

BOARD OF SELECTMEN/MEETING OF JANUARY 10, 2012  
HARMONY HALL

PRESENT – George A. Malliaros, Chairman, Robert O. Cox, Vice-Chairman, John J. Zimini, Cathy Richardson-Brown, Dennis E. Piendak, Town Manager, Glen Edwards, Asst. Manager/Town Planner, James A. Hall, Town Counsel and Barbara Souza, Recording Secretary.

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

ABSENT – Selectman Joseph DiRocco, Jr. was recorded absent.

The Pledge of Allegiance was recited followed by a moment of silence being observed for all those who paid the ultimate sacrifice on behalf of this Country and for those currently serving in the military, particularly in Iraq and Afghanistan. A moment of silence was also observed for Mr. David Stecci, former Dracut High School football coach and teacher, who passed away this past Saturday.

WARRANT – Motion by Mr. Cox and seconded by Mr. Zimini, **it was unanimously voted to sign the warrant.**

Community Input – No one signed in to speak under community input.

Town Manager's Report – High School Project - Mr. Piendak reported that the Building Committee has approved an ongoing schedule associated with the high school project; some of the significant milestones on the schedule call for 100% completion of the documents by February 22<sup>nd</sup>, formal advertisement of the bids on the 29<sup>th</sup>, bid openings on May 28<sup>th</sup>, general contractor bid openings on April 11<sup>th</sup>, execution of the contract on or about May 16<sup>th</sup> and work on site by the contractor on May 21<sup>st</sup>. Sewer Contract #29 – Work has resumed after the holiday break which covers portions of Old Marsh Hill, Marsh Hill, Crosby, Cross, Black Oak and those adjacent streets. Sewer Rates – Mr. Piendak said that over the next couple of months, along with the sewer commissioners, they will be taking a look at the possible restructuring of the sewer rates; currently the sewer rates are a flat rate for residential properties and a rate based upon water consumption for commercial properties. Now that the budget is increasing the rates are going up, they want to take a look to see whether they might restructure them all based on water consumption. Town Hall project – they have the RFP for the project manager; tomorrow afternoon they are having a voluntary informational meeting for all those who have procured a copy of the RFP which is in excess of twenty-five and said they are due to receive responses on February 1<sup>st</sup>.

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Mr. Zimini asked with regard to the sewer rate increase if the commissioners will be giving notice to the residents or public hearings so they can offer input.

Mr. Piendak replied that there will be informational meetings and said it is not necessarily an increase; it's just a restructuring so that it's all based upon water usage.

EMPLOYEE GROUP HEALTH INSURANCE/TOWN MANAGER – Mr. Piendak said he had placed this item on the agenda because, as the board is aware, the legislature enacted new sections of state law setting forth revised procedures for addressing the makeup of group employee health insurance plans, specifically, amendments to chapter 32B, sections 21 - 23; in accordance with those sections he placed the subject on the agenda for a recommendation to the board and said that last week in accordance with the requirements of that statute he notified all of the collective bargaining units in town as required of this proposal. In the interim, he was contacted by a spokesman for the public employee committee which is the umbrella group for all of the employee bargaining units expressing a desire to negotiate over this subject prior to any action under the new state law. Mr. Piendak continued to say that he did indicate to the group that he would, so he is therefore recommending that action on this item be postponed until the board's last meeting in February.

Mr. Piendak said he is however, also on this topic, advising the board of his personal financial interest as required by the Conflict of Interest Laws; as a member of the group health insurance plan, he has a financial interest in it and so he is filing that disclosure with the board and he is requesting that the board make a determination as to whether he should continue to negotiate for the town in that matter; whether his financial interest is not so significant as to impair the integrity of his services or whether the board would not want him to do so. He said that is a decision based upon the advice of Town Counsel that the board has to take a vote to do or not.

Mr. Malliaros asked, "what about the board members who receive insurance?"

Attorney Hall said that that is another issue, before any votes are made, you would have to declare if there is a conflict and maybe have to resolve to the "rule of necessity" if there is no quorum able to vote on that issue and then all could participate. Attorney Hall said that is something further down the road and noted that there are others involved.

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Mr. Piendak said that he is the appointing authority and the statute requires the appointing official to do it; the board is his appointing authority and he is the appointing authority for Mr. Edwards, Mrs. Vandal and Mrs. Merrill who will be assisting him and said they filed their disclosures with him. Mr. Piendak proceeded to cite the statute for the board's adoption.

On a motion by Mr. Cox and seconded by Mr. Zimini, **it was unanimously voted to allow Mr. Piendak to negotiate on behalf of the town.**

DONALD MOROWSKI, CHAIRMAN/VETERANS' PARK CONCESSION STAND COMMITTEE – RE: Naming of Concession Stand – Mr. Morowski addressed the board and stated that at their November meeting, a motion was adopted to petition the Board of Selectmen to name the concession stand “The John Ogonowski Memorial Concession Stand.” As everyone is aware, John was a Viet Nam veteran, a member of the original park committee and was also the captain of American Airline flight 11 on 9/11, the first plane that plunged into the World Trade Center at the hands of the terrorist hijackers. Mr. Morowski said it was a tragic day for America and feels how best to honor Captain Ogonowski with the naming of the concession stand.

Speaking in favor of this proposal was Michael C. Blatus who gave a brief historical background on Captain Ogonowski and Michael Blatus who spoke about the heroism and dedication of Captain Ogonowski.

On a motion by Mr. Cox and seconded by Ms. Richardson-Brown, **it was unanimously voted to approve the request.**

BEVERLY WOODS, EXECUTIVE DIRECTOR, NMCOG – Presentation on Regional Strategic Plan - Ms. Woods addressed the board and noted that they are the regional planning agency for the Greater Lowell area and said they were given some funds a little over a year ago by the Executive Office of Housing and Economic Development to prepare a regional strategic plan. She said the purpose of the plan was to give some guidance and direction to our local communities in terms of planning for future growth and future preservation of important resources in the region. Ms. Woods continued with her presentation (a written summary of Ms. Woods' Regional Strategic Plan presentation is attached to minutes).

Ms. Woods stated that part of their requirement with the State in terms of receiving this grant money was that they present the plan to the chief

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elected officials in each community and ask that they endorse the plan which is why they are here this evening; following the approval of each community, the plan will then be adopted by her council and submitted in final form to the state. She said so far they have been to four communities where they have received approval and is here tonight to ask this board to endorse it.

Ms. Richardson acknowledged the hard work done on this by Ms. Woods and Jay Donovan.

On a motion by Ms. Richardson and seconded by Mr. Zimini, **it was unanimously voted to adopt the plan.**

911 Dispatch Services – Ms. Woods indicated she would like to give the board a quick update on another project they have been working on and said they have been involved in a study for nearly two years looking at consolidating 911 Dispatch Services across our nine communities; the first portion of that study is drawing to a close and said they have looked at various combinations of communities in terms of what the financial implications would be if service was consolidated. Under each of the scenarios they examined, Dracut would save a substantial amount of monies through consolidation. She said the savings per year depending on the combination that was chosen would range between about \$200,000 to 220,000 and said their consultant has suggested that there be full consolidation among the nine communities; if that were to occur, as a region we would save two and a half million dollars and Dracut would stand to save \$307,000. Ms. Woods continued to say that some of the advantages on consolidating apart from the financial savings are that there is a lot of State incentive funding available. Right now we do not have a dispatch center that would accommodate a service of this size and said the State would provide all of the funding for the construction of the building, the equipment, the furnishings and everything except the land cost. Ms. Woods said that going forward at this point, they are looking at applying to the State for funding for the next piece of the study which would include identifying a location for a facility and basically looking at some of the issues that are unresolved such as how to deal with labor union issues that would need to be resolved in terms of how you take existing dispatchers and bring them in to a regional center and still honor collective bargaining agreements. Ms. Woods said that what they are trying to ascertain at this point is which communities are interested in going forward for the next phase of the study; it doesn't commit the community to participate in the regional center at this point; it just commits them to say "yes we are still interested in looking at this."

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Mr. Piendak indicated that he has had conversations with Ms. Woods and Jay (Donovan) on this and said he doesn't know that there is necessarily unanimity up and down the ladder here in town but still feels it is worthwhile to continue to pursue and would like to be part of the next phase.

Mr. Cox asked the Manager what the Police Chief's feeling is on this. Mr. Piendak said they haven't discussed it in any detail but has participated by providing data to the study.

Mr. Zimini stated that he would be interested in seeing what the study's results are but would reserve the right to make the final decision later.

Ms. Woods said that the only time sensitivity they have is that they've been told that the guidelines for the grant would be released probably by the end of this month and grant applications will be due probably in March so they will just need to know who is on board for the next phase.

Mr. Piendak said his recommendation to the board would be that we participate in the next phase of the study.

On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to look at the study.**

GLEN EDWARDS, TOWN PLANNER RE: STORM WATER UTILITY GRANT APPLICATION – Mr. Edwards noted that in the Selectmen's agenda packet, there are 3-pages detailing the proposed grant application to help our town address storm water costs. As Mr. Buxton, DPW Director has reported in his annual storm water reports, there are numerous and often costly requirements placed on Dracut in dealing with these storm water issues. The Federal Environmental Protection Agency is currently preparing to issue new storm water requirements that will result in additional costs while at the same time they expressed that they cannot provide any funding to meet these objectives. He said local managers and administrators in this region met in November with NMCOG to discuss the potential applications under the Community Innovation Challenge Grant Application which he said seemed to fit this pretty well. Following some additional comments, Mr. Edwards said the grant application guidelines require that a support form be signed by the Board of Selectmen with original signatures and said the application is due by January 17, 2012 and it's requested that the board vote on whether Dracut wants to be included in this grant application. He said Billerica and Chelmsford voted last night to be part of the application; Lowell and

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Tyngsboro are in and it is his understanding that Westford and Tewksbury are voting on it tonight.

Mr. Piendak added that addressing it on a regional basis would be beneficial and would therefore recommend that the board endorse it.

On a motion by Ms. Richardson and seconded by Mr. Cox, **it was unanimously voted to endorse the application.**

FINANCE DIRECTOR RE: ISSUANCE OF BONDS – Mr. Piendak explained that a motion needs to be adopted to authorize the treasurer to borrow \$6,620,090.00 of temporary financing in bonds from the Massachusetts Water Pollution Abatement Trust. He said this is low interest financing to continue funding the sanitary sewer projects, contract #29 which as he mentioned the work is ongoing. We would be borrowing that money at .15%. Mr. Piendak said he would recommend that the board adopt the vote as shown on pages 5 & 6 of the agenda packet.

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

AGENDA ITEMS –

Brian Webb, Brian's Car Service, Dracut – Request for Livery License for one (1) vehicle – Mr. Webb was in attendance and addressed the board stating that he was seeking a livery license to be able to go back and forth to Logan Airport.

Mr. Zimini asked if Staff has looked at this to which Mr. Piendak replied that a report from the Building Inspector is included in the agenda where he has looked at it and identified it as for one vehicle only, subject to a license being issued by this board.

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

Paul Charbonneau, Dracut – Letter requesting reappointment as Bonded Constable – On a motion by Ms. Richardson and seconded by Mr. Cox, **it was unanimously voted to approve.**

Subcommittee Reports – There were none.

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Old Business – Town Charter – Mr. Malliaros said as he understands it, Mr. Kobayaski is going to try and attend our next meeting. Mr. Malliaros will firm that up.

Sign/Zoning Bylaws – Mr. Malliaros noted that Ms. Richardson had expressed an interest in maybe joining an undertaking in examining the bylaws and said that this was a proposal that Mr. O’Loughlin had originally put but it never got off the ground. Following a brief discussion, no further action was taken at this time.

### Items for Discussion – Proposal for Mental Health & Substance Abuse Task Force (submitted by Ms. Richardson) –

Ms. Richardson began by saying that as most know she works in the mental health field and unfortunately, what has been noted within her local crisis team is that Dracut is second to Lowell in terms of the number of adolescents and adults with opiates dependency and noted how it affects numerous things. Ms. Richardson said she has worked in Lowell for a number of years and said there is a very collaborative approach to dealing with some of these issues in Lowell and feels Dracut would benefit from something along these lines whether it’s a monthly round table; Chief Richardson and Mr. Bomil (Board of Health Director) are in favor of it and said she would be glad to start to chair it and then certainly the group in and of itself would kind of get a life of its own. She said it’s an idea, a thought and is a sad fact and a reality unfortunately of what the school system is dealing with as well. Some of the people she feels might be interested are the Chief of Police or Deputy, a member of the Board of Health, the Superintendent of Schools, the lead school nurse, the truancy officer, school committee chair or member, recreation department, probation officer assigned to Dracut from Lowell Juvenile Court and the Crisis and Lead Guidance Counselors.

Mr. Malliaros suggested getting someone from the House of Correction involved through the Sheriff’s Department. He added that it appears Ms. Richardson has given this a great deal of thought and said it sounds like a good idea. Ms. Richardson said it’s a sad problem unfortunately the suburban communities are getting some of the brunt of this without a lot of resources to do similar what the urban cities already have in place and feels it makes sense to be proactive. Following additional discussion, Ms. Richardson asked for suggestions on how to proceed with this. Mr. Malliaros said he believes Ms. Richardson’s proposal is to send an invitation to the police, the school committee, the board of health and others mentioned and do it that way. Ms. Richardson will work out a date and location with the secretary.

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Mr. Zimini said the proposal is very good but did not hear that the Board of Selectmen will be involved in this; he asked if the Selectmen will be involved in this at all. Ms. Richardson said this is truly a proposal based on in terms of what she had in Lowell and said certainly if the board would like to join she would love to have them. Mr. Malliaros said the way he understood it was that Ms. Richardson is going to be the board's representative to it. Mr. Zimini said he has no objections at all to her doing it but he would like to see that in the document so that there is never a question and its intentions are exactly where it started.

On a motion by Mr. Zimini and seconded by Mr. Cox, **it was unanimously voted to appoint Cathy Richardson-Brown as Chairman to this committee.**

The Chairman read the Community Calendar.

ADJOURNMENT - On a motion by Mr. Cox and seconded by Ms. Richardson, **it was unanimously voted to adjourn the meeting at 7:50 p.m.**

BOARD OF SELECTMEN

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George A. Malliaros, Chairman

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Robert O. Cox, Vice-Chairman

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ABSENT  
Joseph DiRocco, Jr., Clerk

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John J. Zimini

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Cathy Richardson-Brown