MEETING MINUTES
FOR APRIL 25, 2011

A regular meeting of the Board of Selectmen was held on Monday, April 25, 2011 in the Conway Hearing Room at 7:00 PM. Present were Selectman Robert Correnti, Chairman, Selectman Robert Accomando, Vice Chairman, Selectman Michael Rosa, Secretary, Selectman Andrew Deslaurier, Member, Selectman David Gagliardi, Member and Town Manager John Curran.

CALL TO ORDER

OPEN MICROPHONE

There was no one present who wished to speak at Open Microphone.

ANNOUNCEMENTS

VACANCIES ON BOARDS AND COMMITTEES

Secretary Michael Rosa stated the following Boards and Committees have vacancies:

Board of Selectmen Appointments:

Beautification Committee	3
Communication Committee	4
Commission on Disability	1
Elderly and Disabled Taxation Fund Committee	2
Historic Districts Commission	1 alternate
Historical Commission	2
Housing Partnership Committee	3
Open Space & Recreation Committee	4
Scholarship Foundation Committee	2
Water Conservation Oversight Committee	1

COUNCIL ON AGING ACTIVITIES

Secretary Michael Rosa announced the many activities that the Billerica Senior Center has planned for the month of May. The Billerica Senior Center is located at 25 Concord Road and their hours are 8:30 AM until 4:00 PM, Monday thru Friday. For more information please call 978-671-0916 or go to their website www.billericacoa.org.

MERRIMACK VALLEY LEAD PAINT REMOVAL PROGRAM

Secretary Michael Rosa stated the Merrimack Valley Housing Partnership is sponsoring the Merrimack Valley Lead Paint Removal Program. Funds are available for Lead Paint Removal in Billerica. You can receive financial and technical assistance for removing lead paint. Both owner-occupied and investor properties are eligible. Single family homes may receive up to $20,000 per unit. Multi-family homes may receive up to $16,000 per unit. All projects will result in a letter of Full De-leading Compliance. This grant is geared towards low-income families with children under six years of age. You do not need to pay back any grant funds. For more information call Ryan DeMoura at 978-446-7200, extension 1440 or visit www.Lowellma.gov/lead for guidelines. For more information contact the Billerica Board of Health at 978-671-0931.

TOWN OF BILLERICA MERCURY RECOVERY PROGRAM

Secretary Michael Rosa stated residents and contractors can bring mercury thermostats to the Town Hall, Board of Health, Room G03, Monday through Friday, from 9:00 AM until 3:00 PM. This is a program sponsored by Wheelabrator of North Andover. For more information contact the Billerica Board of Health at 978-671-0931.

BILLERICA RECYCLING CONTEST

Secretary Michael Rosa stated the Billerica Recycling Contest is accepting nominations for the on-going Recycling Contest. Prizes will be awarded to qualified winners on a regular basis. All prizes have been donated. For more information see the DPW website at www.billericadpq.org or contact Recycling Coordinator, Mary Delahanty at 978-671-1337.

HERSHEY TRACK AND FIELD MEET ON JUNE 3, 2011

Secretary Michael Rosa stated the Billerica Recreation Department is sponsoring the Hershey Track and Field Meet on Friday, June 3rd, 2011 at the Marshall Middle School Track. This is for boys and girls ages 9 to 14 years of age. Registration will be from 3:00 PM to 3:30 PM and the Track and Field Meet begins at 3:30 PM. The cost is free and there will be free candy and ice cream for participants. The Hershey Track and Field Youth Program is designed to encourage physical fitness among youth and emphasize participation and sportsmanship. For further information please contact the Billerica Recreation Department at 978-671-0921 or at billericarecreation@town.billerica.ma.us.

PRESENTATION

ROUTE 3 SIGNAGE AS A SOURCE OF REVENUE

Secretary Michael Rosa stated I placed this on the agenda to allow for discussion and input on a proposal for Billboards on Route 3. It would require a Memorandum of Understanding from this Board, as well as a variance from the Zoning Board of Appeals. This has the potential to generate close to $500,000 in annual revenue that is not borne by the taxpayer.

Town Manager John Curran stated if after this presentation it is the will of this Board to pursue this matter further, I will work with Mr. Burke on a draft Memorandum of Agreement to bring back to this Board of Selectmen.

Mr. Peter McClary, President of Management & Consulting Company and his partner, Mr. J.P. Burke came to the podium and proceeded to give a very lengthy and informative presentation regarding Route 3 Signage as a possible source of revenue for the Town of Billerica. This presentation is on file in the Selectmen's Office.

Lengthy discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board instruct Town Manager John Curran to draft a preliminary Memorandum of Agreement and bring it back before this Board of Selectmen for review at our May 2nd, 2011 meeting.

It was voted: 5 – In Favor
0 – Opposed

The Board thanked Mr. Peter McClary and Mr. J. P. Burke for their presentation.

BILLERICA COMMUNITY ALLIANCE, RE: CLEAN UP AND GREEN UP EFFORTS

Mrs. Pat Zapert, President of the Billerica Community Alliance, Mrs. Ellen Rawlings and Recycling Coordinator Mary Delahanty came to the podium and gave a very informative presentation regarding Clean Up and Green Up Day, Donate, Reuse and Recycle Day and various company/group participation efforts regarding Clean Up and Green Up issues in the Town of Billerica.

CLEAN UP / GREEN UP DAY

The Billerica Community Alliance and the Town of Billerica are hosting their annual Clean Up / Green Up Day on Saturday, April 30th, 2011. They are looking for residents and businesses to spend a few hours to help clean up and green up public roads and areas around town. You can clean up roadside trash and trash in your neighborhood, near your school or business or along roadways and parks in Billerica. Come to the Billerica Senior Center on Saturday, April 30th between the hours of 8:30 AM and Noon to register/ pick up trash bags and have some refreshments. For more information please contact the Billerica Community Alliance at 978-667-4174.

DONATE, REUSE AND RECYCLE DAY

Residents are encouraged to donate good, clean, useable items to various charities. This event will be held at the Marshall Middle School at 15 Floyd Street on Saturday, April 30th, 2011 from 9:00 AM until 1:00 PM, rain or shine. Among the charities accepting donations of clothing, household items and toys are the Lowell Wish Project, Cradles to Crayons, Salvation Army and Goodwill. In addition, there are a number of organizations that will accept items for a nominal fee. Those include Bikes Not Bombs where there is a $10 donation fee to donate a used bicycle, Appliance Recyclers who will take your old TV or computer; regular fees apply, Holland Auto Parts who will collect auto and light truck tires for $2 a tire, A1 DATASHRED who will accept personal papers for shredding, fees apply for quantity, the Billerica Lions who will collect old eyeglasses and hearing aids and the Billerica Recycling Committee who will take your old button cell and rechargeable batteries. For more information please contact Recycling Coordinator Mary Delahanty at 978-671-1337.

The Board thanked Mrs. Pat Zapert, Mrs. Ellen Rawlings and Recycling Coordinator Mary Delahanty for their presentation.

E-INK CORPORATION AND PAREXEL INTERNATIONAL – TIF AGREEMENTS AND EOA

Mr. Simon Nip, Chief Financial Officer of E-Ink Corporation and Mr. Dean Lamothe, Director of Finance from E-Ink Corporation came to the podium and gave a detailed presentation regarding E-Ink Corporation's relocation and expansion plans in Billerica at 1,000 Technology Park Drive (TIF Agreements and EOA).

Brief discussions ensued.

The Board thanked Mr. Simon Nip and Mr. Dean Lamothe for their presentation.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion to support Warrant Article 29, which is to approve the Certified Project Application by E-Ink.

It was voted: 5 – In Favor
0 – Opposed

Chief Assessor Richard Scanlon came to the podium and stated there are seven resolutions that we are asking the Board to vote tonight. Two resolutions for E-Ink and five for Parexel.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board vote to designate the following described area as an Economic Opportunity Area (EOA) as provided for under M.G.L. Chapter 23A, Section 3A-3H, and to be called the "E-Ink EOA"; and to provide property tax relief in the form of tax increment financing (TIF) and/or special tax assessment (STA) to certified projects.

Description: The land shown in Town Assessor's maps revised to 1/1/2010 as Map 95, Parcel 129-6-2 only and containing 10.00 acres; Location: 1000 Technology Drive.

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board vote to remove the following described parcel from the Concord Road Economic Opportunity Area (EOA) as provided for under MGL Chapter 23A, Sections 3A-3H.

Location: 1000 Technology Park Drive.

Description: The land shown on Town Assessor's maps revised to 1/1/2010 as Map 95, Parcel 129-6-2 only and containing 10.00 acres.

It was voted: 5 – In Favor
0 – Opposed

Mr. Shawn Neal, Senior Director of Facilities at Parexel International came to the podium and gave a presentation regarding Parexel's co-location and expansion plans at 1 and 8 Federal Street in Billerica.

Brief discussions ensued, during which time Chief Assessor Richard Scanlon came to the podium and answered questions from the Board regarding tax issues.

The Board thanked Mr. Shawn Neal for his presentation.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board support Warrant Article 30 to approve a certified project application by Parexel.

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board vote to designate the following described area an Economic Opportunity Area (EOA) as provided for under MGL Chapter 23A, Sections 3A-3H, and to be called the "PAREXEL 1 FEDERAL STREET EOA"; and to provide property tax relief in the form of tax increment financing (TIF) and/or special tax assessment (STA) to certified projects.

Description: The land shown on Town Assessor's maps revised to 1/1/2010 as Map 77, Parcel 162-0 only and containing 3.50 acres; Location: 1 Federal Street.

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board vote to remove the following parcel from the Concord Road Economic Opportunity Area (EOA) as provided for under MGL Chapter 23A, Sections 3A-3H.

Location: 1 Federal Street.

Description: The land shown on Town Assessor's maps revised to 1/1/2010 as Map 77, Parcel 162-0 only and containing 3.50 acres.

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board vote to designate the following described area an Economic Opportunity Area (EOA) as provided for under MGL Chapter 23A, Sections 3A-3H, and to be called the "PAREXEL 8 FEDERAL STREET EOA"; and to provide property tax relief in the form of tax increment financing (TIF)and/or special tax assessment (STA) to certified projects.

Description: The land shown on Town Assessor's maps revised to 1/1/2010 as Map 78, Parcel 289-0 only and containing 3.50 acres; Location: 8 Federal Street.

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board vote to remove the following parcel from the Concord Road Economic Opportunity Area (EOA) as provided for under MGL Chapter 23A, Sections 3A-3H.

Location: 8 Federal Street.

Description: The land shown on Town Assessor's maps revised to 1/1/2010 as Map 78, Parcel 289-0 only and containing 8.62 acres.

It was voted: 5 – In Favor
0 – Opposed

AUGUSTINE FILOSI, D/BA/ JIMBO'S FAMOUS ROAST BEEF AND SEAFOOD (COMMON VICTUALLER LICENSE)

Secretary Michael Rosa stated Augustine Filosi, d/b/a Jimbo's Famous Roast Beef and Seafood which is located at 240D Nashua Road is seeking a Common Victualler License. Hours of operation are Monday thru Saturday, 10:00 AM until 10:00 PM and Sunday, 12:00 Noon until 8:00 PM.

Mr. Dan Turco, owner of the building came to the podium and answered questions from the Board.

Brief discussions ensued regarding Safe Serve Certification and hours of operation.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant a Common Victualler License to Augustine Filosi, d/b/a Jimbo's Famous Roast Beef and Seafood which is located at 240D Nashua Road. Hours of operation are Monday thru Saturday, 10:00 AM until 10:00 PM and Sunday, 12:00 Noon until 8:00 PM contingent upon Zoning Board of Appeals Special Conditions A thru G.

It was voted: 5 – In Favor
0 – Opposed

DOLLY DONUTS AND BREAKFAST, D/B/A ROUTE 4 DONUTS, COFFEE AND BREAKFAST (COMMON VICTUALLER LICENSE)

Secretary Michael Rosa stated Dolly Donuts and Breakfast, d/b/a Route 4 Donuts which is located at 240C Nashua Road is seeking a Common Victualler License. Hours of operation will be Monday thru Saturday, 5:00 AM until 6:00 PM and Sunday, 5:00 AM until 6:00 PM.

Mr. Dan Turco, owner of the building came to the podium and answered questions from the Board.

Brief discussions ensued regarding Safe Serve Certification and hours of operation.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant a Common Victualler License to Dolly Donuts and Breakfast, d/b/a Route 4 Donuts which is located at 240C Nashua Road. Hours of operation will be Monday thru Saturday, 5:00 AM until 6:00 PM and Sunday, 5:00 AM until 6:00 PM contingent upon all the conditions listed on the Zoning Board of Appeals Special Permit.

It was voted: 5 – In Favor
0 – Opposed

MINUTES

APRIL 4, 2011 (REGULAR SESSION)

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion to approve the April 4, 2011 Regular Session Minutes as presented.

It was voted: 5 – In Favor
0 – Opposed

OLD BUSINESS

TOWN MANAGER REPORTS

PARKER SCHOOL

Town Manager John Curran stated regarding the Parker School, there will be extended hours of operation on Tuesday in order to complete the pouring of the concrete slabs for the building. That involves some trucking access on Pages Court as well as some hours of operation that will be beyond 6:00 PM. The neighbors have been notified by door-to-door notice and a code red phone call.

FISCAL EFFICIENCY

Town Manager John Curran stated the Billerica Fire Department was able to take advantage of a tremendous opportunity. Thanks to the cooperation of Sheriff Peter Koutoujian and Assistant Superintendent Chris Green, they were able to benefit from the Community Work Program (CWP). They utilized the CWP crews to assist with shoveling hydrants and roofs this winter. The manpower that was provided was greatly appreciated given the severity and frequency of the snow storms. In addition to that assistance, they have recently used the CWP crews to provide a much needed facelift to Fire Headquarters. The Fire Department provided the supplies and materials and the Sheriff provided the manpower. They were fortunate to have a very dedicated crew for five days and the results are evident. A large cleaning and painting project has just been completed that will serve the Fire Department and the community for many years. On behalf of the Town and the Fire Department, we are extremely grateful for the support the Sheriff has provided.

RIGHT OF FIRST REFUSAL ON LAND AT THE BILLERICA COUNTRY CLUB

Town Manager John Curran stated the last action the Board took on this matter was to delegate the authority to the Town Manager to go out and explore the possibility of extending and or getting another assessment on the property. After conversations with the Assessor and Town Counsel we feel confident that in terms of the assessment of the property, the assessment that was presented through this action will not adversely impact our ability to recover tax revenues if the property is reclassified. However, the Board still does have the option to exercise that first right of refusal. I did want to make sure that this was brought up one more time so that the Board would have that opportunity to take an action. It is assessed at $400,000 plus. It is a property that abuts an existing condo property. It is not contiguous with any Town conservation land. I am not sure that it has any real application for the Town. My biggest concern regarding this property was to make sure that if they did do this, that we make sure that the Town would recoup the value in tax revenue that we are duly entitled to.

Chief Assessor Richard Scanlon came to the podium and stated I have spoken with their legal counsel, Attorney Jim Dangora, and he has informed me that they are considering resubmitting the entire project because they might need a little more land area that they actually thought they would need, closer to five acres, which would mean they would have to start the ball rolling all over again. So it might be better to just sit and wait and see what happens in that regard.

Brief discussions ensued regarding possibly exercising the Town's right of first refusal.

No vote was taken on this matter.

NEW BUSINESS

ESTABLISHMENT OF A WATER CONSERVATION FUND

Chairman Robert Correnti stated this matter will be voted on at our next meeting. Tonight is for informational purposes only.

DPW Director Abdul Alkhatib came to the podium and stated during the spring of 2010, Town Meeting voted Article 28, to authorize the Board of Selectmen to petition the State Legislature to authorize the Town of Billerica in establishing the "Billerica Water Conservation Fund". I gave you in your packets the Act (H 1918) voted and signed by the State Legislatures and the Governor in December 2010 authorizing the Town to establish such a fund. I also attached a proposed Water Conservation Policy and a per-gallon contribution to the fund of $4.75/gallon based on 65 gallons per bedroom. The per-gallon contribution will be adjusted annually and will be incorporated into the Water

Regulations. I am requesting that the Board of Selectmen consider the proposed policy and the $4.75 per gallon contribution to the Water Conservation Fund.

Lengthy discussions ensued regarding the proposed Water Conservation Policy and the proposed Water Conservation Fund.

TAX TITLE LAND SALE

Director of Planning Peter Kennedy came to the podium and stated I am submitting a listing of the tax title sale properties which have made the "cut" so far in order for your review and authorization to proceed with a sale. We have sent all properties on this list around to Town departments, boards and commissions for review and we have eliminated those which either the Town has a use for or which Town Counsel has determined we have unclear title to. All are being requested by abutting property owners and would be sold as special option properties. This means they are deed restricted, which would prohibit the siting of any structure for human habitation on this land per the provision of the General By-Law. The decision to sell any property is the final decision of this Board. Just because a property is on the list and is bid on does not necessarily mean it must be sold. Due to the procedures we must adhere to per the provisions of State Law and our own General By-Laws, the soonest a sale could be undertaken would be early June. If the Board votes this in favor tonight, from here we will come up with a notification that will be sent to all the abutters. The By-Law says that the Board of Selectman must vote on whether or not to have the sale.

Brief discussions ensued regarding the policy of not awarding property to non-abutters and other property issues and deed restriction issues.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board approve a Tax Title Land Sale relative to the list that was provided to us consisting of:

Great Elm Road – Map 88, Parcel 60-1
Jennings Road – Map 84, Parcel 9-0
Jennings Road – Map 84, Parcel 40-0
Mechanics Way – Map 15, Parcel 52, 53
Pearl Road – Map 96, Parcel 124
Riverbank Terrace – Map 106, Parcel 92
Stony Brook Road – Map 100, Parcel 83
Vine Street – Map 33, Parcel 155

All subject to being abutters only and Special Option.

It was voted: 5 – In Favor
0 – Opposed

BILLERICA ROD AND GUN CLUB, RE: ONE DAY ALL ALCOHOLIC LICENSE FOR SATURDAY, MAY 21, 2011

Secretary Michael Rosa stated the Billerica Rod and Gun Club is seeking a One Day All Alcoholic License for Saturday, May 21, 2011 from Noon until Midnight for a Fundraiser. We have their insurance on record in the Selectmen's Office.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board grant a One Day All Alcoholic License to the Billerica Rod and Gun Club located at 216 Pond Street for Saturday, May 21, 2011 from Noon until Midnight for a Fundraiser.

It was voted: 5 – In Favor
0 – Opposed

FRAUD POLICY

Chairman Robert Correnti stated this matter will be voted on at our next meeting. Tonight is for informational purposes only.

Town Accountant Paul Watson came to the podium and stated as part of their audit of the financial statements of the Town of Billerica dated June 30th, 2010, our outside auditors, Powers and Sullivan CPA, have recommended that the Town develop and implement a Fraud Risk Management Program to identify, analyze and manage the risk of asset misappropriation. I provided this Board in your packets a proposed Fraud Risk Assessment Policy intended to address this issue. With the approval of the Board of Selectmen, the Fraud Risk Assessment Policy would have the following elements. A review with all Department Heads to determine areas of fraud risk. These areas would include issues and controls related to cash collections, procurement and the use of Town assets. For each identified fraud risk, we will identify the current controls in place and made recommendations for improvement. The monitoring of the identified risks will be accomplished by testing, observation and analytical review. Another element to the policy to consider would be the implementation of an anonymous tip line. According to the attached report provided by the American Institute of Certified Public Accountants, for companies with an anonymous fraud hotline in place, median loss was reduced by sixty percent. The single biggest method of fraud detection in a company is through tips or complaints. Adoption of this policy will resolve the recommendation made by our outside auditors.

Brief discussions ensued regarding changing the format of the policy (renumbering the policy to be consistent with the Board's Policies and Procedures).

Town Manager John Curran stated I just want to mention that Town Accountant Paul Watson has done a great job creating this Fraud Policy. Powers and Sullivan will be here at our next meeting and this will show them that we are acting on such a policy, which is a good thing enabling us to pass muster with our independent auditors. We have a couple of more policies coming - Debt and Reserve policies are coming.

OLD BUSINESS

SPRING 2011 WARRANT ARTICLES

ARTICLE 46 - TO ADD KEEPING OF HENS TO THE ZONING BY LAWS

To see if the Town will vote to add "Keeping of Hens" to the Zoning By-Laws Section 5.C.1.a(1)(h) to read:

(h) Keeping of Hens

1. A residence within a zoning district where the keeping of hens is permitted by right may keep a maximum of six hens and must maintain a minimum coop area of 36 square feet.

2. The owner of the hens must live in the residence.

3. Hens and coops are prohibited from the front yard of a residence.

4. No roosters shall be permitted.

5. No coop shall be located within one hundred (100) feet of a private well, flood plain or water course as defined in section 5.1.003.

6. No coop shall be located closer than twenty (20) feet to any residential structure occupied by someone other than the hen owner, custodian or keeper. If the owner of the neighboring dwelling consents, a waiver may be granted for this condition.

7. The hens shall be secured in the coop from sunset to sunrise.

8. This use shall meet all current applicable regulations of the Board of Health.

Also, to add the following line to the use table under Section 5.F "AGRICULTURAL USES" to read:

Keeping of Hens YYYNNNNNNN*******; or act in relation thereto.

Mrs. Jennifer Croce came to the podium and spoke regarding this warrant article.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board support Article 46.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 3 - TRANSFER FUNDS BETWEEN 2011 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of $85,000 to amend various Fiscal Year 2011 budget line items; or act in relation thereto.

Transfer From:	Transfer To:
91070-7030 Worker's Comp $85,000	54350-5280 Veteran's Benefits $85,000

Or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 3.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 4 - FISCAL YEAR 2012 TOWN AND SCHOOL BUDGET

Secretary Michael Rosa stated we already voted this Warrant Article at our last meeting, but due to a change in the personnel line item in the Board of Health, we need to vote this Warrant Article again.

To see if the Town of Billerica will vote to adopt, pursuant to Article 5 of the Billerica Home Rule Charter, the following proposed line item budget for fiscal year beginning July 1, 2011 and ending June 30, 2012. It is anticipated that $36,875 will be transferred from the Hallenborg Rink Fund to fund a portion of the Debt Service Budget.
This budget was produced under the direction of the Board of Selectmen and represents a complete financial plan of all Town funds and activities that are subject to appropriation, including the budget as requested by the School Committee (Department Account #300-5100 - #300-5800) and provisions for a Reserve Fund (Account #13170-7063) administered by the Finance Committee.

> The line item budget is arranged to show the actual expenditures for the current year and the proposed budget for the ensuing fiscal year. It is summarized by Town agency, function and/or program including any proposed capital expenditures. The Town Manager's detailed budget and all explanatory information are available to the Town Meeting Representatives and the general public for inspection in the Town Manager's Office, the Public Library and the Town Clerk's Office. The following budget, when considered by the Town Meeting shall first be subject to amendment, if any, as may be proposed by the Finance Committee; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 4 in the Final Warrant.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 5 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF FIREFIGHTERS

> To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IAFF Firefighters (International Association of Firefighters); or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 5.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 6 - TO FUND COLLECTIVE BARGAINING AGREEMENT - IAFF CIVILIAN FIRE ALARM OPERATORS

> To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and IAFF Civilian Fire Alarm Operators (International Association of Firefighters); or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 6.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 7 - TO FUND COLLECTIVE BARGAINING AGREEMENT - SEIU LOCAL 888 ADMINISTRATIVE UNIT

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund the Collective Bargaining Agreement between the Town and SEIU Local 888 Administrative Unit (Service Employees International Union); or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 7.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 8 - TO FUND SALARY ADJUSTMENTS FOR TOWN NON-UNION PERSONNEL

To see if the Town of Billerica will vote to raise and appropriate or transfer from available funds a sum of money to fund salary adjustments for Town Non-Union Personnel; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 8.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 24 - TO TRANSFER UNEXPENDED BALANCE OF TELECOMMUNICATIONS REVOLVING FUND

To see if the Town will vote to transfer the unexpended balance of the Telecommunications Revolving Fund in the amount of $266,528 to the General Fund Capital Budget; or act in relation thereto.

Transfer From:

29277-3250	Telecommunications Fund Balance	$266,528

Transfer To:

71040-7150	General Fund Capital	$266,528

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board support Article 24.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 25 - TO TRANSFER MONIES FROM OVERLAY SURPLUS FOR FUNDING FY 2012 REVALUATION FOR ALL PROPERTY PER DOR CERTIFICATION

> To see if the Town will vote to transfer the amount $175,000 from Overlay Surplus to fund the Fiscal Year 2012 state-mandated Triennial Revaluation and Certification of all real estate and personal property located within the Town of Billerica; or any act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 25.

It was voted: 5 – In Favor
0 – Opposed

Town Manager thanked Chief Assessor Richard Scanlon for attending this Board of Selectmen's Meeting on the night of his 50th birthday!

ARTICLE 26 - TO FUND WATER CONSERVATION REBATE PROGRAM

> To see if the Town will vote to appropriate from the Water Conservation Fund the sum of $50,000.00 for the Water Conservation Rebate Program; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 26.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 27 - TO FUND TOWN AND SCHOOL CAPITAL BUDGET

To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow under M.G.L. Chapter 44, Section 7, Subsection 9, or any other relevant statute, the sum of $2,000,000 to be spent under the direction of the Town Manager for the purchase of two fire trucks; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 27.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 28 - TO FUND THE TOWN-WIDE WATER METER WIRELESS RADIO READ PROGRAM

To see if the Town will vote to authorize the Treasurer, with approval of the Board of Selectmen, to borrow under M.G.L. Chapter 44, Section 8, Subsection 7A, or any other relevant statue, the sum of $2,800,000 to be spent under the direction of the Town Manager for the Water Meter Wireless Radio Read Program; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 28.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 31 - TO AUTHORIZE THE ACQUISITION OF TOWN SEWER PUMP STATION PROPERTIES

To see if the Town will vote to authorize the acquisition of necessary legal interests in, and to confirm the use of, the existing Town Sewer Pump Station properties identified as the Barrett Farms Pump Station, Iron Horse Park Pump Station, Esquire Road Pump Station, Ossippee Road Pump Station, Myers Lane Pump Station, and Jenkins Drive Pump Station (located on Treble Cove Road) for public sewage treatment and disposal purposes; to authorize the Board of Selectmen, in its capacity as Sewer Commissioners, to acquire said interests by purchase, gift or eminent domain; and to authorize the Selectmen to petition the

General Court for special legislation, as may be necessary, to authorize the transfer of the necessary interest in any such property from the Commonwealth to the Town; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 31.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 34 - TO ACCEPT TWO (2) ROADS WITHIN THE ROLLING RIDGE HEIGHTS SUBDIVISION (KAME TERRACE AND ROLLING HILL ROAD) AS PUBLIC WAYS

To see if the Town will accept the following listed roads in accordance with the layouts adopted by the Board of Selectmen and on file with the Town Clerk:

- Kame Terrace for its entire length within the Rolling Ridge Heights Subdivision

- Rolling Hill Road for its entire length within the Rolling Ridge Heights Subdivision

Town Meeting also authorizes the Board of Selectmen to accept gifts of easements for said public ways and associated easements for drainage or other purposes; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 34 contingent upon the Town receiving all necessary applicable sign-offs prior to the vote going to Town Meeting.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 35 - TO ACCEPT TWO (2) ROADS WITHIN THE DOHERTY WOODS ESTATES SUBDIVISION (GOVERNOR DOHERTY ROAD AND MARGARET LANE) AS PUBLIC WAYS

To see if the Town will accept the following listed roads in accordance with the layouts adopted by the Board of Selectmen and on file with the Town Clerk:

- Governor Doherty Road for its entire length within the Doherty Woods Estates Subdivision

- Margaret Lane for its entire length within the Doherty Woods Estates Subdivision

Town Meeting also authorizes the Board of Selectmen to accept gifts of easements for said public ways and associated easements for drainage or other purposes; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 35 contingent upon the Town receiving all necessary applicable sign-offs prior to the vote going to Town Meeting.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 36 - TO ACCEPT TWO (2) ROADS WITHIN THE WEBB BROOK COMMONS SUBDIVISION (JENNIFER CIRCLE AND SEAN CIRCLE) AS PUBLIC WAYS

To see if the Town will accept the following listed roads in accordance with the layouts adopted by the Board of Selectmen and on file with the Town Clerk:

- Jennifer Circle for its entire length within the Webb Brook Commons Subdivision

- Sean Circle for its entire length within the Webb Brook Commons Subdivision

Town Meeting also authorizes the Board of Selectmen to accept gifts of easements for said public ways and associated easements for drainage or other purposes; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 36 contingent upon the Town receiving all necessary applicable sign-offs prior to the vote going to Town Meeting.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 37 - TO ACCEPT DRESDEN LANE

> To see if the Town will accept Dresden Lane from Andover Road, north, for its entire length, in accordance with the layouts adopted by the Board of Selectmen and on file with the Town Clerk. The Town Meeting also authorizes the Board of Selectmen to accept gifts of easements for said public way and associated easements for draining or other purposes; or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board support Article 37 contingent upon the Town receiving all necessary applicable sign-offs prior to the vote going to Town Meeting.

It was voted: 4 – In Favor
0 – Opposed
1 – Abstained (Selectman Gagliardi)

ARTICLE 38 - TO RESCIND ACCEPTANCE OF LOCAL OPTION STATUTE

> To see if the Town will vote, pursuant to its authority under M.G.L. Chapter 4, Section 4B, to rescind acceptance of M.G.L. Chapter 33, Section 59, said law having been accepted by the Town at Town Meeting in 1995; or act in relation thereto.

Police Chief Daniel Rosa came to the podium and spoke regarding this Warrant Article.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 38.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 39 - TO AMEND PERSONNEL BY-LAW

To see if the Town will vote to amend the Personnel By-Law by striking Section 23.15 and further amend the Personnel By-Law by adding Section 1.10 in Article XII to read as follows:

Section 1.10 – All Group 2 Confidential Secretaries and Clerical Staff shall be entitled to all compensation benefits as provided in the IUPE Clerical Union Contract.

Or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 39.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 40 - TO AMEND GENERAL BY-LAWS

To see if the Town will vote to amend the General By-laws of the Town of Billerica, Article VI, Police Regulations by inserting the following new Section,14 Regulation of Second Hand Dealers, or act in relation thereto.

Section 14

Regulation of Pawnbrokers, Second Hand Dealers of Precious Metals and/or Gems, Second Hand Dealers of Articles of Tools, or Second Hand Dealers of Electronic Equipment, and or any type of Electronic Media, to include Compact Discs, Digital Video Discs, and/or Electronic Games.

Section 14.1: License Required; Application Procedure

The Board of Selectmen, acting in its capacity as the Licensing Authority for the Town of Billerica may, upon petition, license such persons as it deems suitable to be pawnbrokers or second-hand dealers of the above-referenced articles and materials and to be keepers of shops for the purchase, sale or barter of such articles pursuant to law within the Town of Billerica. Such licenses shall not be valid to protect the holders thereon in a building or place other than that designated in the license. All licenses thus granted shall contain a clause that the person thus licensed agrees to abide by and be subject to all the provisions of the By-Law or any ordinance which may be adopted by the approval of the Town

Meeting, not contrary to Massachusetts General Laws, relating to dealers in or keepers of shops licensed for the above purposes;

A) Applications for such licenses shall be examined and reported upon by the Chief of Police or his designee(s). The Chief of Police shall be informed as to whether or not the applicant wishes to engage in business as a pawnbroker or second-hand dealer of any of the above stated articles. The applicant will be required to provide information as to whether or not they have previously held a similar license in another jurisdiction, and if such license was ever revoked, suspended or surrendered, and the reason therefore;

B) Applications for new licenses under this By-Law may be filed at any time with the Licensing Authority. The Licensing Authority will act on all completed applications within thirty (30) days. Applications for the re-issuance of existing licenses shall be filed at least thirty (30) days before the expiration of such license. All licenses issued under this rule shall expire annually on the first day of January. Persons whose licenses have expired and have not been re-issued will be liable to prosecution for engaging in any business for which the license is required.

C) Whenever a licensee has failed to use his license for a period of thirty (30) days in the business at the place for which he was licensed, the Chief of Police, through his designee, will report such to the Licensing Authority, who may then deem the license null and void.

Section 14.2: Records, Inspections, Signs, Hours of Operation

Every such shopkeeper shall keep an electronic record and a solid bound book in which shall be written, at the time of every purchase of any such article, a particular description thereof, including inscriptions and dates, brand names, model and serial numbers and any other identifiable characteristics that may assist in describing said article. In addition the shopkeeper will record the name, date of birth and residence of the person from whom, and the day and hour when, such purchase was made. The shopkeeper shall also require positive (picture) identification to confirm that the above information is correct. The shop of such shopkeeper, and all articles of merchandise therein, and such book and electronic record shall at times, during business hours, be open to inspection by members of the Billerica Police Department or any person authorized by the Licensing Authority. Such record shall be legibly recorded in the English language. No entry in such record shall be erased, defaced, obliterated or deleted;

A) Every shopkeeper shall require a person from whom he makes a purchase to provide positive identification (positive identification shall mean any picture identification card issued by a governmental agency) and to sign his name on a transaction form approved by the Chief of Police or his designee. In those transactions where precious metals and/or gems, regardless of form, weight or appearance are purchased, said positive identification, together with the items of metal and/or gems and each transaction form shall be photocopied and or photographed;

B) Such transaction form shall be delivered in the form of an electronic spreadsheet to the police department within seven (7) days of the time of the transaction. A copy of the transaction form shall be retained permanently by the licensed dealer/shopkeeper and kept in alphabetical order as to the name of the seller. Every such shopkeeper shall at the time of making purchases, notate each article bought, traded or bartered and shall make entry of such number in the book described in Section 2;

C) Any Police Officer of the Town of Billerica, or any designee of the Licensing Authority, may during business hours, enter upon any premise listed by a licensee under the By-Law as the location of the second-hand dealing or pawn broker. Said Police Officer or designee may ascertain how the shopkeeper conducts business and examine any and all articles taken in trade or kept or stored in or upon said property and all books and inventories relating thereto, and all such articles, books and inventories shall be exhibited to any such Officer whenever a demand shall be made for such exhibition. Refusal to permit said viewing shall constitute a violation of this By-Law. The Officer's actions shall at all times conform to the established policy and procedures of the Billerica Police Department;

D) Every shopkeeper shall post in a conspicuous place in his shop a copy of the By-Law to which he shall affix his printed name and signature. Every shopkeeper shall post in a conspicuous place their license to conduct business issued under this By-Law. No shopkeeper shall place or maintain any signs upon or in connection with his licensed premises indicating or tending to indicate that any form of business is being conducted therein that they are not licensed to do or is contrary to any established law or ordinance.

E) Any shopkeeper conducting business pursuant to this By-Law shall have his shop open for the transaction of business only during the hours of 7:00 AM until 9:00 PM.

Section 14.3: Purchases from Minors; Time limit on Resale; Retention of Articles

No person licensed under this By-Law shall, directly or indirectly, either purchase or receive by way of barter of exchange or receive any article in pawn, from any person who has no attained the age of eighteen (18) years old;

A) No such person shopkeeper holding a license pursuant to this By-Law shall permit any article purchased or received by him in barter to be sold, modified or removed from the licensed premises until at least a period of thirty (30) day has elapsed from the day he took possession of said article;

B) Articles deposited in pawn with a licensed pawnbroker shall, unless redeemed, be retained by him on the premises occupied by him for his business for at least (4) four month after the date of deposit. After the expiration of the applicable period of time, he may sell the articles by public auction, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto on demand; provided that no such sale shall be made unless, not less than ten (10) days prior to the sale, a written notice of the intended sale shall have been sent by certified mail to the person entitled to the payment of any surplus as aforesaid, addressed to his residence, as appearing in the records of such shopkeeper. No article taken in pawn by such pawnbroker exceeding Twenty-Five and 00/100 Dollars ($25.00) in value shall be disposed of otherwise than as above provided;

C) Anytime that the Chief of Police or his designee has determined that reasonable suspicion exists that a particular item, in the possession of the licensee pursuant to the By-Law, has been reported lost or stolen, a stop order shall be issued to the shopkeeper or dealer. This stop order shall prohibit the resale, return or modification of said article. If the particular article, pursuant to a valid stop order, is positively identified by the rightful owner, it shall be returned to the Police, according to existing policies and procedures of the Billerica Police Department. If, through further investigation, it is discovered that the particular item is not in fact lost or stolen, the stop order shall be lifted forthwith.

D) In the event that a particular items is determined to be stolen property, notwithstanding a level of proof (probable cause) that the shopkeeper had, or should have had, prior knowledge the article(s) were stolen, a request will be made to obtain restitution from the criminal court in consideration of the losses suffered by said shopkeeper.

E) If by mutual agreement between the victim of a theft, the Billerica Police Department, and the shopkeeper, criminal prosecution is not sought, the items in question may be repurchased at the face value as displayed on the original pawn receipt.

Section 14.4: License Fee

For every license granted under the By-Law, there shall be a fee paid to the Licensing Authority. The Licensing Authority shall set the fee on an annual basis.

Section 14.5: Term of License

All the provisions of this By-Law shall be incorporated into each license which shall be granted pursuant to said By-Law. The Licensing Authority shall have the power at all times to revoke any license granted under this By-Law.

Section 14.6: Penalty for Violations

The penalty for violations of this By-Law shall be enforced in accordance with the provisions of the Town of Billerica By-Laws, as well as Massachusetts General Laws, Chapter 40, Section 21D. The penalty for a first offense violation of this By-Law shall be set at One Hundred and 00/100 Dollars ($100.00), and any second or subsequent offense violation shall be set at Two Hundred and 00/100 Dollars ($200.00).

Section 14.7: Massachusetts General Law

Nothing in the Article shall be construed as conflicting with any law or license duly issued under the Laws of the Commonwealth.

Or act in relation thereto.

Police Chief Daniel Rosa came to the podium and spoke regarding this Warrant Article.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 40.

It was voted: 5 – In Favor
0 – Opposed

ARTICLE 41 - TO AMEND GENERAL BY-LAW

To see if the town will vote to amend Article IX, Section 2, of the General By-Laws to include the following amended fee schedule:

Sheet Metal

Residential: $10/$1,000 Est. Cost of Construction $50 Minimum
Commercial: $10/$1,000 Est. Cost of Construction $100 Minimum

Or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 41.

It was voted: 5 – In Favor
0 – Opposed

MEETING SCHEDULE

May 2 and 16, 2011
June 6 and 20, 2011

Special Meeting May 23, 2011 (Welcoming visitors from the Twinning Association of Billericay England - Reception before Meeting)

May 3, 5, 10, 12, 17 and 19 at 6:30 PM prior to Town Meeting, if necessary.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion to adjourn at 10:34 PM.

It was voted: 5 – In Favor
0 – Opposed

A TRUE COPY ATTEST

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Susan Michelini, Recording Secretary