

MEETING MINUTES **FOR JUNE 11, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, June 11, 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 FOR AUSTIN BENT, FORMER ASSOCIATE ASSESSOR

A Moment of Silence was given for Austin "Austie" Bent, who was an Associate Assessor from 1961 until 1980. Mr. Bent passed away recently in Florida.

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

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Communications Committee	9
Commission on Disability	4
Conservation Commission	3
Constables (for the Town)	2
Council on Aging (plus alternates)	5 reg. & 1 alt.
Elderly and Disabled Taxation Fund Committee	1
Fence Viewer	1
Financial & Compliance Audit Committee	2
Historic Districts Commission	5 reg. & 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

Town Manager Appointments

Beautification	4 reg. & 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.

COUNCIL ON AGING ACTIVITIES

Secretary David Gagliardi stated the Billerica Senior Center is located at 25 Concord Road and their hours are 8:30 AM until 4:00 PM, Monday thru Friday. They have many activities and programs scheduled and for more information on these activities call 978-671-0916 or go to their website www.billericacoa.org.

MERRIMACK VALLEY LEAD PAINT REMOVAL PROGRAM

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

TOWN OF BILLERICA MERCURY RECOVERY PROGRAM

Secretary David Gagliardi stated residents and contractors can bring mercury thermostats to the Town Hall, Board of Health, Room G03, Monday through Friday, from 9:00 AM until 3:00 PM. This is a program sponsored by Wheelabrator of North Andover.

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 water 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

FALL 2012 TOWN MEETING WARRANT

Secretary David Gagliardi stated the Fall 2012 Town Meeting Warrant closes on August 13th, 2012 at 4:00 PM.

PRESENTATIONS

BILLERICA COMMUNITY ALLIANCE

Mrs. Doris Pearson from the Billerica Community Alliance came to the podium and gave a presentation regarding corporate involvement in the recent Clean Up and Green Up initiative. The Community Alliance recognized and thanked different corporate entities for their involvement in this initiative.

ADDENDUM

COMPOST UPDATE

Mr. Wayne Smith, Vice Chairman of the Composting Study Committee, came to the podium and gave a very informative presentation/update regarding composting in Billerica. This presentation is on file in the Selectmen's Office.

OLD BUSINESS

TOWN MANAGER REPORTS

PARKER SCHOOL UPDATES

Town Manager John Curran stated the Parker School Building Committee had a Neighborhood Meeting on June 6th to update the abutters on what will be the conclusion of Phase I, which is the building of the new school and Phase II, which is the demolition of the old school, which should start taking place within the next month and completed sometime around November. We had one neighbor who thanked us for addressing the water table issue. Some of the flooding in one gentleman's basement has subsided since we began work on this project. The River Street Drainage Project is still on the Capital Plan. We have three scenarios right now and I still expect it to be completed in this construction season. I would also like to mention that the Parker School will hold a Yard Sale of all surplus goods on Friday, June 22nd and Saturday, June 23rd. This Yard Sale is posted on the school website, as well as advertised in a local paper. Any items not sold will be donated to INR Recycling Network, an organization that sends FF&E overseas to under privileged populations. Finally I would like to mention that we are still maintaining a very good percentage of our contingency, roughly around one percent. We want to stay under three percent. We are still on budget and we still expect the school to open on time.

NEIGHBORHOOD MEETINGS

Selectman Michael Rosa stated three Neighborhood Meetings have been scheduled. The first one will be June 18th at the Hajjar School, the second one will be June 19th at the Council on Aging and the third one will be June 21st at the Old Ditson School. The public will be invited to ask questions of Town Officials. These Neighborhood Meetings will be posted on the Town's website.

NEW BUSINESS

CHARLTON ORCHARD WINERY

Secretary David Gagliardi stated Charlton Orchard Winery is seeking a Special Beer and Wine License in order to sell wine at the Billerica Farmers Market on Mondays from June 25, 2012 until October 22, 2012 from 3:00 PM until 7:00 PM. Their insurance information is on file in the Selectmen's Office.

Mr. Nathan Benjamin, the Owner and Winemaker from Charlton Orchard Winery, came to the podium and stated I am requesting a license to sell wine at the Billerica Farmers Market on Mondays from June 25, 2012 until October 22, 2012 from 3:00 PM until 7:00 PM. We have been licensed by the State and Federal Government since 2002. This will be our second year doing Farmer's Markets. We have done Lexington, Wayland, Bedford and Wakefield.

Chairman Andrew Deslaurier stated this Board will need a copy of your Transportation License.

Mr. Benjamin provided the Board with a copy of his Transportation License.

Brief discussions ensued regarding the fact that they are TIPS Certified, that samples will be given out in half-ounce amounts and that no more than four samples will be given per person, that ID's will be asked for and that no one will ever be served who is under the age of 21 years old.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a Special Beer and Wine License to Charlton Orchards LLC located at 44 Old Worcester Road in Charlton, MA to sell wine at the Billerica Farmers Market on Mondays from June 25, 2012 until October 22, 2012 from 3:00 PM until 7:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

**BILLERICA ROD AND GUN CLUB, RE: ONE DAY ALL
ALCOHOLIC LICENSE FOR JUNE 23, 2012 AND JULY 21, 2012**

Secretary David Gagliardi stated the Billerica Rod and Gun Club is seeking a One Day All Alcoholic License for Saturday, June 23, 2012 from Noon until Midnight and Saturday, July 21, 2012 from Noon until Midnight for Birthday Parties. Their insurance information is on file in the Selectmen's Office.

Brief discussions ensued.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, 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, June 23, 2012 from Noon until Midnight and Saturday, July 21, 2012 from Noon until Midnight.

It was voted: 5 – In Favor
 0 – Opposed

**BILLERICA MOOSE CLUB, ONE DAY ENTERTAINMENT
LICENSE FOR JULY 21, 2012 AND JULY 28, 2012**

Secretary David Gagliardi stated the Moose Club located at 104 Boston Road is seeking a One Day Entertainment License for Saturday, July 21, 2012 from 1:00 PM until 6:00 PM for a DJ and Saturday, July 28, 2012 from 1:00 PM until 6:00 PM also for a DJ. Their insurance information is on file in the Selectmen's Office.

Brief discussions ensued.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a One Day Entertainment License to the Billerica Moose Club located at 104 Boston Road for Saturday, July 21, 2012 from 1:00 PM until 6:00 PM and Saturday, July 28, 2012 from 1:00 PM until 6:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

ELECTION AWARENESS STRATEGY

Chairman Andrew Deslaurier stated our last election had a very disappointing turnout, just hovering around ten percent. I think there is some disenchantment with local government and a lack of awareness that results in residents not going to the poles. I am volunteering myself to work with the Town Manager and Town Clerk to build awareness for the Town elections. We have some organizations in Billerica, such as the Recreation Department and the Police Department, that have a great social media presence that push out information in unique and new ways. It is really important that people take an active involvement in shaping their government.

YEAR END TRANSFER OF \$20,000 FROM LEGAL TO AUDIT

Town Manager John Curran stated this transfer requires an action from both the Finance Committee and the Board of Selectmen. This is different from some of the other transfers that we do that are within departments. This is actually from one department to another and there is a statute, Chapter 44, Section 33B, that allows Selectmen, with the concurrence of the Finance Committee, to transfer between departments. This statute was adopted a few years ago as part of a Municipal Relief Package as a temporary measure, and then it was made permanent I think two years ago. This is something that you have access to do within sixty days of the end of the fiscal year. The transfer that I am asking for is \$20,000 from the Legal Fund, which we expect to have a balance in, to the Town Audit Fund. This is something that I do from time to time in whatever community I am in. To basically go in and look through the financial areas of the Town, look at our controls and reconciliation process, look at allocating resources towards different things and making sure that everything is tight and that there are no problems. It is sort of an expansion of the regular audit that we do. Another issue that has come forward in recent years is that you cannot hire your audit firm to do this kind of work because it has been deemed a conflict. Thus we would have to hire a different firm. We will get different quotes when we go out to bid. I think this is a prudent thing for us to do. I am not suggesting that there is anything wrong. I just think this is an opportunity that I would like to pursue to make sure everything is in top shape. I expect we will get some recommendations to improve different functions within either the chain of custody of money or reconciliation or controls. I am asking for the Board's support.

The Board commended Town Manager John Curran for his proactive approach.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board approve the transfer from Legal Budget 19370-7096 the amount of \$20,000 to the Town Audit Budget 13570-7062.

It was voted: 5 – In Favor
 0 – Opposed

HIGH OCTANE HARLEY DAVIDSON, 1 CHELMSFORD STREET,
RE: ONE DAY BEER AND WINE LICENSES AND ONE DAY
ENTERTAINMENT LICENSES

Secretary David Gagliardi stated KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road is requesting One Day Beer and Wine Licenses and One Day Entertainment Licenses for the following dates and times collectively: Saturday, July 14, 2012 from 11:00 AM until 5:00 pm, Sunday, July 15, 2012 from Noon until 4:00 pm, Thursday, July 26, 2012 from 5:00 PM until 9:00 PM, Saturday, August 11, 2012 from 11:00 AM until 500 PM, Sunday, August 12, 2012 from Noon until 4:00 PM, Thursday, August 23, 3012 from 5:00 PM until 9:00 PM, Saturday, August 25, 2012 from 11:00 AM until 5:00 PM and Sunday, August 26, 2012 from 11:00 AM until 4:00 PM. Their insurance information is on file in the Selectmen's Office.

Ms. Lauren Veracka from High Octane Harley Davidson came to the podium and stated I am here requesting One Day Beer and Wine Licenses and One Day Entertainment Licenses for the following dates and times: Saturday, July 14, 2012 from 11:00 AM until 5:00 pm, Sunday, July 15, 2012 from Noon until 4:00 pm, Thursday, July 26, 2012 from 5:00 PM until 9:00 PM, Saturday, August 11, 2012 from 11:00 AM until 500 PM, Sunday, August 12, 2012 from Noon until 4:00 PM, Thursday, August 23, 3012 from 5:00 PM until 9:00 PM, Saturday, August 25, 2012 from 11:00 AM until 5:00 PM and Sunday, August 26, 2012 from 11:00 AM until 4:00 PM.

Brief discussions ensued.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a One Day Beer and Wine License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for the following dates and times collectively: Saturday, July 14, 2012 from 11:00 AM until 5:00 pm, Sunday, July 15, 2012 from Noon until 4:00 pm, Thursday, July 26, 2012 from 5:00 PM until 9:00 PM, Saturday, August 11, 2012 from 11:00 AM until 500 PM, Sunday, August 12, 2012 from Noon until 4:00 PM, Thursday, August 23, 3012 from 5:00 PM until 9:00 PM, Saturday, August 25, 2012 from 11:00 AM until 5:00 PM and Sunday, August 26, 2012 from 11:00 AM until 4:00 PM.

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

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Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board grant a One Day Entertainment License to KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for the following dates and times collectively: Saturday, July 14, 2012 from 11:00 AM until 5:00 pm, Sunday, July 15, 2012 from Noon until 4:00 pm, Thursday, July 26, 2012 from 5:00 PM until 9:00 PM, Saturday, August 11, 2012 from 11:00 AM until 5:00 PM, Sunday, August 12, 2012 from Noon until 4:00 PM, Thursday, August 23, 2012 from 5:00 PM until 9:00 PM, Saturday, August 25, 2012 from 11:00 AM until 5:00 PM and Sunday, August 26, 2012 from 11:00 AM until 4:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

Selectman Michael Rosa stated I just want to point out that even though we are voting these licenses in one motion, they are all individual applications and they are all individual licenses. We just consolidated them to streamline the meeting, but they are no different than we have ever done before.

BOARD OF SELECTMEN APPOINTMENTS

**SELECTMEN INTERVIEWS FOR THE ELECTRONIC VOTING
IMPLEMENTATION COMMITTEE - (3) APPLICANTS AND (2) OPENINGS**

Secretary David Gagliardi stated per the Board’s Policies and Procedures, Section 9.0, Subsection 9.6, “whenever the Board receives a number of applications which exceed the number of available positions, the Board will attempt to interview each candidate if feasible. Applicants must be in attendance for the interview to be considered for appointment”.

The Board proceeded to interview the following individuals for the Electronic Voting Implementation Committee:

1. Mr. Kevin Conway

Secretary David Gagliardi stated I noticed as I was going through these that there were a number of applications that did not meet the June 1st deadline. Being Secretary of this Board, I read at every meeting the long list of vacancies that we have on many of the committees in this town. I feel that anybody who applies to be on a committee should actually get the chance to be on that committee, so I am going to make a motion to waive the June 1st deadline for this year anyway and allow everyone who has applied to have a chance to join the committee that they have applied for.

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Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board waive the June 1st deadline for this year anyway and allow everyone who has applied to have a chance to join the committee that they have applied for.

It was voted: 5 – In Favor
 0 – Opposed

Mr. David Howe was not present to be interviewed.

Secretary David Gagliardi stated as now there are only two applicants, one being Chairman Deslaurier, we can go ahead and make the appointments.

Secretary David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint Kevin Conway and Andrew Deslaurier to the Electronic Voting Implementation Committee.

It was voted: 5 – In Favor
 0 – Opposed

**SELECTMEN INTERVIEWS FOR THE HISTORIC DISTRICT COMMISSION -
(5) APPLICANTS AND (4) OPENINGS**

The Board proceeded to interview the following individuals for the Historic District Commission:

1. Debra Wolf
2. Rick Young
3. Charlene McCarthy
4. Barbara Flaherty
5. Mary McBride

Brief discussions ensued regarding the fairness of voting on late applicants if there are committees that have more applicants than positions.

Secretary David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint Debra Wolf to the Historic District Commission.

It was voted: 5 – In Favor
 0 – Opposed

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Secretary David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint Rick Young to the Historic District Commission.

It was voted: 2 – In Favor (Selectmen Accomando & Rosa)
 3 – Opposed (Selectmen Correnti, Deslaurier & Gagliardi)

Secretary David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint Charlene McCarthy to the Historic District Commission.

It was voted: 5 – In Favor
 0 – Opposed

Secretary David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint Barbara Flaherty to the Historic District Commission.

It was voted: 5 – In Favor
 0 – Opposed

Secretary David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board appoint Mary McBride to the Historic District Commission.

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

VARIOUS BOARDS & COMMITTEES

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board appoint or reappoint all of the applicants for the following committees:

- | | |
|---------------------------|--|
| Arts Council: | Addie Finley
Robert Thorlton |
| Board of Appeal: | James Foye
Joseph Shaw |
| Commission on Disability: | Edmund Mallett |
| Conservation Commission: | Paul Hayes
Betsy Gallagher
Stephen Aziz |
| Constables for Billerica: | Russell Krochune
Martin Conway
John Gray |

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Council on Aging:	Kathy Matos Lucille MacKinnon Robert Hurley Helen Gentile Dorothy Grossman
Fence Viewer:	Donald MacDonald
Historical Commission:	Alec Ingraham Thomas Paskiewicz
Long Range Master Plan:	James O'Donnell
Middlesex Canal:	Alec Ingraham Andrew Bowen
Scholarship Foundation:	Carol Bertolucci Patricia Membrino Nancy Brewster James Spinale Helen Potter Maureen Sullivan
Traffic Management:	Anthony Lucacio James O'Donnell
Water Conservation:	Donald Gadbois
Water/Sewer Oversight:	William Loughlin Mary McBride Donald Gadbois Edward Bunker

It was voted: 5 – In Favor
 0 – Opposed

**SEPTEMBER 6, 2012 STATE PRIMARY – RELOCATION OF
PRECINCT ONE**

Town Clerk Shirley Schult came to the podium and stated due to the construction of the New Parker School and the demolition of the Old Parker School, and in discussion with the School Superintendent, the Town Manager and the Police Department, it is being suggested that the voting location of Precinct One be changed to the Town Hall Auditorium for this election only. In order to do this, the first step is that this Board must officially vote to change the location.

Brief discussions ensued regarding all affected voter households in Precinct One being notified by mail and further notification in the newspapers, BATV, Reverse 911 and by word of mouth to let the public know.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board vote to change the Precinct One voting location from the Parker School on River Street to the Maurice A. Buck Memorial Auditorium at Town Hall, 365 Boston Road, Billerica, MA for the September 6, 2012 State Primary.

It was voted: 5 – In Favor
 0 – Opposed

SWEARING-IN OF NEW FIRE CHIEF THOMAS H. CONWAY

The Board congratulated Tom Conway on this well-deserved appointment and also emphatically stated how much they are looking forward to working with him as the new Fire Chief.

Town Clerk Shirley Schult proceeded to swear-in Thomas H. Conway as the new Fire Chief for the Town of Billerica. Many Fire Chiefs from surrounding communities and many, many relatives of Tom Conway were in the audience.

A round of applause and a standing ovation was given to Tom and his wife presented him with his new badge as Fire Chief.

New Fire Chief Tom Conway thanked everyone for coming and especially Retiring Fire Chief Anthony Capaldo for all his help, guidance and friendship over the years.

MEETING SCHEDULE

No Meeting in July
August 21, 2012

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to adjourn at 8:32 PM.

It was voted: 5 – In Favor
 0 – Opposed

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary