

MEETING MINUTES
FOR NOVEMBER 4, 2013

A regular meeting of the Board of Selectmen was held on November 4, 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, Cathleen O’Dea, Assistant Town Manager.

CALL TO ORDER

Chairman David Gagliardi called the meeting to order at 7:00 p.m.

Chairman Gagliardi stated that Town Manager John Curran was absent from the meeting due to an MBA class and Assistant Town Manager Cathleen O’Dea would be sitting in for him.

OPEN MICROPHONE

Mrs. Virginia Musker, 12 Fawn Lane came to the podium and expressed her opinions on various aspects of the proposed Town Manager contract.

Chairman David Gagliardi responded to one of her points by pointing out that while serving on the Finance Committee they had a policy that they would approve no more than 2 ½ % over the life of the contract. The proposed Town Manager contract was for 2% over the life of the contract.

PRESENTATION

FIRE DEPARTMENT RECOGNITIONS

Fire Chief Tom Conway came to the podium and spoke about Rapid Intervention Team Training that the Billerica Fire Department took and how it assisted Firefighters at the Pinehurst Avenue fire. He then recognized the following members of the Billerica Fire Department for their acts while operating at the scene of the structure fire at 95 Pinehurst Avenue on October 7, 2013.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 2

Firefighters James Harries and Patrick Corbett entered the burning building and located and safely removed the member in trouble, despite the extreme conditions.

The Chief further recognized Captain Joseph Bradley and Firefighter Justin Bates for their quick actions, in calling the “May Day” under difficult conditions which made a difference in the quick removal of their brother firefighter.

Captain Daniel LeClerc, Incident Commander remained calm and directed companies in a professional manner allowing the removal and medical treatment of the injured while successfully extinguishing the fire.

Chief Conway acknowledged, Fire Alarm Operators Diane Deloge and John Pellegrino, the Billerica Police Department, Billerica EMT’s and neighboring Communities for their assistance on October 7.

Secretary Michael Rosa then read into the record the following

Proclamation
Firefighter James Harries
Billerica Fire Department
November 4, 2013

The Board of Selectmen wishes to recognize you for your act of bravery on October 7, 2013, when you selflessly re-entered a burning house at 95 Pinehurst Avenue to the aid of a fellow Firefighter who was in need of assistance.

You acted without regard for your own personal safety with your actions being above and beyond the call of duty. You put yourself at risk by entering into extremely thick smoke, high temperatures and zero visibility to save the life of a friend and fellow Firefighter.

On behalf of the Town of Billerica, we commend you for your unselfish act of bravery. You have earned much respect and admiration because of your heroic act.

Sincerely,

David A. Gagliardi, Chairman

Michael S. Rosa, Secretary

Robert B. Accomando, Vice Chairman

Andrew N. Deslaurier, Member

George J. Simolaris, Jr., Member

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 3

Proclamation
Captain Daniel LeClerc
Billerica Fire Department
November 4, 2013

The Board of Selectmen wishes to recognize you for your leadership on October 7, 2013, and your actions at the scene of the house fire at 95 Pinehurst Avenue.

Your ability to remain calm and direct companies in a professional manner allowed for the safe removal of the downed Firefighter while successfully continuing to extinguish the fire. Your decisive action and composure led to members receiving proper medical treatment.

On behalf of the Town of Billerica, we commend you for your unselfish act of bravery. You have earned much respect and admiration because of your heroic act.

Sincerely,

David A. Gagliardi, Chairman

Michael S. Rosa, Secretary

Robert B. Accomando, Vice Chairman

Andrew N. Deslaurier, Member

George J. Simolaris, Jr., Member

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 4

Proclamation
Captain Joseph Bradley
Billerica Fire Department
November 4, 2013

The Board of Selectmen wishes to recognize you for your decisive action on October 7, 2013, when you called the “May Day” for the downed Firefighter at 95 Pinehurst Avenue.

Your quick action under the difficult conditions aided in the accurate location and the safe removal of the fellow Firefighter. Your ability to remain calm and take the appropriate action helped to save a life of a fellow Firefighter.

On behalf of the Town of Billerica, we commend you for your unselfish act of bravery. You have earned much respect and admiration because of your heroic act.

Sincerely,

David A. Gagliardi, Chairman

Michael S. Rosa, Secretary

Robert B. Accomando, Vice Chairman

Andrew N. Deslaurier, Member

George J. Simolaris, Jr., Member

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 5

Proclamation
Firefighter Justin Bates
Billerica Fire Department
November 4, 2013

The Board of Selectmen wishes to recognize you for your decisive action on October 7, 2013, when you requested the help for the downed Firefighter at 95 Pinehurst Avenue.

Your quick action under the difficult conditions aided in the quick location and the safe removal of the fellow Firefighter. Alerting Firefighters Harries and Corbett about the situation definitely made a difference in the successful removal of a brother Firefighter.

On behalf of the Town of Billerica, we commend you for your unselfish act of bravery. You have earned much respect and admiration because of your heroic act.

Sincerely,

David A. Gagliardi, Chairman

Michael S. Rosa, Secretary

Robert B. Accomando, Vice Chairman

Andrew N. Deslaurier, Member

George J. Simolaris, Jr., Member

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 6

Proclamation
Firefighter Patrick Corbett
Billerica Fire Department
November 4, 2013

The Board of Selectmen wishes to recognize you for your act of bravery on October 7, 2013, when you selflessly re-entered a burning house at 95 Pinehurst Avenue to the aid of a fellow Firefighter who was in need of assistance.

You acted without regard for your own personal safety with your actions being above and beyond the call of duty. You put yourself at risk by entering into extremely thick smoke, high temperatures and zero visibility to save the life of a friend and fellow Firefighter.

On behalf of the Town of Billerica, we commend you for your unselfish act of bravery. You have earned much respect and admiration because of your heroic act.

Sincerely,

David A. Gagliardi, Chairman

Michael S. Rosa, Secretary

Robert B. Accomando, Vice Chairman

Andrew N. Deslaurier, Member

George J. Simolaris, Jr., Member

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 7

ANNOUNCEMENTS

TRASH AND RECYCLING SCHEDULE FOR THE WEEK OF VETERAN’S DAY

Secretary Michael Rosa stated that the Trash and Recycling will be collected on the regular Monday to Friday schedule for the week of Veteran’s Day, which falls on November 11. Please refer to the collection schedule in the Annual Residential Recycling and Trash Collection Guide or on the DPW website at www.billericadpw.org.

VACANCIES
BOARD OF SELECTMEN

Cable Advisory Committee	1 members to 2016
Cabot Land Re-Use Com.	3 members to 2016
Commission on Disability	3 members to 2016
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
Scholarship Foundation Com	2 members to 2016
Water Conservation Oversight Committee	1 member to 2016

MERRIMACK VALLEY LEAD PAINT REMOVAL PROGRAM

Secretary Michael Rosa stated that for information on the Lead paint removal program to contact the Billerica Board of Health at 978-671-0931.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 8

TOWN OF BILLERICA MERCURY RECOVERY PROGRAM

Secretary Michael Rosa stated that for information on the Mercury Recovery Program to contact the Billerica Board of Health 978-671-0931.

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.

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.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 10

Chairman David Gagliardi asked who wished to speak on this. He then swore in those who wished to speak on the matter.

Police Chief Daniel Rosa came to the podium and stated that this matter went back to August 28, 2013. He stated that yearly the Police Department conducts underage alcohol compliance checks. This is done sometimes in conjunction with the ABCC; but at least once, sometimes twice a year they conduct these alcohol compliance checks.

On August 28, 2013 the Police Department Detective Division was doing compliance checks. Turnpike Market failed that compliance check.

The Licensees in town are well aware that the Police Department conducts compliance checks. The compliance checks are advertised in the newspaper, usually the Minuteman or the Lowell Sun. It is a regular policy that the Police Department conducts from year to year.

Chief Rosa stated that Attorney Steve Lentine was present to represent Turnpike Market. Mr. MacLennan was present. Tom and Gail Bird, owners and operators of the Market were also present.

Chief Rosa stated that Deputy Chief Roy Frost would give a brief summation of the facts and then they would get into what should happen next.

Deputy Police Chief Roy Frost came to the podium and stated that a compliance check was conducted on August 28, 2013. Deputy Frost was at the time the Bureau Commander. These are done regularly. There were two undercover female operatives. One was 18 and the other was 19 years of age. The requirements and the regulations and the policies on these matters were reviewed and understood. They took a photograph which the Deputy Chief viewed and the person did look the appropriate age of what she actually was and was sent out to all the Package Stores in town. When she went to Turnpike, she was brought there by two detectives, Sergeant Mirasolo and Detective Nestor.

She was brought into the parking lot. The clerk was outside and watched them pull up and she exited the backseat of an unmarked Police Car. They said hello. She walked in and purchased a six pack of beer off that clerk without any identification being requested.

Sergeant Mirasolo went into the business after observing that she left with alcohol that she had purchased. She identified the clerk that sold it to her. The clerk stated that he normally does card. He didn't know why he didn't card that evening. He was provided with a violation notice. The Deputy Chief notified the Chief and the Board of that fact.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 11

The alcohol is in the Police Evidence Room. The clerk has been charged with selling alcohol in violation of state law. The case is pending in Lowell District Court.

At the conclusion of the Deputy Chief's remarks, Chairman David Gagliardi asked if the Board had any questions. There were none.

Chief Daniel Rosa returned to the podium and asked the Board if they wanted Attorney Lentine to come to the podium

Attorney Stephen Lentine, 409 Boston Road, Billerica, representing Turnpike Market, came to the podium. His clients stipulated to the facts read by the Deputy Chief. They will also agree to the recommendation from the Chief regarding the suspension. He stated that this is a family run business. It has been in the MacLennan family for the last 67 years. His clients were truly embarrassed and remorseful of nothing short of their employee's blatant disregard of his duties with regard to what he was trained to do and what he was certified to do.

Attorney Lentine stated that he would not contest the Police Chief's recommendation, but for the record he passed out to the Board members for the file, copies of the Training Certificate for the employee in question, the pledge that he signed with JDS, the Company the Board recommended to do the training. The employee has worked for the business for a few years. His Mother also worked for the business for several years. The owners work 12 or 13 hour days. Mrs. Bird left at 6:00 p.m. that evening after having been there from early morning, trusting the employee to do what he should have done and what he had been doing. They are upset and embarrassed and agree to the punishment the Police Chief recommended. Attorney Lentine further stated that they understood the ramifications that will happen if this happens again. They pledge to endeavor to do all that they can even if they have to stagger their own shifts to be there constantly themselves to make sure that this doesn't happen again.

Chairman David Gagliardi asked if there were any questions.

Selectmen George Simolaris stated that he knows Duncan MacLennan and Mr. and Mrs. Bird. He further stated that he knows how hard they work and what they do for the community. He further stated that they did everything in their power to stop this from happening. He stated that he felt sorry that someone let their guard down and he is sure that the person who sold the alcohol feels very badly. He further stated that he appreciates the business they run and all they do for the community.

Chairman David Gagliardi asked if there were any further questions. There were none.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 12

Police Chief Daniel Rosa came to the podium and stated that the Board and the Police Department takes these violations very seriously. He further stated that he realizes this is a family business and the Town is not in the business of trying to put anyone out of business, but are firm that these things cannot happen. Alcohol cannot be allowed into the hands of minors.

Chief Rosa further stated that the company had cooperated fully with the Police. There have been two other violations in the 7 year period. The Board's guidelines call for a 10-30 day suspension.

Chief Rosa recommended a 15 day suspension and the 15 days to be served on the following dates: November 18, November 19, and November 20, 2013; December 12, December 13, and December 14, 2013; January 12, January 13 and January 14, 2014; February 12, February 13, and February 14, 2014; and March 22, March 23, and March 24, 2014.

Chief Rosa stated that in consideration of their full cooperation, that it is a fair and reasonable outcome and it guarantees that there are not going to be these types of violations in the future.

Chairman Gagliardi asked if there were any questions.

Secretary Michael Rosa asked that over and above the suspension would there be any compliance monitoring similar to what had been done in the past.

Chief Rosa replied that this may be the first one under the new guidelines. The Chief would not require it necessarily because this is a 3rd violation; that usually happens on a 1st or 2nd violation. That would be up to the company. It would be a reasonable way to prevent this from happening in the future. In the past they have had a compliance monitor come in and do compliance checks with people who were of age but should have been carded. The Chief believed that they may have had that done for a 12 month period in the past. The Chief thought those things were very helpful and strongly recommended it but would not be making it part of this recommendation in this case.

Chairman Gagliardi asked if there were any questions. There were none.

Selectman Andrew Deslaurier asked Chairman Gagliardi if there was anyone from the Public who wished to speak.

Chairman Gagliardi stated that there was no one else who raised their hands to be sworn in.

Selectman George Simolaris asked about Duncan MacLennan.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 13

Chairman Gagliardi stated that he sat back down and did not get sworn in.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion to close the Public Hearing.

It was voted: 4 – In Favor
0 – Opposed
1 – Abstention (Selectman Accomando)

Chairman David Gagliardi read the following findings:

The following is a list of findings in the matter of an alcohol license suspension for Turnpike Market located at 509 Middlesex Turnpike, owned and operated by Thomas Bird and Gail MacLennan.

Finding:

1. That on August 28, 2013 the Billerica Police Department, under the oversight of Detective Sergeant Frank Mirasolo, conducted an alcohol compliance check at Turnpike Market located at 509 Middlesex Turnpike.
2. That two eighteen year old operatives, both females, screened and provided a set of guidelines that outline mandates the operatives must agree to comply with throughout the operation, were used to confirm that a valid form of identification was being requested prior to the sale of alcohol.
3. That the operatives successfully purchased a six pack of Budweiser Light Beer from the clerk.
4. That immediately upon completion of the transaction, Detective Sergeant Mirasolo and Detective Rick Nestor, confronted the clerk, identified as Eric Blais, 24 of Billerica.
5. That Mr. Blais made admissions to selling beer to the underage operatives without asking for identification.
6. That Mr. Blais was advised that he would be summoned to court for violating MGL Chapter 138 Section 34, selling or furnishing alcohol to a person under the age of 21.
7. That this premises has had previous violations of MGL Chapter 138 Section 34 in 2001, 2007 and 2012.
8. That for the violations in 2007 and 2012 the Board of Selectmen rendered punitive action of three and five day license suspensions respectively.
9. That in consideration of contracting with a compliance training and monitoring company, these suspensions were modified and held in abeyance for a period of time.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 14

10. That Turnpike Market completed the training with the assistance of JBS Professional Services of Boston and all sales employees completed individualized training including Mr. Blais .

Based on these findings and the testimony given here tonight, the Board of Selectmen makes the following motion.

I move that the Board approve all 10 findings in the matter of an alcohol license suspension for Turnpike Market located at 509 Middlesex Turnpike.

This motion was so moved by Selectman Michael Rosa and seconded by Selectman Andrew Deslaurier.

It was voted: 4 – In Favor
0 – Opposed
1 – Abstention (Selectman Accomando)

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectman do a 15 days suspension for Turnpike Market at 509 Middlesex Turnpike for the dates of November 18, November 19, and November 20, 2013; December 12, December 13 and December 14, 2013; January 12, January 13, and January 14, 2014; February 12, February 13, and February 14, 2014; and March 22, March 23, and March 24, 2014.

It was voted: 4 – In Favor
0 – Opposed
1 – Abstention (Selectman Accomando)

Selectman Robert Accomando returned to the room.

NEW BUSINESS

TOWN MANAGER REPORTS

PROFESSIONAL RECOGNITION

Assistant Town Manager Cathleen O’Dea stated that there was one item on the Town Manager’s Report that she wanted to speak on.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 15

On November 1, 2013 there was a significant water main break on Heritage Road.

Ms. O’Dea acknowledged the following DPW personnel for their fast action and strategy in containing the break: Ed McLaughlin, Chris Zechner, Derek Pierce, Alan Danehy, Kenneth Rogers and John Morris.

Ms. O’Dea stated that this could serve as a professional recognition.

Chairman David Gagliardi agreed and asked that this get put into their files.

TOWN MANAGER CONTRACT

Chairman David Gagliardi stated that in regards to this agenda item he was in contact with Town Counsel. The Town Manager was not in attendance and in the Board of Selectman Policies and Procedures under Agenda Formats and Meetings under Section 7.2, it reads in pertinent part “in cases where parties fail to appear at the time when the agenda item is taken up, these items shall be deferred to the next meeting under New Business or by majority vote of the Board, to be taken up at another position on the agenda”.

Chairman Gagliardi stated that he contacted Counsel and the Board had his opinion in their possession.

It read: “Accordingly, Section 7.2 of the policy would come into play where a party necessary to the discussion of the agenda item fails to appear at the time when an agenda item is taken up, the item should be deferred to the next meeting under new business.

Since it appears that the Town Manager is an essential party to these deliberations, and the Town Manager is not available for this meeting due to a schedule conflict, a motion to continue or defer the matter to your next meeting would be in order.”

Secretary Michael Rosa stated that he did not agree that the Town Manager was an integral part of the discussion. He was an integral part of the discussion when Chairman Gagliardi and Selectman Deslaurier met with him to negotiate his contract.

The contract that the Selectmen have in their possession is among the Board members as to whether or not the contract will be approved as presented by the negotiating committee. He further stated that the Town Manager chose not to attend the meeting in order to take a class. The Board recently adopted the Remote Participation Policy where he could have participated by cell phone.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 16

Chairman Gagliardi asked Selectmen Deslaurier if he had any comments since he was on the subcommittee.

Selectmen Deslaurier stated that while he did agree with Selectmen Rosa that the contract was there for the Board's approval, he believed that a face to face meeting with the individual involved is a courtesy that should be extended where personnel matters are concerned.

Selectmen George Simolaris stated this item had been on the agenda since last Thursday. He felt that the Board could discuss this item and vote on it.

Selectmen Simolaris further stated that the Board was scheduled to go into Executive Session to discuss the Dispatcher Collective Bargaining Agreement. He felt that Mr. Curran was an integral part of those negotiations. Selectmen Simolaris said that if they did not vote now on the Town Manager's contract, he would vote against going into Executive Session.

Chairman David Gagliardi stated that the Town Manager is getting his MBA. The degree was part of his goals and objectives this year. He has no control over when classes are scheduled. Mr. Curran met with Chairman Gagliardi and informed him that he could possibly miss a few meetings, but would miss meetings where his absence would have the least impact. Chairman Gagliardi further stated that this agenda item was not on the agenda until last Thursday and Selectman Rosa was made aware of the fact that Mr. Curran would not be in attendance.

Chairman Gagliardi stated he would not discuss the Town Manager's contract without Mr. Curran being present.

Secretary Michael Rosa stated that under Section 3-3 of the Charter, subsection 5, it read "That the Town Manager shall attend all meetings of the Board of Selectmen. He shall attend all regular and special meetings of the Board of Selectmen unless excused at his own request and shall have a voice but no vote in all of its discussions.

Chairman David Gagliardi stated that he would not have a voice in the discussion because he was not present. The Town Manager did request to be excused and as the Chairman of the Board, Chairman Gagliardi granted the request.

Secretary Michael Rosa stated that the section of the Charter meant that the Board of Selectmen needed to vote to excuse the Town Manager from a meeting.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 17

Chairman David Gagliardi disagreed, saying that he as the Chairman has the authority and that section means that the Town Manager has a voice but no vote.

Chairman Gagliardi stated that this will be moved until November 18, 2012.

Selectman Robert Accomando, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen move this agenda item to their next meeting on November 18, 2013 when the Town Manager can attend that meeting.

It was voted: 3 – In Favor
2 – Opposed

BILLERICA LODGE OF ELKS, WEBB BROOK ROAD, RE: CHANGE OF MANAGER FROM ANDRES C. CLOTZ TO ALVA J. CHALIFOUR

Alva Chalifour came to the podium to request a change of Manager to himself for the Billerica Lodge of Elks.

Mr. Chalifour stated that he would provide the Board a copy of his Alcohol Server Training Certificate.

Chairman David Gagliardi asked if there were any questions from the Board.

Selectman Andrew Deslaurier stated to Mr. Chalifour that after listening to the Public Hearing that took place earlier that the Board takes these matters very seriously and will act when there are these types of violations.

Secretary Michael Rosa, seconded by Selectman George Simolaris made a motion that the Billerica Board of Selectmen approve the change of Manager for the Billerica Lodge of Elks, doing business at 14 Webb Brook Road, Billerica and the new Manager of record to be Alva J. Chalifour.

It was voted: 5 – In Favor
0 - Opposed

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 18

APPOINTMENTS BOARD OF SELECTMEN

BILLERICA AFFORDABLE HOUSING TRUST

Selectmen Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectmen appoint Kim Cook to the Billerica Affordable Housing Trust.

It was voted: 5 – In Favor
0 – Opposed

EXECUTIVE SESSION NEGOTIATIONS – PARAMEDICS AND CIVILIAN DISPATCHERS (M.G.L. CHAPTER 39, S 23B.3)

Secretary Michael Rosa stated his concerns about going into Executive Session to discuss Collective Bargaining Agreements when the Town Manager, who is the principal negotiator, is not present.

Secretary Rosa stated he would make a motion to go into Executive Session, but would not support it based on the fact that Mr. Curran should be present for discussion.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen adjourn into Executive Session for the purpose of discussing Contract Negotiations for the Paramedics and Civilian Dispatchers under M.G.L, Chapter 39, S. 23B.3)

It was voted: 3 – In Favor
2 - Opposed

Selectman George Simolaris stated that Selectman Robert Accomando’s contract was part of Executive Session .

Selectman Robert Accomando stated that he would vote on the Paramedics Contract and would recuse himself and leave the room for the Dispatcher’s Contract.

BOARD OF SELECTMEN MINUTES
NOVEMBER 4, 2013 – PAGE 19

Selectman George Simolaris asked Selectman Robert Accomando that if the Civilian Dispatchers' Collective Bargaining Agreement was approved, would he then be eligible to vote on Mr. Curran's contract.

Selectman Accomando responded that Ethics had not ruled on that yet.

MEETING SCHEDULE

The next meetings are November 18, 2013, December 2, and December 16, 2013.

ADJOURNMENT

Chairman David Gagliardi stated that they are adjourned into Executive Session only to return to adjourn from Regular Session.

A TRUE COPY ATTEST

Sue Aker, Recording Secretary

