

MEETING MINUTES **FOR MARCH 26, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, March 26, 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

AGENDA CHANGE

Secretary Michael Rosa stated agenda item number 16, “Update on Net Metering Agreement”, has been cancelled for this evening and will be placed on our next agenda

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
Communications Committee	4
Commission on Disability	1

BOARD OF SELECTMEN MEETING MINUTES
MARCH 26, 2012

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.

COUNCIL ON AGING ACTIVITIES

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

TOWN OF BILLERICA MERCURY RECOVERY PROGRAM

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

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.

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 CLEAN-UP/GREEN-UP DONATE/REUSE/RECYCLE
EVENT**

Secretary Michael Rosa stated the Billerica Clean-Up/Green-Up Donate/Reuse/Recycle Event will take place on May 5, 2012 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. For more information, please call the Recreation Department at 978-671-0921 or 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.

TOWN MEETING

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

MINUTES

MARCH 12, 2012 (REGULAR SESSION)

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion to accept the March 12, 2012 Regular Session Meeting Minutes as submitted.

It was voted: 5 – In Favor
 0 – Opposed

OLD BUSINESS

TOWN MANAGER REPORTS

INSURANCE ADVISORY COMMITTEE

Town Manager John Curran stated we are very close to finalizing an agreement with the PEC (Public Employees Committee). It does not appear that it will be necessary to go to the A&F Panel. This is very encouraging and I will keep the Board up to date on this issue.

MIDDLESEX HOUSE OF CORRECTION

Town Manager John Curran stated DCAM is getting back to us on securing a date for the next meeting.

2013 BUDGET PROCESS

Town Manager John Curran stated FINCOM is in the process of reviewing DPW and other General Government budgets.

WARRANT ARTICLES

Town Manager John Curran stated just as an update, there was some confusion earlier this week about some Warrant Articles. Also, there has been some indication by the Board of Selectmen that they want to see a change in the way the Town Meeting Warrant is presented, which is actually consistent with what is in the Town Meeting Time and what is in the Town Charter. My office will change the practice to be in line with the Town Meeting Time and with the Town Charter in terms of getting the Preliminary Warrant to the Board of Selectmen prior to it being posted, so that the Board of Selectmen, particularly with those articles that are sponsored by the Board, can decide whether they want to move forward with those prior to the posting of the Preliminary Warrant, instead of before the posting of the Final Warrant. This will also make sure that the Board is comfortable with the order of the Preliminary Warrant as well.

POLICE LIEUTENANTS EXAM

Town Manager John Curran stated all the scores from the Assessment Center have been certified by Civil Service. This office is in the process of setting up interviews for these positions.

FIRE CHIEF ASSESSMENT CENTER

Town Manager John Curran stated the Fire Chief Assessment Center will be in the first week of April. We found the Assessment Center to be very useful in the Police Lieutenant process and we expect the same for the Fire Chief process as well.

TOWN CENTER INFORMATIONAL SESSIONS

Town Manager John Curran stated I set up approximately 7 or 8 meetings with small groups of businesses in the Town Center area a couple of weeks ago. We have tried to reach out to all the stakeholders that would be impacted by the Town Center Project. I also attended a Business Breakfast Meeting with the Billerica Community Alliance with Chairman Robert Correnti to give a presentation on the Town Center Plan. The feedback was very positive. I also did a presentation at the Council of Aging Board of Directors Meeting that was very well received. Also, the Subcommittee has met as well, and some of the concerns that were expressed at that meeting are being addressed by the Engineering Firm. I met today with Safety Officer Martin Conway and Town Engineer Kelley Conway to discuss some changes to be processed into the plan.

NEW BUSINESS

BILLERICA LITTLE LEAGUE OPENING DAY PARADE

Secretary Michael Rosa stated the Billerica Little League is requesting permission to hold their "Opening Day" Parade on Saturday, April 21, 2012.

Little League Parade Director Bubba Goodwin came to the podium and stated the parade will start at 8:00 AM from the Billerica Town Hall and end at the Pollard Field. We did send a letter to Safety Officer Martin Conway regarding safety issues. This is our 60th anniversary for Little League Baseball in Billerica.

Secretary Michael Rosa stated we received a memorandum from Safety Officer Martin Conway stating that he has reviewed the proposed request from the Billerica Little League and he recommends that the request be granted for the Annual Little League Parade to be held on Saturday, April 21, 2012. He further stated that all safety and traffic concerns have been addressed.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant permission to the Billerica Little League to hold their "Opening Day" Parade on Saturday, April 21, 2012. This parade will start at 8:00 AM from the Billerica Town Hall and end at the Pollard Field.

It was voted: 5 – In Favor
 0 – Opposed

LIONS CLUB HOT DOG STAND, MONDAY, JULY 4, 2012

Secretary Michael Rosa stated the Billerica Lions Club is requesting permission to operate their 10th Annual Hot Dog Stand as part of the Independence Day Celebration on the Town Common on Wednesday, July 4th from 10:00 AM until 2:00 PM.

Ms. Josephine Leary from the Billerica Lions Club came to the podium and stated our plan is to sell hot dogs and soft drinks under a tent in the front of the Billerica Library. These items will be offered for \$1 each and a small American Flag will be included. We will also utilize the Town Common and the grounds of the Billerica Council on Aging for tented family activities.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board grant permission to the Billerica Lions Club to operate their 10th Annual Hot Dog Stand as part of the Independence Day Celebration on the Town Common on Wednesday, July 4th from 10:00 AM until 2:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

SPRING 2012 TOWN MEETING WARRANT ARTICLES

ARTICLE 1 - TO SET COMPENSATION OF ELECTED OFFICIALS

To see if the Town will vote to fix the compensation of the following six elected officers of the Town and determine any salary increase that shall become effective July 1, 2012; or act in relation thereto.

Selectmen, Chairman - \$2,000
Selectmen, Members - \$1,800
Town Clerk - \$95,366; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 1.

It was voted: 5 – In Favor
 0 – Opposed

BOARD OF SELECTMEN MEETING MINUTES
MARCH 26, 2012

ARTICLE 2 - TO HEAR REPORTS OF TOWN DEPARTMENTS, COMMITTEES & OFFICERS

To see if the Town will vote to hear and act upon the reports of Town Departments, Committees and Officers; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 2.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 14 - TO AUTHORIZE DEPARTMENTAL REVOLVING FUNDS

To see if the Town will vote to authorize revolving funds for certain Town departments under M.G.L. Chapter 44, Section 53E^{1/2} for the Fiscal Year beginning July 1, 2012 as follows; or act in relation thereto.

<u>REVOLVING FUND</u>	<u>AUTHORIZED TO SPEND FUND</u>	<u>REVENUE SOURCE</u>	<u>USE OF FUND</u>	<u>FISCAL YEAR 13 SPENDING LIMIT</u>
Wetlands By-Law	Town Manager	Fees from Wetland By-Law	Enforcement of Wetland By-Law	\$30,000
C.O.A. Programs	Council on Aging Director	Fees from Senior Center Programs	Support of the Senior Center Programs	\$60,000
BEAM Program	School Superintendent	Revenues from Medicaid and Health Insurance	Support of BEAM Program	\$850,000
Respite Care Program	C.O.A. Director	Fees from Respite Care Program	Support of Respite Care Program	\$120,000
Backflow Prevention	DPW Director	Fees for Backflow Prevention Inspections	Backflow Prevention Program	\$120,000
TOTAL:				\$1,180,000

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 14.

It was voted: 5 – In Favor
 0 – Opposed

BOARD OF SELECTMEN MEETING MINUTES
MARCH 26, 2012

ARTICLE 17 - TO FUND CEMETERY EQUIPMENT

To see if the Town will vote to transfer \$101,450 from the Cemetery Sale of Lots to purchase a small excavator for the Cemetery Department; or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board support Article 17.

Brief discussions ensued.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 19 - TO RE-AUTHORIZE ARTICLE 22 FROM 2010 FALL TOWN MEETING

To see if the Town will vote to amend Article 22 from the Fall 2010 Town Meeting to include design and construction of Phase II Pump Stations Upgrade Plan, including but not limited to Monson, Lake and Richardson Street pump stations, as detailed in the Comprehensive Wastewater Management Plan (CWMP); or act in relation thereto.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board support Article 19.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 22 - TO FUND INFILTRATION/INFLOW REMOVAL PROGRAM

To see if the Town will vote to raise and appropriate, borrow, and/or transfer from available funds, I/I Mitigation Fund, or borrow from the Massachusetts Water Pollution Abatement Trust, the sum of **\$560,100** for the infiltration/inflow removal program as detailed in the Comprehensive Wastewater Management Plan, Infiltration/Inflow Analysis report and the Sanitary Sewer Overflow Abatement Plan, and to take any other action relative thereto, including the adoption of the following vote:

Voted: that **\$560,100** is appropriated for the purpose of financing the infiltration/inflow removal program, 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

BOARD OF SELECTMEN MEETING MINUTES
MARCH 26, 2012

approval of the Selectmen is authorized to borrow **\$560,100** 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 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.

Brief discussions ensued.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board support Article 22.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 24 - TO EXEMPT DPW POSITIONS OUT OF CIVIL SERVICE

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the Legislature to pass an Act to exempt all positions in the Billerica Public Works Department, from General Law Chapter 31 (Civil Service); or act in relation thereto.

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion that the Board withdraw Article 24.

It was voted: 5 – In Favor
 0 – Opposed

ARTICLE 25 - TO EXEMPT POLICE DEPARTMENT POSITION FROM CIVIL SERVICE

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the Legislature to pass an Act to exempt from Civil Service Law the position of Building Maintenance Craftsman in the Billerica Police Department; or act in relation thereto.

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

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

ARTICLE 26 - TO EXEMPT CERTAIN POLICE DEPARTMENT POSITIONS FROM CIVIL SERVICE

To see if the Town will vote to authorize and direct the Board of Selectmen to petition the Legislature to pass an Act to exempt from Civil Service Law certain positions within the Billerica Police Department, newly hired Police Officers, new appointed Sergeants and Lieutenants. Current employees in those titles will retain their Civil Service status; or act in relation thereto.

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

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

MEETING SCHEDULE

April 9 and 30, 2012

Town Manager John Curran stated in August we will probably have to move the scheduled meeting or set up a “Special Meeting” in order to accommodate the Preliminary Warrant.

BOARD OF SELECTMEN MEETING MINUTES
MARCH 26, 2012

Selectman Michael Rosa, seconded by Selectman David Gagliardi, made a motion to adjourn at 7:32 PM.

It was voted: 5 – In Favor
 0 – Opposed

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary