

MEETING MINUTES **FOR JANUARY 7, 2013**

A Regular Meeting of the Board of Selectmen was held on Monday, January 7, 2013 in the Conway Hearing Room at 7:00 PM. Present were 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. Chairman Andrew Deslaurier was not present at this meeting, thus Vice Chairman Michael Rosa would be acting as Chairman.

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 are accepting applications for the following positions:

<u>POSITION</u>	<u># MEMBERS</u>
<u>Selectmen Appointments</u>	
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	7
Traffic Management Committee	1 (East)

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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.

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.

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. 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.

TOWN OF BILLERICA PARKING ALL NIGHT PARKING BAN/SNOW EMERGENCY

Secretary David Gagliardi stated an All Night Parking Ban will be in full force on all Billerica roadways until March 15, 2013. Vehicles found parked in the roadway longer than two (2) hours between Midnight and 6:00 AM during the above dates will be tagged and subject to a \$25.00 fine. If a vehicle is parked as to interfere with snow removal, a fine will be assessed and will be subject to towing. Upon declaration of a snow emergency by the Town Manager, parking on all public ways will be prohibited. Vehicles found parked on public ways will be subject to a \$50.00 fine and towing. The Chief of Police requests the cooperation of all residents to comply with this public safety ordinance to insure that snow plowing operations will not be hampered by illegally parked vehicles.

MINUTES

DECEMBER 17, 2012 (REGULAR SESSION)

Selectman David Gagliardi, seconded by Selectman Robert Accomando, made a motion to accept the December 17, 2012 Regular Session Meeting Minutes.

Selectman Robert Correnti stated there was one change that needs to be made with the minutes. On page 13, where it says Selectman Correnti seconded by Selectman Deslaurier, that was actually seconded by Selectman Accomando.

Selectman David Gagliardi, seconded by Selectman Robert Accomando, made a motion to accept the December 17, 2012 Regular Session Meeting Minutes as amended.

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

PRESENTATION

MR. WAYNE SMITH, RE: COMPOST SITE APPROVAL

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to accept the updated Compost Presentation Packet.

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

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to accept the copy of the Quit Claim Deed as part of the Compost Presentation Packet.

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

Mr. Wayne Smith, Vice Chairman of the Composting Study Committee, came to the podium and gave a very informative presentation/update regarding a possible location for a Leaf Compost Operation site. This presentation/update is on file in the Selectmen's Office in the Town Hall.

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Town Manager John Curran stated I would like to begin by commending Wayne and the entire Composting Committee for doing a great job with this proposal.

Town Manager John Curran went on to discuss the following three areas of concern that he believes should be taken care of before the Board acts on this proposal:

1. Possible Article 97 concerns.
2. Town Counsel should review the MOU and then it should be sent to the Sheriff's Office for review.
3. Any Conservation concerns should be addressed.

Lengthy discussions ensued regarding the fact that Town Counsel is still reviewing the deeds, liability issues, the Board's full support for this Composting Plan, the pros and cons of taking a vote at this meeting versus waiting until their next meeting in January and the Board's overall objective to aid in this issue and not impede a positive outcome in any way.

It was decided, after much discussion, to vote on this proposal at the Board's next meeting on January 28th, 2013.

The Board thanked Mr. Wayne Smith for his presentation and the Composting Committee for all their hard work.

OLD BUSINESS

TOWN MANAGER REPORTS

MIDDLESEX HOUSE OF CORRECTION

Town Manager John Curran stated I have a meeting with Scott Jordan of Administration and Finance and Liz Minnis and Joe Rull from DCAM on January 11th at the State House. The first meeting involved me communicating the issues and concerns of the community. I outlined sewer capacity issues and stigma concerns that the Town of Billerica has with this expansion.

FY 2014 BUDGET

Town Manager John Curran stated budget meetings have been set up for the next two weeks. The goal is to keep the budget at a 2 percent increase or less. Initial review of significant Shared Cost budget impacts are as follows:

Shawsheen	\$600,000
Retirement/OPEB Trust	\$323,000

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Health Care	<u>(\$400,000)</u>
Total Increase	<u>\$500,000</u>

The projected revenue increase from Proposition 2 ½ is \$2.523 million. New Growth is conservatively estimated at \$750,000. Local Aid is level funded until the January MMA Meeting. The Governor releases his budget numbers at this time. Local Receipts are also level funded. This year's budget will include a short term capital appropriation, as it did last year, as well as a Roadway Management appropriation. An additional Engineer's position is being considered due to the significant increase in Project management brought on by sewer work and increased funding to roadwork. What we have done is incorporate into the budget process itself an additional \$500,000 of excess capacity. This year we had roughly \$1.7 million in excess capacity. We are budgeting to have \$2.2 million in excess capacity going into this fiscal year. So we are actually increasing our commitment to lowering taxes by staying under Proposition 2 ½. Proposition 2 ½ allows you to go up 2 ½ percent above the previous year's tax levy. That 2 ½ percent represents the maximum amount that you can levy and pass on to the taxpayers. We are projecting to be \$2.2 million under that number, which is a significant savings. This year the tax rate increased substantially less than last year. This is good news and consistent with the conservative budgeting that we have been doing. It will strengthen our financial position and hopefully it will be looked favorably upon by rating agencies.

HOME DEPOT CASE

Town Manager John Curran stated I spoke with the attorney on this case and they are dropping this suit. This is great news and hopefully will help to facilitate more dialogue between the Billerica Mall and the Town about improving the uses at this facility.

COMMON VICTUALLER LICENSE RENEWAL FOR 2013, PHO N' ROLL, 258 SALEM ROAD

Selectman David Gagliardi stated the Pho N' Roll Inc., which is located at 258 Salem Road, Unit #5, is seeking to renew their Common Victualler License for 2013.

Mr. Pat Phung, the Owner of Pho N' Roll, came to the podium and stated I am here tonight to renew my Common Victualler License.

Brief discussions ensued regarding the issue that the Board would prefer a complete copy of Mr. Phung's Workers Compensation Insurance Policy; not just the endorsement page.

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Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board approve the renewal of a Common Victualler License for Pho N' Roll Inc., d/b/a Pho N' Roll, 258 Salem Road, Unit 5. Hours of operation are 11:00 AM until 10:00 PM Tuesday through Sunday. This license is contingent upon the receipt by the Town of a copy of their Workers Compensation Insurance Policy.

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

PUBLIC HEARINGS

MALL LIQUORS, INC., D/B/A LINCOLN LIQUORS, RE: CHANGE OF LOCATION FOR PACKAGE STORE ALL ALCOHOLIC LICENSE FROM 199 BOSTON ROAD, UNIT 3 TO 199 BOSTON ROAD, UNITS 7 AND 8, TREBLE COVE PLAZA (FORMERLY TUESDAY MORNINGS), NORTH BILLERICA (ABUTTERS NOTIFIED BY CERTIFIED MAIL BY THE APPLICANT)

Secretary David Gagliardi stated Mall Liquors, Inc., d/b/a Lincoln Liquors has applied for a change of location for its Package Store All Alcoholic License from 199 Boston Road, Unit 3 to 199 Boston Road, Units 7 and 8 in Treble Cove Plaza (formerly Tuesday Mornings). The Billerica Police Department has no problem with this change of location.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to open this Public Hearing.

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

Mr. Richard Aronovitz, the Owner and Manager of Lincoln Liquors, came to the podium and stated I have negotiated a lease with the Property Management Company to move my Liquor Store to a larger space within the existing plaza. This new space is approximately 9,000 square feet and is the site of the old Tuesday Mornings that closed its doors earlier this year. Other than the location move, there are no other changes to the license. Myself and all my employees are Alcohol Server Training Certified and we have all successfully completed the Beverage Alcohol Training Program administered by the Massachusetts Package Stores Association. We will only be selling alcohol related items.

Brief discussions ensued.

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Acting Chairman Michael Rosa asked if there was anyone present who would like to speak regarding this Public Hearing. There was no one.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to close this Public Hearing.

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

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve a change in location for Mall Liquors, Inc., d/b/a Lincoln Liquors, from 199 Boston Road, Unit 3 to 199 Boston Road, Units 7 and 8 in Treble Cove Plaza.

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

NATIONAL GRID AND VERIZON, RE: RELOCATION OF POLE #1, APPROXIMATELY 3 FEET NORTHEAST CLOSER TO PROPERTY AND APPROXIMATELY 6 FEET NORTHWEST CLOSER TO EXISTING POLE #2 ON REPUBLIC ROAD

Secretary David Gagliardi stated National Grid and Verizon are requesting permission to relocate Pole #1, approximately 3 feet Northeast closer to property and approximately 6 feet Northwest closer to existing Pole #2 on Republic Road according to Plan Number 13642606 dated December 4, 2012.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to open this Public Hearing.

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

Mr. David Aguiar from National Grid came to the podium and stated I am here tonight requesting permission to relocate Pole #1, approximately 3 feet Northeast closer to property and approximately 6 feet Northwest closer to existing Pole #2 on Republic Road according to Plan Number 13642606. This is because they are widening Republic Road.

Acting Chairman Michael Rosa asked if there were any abutter concerns.

Mr. David Aguiar replied there were no abutter concerns.

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Acting Chairman Michael Rosa asked if there was anyone present who would like to speak regarding this Public Hearing. There was no one.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to close this Public Hearing.

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

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve the request of National Grid and Verizon to relocate Pole #1, approximately 3 feet Northeast closer to property and approximately 6 feet Northwest closer to existing Pole #2 on Republic Road according to Plan Number 13642606.

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

NEW BUSINESS

CYNTHIA DEE, D/B/A D.J.'S PLACE, 265 BOSTON ROAD, UNITS A&B, RE: COMMON VICTUALLER LICENSE

Secretary David Gagliardi stated Cynthia Dee, d/b/a/ D.J.'s Place, which is located at 265 Boston Road, Units A&B, is seeking a Common Victualler License. Hours of operation will be 5:00 AM until Midnight, Monday thru Sunday, seven days a week.

Ms. Cynthia Dee, owner of D.J.'s Place, came to the podium and stated I am here tonight to ask for a Common Victualler License. I purchased the former Chris's Ice Cream.

Brief discussions ensued regarding some confusion over the Board of Appeals Special Permit and hours of operation on the Special Permit. It was later determined that the hours of operation on the Special Permit were 5:00 AM until Midnight, seven days a week.

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve the change of owner for Chris's Ice Cream located at 265 Boston Road, Units A&B, from Chris Christakis to Cynthia Dee.

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

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Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve the change of name of the business located at 265 Boston Road, Units A&B, from Chris's Ice Cream to DJ's Place.

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

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion to approve a Common Victualler License for Cynthia Dee, d/b/a/ D.J.'s Place, which is located at 265 Boston Road, Units A&B. Hours of operation will be 5:00 AM until Midnight, seven days a week. This is contingent upon all Zoning Board of Appeals Special Permit requirements and receipt by the Town of a Serve Safe Certificate.

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

MEETING SCHEDULE

January 28, 2013
February 4 and 25, 2013

Secretary David Gagliardi stated before I make a motion to adjourn, I would just like to say "Go Irish"!

Selectman David Gagliardi, seconded by Selectman Robert Correnti, made a motion that the Board adjourn at 7:48 PM.

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

A TRUE COPY ATTEST

Susan Michelini, Recording Secretary