

## **MEETING MINUTES** **FOR NOVEMBER 1, 2012**

A Regular Meeting of the Board of Selectmen was held on Thursday, November 1, 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.

### **MOMENT OF SILENCE**

A Moment of Silence was given for the victims of Hurricane Sandy.

### **CALL TO ORDER**

### **OPEN MICROPHONE**

The following individuals came to the podium and expressed their opinion regarding the proposed Town Center Project and the Special Town Election:

Chris Musker of 12 Fawn Lane  
Sal Dampolo of 1 Nickerson Drive  
George Simolaris of 38 Andover Road  
John Parker of 16 River Street

**ANNOUNCEMENTS**

**VACANCIES ON BOARDS AND COMMITTEES**

Secretary David Gagliardi stated the Board of Selectmen are accepting applications for the following positions:

**POSITION** **# MEMBERS**

**Selectmen Appointments**

Arts Council	3
Cabot Land Reuse Committee	3
Commission on Disability	1
Elderly and Disabled Taxation Fund Committee	1
Financial & Compliance Audit Committee	2
Historic Districts Commission	4 alt.
Open Space & Recreation Committee	2
Scholarship Foundation Committee	1
Substance Abuse Prevention Committee	8
Traffic Management Committee	1 (East)

**Town Manager Appointments**

Beautification Committee	3
Housing Partnership Committee	2

**Moderator Appointments**

Composting Committee	6
Financial & Compliance Audit Committee	3
Personnel Board	4
Town Meeting Warrant Action 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.billeriacoa.org](http://www.billeriacoa.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](http://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](http://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](mailto:sunshinegals@yahoo.com).

**PUBLIC SAFETY MEMORIAL**

Selectman Robert Correnti stated the Billerica Public Safety Memorial, which will honor Billerica Police, Fire and Paramedics who have died in the line of active duty, will be located in front of Town Hall. It will be built with private funding. The dedication is planned for the Fall of 2013. Help make this memorial possible by making a tax-deductible donation. Donations of \$75.00 or more will be recognized on a plaque in Town Hall. For more information and a copy of the donation form, which is important to insure proper recognition of donors, please go to [www.billericapublicsafety memorial.org](http://www.billericapublicsafety memorial.org). The donation and donation form can be sent to the Billerica Public Safety Memorial Fund, care of the Billerica Board of Selectmen, Billerica Town Hall, 365 Boston Road, Billerica MA 01821.

**HAPPY HOLIDAYS – 2012 SCHEDULE OF EVENTS**

Selectman Robert Correnti stated the Billerica Holiday Festival has announced the following 2012 Schedule of Events:

Saturday, November 10<sup>th</sup>

Home for the Holidays display set up begins at the Library

Friday, November 16<sup>th</sup>

Home for the Holidays Reception

Saturday, November 17<sup>th</sup>

Home for the Holidays Display Open to the Public

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Saturday, December 1<sup>st</sup>

Free Outdoor Public Skating. This year the “rink” will be bigger (30’ by 60’) to accommodate more skaters. Skating will be available from Noon to 6:00 PM.

Saturday, December 1<sup>st</sup>

The Tree Lighting Festivities will begin at 4:30 PM and conclude with the actual Tree Lighting at 5:30 PM.

Saturday, December 8<sup>th</sup>

Pictures with Santa will be taken at the Bennett Library from 11:00 AM until 2:30 PM.

Sunday, December 9<sup>th</sup>

Last day for Home for the Holidays Display

Monday, December 10<sup>th</sup>

Home for the Holidays Drawings

If you have any questions, you can go the Billerica Holiday Festival website at [info@billericaholidayfestival.org](mailto:info@billericaholidayfestival.org).

**FALL 2012 YARD WASTE COLLECTION (FIVE WEEKS  
BEGINNING NOVEMBER 5<sup>TH</sup>, 2012)**

Secretary David Gagliardi stated the Town of Billerica Fall 2012 Yard Waste Collection will begin on November 5<sup>th</sup> and run for five weeks. Here is the following schedule:

**West Billerica, Talbot Avenue – Lowell Street area starts:  
Monday 11/5 – ends Monday 12/3**

**Nutting Lake, Riverdale area, Riverhurst area starts:  
Tuesday 11/6 – Ends Tuesday 12/4**

**Pinehurst, Cook Street – Alexander Road area starts:  
Wednesday 11/7 – Ends Wednesday 12/5**

**East Billerica, Tower Farm area starts:  
Thursday 11/8 – Ends Thursday 12/6**

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

**North Billerica, Pond Street area starts:  
Friday 11/9 – Ends Friday 12/7**

- **YARD WASTE MUST BE PLACED CURBSIDE**
- **MUST USE BIO-DEGRADABLE PAPER BAGS OR BARRELS CLEARLY MARKED FOR YARD WASTE**
- **NO PLASTIC BAGS WILL BE ACCEPTED**

**SEE [www.billericadpw.org](http://www.billericadpw.org) (GIS & MAPS)**

**FOR DETAILED MAP OF COLLECTION DAY SCHEDULE OR CALL 978-436-9178 FOR MORE INFORMATION**

### **COMMUNITY FUNDS**

Secretary David Gagliardi stated the Community Fund applications are due by tomorrow, November 2<sup>nd</sup> at the close of business, which is 4:00 PM in the Selectmen's Office.

### **LIMBS AND TREE REMOVAL**

DPW Director Abdul Alkhatib came to the podium and stated we have been receiving a number of phone calls from residents regarding limbs and trees that have fallen on their property. Initially we decided not to do any collection, but due to the large number of calls, we are working with Boule Landscaping on Sullivan Road, which is off of Rangeway Road, who has agreed to accept tree limbs from Hurricane Sandy free of charge on Saturday, November 3<sup>rd</sup> from 10:00 AM until 2:00 PM. This is only for Billerica residents and they will be checking licenses. Also, Selectman Gagliardi just mentioned that our Yard Waste Collection will begin November 5<sup>th</sup>.

### **MINUTES**

#### **OCTOBER 15, 2012 (REGULAR SESSION)**

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the October 15, 2012 Regular Session Meeting Minutes as submitted.

It was voted:                   5 – In Favor  
  0 – Opposed

**OCTOBER 18, 2012 (SPECIAL SESSION)**

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the October 18, 2012 Special Session Meeting Minutes as submitted.

It was voted:                    3 – In Favor  
    0 – Opposed  
    2 – Abstained (Selectmen Deslaurier and Gagliardi)

**PUBLIC HEARINGS**

**STEVE WILSON, JR., D/B/A WAGON WHEEL SALES, RE: CLASS II LICENSE AT 18R REPUBLIC ROAD (AUTTER NOTIFICATION NOT REQUIRED)**

Secretary David Gagliardi stated this is a request by Steven Wilson, Jr., d/b/a Wagon Wheels Sales, for a Class II License for 18R Republic Road in North Billerica. Hours of operation will be Monday thru Saturday, 7:00 AM until 7:00 PM and Sunday by appointment.

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

It was voted:                    5 – In Favor  
    0 – Opposed

Mr. Steve Wilson, Jr. came to the podium and stated I am here seeking a Class II License to sell cars.

Selectman Robert Correnti stated some might say in this economy why would you want to start a business?

Mr. Steve Wilson, Jr. stated just because my dad already has a repair shop up there and they go good together, and if I can sell cars, it is something that I can do on the side to make a little extra money.

Selectman Robert Correnti stated for the record there is a permit from the Zoning Board of Appeals for the location and there are a number of conditions and you will adhere to those conditions?

Mr. Steve Wilson, Jr. stated yes.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Selectman Robert Correnti stated this is by appointment; that people will call you?

Mr. Steve Wilson, Jr. stated yes.

Chairman Andrew Deslaurier asked if there was anyone present who wished to speak at this Public Hearing. There was no one who came to the podium.

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

It was voted:               5 – In Favor  
                                  0 – Opposed

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve a Class II License for Steven Wilson, Jr., d/b/a Wagon Wheels Sales located at 18R Republic Road in North Billerica. Hours of operation will be Monday thru Saturday, 7:00 AM until 7:00 PM and Sunday by appointment only in accordance with all the Zoning Board of Appeals Special Permit requirements.

It was voted:               5 – In Favor  
                                  0 – Opposed

**OLD BUSINESS**

**TOWN MANAGER REPORTS**

**Middlesex House of Correction**

Town Manager John Curran stated I have placed a call to Liz Minnis about setting up another meeting. I have not heard from her. Late this afternoon I did speak with Scott Jordan, the legislative liaison for the Office of Administration and Finance. Part of the reason there has been such a long silence, shall we say, is that I think they have gone back to review what their needs are in terms of the number of beds, based on some laws that have changed, and they realize that they have to go back and do some further preparation. He did assure me that I would be hearing from him in the next few days, either from DCAM or the Sheriff's Office. Thus I expect that to start up fairly soon.

**Finance Committee**

Town Manager John Curran stated the Finance Committee approved a request for a \$25,000 appropriation to conduct a Special Town Election.



BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

**Parker School Building Committee**

Town Manager John Curran stated a planned walkthrough of the landscape plan took place on Friday. This was done to address concerns of the neighbors – no one showed up for the walkthrough. CTA was given permission to work Saturday and Sunday to get ahead of the pending storm.

**Hurricane Sandy October 29 – 31**

Town Manager John Curran stated as you know, the Town has been responding to a major storm event over the past few days. Over 5,000 plus customers lost power in Billerica at the height of this event (Monday afternoon). There are over 16,000 customers in Billerica. Currently, there are 250 people without power and we expect all the power to be returned by tomorrow evening. All live wires have been eliminated and roads are open. Halloween proceeded as scheduled without incident. School was closed on October 29<sup>th</sup> and a delayed opening occurred on October 30<sup>th</sup>. During this time only the Kennedy School was without power and it was reestablished at 11:00AM on October 30<sup>th</sup>. It is important for everyone to understand that the Town does not control the utilities and we cannot fix the problems. We have done everything we can to lean on the utilities to make sure that they address the outages here in Billerica and protect our interests here as a community. Our Tree Department, our Highway Department and even our Water and Sewer Departments all worked in tandem, as well as our Emergency Management, Police and Fire Departments. We have been able to have all of the information at our fingertips so that when we meet with National Grid we are able to make sure that they address our concerns in a timely fashion. Additionally, the Town's Wastewater Treatment Plant, as many as 9 Pump Stations, the Water Treatment Plant, The Water Intake Facility and the Highway Division were operating on generator power at some point during the storm. All of these facilities are back on-line. There were two storm related house fires during this event - mostly smoke damage no injuries. Our Emergency Management Director, Bill Laurendeau, has been coordinating our response effort. I would like to recognize the outstanding job done by him and his volunteer Emergency Management Team. They logged 434.5 EMA volunteer hours during the event. They responded to 165 calls; 85 were tree related and 80 were related to live and arcing wires. In addition, EMA volunteers fielded 57 general information calls. Police Lt. Greg Katz provided the following statistics from the Police Department:

**Dispatch Statistics**

- Calls for service - 422

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

**Police Website**

- Visits – 15,384
- Unique Visitors – 9,208
- Page views – 24,223

**Facebook**

- 9,148 people reached
- Weekly reach - +148%
- Total subscribers - +200% for total of 3,661

**Twitter**

- 3,863 followers

The Tree, Sewer and Highway Departments had many people working on overtime, many of them overnight, to respond to the storm:

<b>Date</b>	<b>October 29th</b>	<b>October 30</b>	<b>October 31</b>
Tree Department	18	11	12
Sewer Department	8	6	1
Highway Department	4	0	0
<b>Total</b>	30	17	13

This work involved clearing trees and roads and monitoring sewer pump stations and filling diesel generators. The Fire Department in addition to two fires responded to well over 100 calls. I cannot acknowledge enough the dedication and commitment your Town Employees demonstrated throughout this storm. Daily meetings were held to monitor progress and improve dissemination of information to the public. The Police electronic media effort literally provided minute by minute updates to the public. Over three hundred new followers signed up for these services. The Town of Billerica has more followers than the City of Cambridge.

The Board commended all Town employees who were involved in this storm effort.

## **NEW BUSINESS**

### **REFERENDUM, 2012 FALL TOWN MEETING WARRANT** **ARTICLE 13 – NOVEMBER 17, 2012**

Secretary David Gagliardi stated a petition was submitted to the Board of Selectmen on October 23, 2012 requesting that the voters amend Warrant Article 13 of the 2012 Fall Town Meeting. It is presumed that this petition intended that Warrant Article 13 be presented as voted by Town Meeting for final determination by the voters. This petition was submitted to the Board of Selectmen's Office within the seven (7) days required by Section 2-13 of the Billerica Town Charter as amended. A sufficient number of names and addresses, five percent (5%) of the voters, have been certified by the Town Clerk. In accordance with Section 2-13(c), "the Board of Selectmen shall, within ten (10) days after the filing of such a petition, call a Special Election to be held on a date fixed by it not less than fourteen (14) nor more than twenty-one (21) days later for the purpose of presenting such question to the voters for final determination". This limits the timeframe that the Special Election can be held to November 13 thru November 19, 2012. This presents a significant challenge for the Town Clerk's Office for the following two reasons:

- (1) It immediately follows a major Federal Election.
- (2) The short timeframe mandated by our Town Charter makes it difficult to process absentee ballots.

The Town Clerk has requested that the Special Town Election on the referendum on Article 13 be set for Monday, November 19, 2012 in order to allow as much time possible for the processing of absentee ballots. The polls will be open from 8:00 AM until 8:00 PM. Mr. Chairman, I understand that there were other memos bounced around, but we have received another memo today as of 3:51 PM this afternoon from the Town Clerk stating the following:

As I stated to you on the telephone this afternoon, I am concerned about absentee voters who wish to vote in the Special Town Election. Since the Board is so late in setting the date of the election, the absentee ballots will not be available for mailing until at least November 7<sup>th</sup>. I believe the extra two days will afford voters more time to return their absentee ballots.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board of Selectmen call a Special Town Election on November 19<sup>th</sup>, 2012 with the polls opening at 8:00 AM and closing at 8:00 PM for the purpose of presenting Warrant Article 13 of the Fall 2012 Town Meeting for a final determination. The ballot question shall read as follows:

To see if the Town will vote to borrow \$9,800,000 for the  
Town Center Reconstruction and Traffic Improvements  
Project.

Selectman Michael Rosa stated Secretary Gagliardi read only two of the three memos that came from the Town Clerk's Office. The first one that he read was dated 10/25/12, which was the one he read speaking about the November 19<sup>th</sup> date. He by-passed the one that we have from Town Clerk Shirley Schult to the Town Manager dated October 26<sup>th</sup>, 2012 at 3:47 PM which reads:

In light of Attorney Costello's email this afternoon, the opinion that the Charter, Section 2-13 supersedes State Law, and that the Town has no distinction to delay the election beyond the 21 day period, I have no objection to the election being held on either Saturday, November 17<sup>th</sup> or Monday, November 19<sup>th</sup>. I am sure that the School Department would be happier with the Saturday date and my office would make either date work. This will give the Selectmen the option to select the date that they think will work best.

The second memo that Secretary Gagliardi read was dated today, which supports the date of November 19<sup>th</sup>. This read:

As I stated to you on the telephone this afternoon, I am concerned about absentee voters who wish to vote in the Special Town Election. Since the Board is so late in setting the date of the election, the absentee ballots will not be available for mailing until at least November 7<sup>th</sup>. I believe the extra two days will afford voters more time to return their absentee ballots.

Selectman Michael Rosa further stated it says more time to return their absentee ballots, not that they won't be able to, it will just afford them more time. So we have from the Town Clerk's Office that she can do a Saturday election, and it can also benefit the School Department. I am disappointed that we have had no discussion about this and that there was instantly a motion made. I feel we should go with the Saturday. It is consistent with all Town elections. It is consistent with the last Special Election that we had for the Parker School and it just makes sense. I feel it makes more sense to do it on a day that the maximum of people can participate in the voting process.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Selectman Correnti stated I have only seen the memo of October 25<sup>th</sup>, which was read, from Town Clerk Shirley Schult, which states November 19<sup>th</sup>. I just received the November 1<sup>st</sup> memo, which is requesting the extra two days. I don't think this Board should take any actions that would enhance or impede the election. We have a Charter that gives us seven days. I respect the Town Clerk's Office and the Town Clerk gave us a memorandum that is requesting Monday, November 19<sup>th</sup>. We have to be neutral here and that is the Town Clerk's recommendation. She is in charge of the election and she knows the election rules, laws and the impact of getting people, etc. She said November 19<sup>th</sup> on October 25<sup>th</sup>. She did not send another memo stating November 17<sup>th</sup>. The last memo that we received from her clearly states November 19<sup>th</sup>. It is not this Boards role to take any action to impede or enhance this election. I feel we should follow her recommendation, which was done in writing. I am upset that the Town Clerk has been badgered by people to change this date.

Town Manager John Curran stated Selectman Rosa has implied that somehow I was derelict in my responsibility to report to the Board. You cherry-picked that internal communication from the Town Clerk to me and you are using it for your own purposes right now. What you need to understand is the whole context and whole sequence of events and I am going to go through that right now so that there is no confusion as to what transpired. The first memo that I received from Shirley is the memo that was put in your package dated October 25<sup>th</sup>. On October 26<sup>th</sup> I wrote the memo that you also have in your packages. On that same day I received an email from the Town Clerk, an internal email from her to me. I went down and spoke to her because it was not clear to me because she was saying we could have it on either day. I wanted to know what was the opinion of the Town Clerk as to what was the best thing to do in terms of voter enfranchisement. She told me that her opinion of November 19<sup>th</sup> still stood, that the extra two days were necessary to allow people access to voting though absentee ballots. So having had that conversation with her, that there was nothing different from the original memo that she gave me, that is what the Board received. That is reinforced by the later memo, that after you continued that effort Selectman Rosa, that she sent to you further clarifying that position that she still adamantly feels that the extra two days are necessary in order to enfranchise the voters. There was no effort on my part to keep that information from you. You have to make sure the voters are given the right to vote. We cannot encourage or discourage. We have to do what the law allows. Please do not cloud this decision with process about what information was provided to you because everything that was provided to you was done with the utmost integrity and utmost respect for the law.

Selectman David Gagliardi stated we have the original memo from the Town Clerk. I have no idea and I am not going to speculate as to what prompted her to send that internal email to Mr. Curran. The two documents that I have state she originally wanted it for the 19<sup>th</sup> of November and the second one that we received today reinforces the fact that she wants the date of November 19<sup>th</sup>. I am going with the date of November 19<sup>th</sup>.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

The following residents came to the podium and expressed their opinions regarding the date for the Special Town Election:

Sal Dampolo of 1 Nickerson Drive  
George Simolaris of 38 Andover Road  
Dan Burns Precinct of 12 Nolte Road  
Philip Silva of 13 Carmel Drive  
Chris Musker of 12 Fawn Lane  
Anthony Ventresca of 31 Sheridan Street  
Mark Barron of 20 Corcoran Road  
Rome Capobianco of 29 Andover Road

Selectman Michael Rosa, seconded by Selectman Gagliardi, stated I would like to make an amendment to the motion to strike November 19<sup>th</sup> and change the election date to November 17<sup>th</sup>.

Selectman Robert Correnti stated I respect everyone's opinion, they spoke to the point without any threatening fashion. We have received a lot of correspondence from people. I have had a lot of people say to me don't vote for the election. This thing is all scripted by our Town Charter. The Charter says the Board has ten days after the signatures were turned in and within those ten days a process has to occur. It also indicates that when the Board met they have to set the date of the election no less than 14 days and no greater than 21 days. Thus the Charter gives you seven days in which to set the election. Thus the election can be set from November 15<sup>th</sup> up to Thanksgiving Day itself. The Charter does not say that the election must be set on a Saturday. The next step that was taken was to get the input of the Town Clerk. The Town Clerk has said she wants the election on Monday, November 19<sup>th</sup>. There is no precedent for a referendum. This itself is precedence setting. The Charter clearly states any time within those 7 days. We received input from the person who is running the election. She has a host of issues to deal with and she wants Monday, November 19<sup>th</sup>. Why are people be assailed for following the Charter and doing what the Town Clerk has recommended. If people want to change this, then we should change the Town Charter to say anytime from 14 to 21 days, but only on a Saturday.

Selectman David Gagliardi stated I take objection to anyone saying we are impeding the electoral process by picking one day over another. Anyone who wishes to vote but has difficulty getting to the poles on that particular day can vote by absentee ballot just as anyone else can. Anyone can go down to the Town Clerk's Office when the absentee ballots are ready and vote. There is no impeding of anyone's right to vote. I want to make that very clear.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Selectman Robert Accomando stated my only comment is I hear the veiled threats and I do not think there is any place for that. We are having an open discussion. When people get up and threaten, veiled or openly, I see no place for that. This should not have lowered itself down to veiled innuendo and threats. I myself spoke with our Town Clerk and she told me the maximum amount of time that we can give her would be the best. She runs the election. She has been in this position of Town Clerk for a long time. Do you just want us to throw her opinion out the window and say to her “well we don’t like your answer Shirley, we want it on another day”. I don’t think Shirley has any bias towards this issue. I think she is the most honest person that I think I have ever met. I don’t see how I can go against her recommendation.

Selectman Michael Rosa stated the Town Clerk is held in very high regard by all of us. She did furnish an opinion. She furnished one opinion on the 25<sup>th</sup> and then a subsequent opinion on the 26<sup>th</sup>, which was an internal memo that said the 17<sup>th</sup> or the 19<sup>th</sup> would be okay with her. The earliest time we could do this is the 15<sup>th</sup> and the latest date is the 22<sup>nd</sup>. The 17<sup>th</sup> is the most normal time to do this election. I respect the Town Clerk’s opinion, but the Charter states the Board of Selectmen sets the date. I think we are all pretty educated when it comes to the voting process in the Town of Billerica. Saturdays are the day that residents are used to voting on local issues. It should be Saturday that we do this and I think we all know in our hearts that Saturday is the better day.

Chairman Andrew Deslaurier stated to be very honest if we could do this on the 15<sup>th</sup>, I would do it on the 15<sup>th</sup>. To be honest, if I could do it tomorrow, I would do it tomorrow. That being said, we do have a recommendation from our Town Clerk asking for the election to be on November 19<sup>th</sup>. This is sort of like the perfect storm. We are having a Presidential Election, which entails a lot of work in the Town Clerks Office, thus I understand and appreciate why her office needs the extra time. This is just a date. This election is happening whether it is on the 17<sup>th</sup> or 19<sup>th</sup>. If people want to vote, they will vote. I feel that all this quarreling over two odd numbered days is embarrassing.

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

Chairman Andrew Deslaurier stated the original motion is on the floor.

Selectman Michael Rosa stated I am going to vote to support the 19<sup>th</sup> because I support the democratic process in allowing the residents to have a voice, but I do not agree with the date.

It was voted:                    5 – In Favor  
    0 – Opposed

**WATER AND SEWER FEES – POLICY AMENDMENT**

Town Manager John Curran stated the Town uses Massachusetts State Environmental Code (Title V), 310 CMR 15 as a guideline to calculate Inflow and Infiltration (I&I), Plant Expansion (PE) and Water Conservation (WC) fees for new homes and additions. Title V assumes 110 gallons per bedroom. Actual average residential usage for Billerica is 70 gallons per capita per day. It seems more reasonable and realistic to use 70 gallons for our calculations rather than the Title V number.

DPW Director Abdul Alkhatib came to the podium and stated as our Town Manager just stated, Title V assumes 110 gallons per bedroom. Actual average residential usage for Billerica is 70 gallons per capita per day, thus it seems more reasonable and realistic to use 70 gallons for our calculations rather than the Title V number. If we use 2,000 square foot average of a new three bedroom home and 70 gallons per bedroom, this would total 210 gallons for an average home. We are proposing to convert the three fees to one fee calculated per square foot rather than per gallons. The current fees per gallon are as follows:

PE	\$7.39
I&I	\$3.28
WC	<u>\$4.75</u>

TOTAL: \$15.42

210 gallons x \$15.42 per gallon = \$3,238.20  
\$3,238.20 / 2,000 square foot = \$1.62 a square foot

DPW Director Abdul Alkhatib further stated in addition, we are proposing to exempt all additions from the above listed fees. For tear down, a charge for additional bedrooms will still apply using the 70 gallons figure for each extra bedroom in the new home, compared to the old home. For new commercial or industrial facilities or expansion of existing facilities, a verified usage instead of Title V can be used if the business making the request can provide the data. Fees paid shall be deposited in established Town accounts as follows:

PE Account	48%
I&I Account	21%
WC Account	31%

Brief discussions ensued regarding the fact that this new plan will solve the flaws in the process and will save the residents money.

Per the Board's Policies and Procedures, no vote was taken because this was the first reading regarding this issue.



**ACCEPT SUBMISSION OF BILLERICA IRISH AMERICAN  
SOCIAL CLUB, INC., CLUB ALL ALCOHOLIC LICENSE, 616  
MIDDLESEX TURNPIKE**

Selectman David Gagliardi stated this is the submission of the All Alcohol License from the Billerica Irish American Club that was located at 616 Middlesex Turnpike.

Chairman Andrew Deslaurier stated we received some guidance from the ABCC that we should vote to accept this license back so that we will have a paper trail.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board accept the submission of the All Alcohol License from the Billerica Irish American Club issued for the 2012 calendar year.

It was voted:               5 – In Favor  
                                      0 – Opposed

**BOARD OF SELECTMEN APPOINTMENT**

**TOWN-WIDE SUBSTANCE ABUSE PREVENTION COMMITTEE**

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to appoint Carol Butze of 58 Sachem Street as a Regular Member of the Town-Wide Substance Abuse Prevention Committee.

It was voted:               5 – In Favor  
                                      0 – Opposed

**MEETING SCHEDULE**

November 5 and 19, 2012  
December 3 and 17, 2012

Selectman Robert Correnti stated we just voted to hold the Special Election on November 19<sup>th</sup>, which is the date of our second meeting in November. Perhaps we should not hold our meeting on the 19<sup>th</sup>.

Selectman Michael Rosa stated I would just like to mention that tonight is November 1<sup>st</sup> and our next meeting is Monday, November 5<sup>th</sup>. Maybe we should reschedule that meeting also.

BOARD OF SELECTMEN MEETING MINUTES  
NOVEMBER 1, 2012

Brief discussions ensued regarding the November meeting schedule. It was decided that the next meeting time in November would be coordinated with BATV and announced accordingly.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that the Board adjourn at 8:24 PM.

It was voted:           5 – In Favor  
                              0 – Opposed

**A TRUE COPY ATTEST**

---

Susan Michelini, Recording Secretary