

MEETING MINUTES **FOR JUNE 4, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, June 4, 2012 in the Conway Hearing Room at 7:00 PM. Present were Selectman Andrew Deslaurier, Chairman, Selectman Michael Rosa, Vice Chairman, Selectman David Gagliardi, Secretary, Selectman Robert Correnti, Member, Selectman Robert Accomando, Member, Town Manager John Curran and Assistant Town Manager Cathleen O’Dea.

CALL TO ORDER

MOMENT OF SILENCE

A Moment of Silence was given for a Springfield Police Officer who was killed today, June 4th, 2012 in the line of duty.

OPEN MICROPHONE

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

ANNOUNCEMENTS

VACANCIES ON BOARDS AND COMMITTEES

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

POSITION

MEMBERS

Selectmen Appointments

Arts Council	5
Board of Appeal	2
Cable Advisory Committee	3
Cabot Land Reuse Committee	3
Communications Committee	9
Commission on Disability	4

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Conservation Commission	3
Constables (for the Town)	2
Council on Aging (plus alternates)	5 reg plus 1 (alt)
Elderly and Disabled Taxation Fund Committee	1
Fence Viewer	1
Financial & Compliance Audit Committee	2
Historic Districts Commission	5 reg plus 7 (alt)
Historical Commission	2
Long Range Master Plan Committee	1
Middlesex Canal Commission	1
Open Space & Recreation Committee	1
Recycling Committee	Several
Scholarship Foundation Committee	9
Substance Abuse Prevention Committee	10
Traffic Management Committee (West, East & Pinehurst)	3
Water Conservation Oversight Committee	1
Water/Sewer Oversight Board	4
Yankee Doodle Bike Path Committee	4

Town Manager Appointments

Beautification	4 reg plus 2 (alt)
Cemetery Commission	1
Board of Health	2
Housing Partnership Committee	5
Public Library Board of Trustees	4
Recreation Committee	3
Recycling Committee	Several
Sewer Extension Committee	5

Town Moderator Appointments

Composting Study Committee	4
Finance Committee	4
Financial & Compliance Audit Committee	3
Health Insurance Advisory Committee	1
Parker School Building Committee	2
Personnel Board	4
Town Meeting Warrant Action Committee	3
Zoning By-Law Review Committee	1

Please note that the above positions are not paid positions. Applicants should have some knowledge of Municipal Government. Brief job descriptions are available at the Selectmen's Office. Applications must be sent to the Board of Selectmen, Town Hall, 365 Boston Road, Billerica, MA 01821.

DPW WATER CONSERVATION REBATE PROGRAM

Secretary David Gagliardi 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.

STAGE II MANDATORY WATER CONSERVATION RESTRICTION

Secretary David Gagliardi stated a Stage II Mandatory Water Conservation Restriction is in effect now through October 1st, 2012. Odd numbered addresses may number on odd numbered calendar days and even numbered addresses may water on even numbered calendar days. All may water on the 31st day of May, July and August. Residents and businesses are encouraged to support this water conservation effort. If you have any questions, please call 978-671-0957.

SUNSHINE GALS KITCHEN – MEALS PREPARED AND SERVED FOR NEEDY FAMILIES LIVING IN BILLERICA

Secretary David Gagliardi stated the Sunshine Gals Kitchen prepares and serves meals on the fourth Saturday of each month between 12:00 Noon and 1:30 PM for needy families living in Billerica. This luncheon is homemade and prepared and served at the First Parish Church located in Billerica Center. If you have any questions, please call Jo Leary at 978-270-4509 or go to sunshinegals@yahoo.com.

**BILLERICA RECREATION DEPARTMENT, RE: SUMMER
CONCERT SERIES (JULY AND AUGUST)**

Secretary David Gagliardi stated the Billerica Recreation Department has scheduled a series of Concerts on the Common. These concerts are scheduled for Tuesday evenings from 6:30 PM to 9:00 PM. In the event of rain, the concert will be cancelled. They will try to reschedule if the band is available. They invite individuals and families living and/or working in Billerica to enjoy an evening of fun and music. These concerts are free to the public.

July 4 th	BBQ, Music and Activities
July 10 th	Rampage Trio
July 17 th	Beatle Tracks
July 24 th	The Risen
July 31 st	Rhythm Mechanics
August 7 th	John Penny Band
August 14 th	Four Guys in Tuxes
August 21 st	The Full Turn Band

THANK YOU TO KEN BUFFUM AND MARIE O’ROURKE

Secretary David Gagliardi stated I just want to take a minute to thank Ken Buffum and Marie O’Rourke from the Veteran’s Office for once again organizing the Town’s Memorial Day events. From placing flags on graves on Saturday to services at the various cemeteries and Vietnam Veterans Park on Sunday and to the parade on Monday and efforts to honor those who made the ultimate sacrifice. It is very much appreciated by the families of those servicemen and servicewomen and on behalf of the Town as a whole. On behalf of this Board, thank you Marie and Ken.

PRESENTATIONS

**SENATOR KENNETH DONNELLY AND REPRESENTATIVE
MARC LOMBARDO**

Senator Kenneth Donnelly and Representative Marc Lombardo came to the podium and gave a very lengthy and informative presentation and answered questions from the Board regarding such issues as Local State Aid, the proposed Solar and Wind Energy Bill legislation, a Mass Works Grant, Middlesex Turnpike and the TIP, Mass Highway, DOC Legislation and the Billerica House of Correction, MSBA Funding for a new High School, Public Safety infrastructure funding and general updates on issues that affect Billerica.

WATER CONSERVATION OVERSIGHT COMMITTEE

Mr. Lee Dubuc, a member of the Water Conservation Oversight Committee, came to the podium and gave a presentation and answered questions from the Board regarding their proposal to revise the Water Conservation By-Law to reflect the stipulations of the Water Withdrawal Permit recently renewed by the DEP that requires the Town to reduce the daily residential water usage to below 65 gallons per capita per day. This presentation is on file in the Selectmen's Office.

YANKEE DOODLE BIKE PATH COMMITTEE/TEAM

Mr. John Piscatelli, Chairman of the Yankee Doodle Bike Path Committee, came to the podium and gave a very informative presentation that offered two options for the Board to vote on regarding the proposed Yankee Doodle Bike Path. This presentation is on file in the Selectmen's Office.

Option 1: The Town Manager and the Board of Selectmen elect to prioritize Allen Road/Middlesex Turnpike work as the next TIP funding priorities and not self fund (e.g. bond issue) the Bike Path due to other needs.

Option 2: The TIP priority list remains unchanged (Allen Road/Middlesex Turnpike) and bike path residents in Capital Plan for funding within the next two to three years.

Lengthy discussions ensued regarding priorities of the Town and the two different options offered by the Yankee Doodle Bike Path Committee.

The Board thanked Mr. John Piscatelli for his excellent presentation and the Yankee Doodle Bike Path Committee for all their hard work.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board accept Option 1 as presented by the Yankee Doodle Bike Path Committee.

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

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board allow Mr. Piscatelli to give this report to Town Meeting so that they will know that all this work was done on it.

It was voted: 5 – In Favor
 0 – Opposed

MRS. HELEN POTTER, RE: PAINTINGS AND THE HOWE MUSEUM

Mrs. Helen Potter from the former Billerica Museum Committee came to the podium and gave a presentation regarding the lack of restoration of the Howe Museum, the lack of upkeep of the Jeanne Coppinger Memorial Garden, the merger of the Museum Committee into the Historical Society in 2005 and the restoration of two paintings that will be eventually hung in the restored Howe Museum.

PUBLIC HEARINGS

BTU INTERNATIONAL D/B/A MANUFACTURING, RE: 4,000 CUBIC FEET OF MIXED FLAMMABLE GAS AT 23 ESQUIRE ROAD

Secretary David Gagliardi stated BTU International, d/b/a Manufacturing, has applied for a license for storage of mixed flammable gas at 23 Esquire Road not to exceed 4,000 cubic feet.

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

It was voted: 5 – In Favor
 0 – Opposed

Chairman Andrew Deslaurier asked if there was anyone present from BTU International. There was no one.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board continue this Public Meeting until the Board's August 21, 2012 meeting.

It was voted: 5 – In Favor
 0 – Opposed

**NATIONAL GRID AND VERIZON, RE: INSTALLATION OF A
NEW PUSH BRACE AT THE CORNER OF PATTEN ROAD AND
WEST RUNNING BROOK ROAD**

Secretary David Gagliardi stated National Grid and Verizon is seeking permission for the installation of a new push brace at the corner of Patten Road and West Running Brook Road.

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

It was voted: 5 – In Favor
 0 – Opposed

Ms. Michelle Stacey from National Grid came to the podium and stated National Grid and Verizon is seeking permission for the installation of a new push brace at the corner of Patten Road and West Running Brook Road.

Selectman Michael Rosa asked Ms. Stacey if there were any abutter concerns?

Ms. Michelle Stacey replied no.

Brief discussions ensued regarding making the removal of double poles a priority.

Chairman Andrew Deslaurier asked if there was anyone present who would like to speak regarding the Public Hearing. There was no one.

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

It was voted: 5 – In Favor
 0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve the installation of a push brace to pole #10 on the corner of Patten Road and West Running Brook Road.

It was voted: 5 – In Favor
 0 – Opposed

COMCAST – CABLE ON GOOD STREET BETWEEN THE FIRE DEPARTMENT AND THE HIGH SCHOOL

Secretary David Gagliardi stated Comcast is seeking permission to extend a 12ct indoor/outdoor rated fiber cable from the existing utility pole P#3 located 225 feet north of the rear of 365 Boston Road at the Billerica High School.

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

It was voted: 5 – In Favor
 0 – Opposed

Mr. Dave Cavanaugh from Comcast came to the podium and stated Comcast is proposing to extend a 12ct indoor/outdoor rated fiber cable from the existing utility pole P#3 located 225 feet north of the rear of 365 Boston Road at the Billerica High School. Comcast will dig a 12” wide by 24” deep trench from Pole #3 on Good Street 225 feet north in the grass strip located between the Billerica Fire Department Headquarters and Billerica High School, and turn west for 30 feet in asphalt and continue west for an additional 45 feet in the grass to the rear of the property placing a new 24” by 36” flush mount vault. One 3# conduit will be installed in the trench and the trench will be backfilled and restored. One 3# conduit will be extended from the trench and rise up the rear outside wall of the property and enter the property of class room #3324 of Billerica High School.

Chairman Andrew Deslaurier asked if there was anyone present who would like to speak regarding the Public Hearing. There was no one.

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

It was voted: 5 – In Favor
 0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a street opening permit to Comcast for the installation of underground conduit, wires, cables, etc. on Good Street.

It was voted: 5 – In Favor
 0 – Opposed

COMCAST – CABLE ON MANNING ROAD TO SERVICE #44
MANNING ROAD

Secretary David Gagliardi stated Comcast is seeking permission for a street opening permit for the installation of underground conduit, wires, cables, etc. at 44 Manning Road.

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

It was voted: 5 – In Favor
 0 – Opposed

Mr. Jody Gaudet from Comcast came to the podium and stated Comcast is seeking permission to excavate and place one 3” PVC conduit from an existing hand hold in the Right of Way near #45 Manning Road, crossing Manning Road on a southerly direction. Continuing in a westerly direction and establish a hand hold in the Right of Way near the property of 44 Manning Road. Trenching will be for the placement of 3” schedule 40 conduit to all points.

Selectman Michael Rosa asked Mr. Gaudet if there were any abutter concerns.

Mr. Gaudet replied no.

Chairman Andrew Deslaurier asked if there was anyone present who would like to speak regarding the Public Hearing. There was no one.

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

It was voted: 5 – In Favor
 0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a street opening permit to Comcast for the installation of underground conduit, wires, cables, etc. at 44 Manning Road.

It was voted: 5 – In Favor
 0 – Opposed

NEW BUSINESS

**MS. DEDE GALDSTON, BILLERICA PUBLIC SCHOOLS, RE: 5K
TURKEY TROT ON NOVEMBER 18TH, 2012**

Ms. Dede Galdston, Assistant Superintendent of Curriculum and Instruction, came to the podium and stated on behalf of the Billerica Partners for Education, the Billerica Substance Abuse Prevention Committee, the BPS Anti-Bullying Committee and the BPS Health and Wellness Advisory Committee, we are seeking your approval to host a 5K Turkey Trot on Sunday, November 18th beginning at 10:00 AM. The purpose of the run is to raise funds for the three unfunded committees to achieve their goals as well as raising money to support the innovative grant program sponsored by the Billerica Partners for Education, a non-profit organization that was formed to supplement programs offered within the schools. In addition to raising money, the goal for the Turkey Trot is to promote healthy living and healthy choices for the children, parents, teachers and community members throughout the larger Billerica community. The route begins and ends at the Marshall Middle School.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant approval for the 5K Turkey Trot to be held on Sunday, November 18th, 2012 at 10:00 AM, beginning and ending at the Marshall Middle School.

It was voted: 5 – In Favor
 0 – Opposed

HIGH OCTANE HARLEY DAVIDSON – LICENSES

**ONE DAY BEER AND WINE LICENSES FOR JUNE 9TH, JUNE 10TH
AND JUNE 21ST, 2012**

Secretary David Gagliardi stated KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road is seeking One Day Beer and Wine Licenses for Saturday, June 9, 2012 from 11:00 AM until 4:30 PM and for Sunday, June 10th, 2012 from Noon until 3:30 PM and for Thursday, June 21, 2012 from 5:00 PM until 8:30 PM.

Ms. Lauren Veracka from High Octane Harley Davidson came to the podium and stated we are seeking One Day Beer and Wine Licenses for Saturday, June 9, 2012 from 11:00 AM until 4:30 PM and for Sunday, June 10th, 2012 from Noon until 3:30 PM and for Thursday, June 21, 2012 from 5:00 PM until 8:30 PM.

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Brief discussions ensued regarding these being outside events with live bands and the fact that High Octane Harley Davidson has been working closely with Safety Officer Martin Conway and the Billerica Police Department to assure no problems arise.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve a One Day Beer and Wine License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Saturday, June 9, 2012 from 11:00 AM until 4:30 PM.

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

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve a One Day Beer and Wine License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Sunday, June 10th, 2012 from Noon until 3:30 PM.

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

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board approve a One Day Beer and Wine License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Thursday, June 21, 2012 from 5:00 PM until 8:30 PM.

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

**ONE DAY ENTERTAINMENT LICENSES FOR JUNE 9TH, JUNE 10TH
AND JUNE 21ST, 2012**

Secretary David Gagliardi stated KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road is seeking One Day Entertainment Licenses for Saturday, June 9, 2012 from Noon until 4:00 PM and for Sunday, June 10th, 2012 from Noon until 4:00 PM and for Thursday, June 21, 2012 from 5:00 PM until 9:00 PM.

Ms. Lauren Veracka from High Octane Harley Davidson came to the podium and stated we are seeking One Day Entertainment Licenses for Saturday, June 9, 2012 from Noon until 4:00 PM and for Sunday, June 10th, 2012 from Noon until 4:00 PM and for Thursday, June 21, 2012 from 5:00 PM until 9:00 PM.

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Selectman Michael Rosa asked Ms. Veracka if there were any complaints from neighbors the last time there was a live band.

Ms. Veracka replied there were none that she is aware of.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve a One Day Entertainment License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Saturday, June 9, 2012 from Noon until 4:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board approve a One Day Entertainment License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Sunday, June 10th, 2012 from Noon until 4:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve a One Day Entertainment License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for Thursday, June 21, 2012 from 5:00 PM until 9:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

**BROOKWOOD PARK CAFÉ LLC D/B/A CAFÉ 101 LOCATED AT
101 BILLERICA AVENUE RE: COMMON VICTUALLER
LICENSE**

Secretary David Gagliardi stated the Brookwood Park Café LLC, d/b/a Café 101 which is located at 101 Billerica Avenue is seeking a Common Victualler License. Their hours of operation will be 6:00 AM until 10:00 PM, seven days a week. The Manager of Record will be Dana DeGennaro who resides at 266 Pomeworth Street in Stoneham, MA.

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Mr. Dana DeGennaro, Manager of Cafe 101, came to the podium and stated I am here seeking a Common Victualler License. Our regular hours are 7:00 AM until 3:00 PM, but we are available to have functions after those hours on a regular basis, seven days a week. We provide breakfast and lunch for the six buildings in the Office Park, mainly the building we are in.

Selectman Michael Rosa asked Mr. DeGennaro if he had already been before the Board of Health.

Mr. DeGennaro replied yes, and we have another meeting tonight for a variance for the plumbing for a unisex bathroom.

Selectman Michael Rosa asked Mr. DeGennaro if he had a copy of the floor plan for the record.

Mr. DeGennaro replied yes and provided the Board with three copies of the floor plan.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board grant a Common Victualler License for Brookwood Park Café LLC d/b/a Café 101 located at 101 Billerica Avenue. Hours of operation to be 6:00 AM until 10:00 PM, seven days a week. This license is pending the receipt by the Town of final floor plans and subject to all Zoning Board of Appeals Special Permits and Board of Health permitting.

It was voted: 5 – In Favor
 0 – Opposed

DISSOLVE THE AFFORDABLE HOUSING COMMITTEE

Selectman Michael Rosa stated we dissolved numerous committees at our last meeting. Selectman Correnti and myself are on the Housing Trust and we originally created the Affordable Housing Committee to research the Housing Trust and to see if it was applicable. We went to Town Meeting and they created the Housing Trust. It is now in existence and we have had our first meeting. Thus there is no reason to have the Affordable Housing Committee any more.

Selectman Michael Rosa, seconded by Selectman Robert Correnti, made a motion that the Board dissolve the Affordable Housing Trust.

It was voted: 5 – In Favor
 0 – Opposed

BOARD OF SELECTMEN APPOINTMENT

MUNICIPAL AFFORDABLE HOUSING TRUST

Selectman Michael Rosa, seconded by Selectman Robert Correnti, made a motion that the Board appoint Attorney Stephen Lentine of the Law Office of Stephen Lentine located at 409 Boston Road as the “lawyer member” of the Municipal Affordable Housing Trust.

It was voted: 5 – In Favor
 0 – Opposed

TOWN MANAGER REPORTS

FISCAL EFFICIENCY

Town Manager John Curran stated the Town installed the water main on Letchworth Avenue as opposed to hiring a contractor. The project savings is \$150,000.

PROFESSIONAL RECOGNITION

Town Manager John Curran stated at this time it is appropriate to recognize the 43 years of outstanding service to the Town of Billerica by our retiring Fire Chief Anthony Capaldo. Over his 26 years as Chief, he has brought the department to a level of professionalism that is the envy of many communities. No Billerica Firefighter ever wants for current turn out gear. The Chief is leaving the Fire Department with a brand new ladder and pump truck. The Town of Billerica is fortunate to have had him at the helm for so many years.

Chairman Andrew Deslaurier stated I would just like to mention under professional recognition that yesterday I was involved in a traffic accident and the Billerica Police Department responded in under four minutes and the officer did an outstanding job. On a personal note, I appreciate the service I was extended yesterday.

MIDDLESEX HOUSE OF CORRECTION

Selectman Michael Rosa stated I would like to ask Town Manager John Curran to provide us with the actual calculations that were used when we came up with the \$1.5 million dollar fee. DCAM is trying to patronize us with meetings and what not and I think in the back of their mind they think they are going to do whatever they want to do and this Board is not going to allow that to happen.

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Town Manager John Curran stated I already gave you this information in the packet I provided you with.

Brief discussions ensued regarding the fact that the consumption has never been over 200,000 gallons, even with the additional beds.

MEETING SCHEDULE

June 11, 2012

No meetings in July!

August 21, 2012

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board adjourn at 10:02 PM into Executive Session for the purpose of discussing Assessor's Office personnel issues.

It was voted:	Selectman Robert Accomando	Aye
	Selectman Michael Rosa	Aye
	Selectman Robert Correnti	Aye
	Selectman David Gagliardi	Aye
	Selectman Andrew Deslaurier	Aye

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary