

MEETING MINUTES FOR
AUGUST 12, 2013

A regular meeting of the Board of Selectmen was held on Monday, August 12, 2013 in the Conway Hearing Room at 7:30 p.m. Present were Selectmen David Gagliardi, Chairman, Selectman Robert Accomando, Vice Chairman, Selectman Michael Rosa, Secretary, Selectman Andrew Deslaurier, Member, Selectman George Simolaris, Member, John Curran, Town Manager, Cathleen O’Dea, Assistant Town Manager.

CALL TO ORDER

Chairman David Gagliardi called the meeting to order at 7:30 p.m.

OPEN MICROPHONE

Bill Spencer of 6 Harjean Road came to the podium and expressed his concerns over the quality of soil at the top section of Fox Hill Cemetery. He also expressed his gratitude to Cemetery personnel for their hard work in the upkeep of the Cemetery.

Chairman David Gagliardi asked Town Manager John Curran to forward Mr. Spencer’s concerns to the Cemetery Commission.

Addie Finley of 24 Patten Road came to the podium and expressed her concerns and asked questions relative to the Prison expansion.

Chairman David Gagliardi requested that Ms. Finley remain at the meeting as some of her questions would be answered in the Town Manager’s Report.

Justin Damon of 17 Harnden Road came to the podium and expressed his concerns and opinions regarding an incident at a NEMLAC training exercise which was held on May 9, 2013 at the Sheriff’s Training Academy at the Old Ditson School.

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ANNOUNCEMENTS

VACANCIES ON BOARDS AND COMMITTEES

VACANCIES

BOARD OF SELECTMEN

Cable Advisory Committee	1 members to 2016
Cabot Land Re-Use Com.	4 members to 2016
Commission on Disability	3 members to 2016
Constables for the Town	1 for 2014
Elderly & Disabled Taxation Fund Committee	1 member to 2016
Financial & Compliance Audit Committee	2 members to 2014
Historical Commission	1 member to 2016
Open Space & Recreation Com	1 member

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Scholarship Foundation Com 4 members to 2016

Substance Abuse Prevention 3 members

Water Conservation Oversight

Committee 1 member to 2016

7/15/13

WATER CONSERVATION REBATE PROGRAM

Secretary Michael Rosa 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 rebate. Go to www.billericadpw.org or contact the DPW Director’s office for list of qualifying models. Qualifying toilet rebates are \$100.00. Qualifying urinal rebates are \$25. Qualifying clothes washer rebates are \$225.00. All rebates are \$100. 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 within 90 days of purchase.

SUNSHINE GALS KITCHEN-MEALS PREPARED AND SERVED FOR NEEDY FAMILIES LIVING BILLERICA

Secretary Michael Rosa stated the Sunshine Gal’s Kitchen prepares and serves meals on the fourth Saturday of each month between 12:00 Noon and 1:30 p.m. 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.

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PUBLIC SAFETY MEMORIAL

Secretary Michael Rosa 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.billericapublicsafetymemorial.org. Donation and donation forms 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 Michael Rosa 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.mvhop.org or call 978-459-8490.

SUMMER CONCERT SERIES

Billerica Recreation has scheduled a series of Concerts on the Common for Tuesday evenings from 6:30 p.m. to 9:00 p.m.:

- August 13** Four Guys in Tuxes
- August 20** The Full Turn Band
- August 27** Beatle Tracks

YANKEE DOODLE WEEKEND

The 23rd Annual Yankee Doodle Homecoming Weekend will be held from September 13 to September 15, 2013. The theme is **CELEBRATING OUR SCHOOLS.**

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OLD BUSINESS

TOWN MANAGER REPORTS

Town Manager John Curran advised the Board that the Land Court made a decision on the Akesson Field in the Town's favor.

There was also a finding in the case Kennedy v. Town of Billerica Police Department. The Town is responsible for \$2500.00 with the possibility of it being dismissed.

Mr. Curran also informed the Board that he had been contacted by DEP and they were not going to hold the requested Public Hearing and were going to go ahead and issue the sewer permit for the House of Correction.

Mr. Curran recommended to the Board that they convene Executive Session at their earliest convenience to decide how to proceed.

A lengthy discussion took place among Board members regarding this issue.

Selectman Michael Rosa, seconded by Selectman Robert Accomando made a motion that the Billerica Board of Selectmen send a letter to DEP, carbon copied to the Governor, DCAM, State Representative and State Senator, Sheriff Koutjian and everyone else involved to date and signed by the entire Board.

It was voted: 5 – In Favor
 0 - Opposed

PROFESSIONAL RECOGNITION

Town Manager John Curran recognized George Gullage, who recently retired, and was employed in the Wastewater Division for a number of years.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectmen send Mr. Gullage a letter thanking him for his many years of dedicated service to the Town.

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It was voted:

5 – In Favor

0 - Opposed

SIDEWALK ISSUE, CENTER POST OFFICE TO K-MART (Billerica Mall)

Selectman George Simolaris stated his concerns regarding the lack of a sidewalk between the Center Post Office to K-Mart at the Billerica Mall.

Town Manager John Curran stated that the area in question is state land and the Town would have to petition the state to install the sidewalks.

Mr. Curran suggested that the Board of Selectmen send a letter to District IV the request the sidewalks.

Selectman George Simolaris, seconded by Selectman Robert Accomando, made a motion that the Billerica Board of Selectmen send a letter to District IV requesting permission to install sidewalks on Boston Road from the Center Post Office to to K-Mart at the Billerica Mall.

It was voted:

5 – In Favor

0 – Opposed

REQUEST TO NAME ROOM 110 IN HONOR OF EVELYN M. HAINES

Secretary Michael Rosa said this is a request to name Room 110 in honor of Evelyn M. Haines. Chairman David Gagliardi and Secretary Michael read statements highlighting and praising Mrs. Haines' many accomplishments and her involvement with many organizations during her tenure as Assistant Town Manager for the Town of Billerica.

Chairman David Gagliardi respectfully requested that in the motion and if it was approved that a ceremony be conducted and recognition be provided with a plaque and photo as it has been done with other room dedications.

Selectman Michael Rosa, seconded by Selectman Robert Accomando, made a motion that that the Billerica Board of Selectmen name Room 110 in honor of Evelyn M. Haines and to have a ceremony where there will be a plaque and photo in that room.

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It was voted: 5 – In Favor
0 - Opposed

FOUR PAW IN ACTION, RE: REQUEST TO PLACE LAWN SIGNS ON BILLERICA COMMON THE WEEK OF YANKEE DOODLE – SEPTEMBER 9 TO 15, 2013.

Shirley Holdman came to the podium and requested permission to place eight (8) 12 x 24 lawn signs advertising the “Four Paws in Action” event of Yankee Doodle Weekend.

Selectmen Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectmen grant permission to place four (4) 12 x 24 lawn signs on the Billerica Common for Four Paws in Action on Yankee Doodle Weekend, September 9 – 15, 2013.

It was voted: 5 – In Favor
0 – Opposed

AMENDMENT TO THE TOWN’S WASTEWATER REGULATIONS, ADD PARAGRAPH 6 ON PAGES 2 AND 3

Town Manager John Curran stated this was a requirement of the SRF Loan to make sure that the CWMP was prominently displayed in the Wastewater Rules and Regulations.

This will be a first reading and will require a second reading.

A discussion and questions by the Board took place.

Chairman David Gagliardi stated they would come back at the next meeting for the second reading.

BILLERICA HOCKEY ASSOCIATION, RE: CANISTER DRIVE, SATURDAY, SEPTEMBER 28, 2013 FROM 8:00 A.M. TO 1:00 P.M.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectman grant permission for the Billerica Hockley Association to do a Canister Drive in the center of Town on September 28, 2013 from 8:00 a.m. to 1:00 p.m. and also allow them to place two large 4 x 6 signs on either side of the Common for that same date and time.

It was voted: 5 – In Favor
0 – Opposed

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BILLERICA YANKEE DOODLE HOMECOMING BOARD OF DIRECTORS, RE: REQUEST PERMISSION FOR THE PLACEMENT OF BANNERS ON THE POLE RUNNING FROM ST. THERESA'S CHURCH DOWN TO AROUND THE TOWN COMMON FOR THE PERIOD RUNNING FROM MID AUGUST THROUGH YANKEE DOODLE WEEKEND.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectman grant permission to Yankee Doodle Homecoming to place Banners from September 13-15,2013 on the telephone poles in the center of town.

It was voted: 5 – In Favor
0 – Opposed

DISCUSSION ABOUT TOWN WEBSITE

Chairman David Gagliardi stated that part of his Town Manager review, one of the goals he would like to see addressed is the re-vamping of the Town's website. Some of the items he would like to see addressed is making the website very user friendly. He further stated that he would like to see Boards, Committees, and Commissions have a password protected mechanism to put agendas and minutes on the website.

Town Manager John Curran stated he has been working on website development. There will be meetings with three potential vendors, Virtual Town Hall, Civic Plus and Revise the first week of September.

Mr. Curran further stated that one of the items they will address with the potential vendors is the Social Media component of the website. Mr. Curran says he plans to have a Social Media Training session. Mr. Curran hopes to have the page go live in January or February of 2014 with the Social Media component.

A discussion took place among Board members.

TOWN'S RIGHT OF FIRST REFUSAL ON A CHAPTER 40B AFFORDABLE UNIT AT 115 PINEHURST AV, PART OF THE VILLAGES AT PINEHURST.

Secretary Michael Rosa stated that this is an affordable unit that the Town has the right of first refusal . It was submitted to the Billerica Housing Authority to see if they wished to purchase the unit. They responded that they didn't have the funds to purchase the unit.

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Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen give up the right of first refusal for the unit at 115 Pinehurst AV.

It was voted: 4 – In Favor
0 – Opposed

Chairman David Gagliardi stated that Selectman Robert Accomando left the room temporarily.

DAV, BILLERICA CHAPTER 47, RE: FORGET-ME-NOT DRIVE ON FRIDAY AND SATURDAY, SEPTEMBER 20 & 21, 2013.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectman grant permission to the Billerica DAV, Chapter 47 to do a Forget-Me-Not drive on Friday and Saturday September 20 and 21, 2013 at O’Connor’s Hardware and the three Demoulas Market Baskets.

It was voted: 4 – In Favor
0 – Opposed

APPOINTMENTS – BOARD OF SELECTMEN

PRECINCT OFFICERS

Town Clerk Shirley Schult came to the podium regarding the appointment of the Precinct Officers.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint the Precinct Officers per the list supplied by the Town Clerk.

It was voted: 4 – In Favor
0 – Opposed

ARTS COUNCIL

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint Joan Pomerleau, 32 Baniulis Road, to the Arts Council.

It was voted: 4 – In Favor
0 – Opposed

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Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint Marie Burns, 12 Nolte RD, to the Arts Council.

It was voted: 4 – In Favor
0 – Opposed

CONSTABLE FOR THE TOWN OF BILLERICA

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectman appoint Martin Conway, 41 Buckingham Drive as a Constable for the Town of Billerica.

It was voted: 4 – In Favor
0 – Opposed

HISTORIC DISTRICT COMMISSION

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint John McKenna, 8 Hawks Ridge Road, as a regular member of the Historic Districts Commission.

It was voted: 4 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint William Bulens, 14 Ferren Drive, as a regular member of the Historic Districts Commission.

TRAFFIC MANAGEMENT COMMITTEE

Selectmen Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen appoint Charles Sargent, 19 Stonehedge Circle to the Traffic Management Committee.

It was voted: 4 – In Favor
0 – Opposed

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TO TAKE THE BILLERICA HOUSE OF CORRECTION ADDITION/EXPANSION PROJECT OUT OF EXECUTIVE SESSION AND PLACED IN PUBLIC SESSION

Selectman George Simolaris spoke about the advantages of having this subject in Public Session as opposed to Executive Session. He feels that options could be explored in Public Session and then talk about goals in Executive Session.

Chairman David Gagliardi explained why this matter was discussed in Executive Session. Chairman David Gagliardi stated they are discussing their strategy. He said if this was discussed in Public Session, it would compromise efforts on behalf of residents of Billerica.

A discussion took place among Board members.

Chairman Gagliardi stated this item would be placed on the agenda for the next Executive Session.

Selectman Simolaris called for a vote on the matter.

Chairman Gagliardi determined a vote would be out of order and read the following opinion from Town Counsel.

Executive sessions can be called by the Board, upon a majority vote, on any matter so long as it falls within the statutory categories enumerated in GL c30A s. 21. The board always has discretion whether it wishes to go into executive session on a particular matter or not. A "blanket" vote by the Board requiring that all aspects of a matter be discussed in open session a) is premature and disregards potential facts or events which could arise in the future and b) could substantially undermine the Town's legal position or negotiation/ litigation interests down the road. I understand that the board had no intention of discussing HOC issues at its meeting on Monday, thus, I'm not sure which of the multiple aspects of the HOC matter George wishes to discuss in public session. Given the fact that a majority of the Board can vote NOT to convene in executive session and, rather, discuss a matter in open session, at any time, I don't see the merit of this proposed agenda item. In fact, I believe the Town's interests could be substantially compromised if, in the future, legitimate executive session discussions are held in open session. It is certainly preferred, if not required by statute, for executive sessions to be considered and voted upon on a meeting by meeting, rather than on a 'universal' basis.

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MEETING SCHEDULE

The next meetings will be August 26, 2013 and September 23, 2013

ADJOURNMENT

Chairman David Gagliardi adjourned the meeting at 9:30 p.m.

A TRUE COPY ATTEST

Sue Aker, Recording Secretary