

MEETING MINUTES **FOR MAY 7, 2012**

A Regular Meeting of the Board of Selectmen was held on Monday, May 7, 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

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

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

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.

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.

STAGE II MANDATORY WATER CONSERVATION VIOLATION NOTICE

Secretary David Gagliardi stated the Town of Billerica has implemented a Stage II Mandatory Water Conservation Ban that started May 1st and will run thru October 1st, 2012. Outside water usage is limited to odd/even allocation program. Odd numbered addresses may water on odd numbered calendar days. Even numbered addresses may water on even numbered calendar days. All residents may water on the 31st day of May, July and August. The first violation for both residential and commercial/industrial is a written citation. The second violation is \$50 for residential and \$100 for commercial/industrial. Subsequent violations are \$100 residential and \$200 for commercial/industrial. If you have any questions, please call 978-671-0957.

**BILLERICA CAT CARE COALITION CHOCOLATE TASTING
AND SILENT AUCTION ON FRIDAY, MAY 18TH, 2012**

Secretary David Gagliardi stated the Billerica Cat Care Coalition is holding their 8th Annual Cat's Meow Chocolate Tasting and Silent Auction on Friday, May 18th, 2012 at the Indian Ridge Country Club, 78 Lovejoy Road in Andover, from 7:00 PM until 9:30 PM. Tickets are \$25 each to benefit cats and kittens in need. Tickets can be purchased in advance at the following locations:

- The Cat Doctor of Bedford, 200 Great Road in Bedford
- Middlesex County Animal Hospital, 300 Boston Road in Billerica
- Andover Animal Hospital, 233 Lowell Street in Andover
- Shank's Mare, 306 Boston Road in Billerica
- On-Line at www.billericacatcarecoalition.org

**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

CLEAN UP/GREEN UP DAY & SENIOR CITIZEN OF THE YEAR

Secretary David Gagliardi stated on behalf of this Board, I would like to thank everyone who participated in the Annual Clean Up/Green Up Day. Everyone did a great job cleaning up the common areas around town. I want to thank the Billerica Community Alliance for partnering with the Town for this event. Also on behalf of this Board, I want to congratulate Mr. Paul Hogman for being chosen as Senior Citizen of the Year this past Friday night.

MINUTES

MAY 1, 2012 (SPECIAL SESSION BEFORE TOWN MEETING)

Selectman Michael Rosa, seconded by Selectman Robert Correnti, made a motion to accept the May 1, 2012 Special Session Meeting Minutes as submitted.

It was voted: 5 – In Favor
 0 – Opposed

OLD BUSINESS

TOWN MANAGER REPORTS

MIDDLESEX HOUSE OF CORRECTION

Town Manager John Curran stated I have been in contact with the Middlesex House of Correction and I sent them some information about our needs for Water and Sewer as a result of what they are considering.

WATER RATES

Town Manager John Curran stated water rates will be discussed during the Board's May 21st meeting. That will be sent to the Water Sewer Oversight Committee for their recommendation. It also has to be posted in a local newspaper of circulation as required.

FIRE CHIEF APPOINTMENT

Town Manager John Curran stated I have appointed Deputy Fire Chief Thomas Conway as our next Fire Chief. His contract has not been finalized, but it will be coming soon and I expect to have him before the Board to officially announce his appointment and congratulate him and his family on such a landmark achievement.

PARKER SCHOOL BUILDING COMMITTEE

Town Manager John Curran stated I found out that there actually was a landscape meeting that was scheduled for May 1st. That is probably the only thing that has happened. We are on schedule and on budget, as was reported at Town Meeting.

Chairman Andrew Deslaurier asked Town Manager John Curran if there were any abutter issues that came out of the meeting.

Town Manager John Curran stated I do not know yet because I have not seen the minutes from that meeting, but I have not heard anything of note, so that is probably a good thing.

Selectman Robert Accomando stated I was not present at that meeting, but I did make some calls and was told there were no major concerns brought to light.

FISCAL EFFICIENCY

Town Manager John Curran stated there is a Fiscal Efficiency, Health Insurance, that will be discussed later in this meeting.

MIDDLESEX HOUSE OF CORRECTION

Selectman Michael Rosa asked Town Manager if there was any news regarding the double bunk fee issue that was discussed at previous meetings.

Town Manager John Curran stated I did look into that matter and unfortunately what happened at that time was that a memorandum of agreement was entered into by the Town and the House of Correction to issue a one-time fee regardless of what the actual I&I fees per bed was. It was based on the volume of the permit, not based on beds, so that question is superseded by that agreement between the Town and the House of Correction at that time.

Selectman Michael Rosa asked Town Manager John Curran if the Town could independently monitor the flow from the House of Correction.

Town Manager John Curran stated that is actually going on right now. They are doing it on their own and we are monitoring it as well, because they want to know the exact flow that is coming out of there. We have had access to the readings that they have done. They have not finalized them yet, but it sounds like they are almost done and they will be looking to set up a meeting at that time.

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Selectman Michael Rosa stated even if there was a one-time payment, if you will, for the addition for the I&I, if it was calculated at one bed per cell, and then they put two beds in per cell, logically thinking that would double the amount of outflow coming out of the House of Correction. What happens if they exceed the volume they originally paid for when they got all their permits?

Town Manager John Curran stated I don't think that is going to be the case, so we are looking at it from a different perspective. That is not an argument that we want to have with them.

Selectman Michael Rosa asked Town Manager John Curran if there was any update on bringing violent offenders to Billerica.

Town Manager John Curran stated nothing new since this all transpired a few months ago.

PUBLIC SAFETY MEMORIAL UPDATE/FINAL DESIGN

Selectman Robert Correnti stated at our Board meeting of January 24th, this Board created a Public Safety Memorial Study Committee to honor and pay tribute to Public Safety Personnel killed in the line of duty while serving the residents of Billerica. I would like to commend the various committee members. Selectman Rosa, Claudia Hall who was replaced by Peter Blaisdell, Mary McBride who was replaced by Doug Fogerty, Marty Conway, Jeff Strunk, Joe Devlin, Nancy Strunk and Cosmo Cavicchio. The Fire Chief and Police Chief are ex-officio members. On August 8th, 2011 this Board approved the location, which is essentially out front of the Town Hall.

A powerpoint slide presentation was shown rendering a picture and exact details of this Public Safety Memorial that is to be placed in front of the Town Hall.

Town Manager John Curran stated the Public Safety Memorial Study Committee is requesting that this Board approve this design. This Memorial will be fully privately funded. Estimates right now are about \$100,000. All donations will be gratefully accepted.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Board support this Public Safety Memorial as presented.

It was voted: 5 – In Favor
 0 – Opposed

NEW BUSINESS

**HIGH OCTANE HARLEY DAVIDSON, 1 CHELMSFORD ROAD,
RE: ONE DAY ENTERTAINMENT LICENSES FOR THE
FOLLOWING DATES: MAY 10TH, 2012 AND MAY 24TH, 2012**

Secretary David Gagliardi stated KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road is seeking a One Day Entertainment License for May 10th and May 24th, 2012 for “Bike Nights”.

Ms. Lorraine Veracka from High Octane Harley Davidson came to the podium and stated we are seeking a One Day Entertainment License for May 10th from 5:00 PM until 8:30 PM and May 12th from 11:00 AM until 5:00 PM for our outside premises. We would like to have a live band perform.

Selectman Robert Accomando stated I spoke with Safety Officer Martin Conway and he reported that High Octane Harley Davidson is doing a great job holding these events with absolutely no problems and he supports them with no objections.

Brief discussions ensued regarding noise control so as to not bother the neighbors.

Selectman David Gagliardi, seconded by Selectman Robert Accomando, made a motion that the Board approve a One Day Entertainment License for KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for May 10th, 2012 from 5:00 PM until 8:30 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 for KHD Inc., d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for May 12th, 2012 from 11:00 AM until 5:00 PM.

It was voted: 5 – In Favor
 0 – Opposed

**FARMER'S MARKET, RE: STILL RIVER WINERY ON MONDAYS
FROM 3:00 PM UNTIL 7:00 PM, JUNE 25TH THRU OCTOBER 22ND,
2012**

Secretary David Gagliardi stated this Board has received an application from Wade Holtzman of Still River Winery located in Harvard, MA requesting authorization to sell wine at the upcoming Billerica Farmer's Market starting June 25th thru October 22nd, 2012, operating every Monday from 3:00 PM until 7:00 PM in the Town Common.

Mr. Wade Holtzman, owner of Still River Winery, came to the podium and stated I am here tonight seeking permission to sell our apple rice wine at the upcoming Billerica Farmer's Market starting June 25th thru October 22nd, 2012, operating every Monday from 3:00 PM until 7:00 PM in the Town Common.

Selectman Robert Correnti stated this Board has received correspondence from Police Lieutenant Roy Frost informing us that authorization to sell wine during this event is regulated under M.G.L. Chapter 138, Section 15F. The law allows the Local Licensing Authority (this Board of Selectmen) to issue a Special License to sell wine by a Farmer/Winery, licensed under Section 19B, at a recognized Agricultural Event as designated by the Massachusetts Department of Agriculture. The law requires that the wine be sold in "sealed containers for off-premise consumption at an indoor or outdoor agricultural event". In addition, the law allows for the vendor to provide for wine to be provided, without charge, for sampling at the event. The wine samples must not exceed one (1) ounce and no more than five samples may be served to a prospective customer. Lieutenant Frost has obtained copies of the required State licenses and recognitions necessary to issue the above Special License. These include a copy of the Farmer/Winery license issued under Chapter 138, Section 19B, to Still River Winery; a copy of their transportation license, issued under Section 22, which allows them to transport the wine to and from the Farmer's Market. Lieutenant Frost did note that the current transport license provided to him by Still River Winery expired at the end of 2011 and they have applied for a renewal and will be receiving that license very shortly. Lieutenant Frost has also obtained a copy of the letter issued from the Department of Agricultural Resources, 251 Causeway Street in Boston confirming the certification of the Billerica Farmer's market as an agricultural event and a copy of the letter sent from the Billerica Farmer's Market issued to Still River Winery identifying them as a registered vendor the this year's event. Lieutenant Frost has also confirmed that Mr. Holtzman and his staff are all TIPS Certified and the Billerica Police Department has no objection to the issuance of this requested Special License.

Brief discussions ensued.

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Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board approve a Special License in accordance with M.G.L. Chapter 138, Section 15F to Wade Holtzman of Still River Winery located in Harvard, MA to sell wine at the upcoming Billerica Farmer's Market which is located at 25 Concord Road starting June 25th thru October 22nd, 2012, operating every Monday from 3:00 PM until 7:00 PM; subject to the condition that the petitioner provide a copy of their Transportation License.

It was voted: 5 – In Favor
 0 – Opposed

**INTERMUNICIPAL AGREEMENT BETWEEN BILLERICA
PUBLIC SCHOOLS AND CHELMSFORD PUBLIC SCHOOLS
(SHARING THE SERVICES OF A FOOD SERVICE DIRECTOR)**

Mr. Tim Piwowar, School Business Superintendent, came to the podium and stated this agreement that you have before you this evening came about through conversations that I had originally with the School Business Manager in Chelmsford regarding trying to work together collaborately across two school districts to meet the needs of a service that we have in common. We know this works in larger districts. The Food Service Agreement that you have before you is actually modeled on an agreement between the district of Andover and the Greater Lawrence Vocational Technical School District. Because this is an intermunicipal agreement, it has to go through the Board of Selectmen, consistent with M.G.L. Chapter 40, Section 4A. The summary of what you have before you is that essentially Chelmsford is agreeing to pay us \$45,000 annually to allow them to use the services of our Food Service Director, and in return we are making her available 15 hours a week and we have built an adequate support by reorganizing our back office support with the Food Service Department. This agreement was approved by the School Committee on April 23rd, 2012 in Billerica and by the School Committee in Chelmsford on April 24th, 2012. It now needs to be approved by the Boards of Selectmen in both communities. The net effect of this is that we are actually going to be able to see a reduction in our Operating Budget to the tune of \$22,500 or half of the amount that Chelmsford is paying us because we need to pay out some additional travel expenses and salaries in order to make this work. I ask you for your support.

Chairman Andrew Deslaurier asked Mr. Piwowar if the Chelmsford Board of Selectmen have voted on this issue yet.

Business Superintendent Piwowar stated not yet, but hopefully with the next week or so. If anyone of the four pieces falls apart, it all falls apart.

Brief discussions ensued regarding the sixty day out clause, the length of the contract and the handling of salary increases through contract negotiations and how it would affect this contract.

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Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board support this Intermunicipal Agreement between the Billerica Public Schools and the Chelmsford Public Schools for the sharing of services of the Food Service Director.

It was voted: 5 – In Favor
 0 – Opposed

**MEMORANDUM OF AGREEMENT BETWEEN THE TOWN OF
BILLERICA AND THE M.G.L. CHAPTER 32B, SECTIONS 21-23
BILLERICA PUBLIC EMPLOYEE COMMITTEE (HEALTH
INSURANCE)**

Town Manager John Curran stated I would first like to address the timeline of events that have taken place over the last several months. The Board of Selectmen voted on January 9th to accept Sections 21-23 of Chapter 32B. That started the ball rolling in terms of the Town being able to sit down and implement this statute and negotiate changes to the Health Plan Design. On February 8th the Town met with the Insurance Advisory Committee for the first time and with that process we established a Public Employees Committee (PEC) and we had to send notices to all the members of the PEC. It was a fairly complicated process. We set up a meeting with all the members of the PEC and that meeting took place on March 12th, 2012. We met again with the PEC on March 21st where we negotiated in earnest. The PEC is made up of Union representatives and they also had a consultant on board that helped them to work through plan design issues and intricacies in the statute. The Town also used our Labor Counsel, who is very well versed in the statute. That was the two teams that got together at the table and negotiated this issue out. The PEC was finalized just in the last few days. The last piece of action to take place is for the Board to approve the Memorandum of Agreement between the Town and the PEC, so that is what you will be voting on tonight. If you vote in favor of, then the members of the PEC will come in and sign it and then we can move forward for a July 1st, 2012 implementation of this program. We have already begun workshops to update employees on what the changes will be for the plan.

Town Manager John Curran proceeded to give a very informative and detailed presentation regarding all the changes this new plan will bring forward. This information is on file in the Selectmen's Office.

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Town Manager John Curran stated the total savings we expect to be \$1.46 million dollars, but we will not realize all that savings in the first year. We have to give back 25% of that money, or approximately \$366,000. The exact number won't be truly known until enrollment is complete. I think overall the process went fairly well considering the gravity of the situation. For those who wonder why we did not join the GIC, there were several issues. First of all, if you join the GIC, you give up all areas of control. I am not a fan of giving up control of such an important matter. Giving up control to the State, well you never know what could happen in the future. The cost savings were significant, but it was one sided. The employee would bear all of the costs and the Town would reap all of the savings. There was no split in the burden. Inherently I do not think that is the intent of the law. The law is supposed to provide some benefit to both the subscriber through premium savings and also the Town through savings in their budget. So for that reason we did not do it. Another issue is I would like to wait and see what happens with the GIC over the next two years. It could be that all these municipalities joining the GIC could put an incredible burden on their premium structure and their rates could be forced up. We could still join the GIC down the road. I think this agreement is the best of both worlds. The Town still gets an incredible savings and we still have all options on the table two years from now. I thank this Board for voting for this back in March because without your vote we would not have been able to move forward. I think you should be complemented for taking a position that is not always the popular one.

Brief discussions ensued regarding support of this agreement.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board support the Memorandum of Agreement between the Town of Billerica and the Billerica Public Employee Committee regarding Health Insurance.

It was voted: 5 – In Favor
 0 – Opposed

BOARD OF SELECTMEN APPOINTMENT

BOARD OF REGISTRARS (DEMOCRAT)

Selectman Robert Correnti, seconded by Selectman Michael Rosa, made a motion that the Board reappoint John G. Conway as a Regular Member of the Board of Registrars (Democrat).

It was voted: 5 – In Favor
 0 – Opposed

ADDENDUM

MIDDLESEX 3 COALITION UPDATE

Town Manager John Curran stated this actually is a project that started before I came to Billerica. I believe it was initiated by Bedford Town Manager Rick Reed. It involves getting five communities around us involved in a reasonable effort to promote economic development within the Route 3 area of the Merrimack Valley. There was a marketing study done by 451 Marketing some time ago and many businesses were brought in from Bedford, Billerica, Burlington, Lowell and Chelmsford to our Town Hall auditorium and we had a visioning session about what this organization should do. We sort of moved in a direction with the five communities and the State helped us get a jump on that study. We got a small working group together of the five Town Managers and we established a purpose basically which is right on the front of the "Articles of Organization". It states that the purpose of the corporation shall be to advance interest in and facilitate economic development along the Massachusetts Route 3 corridor located in Middlesex County, Massachusetts, and the communities located there; in part by fostering communication, cooperation and coordination among all levels of public, private and quasi-public sectors located and/or operating in or near the corridor or otherwise interested in the corridor and the communities located there. So the purpose of this group is to promote economic development. So we set up this corporation and we have had a tremendous amount of good will from the business community. Reimer and Bronstein, a law firm out of Burlington that does a lot of development and planning actually put together the legal documents for us in terms of incorporation and a girl who was just about to be a high school graduate from the Shawsheen Technical High School put together a logo for us. When we asked Shawsheen Technical High School to help us out with the logo, they actually made a competition out of it. The kids put together four or five different plans and the one we chose is basically a route sign with a road around it and the five communities magnified out of the State of Massachusetts to show that this is the region that we are trying to promote along Route 3. As you know Route 3 is often confused with Route 3 going south down towards Cape Cod. That is one of the things that we were concerned about. We also wanted to promote this area. One of the things that people don't know about this area is that the labor force is very diverse. There is a lot of highly skilled people and a lot of mid-level technically skilled people. There is training between UMass Lowell, Middlesex Community College and Shawsheen Technical High School. There is Life Science training at all of these places for people who do not have a college degree, but who have specialized training so that they can get out there and get decent jobs and fulfill a rapidly growing need in the life sciences industry. This industry needs people who can fulfill these roles in these highly specialized functions. That is the sort of thing that this organization would market. I don't know if you read the article in the Boston Globe this weekend, but there was some talk about the possibility that we would be competing against each other. To an extent that will always be true because we want businesses to come here to Billerica, but on the other hand, when businesses look at

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communities they are looking for a region that has these resources, they do not look at the boundary lines. They ask themselves will my employees like to live in that area. What are the school systems like in that area. What is the infrastructure like and how long will it take my employees to get to work. Is there public transportation? These are the questions that an organization like this can answer. In the end of the day we might not get one business, but we might get another. This organization can benefit all these communities. We have made quite a bit of progress and I just wanted to make sure that I updated this Board and I am looking for some level of endorsement from this Board to continue this effort and to make this Board aware that at some point when you look through the "Articles of Organization", they will be looking for a commitment of \$5,000 from the Town as seed money to start this thing up. The other revenues will be derived from donations from other businesses. If this does move forward, we would appropriate in future budgets. If it comes up this year, it is something that we could pay out of Community Planning funds, which we have under my budget. Each community would be giving \$5,000.

Brief discussions ensued in support of this effort to bring more businesses into Billerica.

Selectman Robert Correnti, seconded by Selectman Michael Rosa, made a motion that the Board support the Middlesex 3 Initiative.

It was voted: 5 – In Favor
 0 – Opposed

MEETING SCHEDULE

May 21, 2012	No Meeting in July
June 4 and 11, 2012	August 13, 2012

May 8, 10, 15, 17, 22 and 24 at 6:00 PM prior to Town Meeting, if necessary. On May 10th we are scheduled to approve Bond Anticipation Notes.

Selectman Michael Rosa, seconded by Selectman Robert Correnti, made a motion to adjourn at 8:30 PM.

It was voted: 5 – In Favor
 0 – Opposed

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary