

**Board of Selectmen
Minutes of October 13, 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 7:02 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:

* Mrs. Caroline Zuk, 100 Old Parker Road – Mrs. Zuk appeared before the Board and stated that October 19, 2015 is the last day to send written comments and concerns to FERC regarding the proposed pipeline. Mrs. Zuk showed the address for FERC and stated that if anyone needs help writing their comments and concerns to get in touch with her. Mrs. Zuk discussed the proposed pipeline and proposed compressor station. Mrs. Zuk discussed the issues that Nashua, NH and Pelham, NH are having with their pipeline and discussed the people she has been in touch with regarding the proposed pipeline.

* Marshall Rogers, 1071 Methuen Street – Mr. Rogers appeared before the Board and discussed the 18' and 22' dump trailers coming in and out of Brox Industries traveling on Methuen Street. Mr. Rogers stated that the Campbell School is on Methuen Street as well as two day care centers and the street is not safe with these trailers driving along it. Mr. Rogers discussed his neighbor having to walk her child to school and there are no sidewalks for her to walk on. Mr. Rogers stated that people are not paying attention to the speed limit and discussed how he could have a truck restriction placed on Methuen Street like Marsh Hill Road has.

TOWN MANAGER'S REPORT – Mr. Duggan stated that the dwelling on Sesame Street is scheduled to be demolished on October 21, 2015. Mr. Duggan discussed the properties included in the 40U Program which was started in February 2015. Mr. Duggan stated that the Lakeview Avenue buildings would be demolished October 31, 2015 and discussed the Town's surplus auction being held at 1600 Lakeview Avenue on October 24, 2015. Mr. Duggan discussed the abutter's auction being well received and stated that auction will take place on November 18, 2015 at 10:00 a.m. at Town Hall. Mr. Duggan stated that a list of properties would be available in the near future. Mr. Duggan discussed the Municipal Aggregation going out to bid on November 1, 2015 with a bid opening by the end of November/early December for the Program to begin by the first of January. Mr. Duggan stated that residents who opt into the Program should see a saving of approximately \$130 annually

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Mr. Duggan stated that the Monahan Bathroom project is moving along and the contracts have been sent out to the contractors for snow removal. Mr. Duggan stated that the outside auditors have completed their audit and the 3.4 million in Free Cash has been certified with \$200,000 going back to the Fire Department and DPW Stabilization Fund.

Mrs. Dristiliaris asked if the demolition for the Lakeview Avenue buildings would be to the ground or to the slab? Mr. Duggan stated that the Sewer Department slab would be removed by the demolition company and the DPW building slab would be removed by the DPW.

Mr. DiRocco discussed a park sign to be located at the Lakeview Avenue property once the buildings are demolished.

Ms. Richardson asked if the properties on Elliot Street and Homefield Avenue are being ticketed? Mr. Duggan stated that he would have to look into that.

Ms. Richardson asked if the land on May Street would be included in the abutter's auction? Mr. Duggan stated that he would have to look into that as well.

POLICE CHIEF'S REPORT – Deputy Chief Chartrand appeared before the Board and presented the Dracut Police Department's Officer Activity from August 1, 2015 until September 30, 2015. Deputy Chartrand stated that the Police Department has had 3,843 incidents in this time frame compared to 3,737 incidents in the same time frame last year. Deputy Chartrand discussed theft still remaining a problem with most of the thefts happening to unlocked vehicles. Deputy Chartrand stated that the Police Department did apprehend one theft suspect last week and asked that residents do not hesitate to call the Police Department with suspicious activity. Deputy Chartrand discussed utilizing the Town-wide notification system and stated that residents can sign up for the notification system on the Town's website. Deputy Chartrand stated that Patrolman Alex Gerrish would be graduating from the Academy on October 30, 2015 and Patrolman John Quinn is currently in the Academy with a graduation date in March 2016.

Mr. DiRocco asked about the current IRS scam. Deputy Chartrand stated that most scams are being operated outside of the Country. Mr. Duggan stated that the IRS would only ask people for information in writing.

Ms. Richardson asked how the Town-wide notification system is different from the reverse 911 system. Deputy Chartrand stated that there was no difference, it is the same system.

Ms. Richardson asked if there was a cost to use the system? Deputy Chartrand stated that it is a fixed cost for the system not a usage charge.

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AGENDA ITEMS:

* Acceptance of Donation into US Army Specialist Mathew Boule's Park Fund – Mr. Matt Sheehan appeared before the Board and stated that Selectman DiRocco and he had a fundraising event on October 4, 2015 at O'Hara's and they raised \$3,239 for the Mathew Boule's Park Fund. Mr. Sheehan thanked the many people for helping with the successful event.

Mr. Archinski stated that he was with Congresswoman Tsongas this morning and mentioned to her about the Mathew Boule Park Fund.

Mr. DiRocco stated that people could also donate their time and equipment once the construction is ready to start.

Motion made by Mrs. Hughes to accept the donation of \$3,239 into the US Army Specialist Mathew Boule's Park Fund. Motion seconded by Ms. Richardson. Motion passed unanimously.

RECOGNITIONS:

* Peter Noel, Department of Public Works – Citation for 16 Years of Service – Mr. Mike Buxton, Public Works Director, appeared before the Board and stated that Mr. Noel has worked for him for 16 years and he could always count on him. Mr. Buxton gave a history of Mr. Noel's employment at the DPW and stated that he was always a voice of reason. Mr. Archinski issued a Citation to Mr. Noel and the Board thanked him for his years of service.

APPOINTMENTS:

* Rebecca Ferreira – Veteran's Service Agent – Mr. Duggan introduced Mrs. Ferreira to the Board and gave a history of Mrs. Ferreira's service in the Air Force and past employment. The Board welcomed Mrs. Ferreira.

* Elizabeth Ware – Community Development Director – Mr. Duggan introduced Ms. Ware to the Board and gave a history of Ms. Ware's past employment. Mr. Duggan stated that Ms. Ware is already working on the Beaver Brook property and the Town Hall Annex. The Board welcomed Ms. Ware.

SPECIAL PERMIT SUBMITTAL:

* George DeFelice, 28 Silva Lane – Sale of Heavy Motor Vehicle – Attorney Michael Fadden appeared before the Board and submitted the Special Permit application for the sale of heavy motor vehicles in an Industrial 1 zone.

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Motion made by Mrs. Hughes to accept the Special Permit application. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

PUBLIC HEARINGS:

Public Hearing – Luis Ibarra d/b/a Cancun Mexican Restaurant, 24A Pleasant Street – Request for a Wine and Malt Only Liquor License – Mr. Archinski read the public hearing notice. Attorney Peter Nicosia appeared before the Board to request a wine and malt only liquor license for the Cancun Mexican Restaurant. Attorney Nicosia stated that this is a brother and sister team and they feel this would improve and strengthen their business. Attorney Nicosia stated that the hours of operation and food service would be staying the same and the applicant also owns and operates a restaurant in Lowell with a liquor license. Attorney Nicosia stated that the applicant is TIPS certified.

Ms. Richardson stated that this is the first time that she has seen an applicant provide a customer petition for the sale of wine and malt.

No abutters spoke for or in opposition.

Motion made by Mrs. Hughes to close the public hearing. Motion seconded by Mrs. Dristiliaris. Motion made by Ms. Richardson to approve the Wine and Malt Only Liquor License for Luis Ibarra d/b/a Cancun Mexican Restaurant. Motion seconded by Mrs. Hughes. Motion passed unanimously.

Public Hearing – Street Acceptances for Clement Road and a Portion of G Street – Mr. Archinski read the public hearing notice. Mr. Mike Buxton, Public Works Director, stated that he recommends acceptance of Clement Road and a Portion of G Street.

Mr. Harold Waterhouse, 6 Clement Road, appeared before the Board and stated that the road needs clarification as they have done a lousy tie-in to the driveways on Clement Road. Mr. Waterhouse stated that there is a piece not fully finished between the roadway and the driveways. Mr. Waterhouse discussed the road extending into Pelham, NH and trucks loaded with full using Clement Road as their way into the development in Pelham, NH. Mr. Waterhouse stated that he is previously spoken to Selectman DiRocco and the Town Manager and discussed the entrance from Veteran's Park in Pelham, NH to the development in Pelham, NH. Mr. Waterhouse discussed the extra traffic and noise from the development in Pelham, NH using Clement Road as its access and stated that the road should be closed. Mr. Waterhouse suggested the Board come out for a site visit and stated that he would like something done. Mr. Waterhouse stated that the roadway is all patch work and this will cost the Town more money to fix after the winter.

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Mr. George Psoinos, from PAV Properties, appeared before the Board and stated this request is for a partial release and there will be a bond in place for the work not finished this season. Mr. Psoinos stated that he does not own the piece of property into Pelham, NH that Mr. Waterhouse is referring to. Mr. Psoinos stated that this is the first time he is hearing about an issue with Clement Road and if there are any problems he is more than happy to fix them.

Mr. Duggan scheduled a site visit for Monday, October 19, 2015 at 11:00 a.m. at 6 Clement Road.

Mr. Duggan discussed his meeting with Selectman DiRocco and Mr. Waterhouse.

Mr. DiRocco stated that access to the development in Pelham, NH has another alternative and that is the access they should be using.

Motion made by Mrs. Dristiliaris to continue the public hearing until October 27, 2015. Motion seconded by Ms. Richardson. Motion passed unanimously.

AGENDA ITEMS:

* Laudi's Breakfast House, LLC – Requesting a Common Victualler License – Mrs. Debbie Perry appeared before the Board to request a Common Victualler License. Mrs. Perry stated that her family now owns Laudi's Breakfast House and her son has been the dishwasher there for 9 years.

Motion made by Mr. DiRocco to approve the Common Victuallers License. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

* Dracut Performing Arts Boosters – Requesting Permission for Annual Door to Door Drive Fundraiser – Mr. Archinski reviewed the letter dated September 21, 2015 from the Dracut Performing Arts Boosters requesting permission to conduct their Door to Door Annual Fundraising Drive on Sunday, November 1, 2015 from 1:00 p.m. to 4:00 p.m.

Motion made by Mrs. Dristiliaris to approve the Annual Door to Door Drive Fundraiser. Motion seconded by Mrs. Hughes. Motion passed unanimously.

* Rebecca Duda – Discuss Joseph Varnum Day Award Nomination Procedures – Mr. Archinski stated that Ms. Duda could not make tonight's meeting and discussed the Varnum Award Nomination Form. Ms. Richardson stated that Ms. Duda and she created the Varnum Day Nomination Form which will be open to Dracut residents from November 1, 2015 thru January 15, 2016. Ms. Richardson stated that the Board would have ample time to review the nomination forms and the forms would be available on the Town's website, Board of Selectmen's Office and the Justus C. Richardson Middle School.

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* Review and Re-Vote on Motion to Intervene – Northeast Energy Direct Project – Mr. Archinski stated that the Board has already voted on the Motion to Intervene and the wording of Lynnfield delivery line was added into the Motion.

Motion made by Mrs. Dristiliaris to approve the Motion to Intervene – Northeast Energy Direct Projection adding in the wording of Lynnfield delivery line. Motion seconded by Ms. Richardson. Motion passed unanimously.

* Approve and Vote on General Dollar Easement Agreements for Counter Signature of Dracut DMPX, LLC and Town of Dracut – Attorney Hall discussed the two easements which allows the Town to pass drainage and permission to pass and re-pass to maintain the drainage. Attorney Hall stated that he has reviewed the easements and they are right for the signature. Mr. Mike Buxton, Public Works Director, appeared before the Board and stated that the easements are part of the redevelopment plan for the Nashua Road intersection.

Motion made by Mr. DiRocco to approve and sign the General Dollar Easement Agreements. Motion seconded by Mrs. Hughes. Motion passed unanimously.

* Schedule Halloween Trick or Treat Date and Hours – The Board discussed having the Halloween Trick or Treating on Saturday, October 31, 2015 from 6:00 p.m. to 8:00 p.m.

Motion made by Ms. Richardson to approve the 2015 Halloween Trick or Treat Date and Hours. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Mr. Archinski called for a recess at 8:15 p.m.

Mr. Archinski resumed the meeting at 8:23 p.m.

TOWN MEETING WARRANT APPROVAL – Motion made by Mrs. Hughes to approve the Town Meeting Warrant of November 2, 2015. Motion seconded by Ms. Richardson. Motion passed unanimously.

* Review and Recommendations for November 2, 2015 Town Meeting Warrant Articles

Article #1 – Mr. Archinski read the Warrant Article.

Motion made by Mrs. Hughes to Recommend Warrant Article #1. Motion seconded by Ms. Richardson. Motion passed unanimously.

Article #2 – Mr. Archinski read the Warrant Article.

Motion made by Mrs. Hughes to Recommend Warrant Article #2. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

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Article #2-1 – Mr. Archinski read the Warrant Article.

Mr. Duggan discussed the Warrant Article and the revolving account for leasing School Department controlled property. Mr. Duggan discussed the Parker Avenue School lease and the 70% School Department and 30% Municipal split from the revenue of the Parker Avenue School lease.

Mrs. Hughes discussed voting on M.G.L. C40, Section 3. Attorney Hall explained that they can't broker a deal and discussed if the M.G.L. C40, Section 3 is passed, the School Department will receive 100% of the revenue from the Parker Avenue School lease.

Mrs. Vandal discussed distinguishing where the revenue goes and discussed the previous agreement with the School Department.

Mr. Duggan discussed creating a Memorandum of Understanding with the School Department and discussed the Town By-Law that states the revenue comes into the Town first and then the 70% can be disbursed to the School Department.

Mr. Archinski questioned if this would pertain to any facility under the School Department's control? Mr. Duggan stated that this Warrant Article only deals with the Parker Avenue School lease.

Attorney Hall stated that he recommends that the Board does not pass this Warrant Article and discussed providing the School Department with a Memorandum of Understanding.

Mr. Duggan stated that this issue could be discussed with the Tri-Board.

Motion made by Mrs. Hughes to Table Warrant Article #2-1 until October 27, 2015.
Motion seconded by Ms. Richardson. Motion passed unanimously.

Article #3 – Mr. Archinski read the Warrant Article.

Mr. Duggan stated that this Warrant Article is to reimburse the \$200,000 from the School Departments FY15 budget back to the Department of Public Works and Fire Departments Stabilization Fund.

Motion made by Mrs. Hughes to Recommend Warrant Article #3. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Article #4 – Mr. Archinski read the Warrant Article.

Mrs. Vandal discussed reducing the budget \$781,030 for Debt Service Contracts and the Sewer Department.

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Motion made by Mr. DiRocco to Recommend Warrant Article #4. Motion seconded by Mrs. Hughes. Motion passed unanimously.

Article #5 – Mr. Archinski read the Warrant Article.

Mrs. Vandal discussed reducing the budget \$20,000 for investments in capital improvements. Mrs. Vandal discussed having to revisit the water rates for the Kenwood Water Department.

Motion made by Mrs. DiRocco to Recommend Warrant Article #5. Motion seconded by Mrs. Hughes. Motion passed unanimously.

Article #6 – Mr. Archinski read the Warrant Article.

Mrs. Vandal stated that the \$20,000 was previously approved at the June 1, 2015 Town Meeting and the \$10,000 increase to \$30,000 is to offset expenses.

Motion made by Mr. DiRocco to Recommend Warrant Article #6. Motion seconded by Mrs. Hughes. Motion passed unanimously.

Article #7 – Mr. Archinski read the Warrant Article.

Mr. Duggan stated that he completed a site visit on a rainy day and stated that there is a clear leak in the hallway of the Englesby School that needs to be repaired.

Ms. Richardson asked if the money would be out of the Capital Improvement Fund? Mr. Duggan stated yes, the money would not be taken out of free cash as the Warrant Article currently reads.

Motion made by Mr. DiRocco to Recommend Warrant Article #7. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Article #8 – Mr. Archinski read the Warrant Article.

Mr. Duggan stated that this is an accounting issue as the reimbursement did not come in until after July 1st.

Motion made by Mr. DiRocco to Recommend Warrant Article #8. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Article #9 – Mr. Archinski read the Warrant Article.

Mr. Duggan stated that he was concerned with the level of the sewer connection fee and stated that he has never seen a connection fee at this level.

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Mr. Duggan discussed the debt and operation of the Sewer Department.

Mr. DiRocco stated that if a new home is being built, they save money by connecting to sewer than putting in a septic system.

Mr. Mike Buxton, Sewer Commissioner, appeared before the Board and stated that they have been increasing connection fees since 1980. Mr. Buxton discussed the Town Meeting previous vote and discussed the residents allowing to increase the debt user fee only for 25-30 years. Mr. Buxton stated that it is his feeling is to leave the connection fee alone.

Mrs. Hughes stated if they lower the connection fee now, it would be unfair to the residents who already paid the connection fee.

Mr. George Dristiliaris, Sewer Commissioner, appeared before the Board and stated that this is the power of taxation and he is looking at the legal aspects and stated that the Board is exposed.

Mr. Duggan discussed what other Cities and Towns are paying for a sewer connection.

Attorney Hall stated that these are user fees not Betterments and a homeowner becomes a user once they tie-in. Attorney Hall questioned if the connection fee complies with M.G.L. and the connection fee may be too high legally. Attorney Hall stated that they need to comply with the M.G.L.

Ms. Richardson reviewed the previous discussions regarding sewer rates.

The Board discussed whether the sewer connection fee should be lowered or stay the same.

Attorney Hall read the previous letter from the Attorney General regarding the sewer connection fee.

Mrs. Hughes discussed leaving this up to the voters at Town Meeting.

Motion made by Mr. DiRocco to Not Recommend Warrant Article #9. Motion seconded by Ms. Richardson. Motion passed 4 to 1. Mrs. Dristiliaris voted opposed.

Article #10 – Mr. Archinski read the Warrant Article.

Mr. Duggan stated that this is a housekeeping issue and the Zoning By-Law Review Committee reviewed and created a Town By-Law.

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Motion made by Mrs. Hughes to Recommend Warrant Article #10. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Article #16 – Mr. Archinski read the Warrant Article.

Ms. Helen Dunlap, Community Preservation Committee (CPC), appeared before the Board to discuss the property located at 650 Marsh Hill Road. Ms. Dunlap stated that this property is signature farm land and the Family wants to preserve the land. Ms. Dunlap stated that Form A lots were previously sold off which leaves 25 acres of property. Ms. Dunlap discussed the possibility of renting clear farm land to a farmer and the beautiful woods on the property. Ms. Dunlap stated that the CPC held a public hearing for the property last week and would be conducting a site visit on Saturday. Ms. Dunlap discussed the possibility of walking trails and public access. Ms. Dunlap stated that the property was appraised with the possibility of a 14 lot development for \$835,000. Ms. Dunlap stated that after negotiations with the Family the purchase price would be \$800,000.

Mr. Duggan stated that this would be a cash purchase not a loan. Mr. Duggan stated that after the purchase of this property, the Community Preservation Account would have 3 million left.

Mr. DiRocco asked how the CPC voted on purchasing this property? Ms. Dunlap stated that they voted unanimously to purchase the property.

Ms. Dunlap stated that the next possible CPC purchase would be the 52A Avis Avenue property which is being appraised.

Mrs. Hughes questioned the Town being a landlord? Ms. Dunlap discussed the property not being reasonable for 61A due to the small amount of land and stated that the Community Development Director is currently looking into options for the land.

Motion made by Mrs. Dristiliaris to Recommend Warrant Article #16. Motion seconded by Ms. Richardson. Motion passed unanimously.

Article #11, #12, #13, #14 & #15 – Mr. Duggan stated that the Planning Board would be reviewing these Warrant Articles at their meeting tomorrow night.

Motion made by Ms. Richardson to Table Warrant Article #11 until October 27, 2015. Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Motion made by Mrs. Dristiliaris to Table Warrant Article #12 until October 27, 2015. Motion seconded by Ms. Richardson. Motion passed unanimously.

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Motion made by Ms. Richardson to Table Warrant Article #13 until October 27, 2015.
Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

Motion made by Mrs. Hughes to Table Warrant Article #14 until October 27, 2015.
Motion seconded by Ms. Richardson. Motion passed unanimously.

Motion made by Ms. Richardson to Table Warrant Article #15 until October 27, 2015.
Motion seconded by Mrs. Hughes. Motion passed unanimously.

Article #17 – Mr. Archinski read the Warrant Article.

Mr. Duggan discussed allowing Special Police Officer Retirees to work until their 68 instead of 65. Mr. Duggan stated that the Special Officer would still need to meet approval of the Police Chief.

Mr. Archinski discussed the Home Rule Petition and stated that the only thing changing is the age of the Special Officer; everything else would be staying the same.

Mrs. Dristiliaris stated that this is a good idea as people are living longer and they want to work longer.

Mr. DiRocco questioned if a Special Officer would need to take a physical exam between the ages of 65-68? Attorney Hall stated that a Special Officer would need to take a physical exam at age 65 according to the Warrant Article.

Motion made by Mrs. Dristiliaris to Recommend Warrant Article #17. Motion seconded by Mrs. Hughes. Motion passed unanimously.

Article #18 – Mr. Archinski discussed the public hearing at the beginning of the meeting and the site visit scheduled for next Monday.

Motion made by Mrs. Hughes to Table Warrant Article #18 until October 27, 2015.
Motion seconded by Mrs. Dristiliaris. Motion passed unanimously.

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.

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NEW BUSINESS:

* Ms. Richardson stated that the next Pipeline Coalition meeting is scheduled for October 19, 2015 in Tewksbury.

* The Board agreed on the following meeting dates for November and December 2015; November 10, 2015, November 24, 2015, December 8, 2015 and December 22, 2015.

SUB-COMMITTEE REPORTS:

* Joint Budget Task Force Committee – Mrs. Hughes stated that both the Municipal and School Department have finished presenting their projected expenditures and they would be compiling the information to be discussed at their October 22, 2015 meeting. Mr. DiRocco asked for the minutes of the previous meetings. Mrs. Hughes stated that she would have the Secretary provide copies of the minutes to the Board.

APPROVAL OF MINUTES:

Motion made by Mrs. Hughes to approve the Minutes of August 18, 2015. Motion seconded by Ms. Richardson. Motion passed unanimously.

Motion made by Mrs. Hughes to approve the Minutes of September 8, 2015. Motion seconded by Mr. DiRocco. Motion passed unanimously.

Motion made by Mrs. Hughes to approve the Minutes of September 22, 2015. Motion seconded by Mr. DiRocco. Motion passed unanimously.

COMMUNITY CALENDAR:

The Chairman read the information in the Community Calendar.

Mrs. Dristiliaris stated that the Dracut Scholarship Craft Fair is this Saturday.

Mrs. Hughes stated that the Salvation Army Drive to Give Event is this Saturday at Gervais Lincoln in Lowell, MA.

ADJOURNMENT:

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

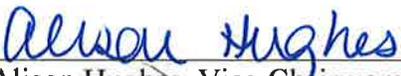
The meeting adjourned at 10:04 p.m.

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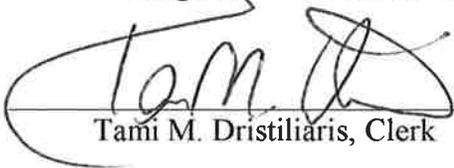
BOARD OF SELECTMEN



Tony Archinski, Chairman



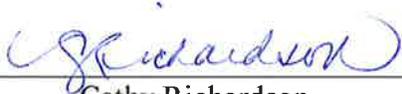
Alison Hughes, Vice-Chairwoman



Tami M. Dristiliaris, Clerk



Joseph DiRocco, Jr.



Cathy Richardson