

MEETING MINUTES **FOR APRIL 9, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, April 9, 2012 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, Town Manager John Curran and Assistant Town Manager Cathleen O’Dea.

CALL TO ORDER

OPEN MICROPHONE

Mr. David Johnson from 113 Gray Street came to the podium and expressed his opinions regarding the proposed Solar Project at the Shaffer Landfill site in Billerica.

AGENDA CHANGE

Secretary Michael Rosa stated before we start the announcements, we are going to move agenda item number 15, “Spring 2012 Town Meeting Warrant Articles”, to the last order of business and agenda item number 19, “Billerica Lions Club Carnival”, has been cancelled for this evening and will be placed on our next agenda.

ANNOUNCEMENTS

VACANCIES ON BOARDS AND COMMITTEES

Secretary Michael Rosa stated the Board of Selectmen, Town Manager and Town Moderator are accepting applications for the following positions:

POSITION

MEMBERS

Selectmen Appointments

Beautification Committee	3
Cable Advisory Committee	1

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

Applicants should have some knowledge of Municipal Government. Brief job descriptions are available at the Selectmen's Office.

TRAFFIC MANAGEMENT SUB COMMITTEE MEETING WILL BE HELD ON APRIL 10, 2012 AT 7:00 PM AT TOWN HALL, RE: TOWN CENTER PROJECT

Secretary Michael Rosa stated the next Traffic Management Sub-Committee Meeting regarding the Town Center Project is scheduled for Tuesday, April 10th at 7:00 PM in the Buck Auditorium of the Town Hall.

DPW WATER CONSERVATION REBATE PROGRAM

Secretary Michael Rosa stated the Town of Billerica has a Rebate Program for the replacement of toilets, urinals and clothes washers with water conserving features. The "Water Conservation Fund" was established to mitigate the demands on the Town water supply and allows the DPW to offer these rebates. To qualify for the rebate, Billerica water customers must be in good standing and own the property where the fixtures will be changed out. Tenants may participate with written permission from the property owner. Toilets, urinals and clothes washers must be specific models to qualify for the rebate. Go to www.billericadpw.org or contact the DPW Director's Office for a list of qualifying models. Qualifying toilet rebates are \$100. Qualifying urinal rebates are \$25. Qualifying clothes washer rebates are \$225. All rebates will be applied as a credit on your water bill. Rebate applications can be picked up at the DPW Director's Office at Town Hall or at the Water Treatment Facility located at 270 Treble Cove Road. Applications must be submitted to the DPW Office within 90 days of purchase.

BEST RETAIL PRACTICES WORKSHOP, APRIL 11, 2012

Secretary Michael Rosa stated the Billerica Financial Development Corporation and the Town of Billerica are inviting retailers, restaurateurs, small and storefront businesses (including salons, etc.) and retail property owners to attend a free workshop on “Best Retail Practices” on Wednesday, April 11, 2012 from 8:00 AM until 10:00 AM at Stelio’s Restaurant Function Room located at 293 Boston Road in Billerica. Coffee and light breakfast will be served. If you have any questions, please call the Billerica Community Alliance at 978-667-4174 or info@billerica-alliance.org.

ELECTION DAY – APRIL 14, 2012

Secretary Michael Rosa stated Election Day is Saturday, April 14, 2012 from 8:00 AM until 8:00 PM. We hope everyone gets out and votes.

**FIGHT FOR EDUCATION AMATEUR BOXING SHOW ON
APRIL 27, 2012**

Secretary Michael Rosa stated Billerica Partners for Education is presenting their 15th Annual Fundraiser “Fight for Education”. This is an Amateur Boxing Show featuring ten bouts of the Golden Glove Champions. There will be a silent auction of sports memorabilia, a buffet dinner and raffles. There will be a grand prize of \$1,000 cash or a trip to Las Vegas or Disney World. This event will be held at the Billerica Elks Hall on April 27th, 2012 from 7:00 PM until 10:30 PM. For information call 978-528-7908.

**BILLERICA COMMUNITY CLEAN-UP/GREEN-UP DAY ON
SATURDAY, MAY 5TH AND THE THIRD ANNUAL DROP-OFF
EVENT ON MAY 6TH, 2012**

Secretary Michael Rosa stated the Billerica Community Alliance and the Town of Billerica will be hosting their annual Clean-Up/Green-Up Event on Saturday, May 5, 2012. They are looking for residents and businesses to take a few hours to help cleanup and green up public roads and areas around Billerica. You can clean up roadside trash and trash in your neighborhood, near your school or business or along roadways and parks. If you don’t know where to help out, they have a list of streets that could use your help. If you provide the manpower, they will provide trash and leaf bags and arrange for the pickup. Come to the Billerica Senior Center on Saturday, May 5th between 8:30 AM and Noon to register and pick up your bags. If you need more information, contact the Billerica Community Alliance at 978-667-4174 or info@billerica-alliance.org.

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Secretary Michael Rosa further stated the Billerica Recycling Committee invites you to Donate – Reuse – Recycle on May 5th from 9:00 AM until 1:00 PM at the Marshall Middle School located at 15 Floyd Street. They are looking for items to donate, reuse and recycle and for more information please call Mary Delahanty, Billerica’s Recycling Coordinator, at 978-671-1337.

TOWN MEETING

Secretary Michael Rosa stated Town Meeting begins on Tuesday, May 1st, 2012 at 7:30 PM in the Town Hall Auditorium.

PRESENTATIONS

BILLERICA C.A.R.E.S., RE: E PLURIBUS UNUM DAY (4/27/12)

Chairman Robert Correnti stated Billerica C.A.R.E.S. is a committee organized and committed to the promotion of the **B**illerica community, **A**cceptance of each other, **R**espect for each other’s views, **E**nrichment of ideas and **S**upport through awareness.

President of C.A.R.E.S., Dr. James Spencer, Ph.D, Diversity and Civil Rights Officer for the Middlesex County House of Correction and Vice President of C.A.R.E.S., Ms. Sondra Lanteigne from Billerica High School, both came to the podium and gave a very informative presentation regarding Billerica C.A.R.E.S and their “E Pluribus Unum Day”.

The Board thanked Dr. James Spencer and Ms. Sondra Lanteigne for their presentation.

Secretary Michael Rosa read into the record the following proclamation:

E PLURIBUS UNUM DAY

April 27, 2012

WHEREAS, Billerica C.A.R.E.S. promotes the diversity of our community; and

WHEREAS, Billerica C.A.R.E.S. seeks to enhance “*Tomorrow’s Hope*” through programs highlighting our multicultural *Community*, through *Acceptance*, through *Respect*, through *Enrichment*, through *Support*; and

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WHEREAS, the students of Billerica Memorial High School's Class of 2012 have been working towards enhancing the climate of respect and acceptance during their tenure within the Billerica Public Schools; and

WHEREAS, Billerica C.A.R.E.S. is planning an *E Pluribus Unum Day* for April 27, 2012;

NOW, THEREFORE WE, THE BILLERICA BOARD OF SELECTMEN, on behalf of all the citizens of Billerica, do hereby recognize and declare Friday, April 27, 2012 as *E Pluribus Unum Day* in Billerica and ask all residents to join in this celebration of our community's richness and diversity.

CEMETERY COMMISSION PUBLIC HEARING ON APRIL 23, 2012

Mr. James O'Donnell came to the podium and gave a brief presentation regarding the Cemetery Commission Public Hearing that will be held on April 23, 2012 at 7:00 PM in Room 110 of the Town Hall regarding Cemetery Rules and Regulations. All residents are invited to attend and participate.

MINUTES

MARCH 26, 2012 (REGULAR SESSION)

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion to accept the March 26, 2012 Regular Session Meeting Minutes as submitted.

It was voted: 5 – In Favor
 0 – Opposed

PUBLIC HEARING

RVK REALTY, LLC, OWNER AND TENANT MEDICAL TECHNICAL GASES INC., 8 EXECUTIVE PARK, RE: LICENSE TO STORE 200,000 CUBIC FEET OF MIXED FLAMMABLE GASES AND 1,600 GALLONS OF LP-GAS (PROPANE)

Secretary Michael Rosa stated RVK Realty LC, Owner, and Tenant Medical Technical Gases Inc. of 8 Executive Park Drive have applied for a license to store 200,000 cubic feet of mixed flammable gases and 1,600 gallons of LO-gas (propane).

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Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion to open the Public Hearing.

It was voted: 5 – In Favor
 0 – Opposed

Chairman Robert Correnti stated I would like to disclose that I am employed by a company that is located at 11 Executive Park Drive. I have no financial interest in this property and have no beneficial gain, thus I feel I can vote on this matter with no bias.

Attorney Stephen Lentine of 409 Boston Road came to the podium and stated I am here tonight representing the co-petitioners here this evening. One is RVK Realty LC, the Owner of 8 Executive Park Drive and Medical Technical Gases Inc., the Tenant of 8 Executive Park Drive. They have applied for a license to store 200,000 cubic feet of mixed flammable gases and 1,600 gallons of LO-gas (propane). With me tonight is Mr. Ramesh.V. Kapor, Manager of RVK Realty LC and Principle Officer of Medical Technical Gases. Mr. Kapor is presently located in Medford and he is going to relocate his entire business to Billerica. Back in December we received some minor variances from the Zoning Board of Appeals. Here tonight is the last step in the process.

Chairman Robert Correnti stated let the record show that we received the green cards back indicating that the abutters have been notified. Also, you did sign a form taking responsibility for the advertisement.

Deputy Fire Chief Thomas Ferraro came to the podium and stated I have reviewed the license application for Medical Technical Gases Inc. located at 8 Executive Park Drive. This is a new license for the following:

- 200,000 cubic feet of mixed flammable gases
- 1,600 gallons of LP-gas (propane)

Deputy Fire Chief Thomas Ferraro further stated I would recommend, as we have done in the past, this Board license the total amount of gases and the Fire Prevention Bureau permit the types of gases. This is a new facility under construction that meets both the current Fire and Building codes.

Brief discussions ensued.

Chairman Robert Correnti asked if there was anyone who wished to speak at this Public Hearing. There was no one who wished to speak.

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Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion to close the Public Hearing.

It was voted: 5 – In Favor
 0 – Opposed

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant a license to Medical Technical Gases Inc. located at 8 Executive Park Drive to store 200,000 cubic feet of mixed flammable gases and 1,600 gallons of LP-gas (propane). This is contingent upon all Zoning Board of Appeals decisions and use and handling of storage shall comply with Massachusetts General Law Chapter 148, State Fire Law 527, CMR Massachusetts State Fire Codes and all applicable National Fire Protection Association Codes.

It was voted: 5 – In Favor
 0 – Opposed

OLD BUSINESS

TOWN MANAGER REPORTS

SOLAR PROJECT AT THE SHAFFER LANDFILL SITE

Town Manager John Curran stated I would just like to begin by saying I would like to clarify that the Shaffer Landfill is an unlined landfill, which is not uncommon. The solution is two fold. There is a cap that goes over it and then there is monitoring and assessment that goes on to determine what leaches out from underneath the cap. There are mitigation measures that are done for that. It is as safe as a landfill can be. It is monitored on a regular basis. I do not want the people at home to get the impression that there is something unusual or lacking in the way that the capping of this landfill was done. It is a common process and I have seen it in several other communities. The relationship between the parties that were involved in the original site and also the same people who want to see this site succeed, well that is not really a great secret. They are called PRP's or Potentially Responsible Parties, and by design they are held responsible for the clean up as a Superfund Site. There is an incentive for them to try to make back some of the money used to clean up the site by making that site prosper for us again. There is no surprise that this is going on. Every PRP involved in a Superfund Site is doing the same thing.

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Now I would like to mention that the Town has sat down with UGT Renewable Energy 7 LLC (UGT7) who is developing a 7.1 MW Solar Project at the Shaffer Landfill Site. I would like to outline the benefits of the Town entering into a Net Metering Credit Sales Agreement with UGT, which would allow the Town to benefit directly from the renewable energy generated at the solar site. We are proposing giving the Town a ten percent discount from the value of the energy produced by UGT7. The details of this agreement will be supplied in the form of a Net Metering Credit Sales Agreement that will be supplied to this Board and Town Counsel. We estimate these credits will amount to a total 25 year savings of \$2,651,788. In addition to this benefit, we estimate that the benefit to the Town from Personal Property Taxes will be a total 25 year revenue of \$3,497,390. So the total benefit to the Town will be \$6,149,178 over 25 years. These estimates reflect conservative assumptions and also include a zero increase in energy rates over the 25 year term. If we add escalators to future energy rates, the combined revenue to the Town would be as follows over the 25 year term:

- 1% per annum increase generates approximately \$6.5 million
- 2% per annum increase generates approximately \$6.9 million
- 3% per annum increase generates approximately \$7.35 million

Benefits to the Town of Billerica are an immediate ten percent energy cost savings from our production, tax revenues, Town retains complete flexibility to enter into energy supply agreements with a future low cost supplier, similar to Patriot Energy, Town will be supporting renewable energy, Town will be benefiting directly from a previously unusable landfill site and the Town will be assisting in the positive redevelopment of the landfill site. The Board of Selectmen has been involved in the issues surrounding litigation and how to make this work for the Town and I appreciate the Board's support in showing a vision to make something like this possible that is so complicated. This net metering agreement is just one component that is saving us about \$2.6 million dollars. It is worth mentioning and it is good for the Town. I just wanted the Board and the residents to be aware of this.

Selectman David Gagiardi stated it is important to emphasize, in light of Mr. Johnson's concerns regarding pollution, that the DEP, EPA and Local Regulatory Authorities are going to be all over this sight monitoring all these issues.

MIDDLESEX TURNPIKE

Selectman Michael Rosa stated a few weeks ago a young boy was hit by a car on the Middlesex Turnpike. The Town is going to be restriping the crosswalks going to and from Micozzi Beach and the Playground as well as installing orange pedestrian cones that state Massachusetts General Law "Vehicles Must Stop for Pedestrians in the Crosswalk".

NEW BUSINESS

STAGE II WATER BAN

DPW Director Abdul Alkhatib came to the podium and stated this Outside Water Ban will assist the Town in meeting its permit on water withdrawal from the Concord River. This is the second year that meeting the 65 gallon per capita is in our permit to meet. This Water Ban is important for us to execute and hopefully will keep the Town within their limit. Last year we used 68 gallon per capita. This Outside Water Ban would go from May 1, 2012 until October 1, 2012. If you are an odd number you can water on the odd numbered days of the month and if you are an even number, you can water on the even numbered days of the month. I feel it is very important that we implement this Outside Water Ban.

Brief discussions ensued regarding the Concord River having a rain and snow deficit of seven inches, the Concord River being a commodity that needs to be protected and the requirement to meet the DEP water withdrawal permit of 65 gallons per capita (65 gallons per person per day), the fact that the Water Conservation Advisory Committee is working on changes to the Water Conservation By-Law due to mandates by the EPA and DEP and clarification that this is really a Water Conservation Measure.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board implement a Stage II Outside Water Ban from May 1, 2012 through October 1, 2012.

It was voted: 5 – In Favor
 0 – Opposed

HIGH OCTANE HARLEY DAVIDSON, 1 CHELMSFORD ROAD, RE: ONE DAY BEER AND WINE LICENSES FOR WEDNESDAY, APRIL 18, 2012 AND THURSDAY, APRIL 26, 2012

Secretary Michael Rosa stated KHD Inc., d/b/a High Octane Harley Davidson of 1 Chelmsford Street is seeking a One Day Beer and Wine License for functions being held on Wednesday, April 18th and Thursday, April 26th at their facility.

Mr. Paul Veracka, owner of High Octane Harley Davidson came to the podium and stated we are looking for a One Day Beer and Wine License for functions being held on Wednesday, April 18th and Thursday, April 26th at our facility. These are social events like “Bike Night” and such. We typically do these one or two times a month during the summer months. Bikers just come to the event and hang out and socialize.

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Chairman Robert Correnti stated first of all, welcome to Billerica. There is a procedure for One Day Licenses. We have the Police Department get involved, and they have provided us with information here in support of these events. As a profit organization, you are limited to just beer and wine and you are limited to no more than 30 per calendar year of those licenses. Persons holding a Special License must purchase alcoholic beverages from a licensed wholesaler, importer, manufacturer and it goes on. We also have Board Policies, Rules and Regulations which would apply. These licenses are voted at a Public Meeting. You must have a Liquor Liability Policy. Do you see any impact to traffic due to these social events?

Mr. Paul Veracka stated we might have to get a Police Detail to help direct traffic due to the steady flow of bikes coming and going.

Chairman Robert Correnti stated my conditions here would be that you should forthwith speak with Safety Traffic Officer Martin Conway if this is approved. This motion would be subject to the approval of Safety Officer Conway and any recommendations that he would make to ensure public safety.

Brief discussions ensued regarding prior history of such events at their other dealerships not in Massachusetts, hours of such events being usually 5:00 PM until 9:00 PM, monitoring of alcohol in general and alcohol not being served to any person who might be test driving a motorcycle, working with the Police Department to ensure safety for everyone, concern regarding the noise factor for surrounding residences and the mandatory carding of everyone who will be served alcohol.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board grant permission to KHD Inc., d/b/a High Octane Harley Davidson of 1 Chelmsford Street for a One Day Beer and Wine License for a function being held on Wednesday, April 18th for inside their facility. Hours will be from 5:00 PM until 9:00 PM. This will be subject to the approval of Traffic Safety Officer Martin Conway.

It was voted: 4 – In Favor
 1 – Opposed (Selectman Deslaurier)

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant permission to KHD Inc., d/b/a High Octane Harley Davidson of 1 Chelmsford Street for a One Day Beer and Wine License for functions being held on Thursday, April 26th for outside at their facility. Hours will be from 5:00 PM until 9:00 PM. This will be subject to the approval of Traffic Safety Officer Martin Conway.

It was voted: 4 – In Favor
 1 – Opposed (Selectman Deslaurier)

**BILLERICA CAT CARE COALITION, RE: REQUEST TO PLACE
THREE SIGNS IN THE TOWN CENTER TO PROMOTE THE
CAT'S MEOW CHOCOLTE TASTING AND SILENT AUCTION ON
MAY 18, 2012**

Secretary Michael Rosa stated the Billerica Cat Care Coalition is requesting to place three signs in the Town Center to promote their 8th Annual Fundraising Event, the “Cat’s Meow Chocolate Tasting and Silent Auction” that is being held on Friday, May 18th, 2012.

Ms. Sharon DuBois, President and Co-Founder of the Billerica Cat Care Coalition, came to the podium and stated this annual fundraiser is our largest fundraising event and provides nearly one-third of our annual budget. The signs will be placed at the following locations:

- One sign at rotary for visibility to both lanes of stopped traffic.
- One sign at end left turn signal onto River Street.
- One sign at left turn signal onto Boston Road across from the Bennett Library.

We are requesting permission to place these professionally printed signs in these locations for a period of two weeks beginning on Friday, May 4th through Friday, May 18th. The signs will be promptly removed the day after their event, on May 19th.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant permission to the Billerica Cat Care Coalition to place three professionally printed signs promoting their 8th Annual Fundraising Event, the “Cat’s Meow Chocolate Tasting and Silent Auction” that is being held on Friday, May 18th, 2012 in the aforementioned locations for a period of two weeks beginning on Friday, May 4th through Friday, May 18th. The signs will be promptly removed the day after their event, on May 19th.

It was voted: 5 – In Favor
 0 – Opposed

**DELIVERY OF FUNDS FROM THE SALE OF AN AFFORDABLE
UNIT AT 41 BOSTON ROAD, UNIT 313, BARRETT FARMS**

Attorney John McKenna from 36 Webb Brook Road came to the podium and stated I am here tonight representing the seller of the property at 41 Boston Road, Unit 313, at Barrett Farms, Ms. Tiffany Roy. This property is an affordable unit. In August of 2011 she came before this Board to request permission to sell the property. To sell affordable units, you have to come before the Board of Selectmen and offer the Town the right of

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first refusal. The Board of Selectmen voted not to exercise that right. The next step was to market the property for an eligible affordable buyer. The seller then must work with CHAPA to find an eligible buyer for the affordable unit. If no eligible buyer is found, the seller may sell the unit at fair market value to any buyer – however, the seller must pay the difference between the sale price and the allowed affordable resale price to the Town. Once the unit is sold, the unit is no longer considered an affordable unit and the Deed Rider becomes null and void. The Town’s recourse for the loss of this affordable unit is the collection of the excess resale funds for deposit into its Affordable Housing Fund for future affordable housing use. The seller has complied with all of these requirements and was unable to find a qualified buyer for the affordable unit. As a result, she is selling the unit to an “unqualified” buyer. This means that the unit will no longer be a qualified affordable unit; however, the Town will receive the excess funds from the sale to place in its Affordable Housing Fund as compensation for the loss of the affordable unit.

Pursuant to CHAPA, the maximum sale price allowed for this unit, if it were to remain affordable, is \$170,000. Because the seller has done all things required to find an eligible buyer and was unable to do so, CHAPA is permitting her to sell the unit at fair market value. The sale price of the unit is \$209,000. Because this sale will remove the unit from the Town’s affordable housing quota, the Town is entitled to collect \$39,000 (the difference between the affordable sale price and the fair market value sale price). In return for these funds, the Town is required by the Deed Rider to sign a Compliance Certificate certifying that it received the funds. It was my intent today to have the funds available for the Town, however, the buyer’s attorney and the Title Insurance Agency said that we would need a vote from this Board saying you would accept the \$39,000 in order to even do the closing. I am here tonight to request that you vote to execute the Compliance Certificate and Release as approved to form by Town Counsel, upon receipt of the \$39,000 from the sale. When we were preparing for this sale, which was supposed to happen last week, I contacted the Town Manager and sent him a fax with a Certificate of Compliance from CHAPA on March 29th. Town Counsel responded on April 2nd with her recommendations for changes and then the buyer’s attorney said that the Title Insurance Agent said we could not do the sale without first knowing that the Town was going to approve the funds. I do want to thank Town Manager Curran and Town Counsel for their quick response. I also want to go on the record to say we have the Certificate of Compliance from CHAPA.

Brief discussions ensued regarding the wording of the vote and the lack of a municipal lien certificate.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board approve the Certificate of Compliance and Release for 41 Boston Road, Unit 313, at Barrett Farms contingent upon the receipt of a check for \$39,000, which is the amount over the affordable price of the unit and the selling price is \$209,000.

It was voted: 5 – In Favor
 0 – Opposed

TOWN MANAGER EMPLOYMENT AGREEMENT

Chairman Robert Correnti stated a number of months ago we had the Town Manager's Performance Review. There was a memorandum in our package that was dated April 2nd, 2012. The Town Manager's Performance Review (4.686 rating score out of possible 5.00) and as per our Policies, the Sub Committee submits the following recommendations for the Board's consideration and vote:

- A. The Initial Employment Agreement was from 1/4/10 through 6/30/11 (Eighteen Months)
- B. As per Section 2 (Term), the agreement was automatically renewed effective 7/1/11 to 6/30/12
- C. The Sub Committee recommends an Employment Agreement of two (2) years, with the standard automatic renewal clause as per the current agreement:
 - Year #1: 7/1/12 to 6/30/13
 - Year #2: 7/1/13 to 6/30/14Language will be added stating that "Should there be an automatic renewal of the Employment Agreement, then any changes subsequently negotiated shall be retroactive to July 1st beginning of the renewal period of the Agreement"
- D. All references to MIIA Board of Directors shall be stricken from the Agreement;
- E. The last sentence in Section 4 (Automobile) shall be stricken as the benefit of \$100 per month remains unchanged;
- F. Language shall be added to Section C (Vacation Benefit) indicating that all cumulative years of municipal service shall be credited for the purposes of determining Vacation Benefit similar to the Town's Personnel By-Laws;
- G. Language shall be added to Section C (Vacation Benefit) indicating that the Town Manager may receive pay, each year, for unused vacation benefit to a maximum of ten (10) days;
- H. Effective immediately, the Town Manager may receive pay, for the balance of the renewal year, for unused vacation benefit to a maximum of ten (10) days;
- I. A survey of six (6) surrounding communities (Chelmsford, Tewksbury, Westford, Wilmington, Bedford and Burlington) indicates a compensation range from \$130,200 (for Billerica) to \$162,455 (for Chelmsford) with the average at \$148,523. With this in mind and considering fiscal restraints, the Sub Committee recommends an adjustment of Eight Thousand Dollars (\$8000.00) in compensation be provided thus adjusting compensation to \$137,000 for the Employment Agreement effective 7/1/12 (added to salary excluding auto allowance). This is not an unprecedented – similar action in January 1999 ;
- J. The Sub Committee recommends a zero increase in the renewal year (7/1/11 to 6/30/12) and a two percent (2%) increase in the first year of the Employment Agreement (effective 7/1/12). Thus, annual compensation effective 7/1/12 is \$139,740 (\$129,000 plus \$8000 for total of \$137,000 with a two percent increase making final total \$139,740 (plus auto allowance of \$1200 annually). Policy 13.0

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(Town Manager Review) of the Board's Policies and Procedures shall be followed for the Manager's next performance review.

Selectman Michael Rosa stated I just want everyone to know that a lot of work was put into this agreement and I think it is a fair agreement across the Board. We are still well below the median for the surrounding towns.

Selectman Robert Accomando stated for the record, I have been cleared to join in this discussion tonight by Town Counsel, as that I am employed by the Town of Billerica, but that has been waived.

Brief discussions ensued in support of this contract for Town Manager John Curran.

Chairman Robert Correnti stated as per our Policies and Procedures, the Chairman runs the Subcommittee. I would like to thank Selectman Rosa for being on it with me. I would also like to thank Mr. Curran for his cordial, thoughtful and fruitful discussions. I feel it was very well done by all parties involved.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board approve the Town Manager's Employment Agreement recommendations as presented.

It was voted: 5 – In Favor
 0 – Opposed

Town Manager John Curran stated I would just like to thank the Board. I feel it is a fair agreement and I look forward to serving the Town for the next two years. I have enjoyed my time here. We have a lot yet to do. This has been a good Board to work with and I am glad that we will continue to do so in the future.

BILLERICA ROD AND GUN CLUB, 216 POND STREET, RE: ONE DAY ALL ALCOHOLIC LICENSE FOR APRIL 14, 2012

Secretary Michael Rosa stated the Billerica Rod and Gun Club is seeking a One Day All Alcoholic License for Saturday, April 14, 2012 from 6:00 PM until Midnight for a 50th Birthday Party. We have their Liquor Liability Insurance Policy on record in the Selectmen's Office.

Brief discussions ensued.

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Selectman Michael Rosa, seconded by Selectman David Gagliardi, 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, April 14, 2012 from 6:00 PM until Midnight for a 50th Birthday Party.

It was voted: 5 – In Favor
 0 – Opposed

SPRING 2012 TOWN MEETING WARRANT ARTICLES

ARTICLE 3 - TRANSFER FUNDS BETWEEN 2012 BUDGET LINE ITEMS

To see if the Town will vote to transfer from available funds the sum of \$145,000 to amend various Fiscal Year 2012 budget line items; or act in relation thereto.

<u>Transfer From:</u>		<u>Transfer To:</u>	
91070-7030 Workers Comp	\$ 62,500	54350-5280 Veteran's Benefits	\$125,000
91070-7010 Building Insurance	\$ 62,500	23130-5200 Ambulance Contract Services	<u>\$ 20,000</u>
71070-7130 Temporary Interest	<u>\$ 20,000</u>		\$145,000
	\$145,000		

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 15 - TO TRANSFER UNEXPENDED BALANCE OF BACKFLOW PREVENTION

To see if the Town will vote to transfer the unexpended balance, a sum not to exceed \$400,000, of the Backflow Prevention Revolving Fund to the General Fund Capital Budget; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 15.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 16 - TO FUND TOWN CAPITAL BUDGET

To see if the Town will vote to transfer the sum of \$59,361 from the sale of Cemetery Lots to fund the purchase of a F-350 Dump Truck for use in the Cemetery Department; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 16.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 18 - TO FUND TOWN CENTER RECONSTRUCTION AND TRAFFIC IMPROVEMENTS

To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$14,000,000 for Town Center reconstruction and traffic improvements; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board withdraw Article 18.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 20 - TO FUND PUMP STATION REHABILITATION AND UPGRADES

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, or borrow from the Massachusetts Water Pollution Abatement Trust, the sum of **\$5,586,000** for high priority improvements, upgrades and renovation of various wastewater pump stations in the Town as detailed in the Comprehensive Wastewater Management Plan (CWMP) and Sanitary Sewer Overflow Abatement Plan; or act in relation thereto, including the adoption of the following vote:

Voted: that **\$5,586,000** is appropriated for the purpose of financing the construction of Wastewater Pump Station Rehabilitation and Upgrades including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow **\$5,586,000** and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that

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they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 20.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 21 - TO FUND PUMP STATION CAPITAL IMPROVEMENTS PLAN FOR ELIMINATION OF POE ROAD AND BERTHA CIRCLE PUMP STATIONS

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, or borrow from the Massachusetts Water Pollution Abatement Trust, the sum of **\$1,587,000** for the elimination of the Poe Road and Bertha Circle Pump Stations as detailed in the Comprehensive Wastewater Management Plan (CWMP); and to take any other action relative thereto, including the adoption of the following vote:

Voted: that **\$1,587,000** is appropriated for the purpose of financing the construction of the Pump Stations Elimination Project including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow **\$1,587,000** and issue bonds or notes therefore under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws, as most recently amended by St. 1998, c.78; that such bonds or notes shall be general obligations of the Town unless the Treasurer with the approval of the Selectmen determines that they should be issued as limited obligations and may be secured by local system revenues as defined in Section 1 of Chapter 29C, as most recently amended by St. 1998, c.78; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C, as most recently amended by St. 1998, c.78; and in connection therewith to enter into a loan agreement

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and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board withdraw Article 21.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 27 - TO ACCEPT CHAPTER 26 (AN ACT RELATIVE TO THE COLLECTION OF UNPAID MUNICIPAL FINES)

To see if the Town will vote to accept Chapter 26, “An Act Relative to the Collection of Unpaid Municipal Fines”; or act in relation thereto.

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

It was voted: 5 – In Favor
 0 – Opposed

TOWN ELECTION

Chairman Robert Correnti stated I would just like to mention again that this Saturday, April 14th is Town Election Day. The poles are open from 8:00 AM until 8:00 PM. We urge everyone to get out and vote. Also, this Board wants to extend our gratitude to all those individuals who have served this Town in any and all capacities. We also wish everyone the best of luck!

MEETING SCHEDULE

April 30, 2012
May 7 and 21, 2012

May 1, 3, 8, 10, 15, 17, 22 and 24 at 6:00 PM prior to Town Meeting, if necessary.

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Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion to adjourn at 8:46 PM.

It was voted: 5 – In Favor
 0 – Opposed

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary