

MEETING MINUTES **FOR FEBRUARY 6, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, February 6, 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

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:

POSITION

MEMBERS

Selectmen Appointments

Beautification Committee	3
Cable Advisory Committee	1
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

**TOWN OF BILLERICA ALL NIGHT PARKING/SNOW
EMERGENCY BAN**

Secretary Michael Rosa stated an All Night Parking/Snow Emergency Ban will be in full force on all Billerica roadways until March 15th, 2011. Vehicles found parked in the roadway longer than two (2) hours between Midnight and 6:00 AM during the above dates will be tagged and subject to a \$25.00 fine. If a vehicle is parked as to interfere with snow removal, a fine will be assessed and will be subject to towing. Upon declaration of a snow emergency by the Town Manager, parking on all public ways will be prohibited. Vehicles found parked on public ways will be subject to a \$50.00 fine and towing. The Chief of Police requests the cooperation of all residents to comply with this public safety ordinance to insure that snow plowing operations will not be hampered by illegally parked vehicles.

FALL 2012 TOWN MEETING WARRANT ARTICLES

Secretary Michael Rosa stated in accordance with the Billerica Home Rule Charter, the Board of Selectmen will be accepting Warrant Articles for the Spring Town Meeting scheduled for Tuesday, May 1, 2012. Warrant articles will be accepted until Monday, March 12th, 2012 prior to 4:00 PM in the Town Manager's Office.

**BILLERICA RECREATION AND CAMP EXPO AT THE
BILLERICA LODGE OF ELKS ON FEBRUARY 12, 2012**

Secretary Michael Rosa stated there will be a Billerica Recreation and Camp Expo on February 12, 2012 from 1:00 PM until 4:00 PM at the Billerica Lodge of Elks located on Webb Brook Road. This event features summer camp programs, educational programs and recreation opportunities for children and families. There will be day and overnight programs represented. Programs for children with developmental disabilities will be represented. Meet and talk with representatives from each camp or program. This event allows parents and kids to find the perfect summer experience together. This event is free and for more information please contact Billerica Recreation at 978-671-0921 or email at billrec2@town.billerica.ma.us.

BILLERICA AND TEWKSBURY FIRE DEPARTMENTS ARE SPONSORING A 40TH ANNIVERSARY MEMORIAL MASS OF THE LOWELL GAS COMPANY EXPLOSION FROM 1972

Secretary Michael Rosa stated the Billerica and Tewksbury Fire Departments are sponsoring a 40th Anniversary Memorial Mass of the Lowell Gas Company Explosion that occurred in Tewksbury on February 9, 1972. The public is invited to attend this Memorial Mass on Sunday, February 12, 2012 at 10:00 AM at the Oblates Novitiate House located at 486 Chandler Street in Tewksbury, MA. Following this Memorial Mass there will be a reception in the Fellowship Hall with light refreshments. For any questions please contact Deputy Chief Thomas Ferraro at 978-671-0940.

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 Friday, April 27th, 2012 from 7:00 PM until 10:30 PM. For more information call 978-528-7908.

MINUTES

JANUARY 9, 2012 (EXECUTIVE SESSION)

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion to release the January 9, 2012 Executive Session Meeting Minutes.

It was voted: 5 – In Favor
 0 – Opposed

NEW BUSINESS

**YANKEE DOODLE HOMECOMING BOARD OF DIRECTORS, RE:
PERMISSION TO PLACE SPONSOR SIGNS ON THE OUTSIDE
PERIMETER OF THE TOWN COMMON AND PERMISSION FOR
PLACEMENT OF BANNERS ON POLES FROM ST. THERESA'S
CHURCH TO TOWN COMMON**

Secretary Michel Rosa stated the Yankee Doodle Homecoming Board of Directors is requesting permission to place sponsor signs on the outside perimeter of the Town Common from September 10th to September 15th, 2012 before the Homecoming scheduled for September 14th thru September 16th, 2012. These signs will represent their top sponsors only (\$1,000 and above). These signs will be removed no later than the morning of the parade and moved down to the High School where all the activities of the weekend take place. They are also requesting permission for the placement of banners on the poles running from St. Theresa's Church down to and around the Town Common for the period running from the beginning of August through Yankee Doodle Weekend. These banners will be sponsored by businesses in town and may also be in recognition for a sponsorship over \$2,500.

Mrs. Carla Trottier, President of the Yankee Doodle Homecoming Committee, came to the podium and showed the Board examples of the signs and answered questions from the Board.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board grant permission to the Yankee Doodle Homecoming Board of Directors to place sponsor signs on the outside perimeter of the Town Common from September 10th to September 15th, 2012.

It was voted: 5 – In Favor
 0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board grant permission to the Yankee Doodle Homecoming Board of Directors for the placement of banners on the poles running from St. Theresa's Church down to and around the Town Common for the period running from the beginning of August through Yankee Doodle Weekend.

It was voted: 5 – In Favor
 0 – Opposed

**RBV BILLERICA LLC D/BA COURTYARD BY MARRIOTT
BILLERICA, RE: PLEDGE OF THE INNHOLDER ALL
ALCOHOLIC BEVERAGES LICENSE TO WELLS FARGO BANK,
NATIONAL ASSOCIATION**

Secretary Michael Rosa stated RBV Billerica LLC, d/b/a Courtyard by Marriott Billerica located at 270 Concord Road is requesting permission to pledge their Innholder All Alcoholic Beverages License to Well Fargo Bank, National Association.

Attorney Kristen Scanlon from McDermott, Quilty & Miller LLP and Karen Guinan, the General Manager of Courtyard by Marriott Billerica both came to the podium. Attorney Scanlon stated I am here representing RBV Billerica LLC d/b/a Courtyard by Marriott Billerica. They are requesting permission to pledge their Innholder All Alcoholic Beverages License to Well Fargo Bank, National Association as collateral for a loan. We have sent in all the necessary paperwork. There is no change in operation whatsoever.

Brief discussions ensued regarding the fact that all the necessary paperwork was provided to the Selectmen's Office.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board approve the pledge by RBV Billerica LLC, d/b/a Courtyard by Marriott Billerica located at 270 Concord Road, of their Innholder All Alcoholic Beverages License to Well Fargo Bank, National Association.

It was voted: 5 – In Favor
 0 – Opposed

Chairman Robert Correnti stated for the record, I am withdrawing agenda item #15 for discussion tonight.

**REVISION TO BOARD OF SELECTMEN POLICY 2.0, BOARD OF
SELECTMEN MEETINGS – STANDING RULES (FIRST READING)**

Chairman Robert Correnti stated this is a revision to the Board of Selectmen's Policy 2.0, Board of Selectmen Meetings, standing rules. This is a first read. We have a copy with all of the changes noted in red. All these changes have been recommended by Town Counsel in order to bring us up to date with the new Open Meeting Laws. Item 2.7 was added based upon some previous discussion among this Board's members dealing with

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continuation of Public Hearings. The last clause there was put in by Town Counsel, but he did indicate that we do not have to put it in. It states the following:

“Public Hearings may be continued by the Board for a period of no more than two consecutive regularly scheduled Board meetings, unless the availability of essential meeting participants or information necessary for the Board’s consideration shall require a longer continuance, in which case, a majority vote of the Board must be obtained to authorize a longer continuance.”

Brief discussions ensued regarding removing the aforementioned clause that Town Counsel added.

Chairman Robert Correnti stated this will be put on our next agenda for a vote.

PUBLIC HEARINGS

TURNPIKE MARKET, RE: SHOW CAUSE HEARING FOR UNDERAGE SALE OF ALCOHOL

Selectman Robert Accomando excused himself and left the Conway Hearing Room due to conflict of interest issues.

Secretary Michael Rosa stated this is a Show Cause Hearing for the Turnpike Market located at 509 Middlesex Turnpike regarding why their Package Store All Alcoholic License should not be modified, suspended or revoked for violating Chapter 138, Section 34, sale, delivery or furnishing alcoholic beverages to persons under 21 years of age, 204 CMR 2.05(2) permitting an illegality on the licensed premises, to wit: sale or delivery to persons less than 21 years of age and the rules and regulations of the Town of Billerica for the sale of alcoholic beverages. This hearing is held pursuant to Massachusetts General Laws, Chapter 138, Section 64.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board open this Public Hearing.

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

Chairman Robert Correnti swore in all those individuals who were planning on testifying at this Public Hearing.

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Police Chief Daniel Rosa came to the podium and stated this Public Hearing is a result of alcohol being sold to an underage operative during a compliance check at Turnpike Market on November 18, 2011. I submitted a packet to the Board of Selectmen containing the following documents and I request they be entered as part of the record:

1. Letter to Turnpike Market from the Billerica Board of Selectmen dated 1/18/12 notifying them of this Public Hearing.
2. Letter to Town Manager John Curran from Police Chief Daniel Rosa dated 12/21/11 requesting the Board of Selectmen vote to schedule this Public Hearing.
3. Memorandum/Report from Police Sergeant Roy Frost dated 11/23 regarding Compliance Checks of Chapter 138 Section 15 Package Store Licenses.
4. Town of Billerica Police Department Minimum Age Purchase Law Compliance Check Guidelines.
5. Town of Billerica Police Department Notice of Violation to Thomas Bird.
6. Town of Billerica Police Department Incident Report dated 11/18/11, Case Number 11-02496.
7. Town of Billerica Police Department Property Case Report dated 11/18/11, Case Number 11-02496.
8. Minimum Age Purchase Law Compliance Check Activity Report dated 11/18/12.
9. Letter to Turnpike Market from Billerica Board of Selectmen dated 1/9/08 regarding five (5) day suspension of Package Store All Alcoholic License.

Police Chief Daniel Rosa further stated Mr. Bird is here tonight and he is stipulating to the facts that are in this report. Since Mr. Bird is stipulating to all the facts in the report, I don't think we need to go fully into all the details. This is the first hearing of this type conducted under the new local Rules and Regulations. Under the new section, determination of penalties, there are mitigating factors in play that have influenced my recommendation to include: Acceptance of responsibility by the Licensee, public acknowledgement of responsibility, agreement to participate in a Training Program, which has already started and the licensee has agreed and already contracted with JBS Professional Services to participate in a program to detect and prevent future offenses. Due to mitigating factors, I recommend the following:

A five (5) day license suspension, two (2) days to be served on Tuesday, 2/21/12 and Wednesday, 2/29/12, and three (3) days to be held for one (1) year.

At the conclusion of the one (1) year, the five (5) days will have been considered served if the licensee has no further issues of this type and continues monthly compliance monitoring during the one (1) year time period.

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Police Sergeant Roy Frost came to the podium and stated regarding Compliance Checks of Chapter 138, Section 15 Package Store Licenses, on Friday, November 18th, 2011, in furtherance of our continued efforts at confirming compliance with State and local laws surrounding the selling of alcoholic beverages in Billerica, the Billerica Police Department conducted random checks of all Chapter 138 Section 15 Package Store licenses in Billerica. The checks were conducted with the assistance of a cooperating seventeen year old male minor, along with two detectives assigned by me to monitor the checks. Prior to beginning these checks, I posted articles in both the Billerica Minuteman on November 10th, 2011 and the Lowell Sun on October 29th, 2011 newspapers, as well as had notification of upcoming checks posted on our department website. Of note, prior to making any compliance checks, the cooperating minor was photographed and was determined to look appropriate for his age of seventeen years. Furthermore, the minor was provided a copy of the current Billerica Police compliance check guidelines, which he signed and acknowledged. Of note, the minor did not carry any identification with him during the operation, nor did he misrepresent his age if asked. He was then provided with Police issued “buy” money in an attempt to purchase beer at the various package store locations. During the entire operation, the minor was monitored by detectives as he went in and out of the stores. The following stores were checked and their clerks asked for ID from the minor and there was no sale:

1. Iron Horse Liquors of 134 Pollard Street
2. Lincoln Liquors of 199 Boston Road
3. Billerica Liquors of 251 Boston Road
4. West Billerica Liquors of 240 Nashua Road
5. Jim’s Quick Stop of 502 Boston Road
6. Augusta Liquors of 599 Boston Road
7. Towne Wine and Spirits of 700 Boston Road
8. Beer Wine & More of 816 Boston Road
9. 129 Liquors of 252 Salem Road
10. Shop & Go (JP Beer & Wine) of 326 Salem Road

Police Sergeant Roy Frost further stated regarding the Turnpike Market located at 509 Middlesex Turnpike, the clerk sold the minor a six pack of Bud Light beer without asking for any identification. The Detective entered the store and identified the clerk. The clerk confirmed with detectives that she sold the cooperating minor a six pack of Bud Light beer without asking for any identification or asking for his age. A notice of violation was provided to the clerk, which she signed for. The clerk will be summonsed into Lowell District Court for a violation of Chapter 138, Section 34, Furnishing Alcohol to a Minor. On Wednesday, November 23, 2011 at approximately 1030 hours, I had a telephone conversation with Mr. Tom Bird, owner of Turnpike Market and husband of the Manager of Record, Gayle MacLennan-Bird. Mr. Bird was very disappointed in his employee that made the illegal sale. He stated that she is normally a very good employee and he was very surprised at her mistake. He stated that he and his staff take their responsibility very seriously. He stated that he will make whatever changes he can make to ensure that this

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does not occur again and was looking for guidance from this department. I explained to Mr. Bird that a high level of maturity is required to be given the responsibility of selling alcohol. With that in mind, I suggested he take care in screening his business for employees that meet those high standards. Mr. Bird assured me that this clerk has displayed that maturity of the past few years she has been an employee and he has no explanation as to why she sold a minor alcohol. Mr. Bird stated he will take additional steps at educating his staff on the safe service of alcohol going forward.

Mr. Thomas Bird and Mrs. Gayle MacLennan-Bird, the owners of the Turnpike Market, came to the podium and Mr. Bird stated since the events of November 18th, 2011, I have retained J.B.S. Services, LLC to provide training on top of the “in house” training that we provide. Also, we have contacted Advanced I.D. Detection to acquire an I.D. Scanner for our store. I have given you a copy of the note left by our former employee, the clerk that made the sale, as well as a letter from James Staples of J.B.S. Services and Certificates of Completion by our staff. We are humiliated by this incident and have taken great pride in our efforts to fulfill our responsibility to the community to this point. We will work harder in the future.

Brief discussions ensued regarding the new Rules and Regulations Policy and mitigating circumstances.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board close this Public Hearing.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds that Turnpike Market, is the holder of a Package Store All Alcoholic License (#103) at 509 Middlesex Turnpike, Billerica, MA 01821.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds that on Friday, November 18, 2011, the Billerica Police Department conducted compliance checks of all Chapter 138 Section 15 Package Store licenses throughout Billerica.

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

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Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds that the Billerica Police Department has testified (1) that these checks are conducted randomly throughout the year utilizing undercover operatives below the age of twenty-one; (2) that the operatives are screened and provided a set of guidelines that outline mandates the operatives must agree to comply with throughout the operation; (3) that these guidelines are adopted from the suggested guidelines utilized in the same enforcement operations conducted by the Massachusetts Alcohol Beverage Control Commission; and (4) these compliance checks were publicized in the Billerica Minuteman on November 10, 2011, in the Lowell Sun on October 29, 2011, and posted on the Billerica Police Department Website.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds that on the evening of Friday, November 18, 2011, the license holder's clerk, Chloe Brovelli, did sell alcohol to the underage operative in violation of Chapter 138, Section 34: sale, delivery or furnishing alcoholic beverages to persons under 21 years of age; 204 CMR 2.05 (2): permitting an illegality on the licensed premises, to wit: sale or delivery to persons less than 21 years of age; and the Rules & Regulations of the Town of Billerica for the sale of alcoholic beverages.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds a Public Hearing was conducted on Monday, February 6, 2012, as regards the violation of November 18, 2011 and that the license holder, properly notified of said hearing, did attend the hearing. The following were documents entered into the record at said Public Hearing:

- (1) Memo of 2/6/12 from Police Chief Dan Rosa and documents attached to the memo;
- (2) Information supplied by Tom Bird and distributed by Chairman Correnti in a 1/11/12 memo

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

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Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds that (1) on the evening of November 16, 2007, a similar compliance check was conducted by the Billerica Police Department and Turnpike Market did sell to an underage minor; (2) that a Public Hearing was held on January 7, 2008, by the Billerica Board of Selectmen relative to that violation; (3) that the Board of Selectmen at said hearing voted to suspend the license for a period of five (5) days); (4) that in lieu of the five (5) days suspension, the Board of Selectmen voted to allow the license holder to contract with an approved company that specializes in the education and compliance with all laws relating to the sale & serving of alcoholic beverages; and (5) that the license holder did successful complete a compliance program.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen finds (1) the license holder did violate Chapter 138, Section 34: sale, delivery or furnishing alcoholic beverages to persons under 21 years of age; 204 CMR 2.05 (2): permitting an illegality on the licensed premises, to wit: sale or delivery to persons less than 21 years of age; and the Rules & Regulations of the Town of Billerica for the sale of alcoholic beverages; (3) the license holder did accept public responsibility and provided voluntary assistance in the investigation; (4) the license holder agreed to participate in a training program to detect and prevent future abuses; and (5) the license holder provided prompt notice not to contest the charge and agreed to the proposed recommended resolution.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Billerica Board of Selectmen based upon the facts, testimony, and findings therefore suspends the license of Turnpike Market for a period of five (5) calendar days. However, based upon the mitigating circumstances, in lieu of the five (5) day suspension, the Board voted to suspend the license for two (2) calendar days, namely February 21, 2012 and February 29, 2012, and hold the remaining three (3) days of the suspension in abeyance if, within two weeks from the date of the February 6, 2012 Public Hearing, the license holder contracts with a company (approved by the Chief of Police) that specializes in education and compliance with all laws relating to the sale and serving of alcoholic beverages. The company is to monitor the license holder for compliance for a period of one (1) year and forward a monthly report to the Board of Selectmen and Chief of Police. If the license holder is in compliance throughout and after this one (1) year period, the Board will consider that the remaining three (3) day suspension has been

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served. However, should another violation occur in this period, the three (3) day suspension will be invoked as well as any other penalties levied by the Board of Selectmen.

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

Selectman Robert Accomando returned to the Conway Hearing Room.

NOVA BIOMEDICAL DIABETES DIVISION, 39 MANNING ROAD,
RE: FOUR 1,000 GALLON PROPANE TANKS

Secretary Michael Rosa stated Nova Biomedical Diabetes Division located at 39 Manning Road has applied for four 1,000 gallon propane tanks.

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

It was voted: 5 – In Favor
 0 – Opposed

Deputy Fire Chief Thomas Ferraro came to the podium and stated the Billerica Fire Prevention Bureau has reviewed the license application for 39 Manning Road LLC, Nova Biomedical. The application is for four 1,000 gallon propane tanks. These tanks will be used for an emergency generator. All abutters were notified. The Fire Prevention Bureau has no issues with this application. We would recommend the following conditions be placed on the license:

Must comply with the following:

- Chapter 148, Massachusetts Fire Prevention Laws
- 527 CMR Massachusetts Fire Prevention Regulations
- NFPA 58 2010 Edition

Mr. Len Accomando and Bob Camilio from Nova Biomedical Diabetes Division came to the podium and explained that this is strictly a back-up system in the case there is a loss of electricity.

Deputy Fire Chief Thomas Ferraro stated I did receive a phone call today from 37 Manning Road, Farley and White Management Company, and they did ask some questions regarding this issue. I instructed them to come to this Public Hearing tonight if they felt they had issues.

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

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

It was voted: 5 – In Favor
 0 – Opposed

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board approve the license for Nova Biomedical Diabetes Division located at 39 Manning Road for four 1,000 gallon propane tanks. They must comply with the following:

- Chapter 148, Massachusetts Fire Prevention Laws
- 527 CMR Massachusetts Fire Prevention Regulations
- NFPA-58 2010 Edition

It was voted: 5 – In Favor
 0 – Opposed

**CABOT CORPORATION, 157 CONCORD ROAD, RE: INCREASE
IN STORAGE OF FLAMMABLE SOLIDS FROM 500 LBS TO 1,500
LBS AND CLASS 1 FLAMMABLE LIQUIDS FROM 1,000 GALLONS
TO 2,500 GALLONS**

Secretary Michael Rosa stated Cabot Corporation of 157 Concord Road has applied for an increase in storage of flammable solids from 500 pounds to 1,500 pounds and Class 1 flammable liquids from 1,000 gallons to 2,500 gallons.

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

It was voted: 5 – In Favor
 0 – Opposed

Deputy Fire Chief Thomas Ferraro came to the podium and stated the Billerica Fire Prevention Bureau has reviewed the license application for 157 Concord Road, Cabot Corporation. This application is for an increase in storage of flammable solids from 500 pounds to 1,500 pounds and also an increase of Class 1 flammable liquids from 1,000 gallons to 2,500 gallons. The Fire Prevention Bureau has no issues with this application. We would recommend the following conditions be placed on the license:

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Must comply with the following:

- Chapter 148, Massachusetts Fire Prevention Laws
- 527 CMR Massachusetts Fire Prevention Regulations
- A complete inventory list is submitted to the Fire Prevention Bureau for annual permit renewal.

Ms. Mary Ellen O'Dowd, Manager from Cabot Corporation, came to the podium and explained the need for this request.

Selectman David Gagliardi stated I would just like to disclose the fact that I am an abutter to a parcel of Cabot Corporation's property, but I am not a direct abutter to this particular parcel.

Chairman Robert Correnti asked if there was anyone present who wished to speak at this Public Hearing.

Mr. Tony Shun, an abutter of Cabot Corporation, came to the podium and spoke of his concerns regarding this issue.

Ms. Mary Ellen O'Dowd answered his questions and satisfied all his concerns.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board close this 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 permission to Cabot Corporation of 157 Concord Road for an increase in their storage of flammable solids from 500 pounds to 1,500 pounds and also an increase of Class 1 flammable liquids from 1,000 gallons to 2,500 gallons. They must comply with the following:

- Chapter 148, Massachusetts Fire Prevention Laws
- 527 CMR Massachusetts Fire Prevention Regulations
- A complete inventory list is submitted to the Fire Prevention Bureau for annual permit renewal.

It was voted: 5 – In Favor
 0 – Opposed

**BILLERICA LODGE OF ELKS, RE: ALTERATION TO THE CLUB
ALL ALCOHOLIC PREMISES LOCATED AT 14 WEBB BROOK
ROAD (CONTINUED FROM JANUARY 30TH, 2012)**

Secretary Michael Rosa stated the Billerica Lodge of Elks #2071 has applied for an alteration to their Club All Alcoholic licensed premises located at 14 Webb Brook Road. They are requesting use of their service bar, in warm weather, for outside activities. Their hours of operation will remain the same. This Public Hearing is being continued from our January 30th, 2012 meeting.

Attorney James Dangora, Jr. came to the podium and stated I am here tonight representing the Billerica Lodge of Elks #2071 located at 14 Webb Brook Road. If you recall we were here last week. This is an exercise to clarify the licensed premises for the Elks. There were some questions as to whether the plan we submitted was adequate to describe the licensed premises. I think we have done it. In your package is a modified plot plan. Highlighted in green is the area that we seek to clarify as our licensed premises. As you recall in my presentation, alcohol has been served in that area for decades. I have also prepared some proposed language, if that is convenient, simply to include the definition of licensed premises to state "Licensed premises shall also include an outside service bar. The area located behind the building, including a 3,000 square foot pavilion with exterior rest room, as more fully depicted on plan entitled Billerica Lodge of Elks, Billerica, MA dated 2/6/12". The lighter type on the plan is the way the license reads presently. This is merely a clarification.

Chairman Robert Correnti stated this was not prompted by any deficiencies or issues. The Elks have always been very good there and we appreciate your patience with this. This is just tying up some loose ends that have probably existed for a number of years to ensure that everything is correct.

Brief discussions ensued regarding the plan submitted.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board close this Public Hearing.

It was voted: 5 – In Favor
 0 – Opposed

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Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board approve an alteration to the Club All Alcoholic Premises for the Billerica Lodge of Elks #2071 for their licensed premises located at 14 Webb Brook Road to include the use of their service bar, in warm weather, for outside activities. This area is located behind their building and includes a 3,000 square foot pavilion with exterior rest room, as more fully depicted on plan entitled Billerica Lodge of Elks, Billerica, MA dated 2/6/12.

It was voted: 5 – In Favor
 0 – Opposed

**SWANSON MEADOWS GOLF COURSE, RE: ALTERATION TO
THE RESTAURANT ALL ALCOHOLIC PREMISES AND CHANGE
IN D/B/A TO MADDIE’S AT 216 ½ RANGEWAY ROAD
(CONTINUED FROM JANUARY 30TH, 2012)**

Secretary Michael Rosa stated Swanson Meadows Golf Course, located at 216 ½ Rangeway Road is seeking an alteration to their Restaurant All Alcoholic Premises and a change in their d/b/a (doing business as) to Maddie’s. This Public Hearing is being continued from our January 30th, 2012 meeting.

Mr. Angelo Scippa, Restaurant Manager of Maddie’s came to the podium and stated I submitted a narrative description as well as plans highlighted in yellow. On the plan you can see that the yellow is not the outline of the property, but it is the area where the path of the beverage cart will be operated. On the other plan I have highlighted the deck area that is attached to the Club House to be included.

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

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board close this Public Hearing.

It was voted: 5 – In Favor
 0 – Opposed

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Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board approve the alteration of the Restaurant All Alcoholic Premises for Swanson Meadows Golf Course located at 216 ½ Rangeway Road including 53 acres and a 9-hole golf course located behind the Golf Club House of Phase 1 and Phase 2 of Swanson Meadows Condominiums as shown on plan entitled “Swanson Meadows Townhouse/Golf Course dated January 5, 2012” depicting in yellow highlighter the routes for the Golf Cart that will be serving the alcohol. All 9 holes of the Golf Course will be serviced by one beverage cart that will be operated by an employee of age and the beverage cart will be operated in the cart path which is highlighted in yellow on the plan. There will be no change in the storage of alcoholic beverages. They will remain in a locked walk-in refrigerator.

It was voted: 5 – In Favor
 0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board approve the alteration of the Restaurant All Alcoholic Premises for Swanson Meadows Golf Course located at 216 ½ Rangeway Road to include an 80’ x 16’ deck surrounding the building. The deck can be seen in building plan exhibit B entitled “Plan for Premises for Swanson Meadows dated February 12, 2012” and is highlighted in yellow. The service to the deck would be by trained staff and would still be provided by one existing bar located inside the restaurant. The extension would not change the storage of any alcoholic beverages.

It was voted: 5 – In Favor
 0 – Opposed

PRESENTATION

TOWN CENTER DESIGN

Town Manager John Curran stated as you know, one of the Fiscal Year 2012 Goals of the Board of Selectmen is to present to Town Meeting a plan to address traffic concerns and pedestrian access for Billerica Center. This is basically the first steps of that process. What you are going to be presented with tonight are two conceptual designs. Thus it is not any significant level of design yet, it is just a conceptual level of design at this point. This is to give the Board the idea of what options are being considered and what options would be preferred and why and I assume the Board will want to send it to the Traffic Management Committee for review. For the Board’s edification, the goal or intent to the Traffic Management Committee is to have the different stakeholders in to meet to go over areas of impact that would affect them. The idea is to do one presentation to the Traffic Management Committee like you are going to see here tonight and then to bring in the different stakeholders so that before this plan comes back to you, all these issues will be

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vetted and the plan can be tweaked to try to address as much as possible any of the concerns of the stakeholders involved in the Town Center. This conceptual design includes an area from Andover Road all the way down to the Billerica Mall. We are trying to address continuous access issues that Billerica Center has. I would like to introduce the following people who are here tonight:

- Mr. Darshan N. Jhaveri, P.E., an Associate from the BETA Group
- Mr. Kien Ho, P.E., an Associate from the BETA Group
- Ms. Kelley Conway, Town Engineer
- Mr. Abdul Alkhatib, DPW Director
- Police Chief Daniel Rosa
- Police Sgt. Martin Conway, Traffic Safety Officer

Mr. Darshan Jhaveri and Mr. Kien Ho came to the podium and gave a very lengthy and detailed presentation regarding “Town Center Design”.

Very lengthy discussions ensued regarding parking issues, pedestrian traffic and safety, sidewalk issues, overall logistics of the plan, abutter/business owner concerns, Town Website plan availability and resident input options, public safety issues, Visioning Session concepts, Plan Option One versus Plan Option Two, involvement of the Historic Districts Commission, underground utilities, cost issues, funding issues and fiscal priorities.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board send Plan Option Two of the Town Common to the Traffic Management Committee in conjunction with the sidewalk plan.

It was voted: 5 – In Favor
 0 – Opposed

Chairman Robert Correnti stated as this process unfolds, this Board wants the public to be involved, starting with the Town’s Website and any Public Hearings. I know that every member of this Board wants all the residents to be involved so that what we end up with is a design that everyone can embrace if we go forward.

Secretary Michael Rosa suggested that all future meetings of the Traffic Management Committee Subcommittee be posted on the Town’s Website for public knowledge.

The Board thanked Mr. Jhaveri and Mr. Ho for their presentation.

OLD BUSINESS

TOWN MANAGER REPORTS

FISCAL YEAR 2013 BUDGET

Town Manager John Curran stated the budget will be presented to this Board on February 27th, 2012.

MIDDLESEX HOUSE OF CORRECTION

Town Manager John Curran stated nothing new has transpired since the meeting last week. At your last meeting we discussed investigating whether the beds that were added after the fact were included in calculations for I&I. I just want you to know that we are investigating that now.

MEETING SCHEDULE

February 27, 2012

March 12 and 26, 2012

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion to adjourn at 8:47 PM.

It was voted: 5 – In Favor
 0 – Opposed

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary