco said he does not have a problem with that and seconded the motion.

Under discussion, Mr. Zimini asked if we know what the cost will be.

Mr. Piendak replied that they will have to figure that out by the number of days they will do it but said it is not going to be a five-day thing.

The motion was unanimous.

Mr. Piendak asked how the board wished to handle the full-time position and again explained that previously it was the chairman and one other member of the board along with Mrs. Vandal, Mr. Edwards and himself.

Mr. Zimini indicated that he sees no problem with going ahead with how the process was done in the past.

Ms. Richardson asked if any one in particular would be interested in doing the interviews. Mr. DiRocco offered to sit in on that. The board was in agreement that Ms. Richardson and Mr. DiRocco be designated to conduct the interviews.

APPROVAL OF MINUTES – Meeting of February 14, 2012 – Motion by Mr. Cox and seconded by Mr. DiRocco, **it was unanimously voted to approve.**

Subcommittee Reports – Mr. Cox asked Ms. Richardson if she will be requesting the board members to indicate what subcommittees they would like to serve on.

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Ms. Richardson replied that she could do it at the next meeting or if the board wished they could indicate their preferences now. Mr. Cox and Mr. DiRocco said they don't mind waiting however Mr. DiRocco expressed his interest on remaining on the Public Safety Sub Committee and the Affordable Housing. Mr. Cox said he would like to stay on Housing; he realizes that Mr. Malliaros is on Public Safety now but if he chooses not to go back on he would be interested. Mr. Malliaros said he will give him (Mr. Cox) a turn at that. Mr. Zimini also indicated that he would be interested in Public Safety. Mr. Malliaros indicated he would like to get back on the Education Subcommittee. Mr. Zimini said he would be willing to stay on the Education Subcommittee. Ms. Richardson asked if anyone wanted to take her place on NMCOG. No offers, she will remain. Ms. Richardson indicated that this will be taken up at the next meeting.

Town Charter – Mr. Malliaros said a proposal has been received from Mr. Kobayashi and his group and said the refreshing thing is the cost for all the

work is \$5,000 and they acknowledged that they have already been paid in full because we gave them that amount previously for the combined town manager search and believes they were going to charge a lesser amount of money at the time (he believes \$2,500) because it was going to be more limited in scope. Following some discussion, Mr. Malliaros proceeded to read aloud the proposal provided by Mr. Kobayashi and Michael Ward, Director of Municipal Services from the Edwards J. Collins, Jr. Center for Public Management. (Copy of the Dracut Charter Review Proposal attached to minutes).

Mr. Zimini commented that he did read it and feels it is something we need to do and said he would be in favor of moving the contract forward tonight.

Mr. DiRocco agreed and feels it is long overdue; it's been talked about many times and also feels it is time to act on it and move forward.

Mr. Cox said he also read through it and agrees it is time to move forward.

On a motion by Mr. Zimini and seconded by Mr. DiRocco, **it was unanimously voted to approve the contract with Mr. Kobayashi and the Collins Center.**

Mr. Piendak indicated that he will execute the contract and send it off to Mr. Kobayashi and give him notice to proceed and adjust the schedule accordingly.

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It was noted the Chairperson will be the contact person between the two groups.

Zoning Bylaws – Ms. Richardson indicated that they will be put off until the workshop in June.

Sesame Street – It was noted that there is nothing new to report. Mr. DiRocco suggested taking it off the list as he doesn't foresee anything happening over there. Mr. Cox agreed noting that it can always be brought up if anything "pops up" over there. The board was in agreement of taking it off the "old business" list.

The Community Calendar was read by Ms. Richardson.

At this time, board members complimented Ms. Richardson on doing a good job for her first meeting as chairperson and also thanked and congratulated Mr. Malliaros for doing a good job over past several years.

ADJOURNMENT – On a Motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to adjourn the meeting at 7:55 p.m.**

BOARD OF SELECTMEN

Cathy Richardson-Brown, Chairperson

Joseph DiRocco, Jr., Vice-Chairman

George A. Malliaros, Clerk

John J. Zimini

Robert O. Cox