

MEETING MINUTES
FOR JULY 10, 2013

A Special Meeting of the Board the Board of Selectmen was held on Wednesday, July 10, 2013 in the Conway Hearing Room at 7:00 p.m. Present were Selectman David Gagliardi, Chairman, Selectman Robert Accomando, Vice Chairman, Selectman Michael Rosa, Secretary, Selectman Andrew Deslaurier, Member, Selectman George Simolaris, Member, Assistant Town Manager Cathleen O’Dea. Absent was Town Manager John Curran.

CALL TO ORDER

Chairman David Gagliardi called the meeting to order at 7:00 p.m. and stated all were present except for Selectmen George Simolaris.

NEW BUSINESS

APPOINTMENT – BOARD OF SELECTMEN

RE-APPOINTMENT OF TOWN ACCOUNTANT

Secretary Michael Rosa stated that the first item on the Agenda was the reappointment of the Town Accountant.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen reappoint Town Accountant Paul Watson.

It was voted:

4 – In Favor
0 – Opposed
(Selectman Simolaris absent)

MEETING MINUTES JULY 10, 2013

PAGE 2

REMOTE PARTICIPATION ADOPTION

Selectman George Simolaris entered the Meeting.

Selectman Michael Rosa stated that the next Agenda item was Remote Participation Adoption.

Assistant Town Manager Cathleen O’Dea stated that this was an authorization for the Town’s Boards, Committees and Commissions to use Remote Participation. It allows members, for five (5) specific reasons, to participate remotely. Ms. O’Dea explained that the five reasons were for illness, disability, geographic constraints, military service and emergencies.

Ms. O’Dea further elaborated on the methods by which members could participate and passed out material prepared by Town Counsel beginning with the motion and procedures, rules and regulations pertaining to Remote Participation.

Ms. O’Dea pointed out to the Board that per the CMR, they could put their own policies and procedures in place regarding Remote Participation. She further stated that the Town Manger’s Office had done a survey of other communities who have adopted Remote Participation.

A discussion then took place among Board members as they stated their opinions and concerns on the matter.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectman adopt:

**Authorization of Remote Participation by Town Board, Commission and Committee
Members**

MOTION: I move pursuant to the provisions of the Massachusetts Open Meeting Law, G.L. c.30A, §20(d), and the Regulations promulgated thereunder, 940 CMR §29.10, that the Board authorize the use of remote participation at public meetings of all Town multi-member bodies, subject to the terms and conditions set forth below.

MEETING MINUTES JULY 10, 2013

PAGE 3

In accordance with the requirements of the Massachusetts Open Meeting Law, G.L. c.30A, §20(d) and 940 CMR 29.00, section 29.10, The Board of Selectmen hereby authorizes remote participation for all appointed and elected Town Boards, Commissions, Committees and other “public bodies” as defined by the Open Meeting Law (hereafter, a “public body”), subject to and in accordance with the following terms and conditions. The Selectmen emphasize that pursuant to the requirements of the Remote Participation provisions of the above-referenced Regulations issued by the Attorney General, a quorum of the public body, including the chair or, in the chair’s absence the person authorized to chair the meeting, must be physically present at the meeting location, as required by G.L. c. 30A, sec 20(d); and members of public bodies who participate remotely may vote and shall not be deemed absent for the purposes of G.L. c. 39, sec. 23D.

1) Reasons Warranting Remote Participation:

- Personal illness
- Personal disability
- Emergency
- Military service
- Geographic distance

2) Approved Technology for Remote Participation

The following media are acceptable methods for remote participation. Remote participation by any other means is not permitted. (Accommodation shall be made for any public body member who requires TTY service, video relay service, or other forms of adaptive telecommunications).

- Telephone, internet, or satellite enabled audio or video conferencing.
- Any other technology that enables the remote participant and all persons present at the meeting location to be clearly audible to one another.
 - When video technology is in use, the remote participant shall be clearly visible to all persons present in the meeting location.
 - The chair, or in the chair’s absence, the person chairing the meeting, may decide how to address technical difficulties that arise as a result of utilizing remote participation, but is encouraged, wherever possible, to suspend discussion while reasonable efforts are made to correct any problem that interferes with a remote participant’s ability to hear or be heard clearly by all persons present at the meeting location. If technical difficulties result in a remote participant being disconnected from the meeting, that fact and the time at which the disconnection occurred shall be noted in the meeting minutes.

MEETING MINUTES JULY 10, 2013

PAGE 4

The public body using remote participation may determine which of the foregoing acceptable methods will be used by its members.

3) Procedure for Utilizing Remote Participation:

Step 1: Any member of a public body who wishes to participate remotely shall, as soon as reasonably possible prior to a meeting, notify the chair or, in the chair's absence, the person chairing the meeting, of his or her desire to do so and the reason for and facts supporting his or her request.

Step 2: At the start of the meeting, the chair shall announce the name of any member who will be participating remotely and the reason under 940 CMR 29.10(5) for his or her remote participation. The chair's statement need not contain any detail about the reason for the member's remote participation. This information shall also be recorded in the meeting minutes.

Step 3: All votes taken during any meeting in which a member participates remotely shall be by roll call vote.

Step 4: A member participating remotely may participate in an executive session, but shall state at the start of any such session that no other person is present and/or able to hear the discussion at the remote location, unless the presence of that person is approved by a simple majority vote of the public body.

Step 5: When feasible, the chair or, in the chair's absence the person chairing the meeting, shall distribute to remote participants, in advance of the meeting, copies of any documents or exhibits that he or she reasonably anticipates will be used during the meeting. If used during the meeting, such documents shall be part of the official record of the meeting, and shall be listed in the meeting minutes and retained in accordance with G.L. c. 30A, sec. 22.

The Board of Selectmen reserves the right to revoke Town Board remote participation at any time under 940 CMR 29.10(3).

