

## **MEETING MINUTES** **FOR FEBRUARY 25, 2013**

A Regular Meeting of the Board of Selectmen was held on Monday, February 25, 2013 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**

Mr. David Johnson of 113 Gray Street came to the podium and expressed his opinions regarding the possibility of a Waste Management Recycling Facility on Salem Road.

### **ANNOUNCEMENTS**

### **VACANCIES ON BOARDS AND COMMITTEES**

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

<b><u>POSITION</u></b>	<b><u>NUMBER OF MEMBERS</u></b>
<b><u>Selectmen Appointments</u></b>	
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

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Substance Abuse Prevention Committee	6
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.billeriacocoa.org](http://www.billeriacocoa.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.

**MERRIMACK VALLEY HOUSING PARTNERSHIP, PROJECT  
GENESIS, HOME BUYER TRAINING CLASSES 2013 SCHEDULE**

Secretary David Gagliardi stated the Merrimack Valley Housing Partnership, Project Genesis, is hosting Home Buyer Training Classes to promote responsible and sustainable home ownership. They will have classes in English, Spanish and Khmer. Classes will be held at Middlesex Community College in downtown Lowell. You can register online at 222.mvhp.org or call 978-459-8490 for more information.

**SPRING 2013 TOWN MEETING WARRANT ARTICLES**

Secretary David Gagliardi stated Spring 2013 Town Meeting Warrant Articles will be accepted until Monday, March 18<sup>th</sup>, 2013 prior to 4:00 PM in the Town Manager's Office.

**TOWN CLERK SHIRLEY SCHULT, RE: TOWN MEETING  
VACANCIES**

Town Clerk Shirley Schult came to the podium and stated the new Parker School is up and running and in conversation with the School Superintendent, the Assistant Manager, the Principal of the new Parker School and myself, it has been determined that the school is now ready for us to re-locate back to River Street to vote. In order to do this, this Board must officially vote to change the location. Therefore, I am requesting that this Board vote to change the Precinct One voting location from the Maurice A. Buck Memorial Auditorium at Town Hall, 365 Boston Road in Billerica to the Parker School on River Street in Billerica commencing with the Town Election of April 6, 2013.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion that the Board vote to change the Precinct One voting location from the Maurice A. Buck Memorial Auditorium at Town Hall, 365 Boston Road in Billerica to the Parker School on River Street in Billerica commencing with the Town Election of April 6, 2013.

It was voted:                   5 – In Favor  
  0 – Opposed

Town Clerk Shirley Schult further stated the Annual Spring Election will be April 6<sup>th</sup>, 2013 and the polls will be open from 8:00 AM until 8:00 PM. The deadline to register to vote for this Town Election is March 15<sup>th</sup> by 8:00 PM. The Registrar's Office will be open that day from 8:30 AM until 8:00 PM. There are still a lot of census forms that have not come back. Please return your census forms and please remember that you cannot register to vote or change your party affiliation on the census form. If you have any questions, call the Town Clerk's Office at 978-671-0924. Also, the Ballot Position

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Drawing will take place on Thursday, March 7<sup>th</sup> at 7:30 PM. Absentee ballots will be available on March 18<sup>th</sup>. You can vote absentee up until Noon on the Friday before the election. There will be a Special State Primary on Tuesday, April 30<sup>th</sup> to fill the Senate seat created by the resignation of Senator Kerry. The deadline to register for that primary is Wednesday, April 10<sup>th</sup>.

Selectman Michael Rosa stated are you planning on mailing something to the residents in Precinct One to notify them of this change.

Town Clerk Shirley Schult stated all affected voter households in Precinct One will be notified by mail.

Town Manager John Curran stated I would just like to thank Town Clerk Shirley Schult and her staff for negotiating the task of moving polling locations during the time that the Parker School was being built. She did an excellent job under some pretty stressful situations where we had so many elections in one year. I want to thank her and her staff for the great job they did.

Town Clerk Shirley Schult stated I would just like to thank the Police Department for all the assistance and help that they gave me.

## **MINUTES**

### **FEBRUARY 4, 2013 (REGULAR SESSION)**

Selectman David Gagliardi stated there is a Scribners Error on page 10. It says GADSBY Order 45 and it should be GASB Order 45.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the February 4, 2013 Regular Session Meeting Minutes as amended.

It was voted:           5 – In Favor  
                                  0 – Opposed

## **OLD BUSINESS**

### **TOWN MANAGER REPORTS**

#### **PROFESSIONAL RECOGNITION**

Town Manager John Curran stated I would like to invite Police Chief Daniel Rosa to come to the podium and speak regarding the very special professional recognition.

Police Chief Daniel Rosa came to the podium and stated I would like to read to you a memorandum from Lieutenant Greg Katz, the Supervisor of our 911 Dispatch Unit, regarding Telecommunicator Matthew Leung, who has worked for the Billerica Police Department for the past five years, and an incident that happened on January 24, 2013 at 8 Ainsley Circle:

*I would like to recognize Public Safety Telecommunicator Matthew Leung for his outstanding handling of a medical call involving a choking ten year old child. The child was actively choking on a grape and was unable to breath.*

*The child's mother called 911 and was understandably in a high state of stress. Telecommunicator Leung immediately took control of the conversation and provided immediate instructions to the victim's mother on how to perform abdominal thrusts. Almost immediately the grape was dislodged and the victim was again breathing.*

*Any time an airway becomes blocked, the situation is immediately life threatening and clearing the obstruction must be done immediately, often by untrained people present at the scene. The combination of seeing a family member in distress, the stress it creates, and having to remain composed enough to follow instructions and perform an emergency procedure can be overwhelming.*

*Due to Telecommunicator Leung's calm, professional manner and the mother's quick actions, this emergency was resolved with the best possible outcome.*

*Telecommunicator Leung demonstrates the personal qualities and skill necessary to be a successful Emergency Medical Dispatcher. His actions during this incident clearly demonstrates the quality of service we strive for every day.*

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Police Chief Daniel Rosa further stated we have with us tonight the mom, Lauren Donati and her daughter Rachel Donati and Matt's wife, daughter, mom and dad. We also have Lieutenant Katz and Lieutenant Opland and a whole bunch of our co-workers from the Police Department to recognize Matthew tonight and share in this good fortune.

The Board commended Telecommunicator Matthew Leung for doing an outstanding job and proceeded to give him a round of applause.

## **PRESENTATION**

### **MS. NANCY BRYANT, SUASCO, RE: STORMWATER QUALITY**

Ms. Nancy Bryant from SUASCO came to the podium and gave a very informative presentation regarding Stormwater Quality.

Brief discussions ensued about the creation of possible programs/interaction with the Planning Board, the creation of possible handouts that could be provided to the Building Department for dispersal to contractors and individuals and the suggestion to contact Jay Donovan at NMCOG to possibly discuss working with the Regional Collaborative Effort to yield some positive environmental results.

The Board thanked Ms. Nancy Bryant for her presentation.

## **NEW BUSINESS**

### **JENN DIMAURO, RE: ROAD RACE TO HONOR SHANNON CURLEY ON JUNE 2, 2013**

Secretary David Gagliardi stated this is a request for a Road Race being planned by Jenn DiMauro of 8 Shaughnessy Lane to honor Shannon Curley.

Ms. Jenn DiMauro of 8 Shaughnessy Lane came to the podium and stated I am here tonight to ask permission to hold a Road Race to honor Shannon Curley, who was diagnosed with leukemia on December 24<sup>th</sup>, 2012. This race will be held on Sunday, June 2<sup>nd</sup>, 2013. It will begin and end at the Marshall Middle School.

Secretary David Gagliardi stated we have a memorandum from Safety Officer Martin Conway and he recommends approval for this event.

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Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to accept Safety Officer Martin Conway's recommendation.

It was voted:           5 – In Favor  
                              0 – Opposed

Brief discussions ensued.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to approve the request of Jenn DiMauro of 8 Shaughnessy Lane to hold a Road Race to honor Shannon Curley, who was diagnosed with leukemia on December 24<sup>th</sup>, 2012. This race will be held on Sunday, June 2<sup>nd</sup>, 2013. This Road Race will begin at 11:00 AM and it will begin and end at the Marshall Middle School.

It was voted:           5 – In Favor  
                              0 – Opposed

Ms. Jenn DiMauro further stated there will be Bone Marrow Drive for Shannon on March 30<sup>th</sup>, 2012 at the Billerica Fire Department at 8 Good Street.

**LT. BRIAN CRANE FROM THE MIDDLESEX SHERIFF'S OFFICE,**  
**RE: CORRECTIONAL OFFICER MEMORIAL RACE AND KIDS**  
**FUN RUN ON MAY 5, 2013**

Selectman David Gagliardi stated this is a request by Brian Crane, a Lieutenant with the Middlesex Sheriff's Office in Billerica.

Lieutenant Brian Crane from the Middlesex Sheriff's Office in Billerica came to the podium and stated I am requesting a permit for the use of Vietnam Veteran's Park for Sunday, May 5<sup>th</sup> from the hours of 7:00 AM until 3:00 PM. I am organizing the first Correctional Officer Memorial Race and Kids Fun Run, which will begin on the grounds of the Billerica House of Correction and conclude with a family outing/awards ceremony in Vietnam Veteran's Park. I have contacted Police Safety Officer Martin Conway and have provided him with the route for the run and Safety Officer Martin Conway recommends approval for this event. I have also contacted Peggy Hannon Rizza from the Recreation Department and she has informed me that the park is available for use on that date pending Board of Selectmen approval.

Secretary David Gagliardi stated we have a memorandum from Safety Officer Martin Conway and he recommends approval for this event.



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Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept Safety Officer Martin Conway's recommendation.

It was voted:           5 – In Favor  
                              0 – Opposed

Brief discussions ensued.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to approve the request of Lieutenant Brian Crane from the Middlesex Sheriff's Office in Billerica to use of Vietnam Veteran's Park for Sunday, May 5<sup>th</sup> from the hours of 7:00 AM until 10:00 PM for the first Correctional Officer Memorial Race and Kids Fun Run, which will begin on the grounds of the Billerica House of Correction and conclude with a family outing/awards ceremony in Vietnam Veteran's Park.

It was voted:           5 – In Favor  
                              0 – Opposed

**PRESENTATION**

**FISCAL YEAR 2014 BUDGET**

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the Budget Message from the Town Manager.

It was voted:           5 – In Favor  
                              0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the Town Manager's 2014 Re-Cap Sheet.

It was voted:           5 – In Favor  
                              0 – Opposed

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the Town Manager's 2014 Detail Summary.

It was voted:           5 – In Favor  
                              0 – Opposed

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Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the Town Manager's 2014 Budget Presentation.

It was voted:                5 – In Favor  
                                      0 – Opposed

Town Manager John Curran proceeded to give a very informative, lengthy and detailed presentation of the Fiscal Year 2014 Budget. This Budget Presentation is on file in the Board of Selectmen's Office.

The Board as a whole thanked Town Manager John Curran for his presentation and for making the entire process easy to understand through this presentation packet, graphs, charts, etc.

Brief discussions ensued regarding various aspects of the Fiscal Year 2014 Budget. Some of the areas discussed were the Board's great satisfaction in staying under the levy limit for the third year in a row, the implementation of sound fiscal efficiencies and spending cuts, the appreciation of the Board for employee sacrifices that were made through Health Insurance decisions and agreements, fire hydrant replacement/upkeep issues, fire insurance rating issues and overall good sound fiscal management that the entire Board agreed resulted in a job very well done by Town Manager John Curran and his staff.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board ratify the Fiscal Year 2014 Budget and send it to the Finance Committee for further review and analysis.

It was voted:                5 – In Favor  
                                      0 – Opposed

The Board congratulated Town Manager John Curran on doing a job well done with the Fiscal Year 2014 Budget.

**NEW BUSINESS**

**BILLERICA PUBLIC LIBRARY FOUNDATION, INC., RE: ONE DAY BEER AND WINE LICENSE FOR APRIL 12, 2013**

Selectman David Gagliardi stated this is a request by the Billerica Public Library Foundation for a One Day Beer and Wine License for April 12, 2013 from 7:00 PM until 10:00 PM for their "Blues and Brews" fundraising event. We have their insurance on file and I believe everything is in order.

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Selectman Michael Rosa stated we usually waive all fees for the Library Foundation.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to approve a One Day Beer and Wine License for the Billerica Public Library Foundation for April 12, 2013 from 7:00 PM until 10:00 PM for their “Blues and Brews” fundraising event and all fee are to be waived. This is contingent upon obtaining certificates from the Building and Fire Departments.

It was voted:               5 – In Favor  
                                  0 – Opposed

## **OLD BUSINESS**

### **TOWN MANAGER REPORTS**

#### **NGL SUPPLY WHOLESALE**

Town Manager John Curran stated Chief Conway has kept me apprised of this issue. It appears that this operation will cease in March and restart in the Fall. It is a seasonal operation. We do have several concerns. Among them are water pressure and water availability to the site and training. The intent is not to allow them to restart their operation until they have met the concerns of the Fire Department and received the necessary permits. NGL is maintaining that rail transit is a Federally regulated jurisdiction, however, they do appear to be willing to meet with the Town to address the issues. This is a significant public safety concern and it must be done correctly.

#### **MIDDLESEX HOUSE OF CORRECTION**

Town Manager John Curran stated I have been meeting with DCAM and Administration and Finance on a weekly basis. I have outlined many of the concerns of the Town regarding an expansion of the House of Correction. The State is reviewing the information I presented to them about the real cost of providing sewer service to their facility.

#### **UNION NEGOTIATIONS**

Town Manager John Curran stated Union negotiations have commenced with the Clerical, DPW, Police A and B, Fire and Fire Alarm Operators. Ground Rules have been agreed upon with all of these bargaining units. This issue will also be set up for Executive Session to discuss the negotiation strategy being pursued.

**WATER AND SEWER RATES**

Town Manager John Curran stated according to the Water and Sewer Regulations, Article VI, Section 1, the Water and Sewer Rates shall be reviewed at the first Selectmen's Meeting in March. A package will be prepared for this meeting.

**DLTA GRANT**

Town Manager John Curran stated the Town has been awarded \$25,500 in DLTA Funds (Technical Assistance Grant) in order to provide staff support for the Housing Production Plan (180 hours) and Economic Development Strategic Plan (120 hours) proposals. The project scope based upon our previous experience with the Housing Production Plan and the Economic Development sections of the Master Plan. The start date of the project has been established for February 1, 2013 and the project will end no later than December 31, 2013. This will involve updating the Town of Billerica Affordable Housing Production Plan that expired in March of 2005, drafting inclusionary Zoning By-Laws and preparing an Economic Development Strategies Plan updating the Economic Development Chapter of the 2002 Master Plan. This project will include identification and assessment of priority development areas and priority preservation areas in Billerica. These projects will involve public input.

**HEALTH REIMBURSEMENT ARRANGEMENT UPDATE**

Town Manager John Curran stated the Town has received an update from CPA on the claims to the Town for the first two quarters of the year. The amount of claims is much lower than anticipated. The volume was so low that CPA dropped their fee to the Town. The total claims to the Town for the first two quarters were \$11,461.

**AUDIO IMPROVEMENTS FOR THE BUCK AUDITORIUM**

Town Manager John Curran stated a second vendor came in today regarding providing proposed solutions to the audio challenges in the Buck Auditorium and the Selectmen's Room. We are hoping to have this work finished and tested prior to Town Meeting.

Selectman Michael Rosa stated I would like to have an Executive Session with Town Counsel at our March 18<sup>th</sup> meeting to discuss all our options regarding the Middlesex House of Correction expansion. We need to exercise all our options.

Town Manager John Curran stated I would just ask that the Board define the exact reason for going into Executive Session; the exact criteria.

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Selectman Michael Rosa stated litigation strategy.

Selectman Robert Correnti stated is has to be actual litigation filed; not possible litigation.

Selectman Michael Rosa stated at the very least, I request that the Town Manager talk to Town Counsel to see if we could set up an Executive Session so that we could have a dialogue regarding this issue.

Selectman Michael Rosa further stated we have the Water Sewer Oversight Board that is an advisory board to this Board. Have they been present at these meetings where the water and sewer issues have been discussed with the House of Correction.

Town Manager John Curran stated no. They have requested to be at these meetings, but I do not believe that is their role to be at these meetings with the State. They are an advisory board to the Board of Selectmen.

Selectman Michael Rosa stated as we are the water and sewer commissioners and the Water Sewer Oversight Board is an advisory board to us, and where this is a huge issue to the Town, it makes sense to me that we have a presence there to support you and advise us as we move forward.

Chairman Andrew Deslaurier stated I think we are putting the cart before the horse here. I think if we receive some sort of offer, then we need to bring that offer under consideration versus bringing them in for the actual discussion. In the past, the Water Sewer Oversight Board has become involved after the fact, not in the main decision making process. We discuss water and sewer rates and then we ask them for an opinion. They come back to us with their opinion and then we decide.

Selectman David Gagliardi stated I agree with the Chairman. I don't believe that someone from the Water Sewer Oversight Board should be at these meetings. One of us certainly could be there and represent this Board, but from what I am reading here it does not follow the purview of what they are supposed to do.

Selectman Robert Correnti stated the Town Manager works for us. He is conducting these negotiations that we are involved with. He has engaged a consultant for technical information. I think this would be going a step beyond and I think the role should be left with the Administration, who will report back to us. This is a very touchy situation and too many cooks can spoil the broth. These discussions should be with the Town Manager. He represents this Town and it should be through his office and under his direction. I am sure if he feels he needs some input, I am sure he will ask for it.

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Chairman Andrew Deslaurier stated the Town Manager is acting as our agent. We are the Water and Sewer Commissioners. We can ask the Water Sewer Oversight Board for their recommendation, but any sort of agreement would have to be voted on by this Board.

Selectman Michael Rosa stated I kind of agree with you Mr. Chairman that the Water Sewer Oversight Board can make their recommendation about any agreement at the end of the day, but to me it would seem to make sense that they would be there, even if they were just in the background quietly listening. As you all well know, if something comes of the negotiations and we pass it off to them so that they can review it, if there was a representative there as these discussions were going on, it would give them a lot more insight for them to advise us.

Selectman Robert Accomando stated my opinion would be the Town Manager is running it right now and I would like to see him finish it. We can bring professional advisors in, if needed, and then we can give it to the Water Sewer Oversight Board for their review. I think it would just muddle the process down if just one of the Water Sewer Oversight Board were there. In my experience over the years, the more people you bring in, the more the process is slowed down. I definitely think they have a seat at the table, to review it once it is crafted by the Town Manager.

Town Manager John Curran stated so I am clear on what this Board wants, I am to ask Town Counsel for a reason to go into Executive Session. What is the exact discussion that we are going to be having.

Chairman Andrew Deslaurier stated I think the question is whether the non-current litigation strategy can be a reason to go into Executive Session.

Selectman Michael Rosa stated what Executive Session reasons can we use to go into Executive Session to talk about the House of Correction expansion and our position and our options. That is the question.

Town Manager John Curran stated they do not have any plans because it is not actually designed yet. They are doing what is called design build. That means the design comes afterwards. They have not applied for any permits. We have given the information that they need to apply for an industrial sewer permit; but they have not submitted one yet. The only action that has taken place is the RFP that they did for their design and selection process. There is nothing to file a complaint against since nothing has taken place yet. I can ask Town Counsel if there is any way we can sit down and discuss strategy based upon an anticipation that could happen.

The Board agreed that would be a good strategy to pursue.

**OPEB TRUST FUNDING POLICY (SECOND READING)**

Town Manager John Curran stated this is the second reading of the OPEB Trust Funding Policy. This policy basically means the Town shall maintain an Other Post Employment Benefits (OPEB) Trust Fund. The funds shall be managed in accordance with the “prudent investor rule”. The Town shall strive to budget a combined minimum of four percent more than the previous year for Pension and OPEB contributions. If the annual assessment for the contribution to the retirement fund increases less than four percent, the remainder of the four percent shall be budgeted as a contribution to the OPEB Trust Fund. If the annual retirement contribution exceeds four percent, the no general appropriation will be made for the OPEB Trust Fund. The Town can, however, appropriate Free Cash to the OPEB Trust Fund if the funds are available.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to accept the OPEB Trust Funding Policy as presented.

It was voted:                5 – In Favor  
   0 – Opposed

**NEW BUSINESS**

**BILLERICA ROD AND GUN CLUB, 216 POND STREET, RE: ONE DAY ALL ALCOHOLIC LICENSE FOR MARCH 16, 2013**

Selectman David Gagliardi stated this is a request by the Billerica Rod and Gun Club located at 216 Pond Street for a One Day All Alcoholic License for Saturday, March 16, 2013 from 12:00 Noon until 12:00 Midnight for a St. Patrick’s Day Party.

Selectman David Gagliardi, seconded by Selectman Michael Rosa, made a motion to approve a One Day All Alcoholic License for the Billerica Rod and Gun Club located at 216 Pond Street for Saturday, March 16, 2013 from 12:00 Noon until 12:00 Midnight for a St. Patrick’s Day Party. This is contingent upon obtaining certificates from the Building and Fire Departments.

It was voted:                5 – In Favor  
   0 – Opposed

**MASS STATE LOTTERY COMMISSION, RE: KENO TO GO AT  
ALLTOWN BILLERICA, ONE REPUBLIC ROAD**

Secretary David Gagliardi stated this is basically a housekeeping FYI item. The Massachusetts State Lottery Commission is just notifying the Board that Alltown Billerica located at 1 Republic Road has qualified to apply for “KENO To Go”. This will be kept on file in the Selectmen’s Office.

**SOLID WASTE POLICY AMENDMENT (FIRST READING)**

In your packages you received a number of documents. One is entitled Trash and Recyclable Collection, another one is some Minutes from 2007, also a Solid Waste Policy, and then a Solid Waste Policy with track changes on it and then the changes incorporated into the actual document as well as a memo from November 19, 2008 about a policy change. I just want to go through this and explain some changes that are going to take place. We started out thinking that we would stay in the Four Town Collaborative and see if we could renegotiate with the other towns and Allied Waste to have a new contract. The dollar amount of this new contract was a little bit more than what we originally had previously and the level of service was going to change a little bit. In that process the group entertained a bid from Waste Management that was very aggressive, particularly for the Town of Billerica. What really came out of this really was the fact that the Town of Billerica as an entity was better off on our own because of the size of this community compared to the other communities involved in the collaborative. Sometimes if you are in a collaborative that are not like communities, sometime you can be hurt by this. The volume of the trash pickup in Billerica was over 40% of the contract. I think our volume was subsidizing the other communities. So when we go alone, we actually save close to \$500,000. So what we have decided to do is to look to improve our service, particularly our recycling service. Right now we do not have automated curb side pickup right now. Right now we pick up about 19% of our collection out of our stream. So that saves us money because we are pulling the recycling out of our tonnage and thus we are paying for less tonnage when we dispose of our trash. Nineteen percent is good considering we were at 11% a few years ago. However, what is reasonable is that we could be at 30% to 35% as a town. One of the reasons for that is we are a dual stream recycling community, which is a little bit more inconvenient than single stream. Thus we have explored going to a single stream automated recycling, which is similar to what you have for trash pickup now. You would have a 64 gallon container that would be picked up by the truck, by the arm of the truck. This means you would have a second container that the Town would purchase through the contract. That container would be used for recycling. Single stream recycling would allow us to have more things picked up that we were eligible for before and it will be easier for the residents, because they can dump it into the same container. Ultimately, if we increase our recycling anywhere close to 30%, we could save a significant amount of money on our tonnage disposal. So we invested some of that money back of savings, which is somewhere in the neighborhood of



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\$450,000 that we had in the original quote and we turned it into an automated recycling program, so our total savings is just over \$300,000 for implementing this new contract. For your trash collection you will be using the same barrels. So the only difference in the contract is that piece and the fact that all the trash will not all be collected on Monday. It will be collected in groups across the entire town five days a week, Monday through Friday. Yes, there are benefits of having it picked up all in one day, but not so much for the DPW, because they receive all the complaints in one day. Whereas now the complaints would come over a few days for the smaller areas of collections, so that makes it easier for the DPW to handle them. I like it because we have experienced situations where we have a snowstorm on a Monday, like just after Christmas, and the trash was not collected that Monday and it takes you a few weeks to catch up. Thus I think it is a benefit to going to the five day cycle because when you miss a day, it will be picked up in the next day cycle by the company. So the two different things are one, the five day cycle, which should not impact the resident in any way, and two, the resident will realize significant improvement in the service of recycling because we are going to single stream recycling and it will save the taxpayers a significant amount of money immediately and we hope it will save us a significant amount of money down the line when tonnage is reduced. If someone feels like they want to recycle more than what is allowed by the 64 gallon container, they can actually purchase at cost another container for \$65 and they will not be made to pay the annual \$100 fee like we do for trash today. It is just a one-time purchase of \$65 and they can recycle two 64 gallon containers if they so choose. So it is a great contract, a green contract, and a good improvement for the town. The only thing necessary for the Board to do is to update the policies to reflect the new container, which is a 64 gallon container for recycling. If you look at what I gave you, we actually did clean up some various things, mostly housecleaning items. The big thing is the addition of a second 64 gallon cart for recycling. The policies at large are very general. Residents still have to recycle any visible items. Items that you are not recycling you could be sanctioned for. None of this is changed by the change in contracts. It also establishes what multi-family uses are eligible for. None of those things will be changed. The only real policy change is the second 64 gallon container for recycling.

Selectman Michael Rosa stated what is the reasoning behind going back to the five day collection pickup.

Town Manager John Curran stated I was not here when the last contract was negotiated, but I think it was probably because it was with a Four Community Collaborative and it was probably easier for the company to do each town a different day due to truck resources and such. However, as I previously mentioned, it just did not work out that it was a cost savings to Billerica to continue with the collaborative. Allied Waste actually sent us a second bid to try to beat Waste Management's bid, and they could not beat it. For Billerica, the cost of being just one community far exceeds the benefit that we had from being four communities with a one day pickup.

