

MEETING MINUTES
FOR DECEMBER 2, 2013

A regular meeting of the Board of Selectmen was held on December 2, 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, John Curran, Town Manager, and Cathleen O’Dea, Assistant Town Manager

CALL TO ORDER

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

OPEN MICROPHONE

Chris Musker, 11 Fawn Lane came to the podium and expressed opinion on the Open Meeting Law and how it relates to the Town Manager contract negotiations.

Chairman David Gagliardi responded that the process for negotiating the Town Manager’s contract has been in place since 2008. The Board still had not heard back from the Attorney General’s Office relative to Mrs. Musker’s Open Meeting Law complaint.

Anne Noel, 2 Locke Road came to the podium and expressed her support for the Town Manager, and her dismay at the tone of behavior at the last several Selectmen’s Meetings. She also expressed her opinions on the vote taken for appointments to the High School Building Committee at the last Selectmen’s Meeting.

Selectman George Simolaris clarified his position on his vote for the High School Building Committee.

Secretary Michael Rosa clarified his position on his vote for the High School Building Committee.

Mary McBride, 12 Bolton Road came to the podium and expressed her support of the Town Manager and her dismay at the tone of behavior at the last several Selectmen’s Meetings.

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ANNOUNCEMENTS

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.

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.

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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.

BILLERICA FALL YARD WASTE

Secretary Michael Rosa stated that the Billerica Fall Yard Waste collection will be November 4 through December 6, 2013. It will be the same day as your trash and recycling collection. Please use bio degradable paper bags or barrels marked “Yard Waste”. Place yard waste curb side. No yard waste in plastic bags will be collected. Go to www.billerica.dpw.org for a map of collection areas or call 978-671-9171 for more information.

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BILLERICA PUBLIC LIBRARY'S "13 IN '13 READING CHALLENGE", FINAL EVENT OF THE YEAR ON THURSDAY, DECEMBER 5, 2013.

Secretary Michael Rosa stated that Celebrate a Year of Great Reading at Billerica Public Library's "13 in '13 Reading Challenge" final event of the year is on Thursday, December 5, 2013 at 7:00 p.m.

Please join us for refreshments, activities, and a lot of fun! The winner of our Historic Grand Prize getaway at Concord's Colonial Inn will be drawn, and there will be lots other prizes as well.

If you haven't joined the challenge yet, it's not too late. To sign up, log on to our website at www.billericalibrary.org or stop by the library. And be on the lookout for "14 in '14 Reading Challenge beginning on January 14.

CHRISTMAS TREES – DISPOSAL AFTER THE HOLIDAYS

Secretary Michael Rosa stated that the Department of Public Works is encouraging residents to bring real Christmas trees to the Highway Division at 250 Boston Road after the holidays for recycling. The drop off will be available from Thursday, December 26 until Friday January 31st. The DPW is planning to have the trees turned into mulch. All ornaments, tinsel, and lights must be removed.

There will be an announcement regarding the schedule for one week of curbside collection of trees. Please see the DPW website at www.billericadpw.org for more information. The announcement will also be posted on Nextdoor and on the Billerica DPW Facebook and Twitter pages.

MINUTES

NOVEMBER 4, 2013

Secretary Michael Rosa, seconded by Selectman Robert Accomando made a motion that the Billerica Board of Selectman accept the minutes of November 4, 2013 as presented.

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It was voted: 5 – In Favor
0 – Opposed

Secretary Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectman accept the minutes of November 18, 2013 as presented

It was voted: 5 – In Favor
0 – Opposed

OLD BUSINESS

NINETY-NINE RESTAURANT, 160 LEXINGTON ROAD, RE: WEEKDAY ENTERTAINMENT LICENSE ON FRIDAY AND SATURDAY FROM 7:00 P.M. TO 10:00 P.M.

Rick Campbell, Manager of the Ninety-Nine Restaurant, 160 Boston Road came to the podium and requested a Week Day Entertainment License for Friday and Saturday from 7:00 p.m. to 10:00 p.m. The Ninety-Nine is exploring the possibility of having Guitar Music.

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

Selectman George Simolaris asked why they were not interested in getting a full band.

Mr. Campbell replied that the Ninety Nine was a family oriented restaurant and wanted to keep the entertainment as such.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectmen grant an Entertainment License to the Ninety Nine Restaurant of Boston, LLC, doing business at 160 Lexington Road, with the Manager of record being Barry Doe, 15 Broad Street, Belmont, MA for Friday 7:00 p.m.to 10:00 p.m. and Saturday 7:00 p.m. to 10:00 p.m.

It was voted: 5 – In Favor
0 – Opposed

NEW BUSINESS

MASSFINEST, INC. 258 SALEM ROAD, RE: TAXI LICENSE

Gayrot Akhmedov from Massfinest, Inc. came to the podium and requested a Limo License.

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

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen grant a Limo License to Massfinest, Inc. doing business at 258 Salem Road, Suite 13, with the Manager being Gayrot Akhmedove at 158 Concord Road, Apartment 715, Billerica, MA for 24 hours per day, 7 days per week.

It was voted: 5 – In Favor
0 – Opposed

OLD BUSINESS

TOWN MANGER REPORT

Town Manager John Curran reported that he attended theMass Econ awards ceremony where two Billerica based companies received awards. They were E-Ink and Paraexel.

He reported that the MSBA conducted a walk-through of the High School in preparation for their January Meeting.

Mr. Curran further reported that he met with members of the Dog Park Committee regarding their Memorandum of Understanding which has been forwarded to Town Counsel.

Mr. Curran stated that the FY2015 Budget Letter will be distributed shortly to Department Heads.

Mr. Curran announced that the new Conservation Director is Isabelle Tourkontonis.

Mr. Curran stated that the Warrant Article pertaining to Fire Hydrants was sent back with changes from the Attorney General's Office. The changes had to do with fines that would not qualify.

Secretary Michael Rosa asked Mr. Curran to keep him updated regarding the Hydrant By-Law.

Mr. Curran stated he would keep Secretary Rosa updated on the matter.

Mr. Curran announced that the Town had auctioned off six properties and the Town realized \$483, 500.00 from the sale which would impact next year's Free Cash, and qualifies as a Fiscal Efficiency.

Mr. Curran recognized Treasurer John Clark for his role in organizing the Auction.

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Secretary Michael Rosa asked Town Manager Curran if this was done as Tax Title Sale as there was a specific policy in place which included asking Departments if there was any municipal use for them and not selling any that were building lots or homes, and finally ending with a sealed bid process.

Mr. Curran responded that he did not feel that these properties fell into the Tax Title Categories.

Secretary Rosa said he would like to know how these properties compare to past properties sold where the Board of Selectmen had a sealed bid process.

Selectman George Simolaris expressed his concern over advertising these Auctions, and getting as many people as possible to attend these auctions. He further suggested using the website as well as legal notices.

Mr. Curran explained the Auctioneer makes every effort to conduct the auctions with as many people as possible in attendance.

Secretary Michael Rosa referenced the Board of Selectmen's Policies and Procedures, Section 38. Secretary Rosa asked Mr. Curran if the properties in question fell under the policy of the Board.

Mr. Curran replied that he did not believe these properties fell under Tax Title.

Treasurer/Collector John Clark came to the podium and explained the two types of Auctions that the Town conducts.

The first is the Abutter's Auction and the other one is the Tax Possession Auction.

The Abutters Auction is the one where an Abutter can bid on a non-viable property. If the property is large enough to build on it is brought before the Board and they make the decision on whether an Abutter is allowed to bid on it, which he believed was what Secretary Rosa was referring to.

Mr. Clark further stated that the type of Auction that just took place involved properties of some potential value that needed to be reclaimed by the Town.

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Secretary Rosa stated that it still fell under Tax Title. The Auction that Mr. Clark was speaking about was where Abutters could bid up to a certain percentage of the property.

Mr. Clark further explained about the Custodian's Auction which is a property of considerable value that for whatever reason cannot be redeemed. That is similar to the parcels that were just auctioned off.

Secretary Rosa stated that this needed to be looked into further and see how Section 38 of the policy compares to the process that was done with this Auction.

NEW BUSINESS

PUBLIC HEARING

PROPERTY TAX CLASSIFICATION

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion to open the Public Hearing for Property Tax Classification.

Chief Assessor Richard Scanlon came to the podium and introduced, Bruce Richardson, Associate Assessor, and Kathy Matos, Associate Assessor.

Chief Assessor Richard Scanlon stated the following:

In accordance with Massachusetts General Law Chapter 390 of the Acts of 1982, the Billerica Board of Selectmen is required to hold a public hearing for the determination of the following items relating to the Fiscal Year 2014 tax rate:

1. The determination of a Residential Exemption of up to 20%
2. The determination of a discount factor of up to 25% for all land classified as Open Space.
3. The potential adoption of the Small Business Commercial Tax Exemption.
4. The adoption of a Residential Factor for the purpose of determining the percentage tax burden to be borne by each class of property.

Pertaining to item one (1), the Residential Exemption, as stated in MGL Chapter 59, Section 5C, specifically requires that any such granting of the Residential Exemption shall be applied to a

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“principal residence,” as used by the taxpayer for income tax purposes. This exemption was originally adopted by several Cape Cod communities as a means of forcing summer residents to pay a higher share of the tax levy than would year round residents. Since most residential property owners in this community consider Billerica to be their principal residence, adoption of the Residential Exemption would serve only to increase the residential tax rate while providing no actual tax benefit to Billerica property owners. It is the recommendation of the Board of Assessors that no Residential Exemption be adopted.

As to item two (2), the Board of Assessors has determined that, given the description of Open Space land as described in MGL Chapter 59, Section 2A (b), no land within this community can be properly classified as “Open Space.” Therefore, there is no reason for the Board of Selectmen to apply any discount factor for Open Space.

As to item three (3), as the Board may know, a Small Business Commercial Exemption Committee was formed by the Board of Selectmen in 1995 to explore this issue. To our knowledge, only one meeting was ever held by this committee, and no meeting has been held in the last three years. Briefly, this exemption allows up to a 10% property tax reduction for businesses that have, at least, five full-time employees and a property tax value of under \$1,000,000. Besides the inevitable problems of implementing the exemption since most small businesses lease, rather than own, their work space, the exemption is not a true property tax reduction since it only allows a city or town to shift the tax exemption from the commercial to the industrial property class. To lower commercial taxes will only increase industrial taxes, which already carries a larger tax burden in relation of its overall value. The Board recommends that the Board of Selectmen do not adopt this property tax exemption.

Most importantly and concerning item four (4), the final decision of the Board of Selectmen is to make its annual determination of a Residential Factor/CIP Shift in order to determine the tax burden to be borne by each class of property. A factor of “1.0000” will establish a uniform tax rate for all classes of property. Adoption of any other factor will serve to shift the tax burden from the residential taxpayers onto the commercial/ industrial/personal property (CIP) taxpayers.

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen adopt the Residential Exemption of up to 20% as stated in M.G.L. Chapter 59, Section 5C.

It was voted:

0 – In Favor
5 - Opposed

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Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen adopt a discount factor of up to 25% for all land classified as Open Space.

It was voted: 0 – In Favor
5 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen adopt the adoption of the Small Business Commercial Tax Exemption.

It was voted: 0 – In Favor
5 - Opposed

Chief Assessor Richard Scanlon further stated the following:

Based upon careful review after statistical analyses, the Board of Assessors respectfully submits their recommendation on Board of Selectmen Adoption of the CIP shift for the Fiscal Year 2014 tax rate.

For Fiscal Year 2014, the Board of Assessors recommends that the Board of Selectmen adopt a Residential Factor of **75.4129%**, which would result in a CIP shift of 175%. As the enclosed documentation indicates, the ultimate decision for the Board is to decrease the CIP shift or leave it at its current level of 175%. *Please note that selection of a Residential Factor and CIP shift percentage and its corresponding tax rates are subject to state Department of Revenue (DOR) approval, and final tax rates are subject to change during the approval process.*

There are several reasons why we feel that it is best for the Board of Selectmen to adopt a Residential Factor of 75.4129%, which would result in a CIP shift of 175%. First, due to the increase in the residential real estate market and relative stability in the business real estate markets in Billerica, both property sectors are seeing stable and continued, relatively minor tax increases of about 2.5% residential, under 1% commercial and industrial. Moving the CIP shift down would change these percentages in favor of one class of property and to the detriment of the other. Second, the change in residential assessed values, along with the Town increasing its tax levy and budget over the previous year (FY2013), have had an increasing effect on both the

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residential and business tax rates. With both property tax rates increasing at a lower amount than anticipated, we do not believe that a reduction in the CIP Shift is warranted.

Third, as stated in the past, we simply feel that the assessed valuations should dictate the resulting tax rates. The values will drive where the tax rates are going. The Board of Assessors does not feel that an adjustment to the CIP shift is warranted in light of the increases in both of these tax rates. With a residential tax increase of about 2.5% on average and business taxes marginally increasing or decreasing for most properties, we feel that the Board of Selectmen should continue its policy of voting a 175% CIP shift. This shift is highest allowable by law. Finally and while we realize that we are recommending the CIP Shift remain at 175% for Fiscal Year 2014, we would be remiss to not bring to the Board's attention the continued CIP shift off taxes off of residential property and onto business property. It is a long-standing policy of this Board to continue the CIP Shift and the same policy is in place in many of our abutting cities and towns. We have noted the issues in the past with continuing this policy and its effect on future business property values and on the Town's economic and business development. In our opinion, it would not be unreasonable for the Board to consider a reduction in the CIP Shift this year. It is just as reasonable to leave the CIP Shift at the 175%. It should be noted that the Board of Assessors took several votes and went through significant deliberations before making its recommendations for this year. Ultimately, it is up to the Board of Selectmen to make the decision on the annual CIP Shift, and we will respect and implement that decision.

Questions relating to this recommendation may be directed to the Board of Assessors at the Tax Classification Hearing.

Principal Assessor Richard Scanlon gave a detailed breakdown of the Property Tax Classification Hearing Handout submitted by the Board of Assessors dated December 2, 2013. This document is on file in the Selectmen's Office.

Town Manager John Curran stated that this there is a shift of 1% from residential to commercial. The tax rate this year, excluding the debt exclusion, is going up to roughly \$30.00. Last year the tax rate went up about \$86.00. The difference was there was a shift from residential to commercial. The rate of increase has been slowed somewhat by economic growth in the Town. Between the amended growth and growth on the balance sheet, there is \$3,000,000.00 new growth for the Town, which may be the largest number the Town has seen in approximately the last 7 to 10 years. Mr. Curran further stated that taxes will increase as expenses increase, but taxes can be reduced somewhat through economic development and it can be seen by these numbers. Tax bills in surrounding communities went up between \$300.00 and \$500.00 where Billerica's went up \$30.00 excluding the debt exclusion. The Town is in a very strong financial position and the tax rate reflects it.

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Mr. Curran stated that the Town is leaving \$5,000,000.00 on the table in excess capacity. That means the Town is leaving all of the new growth on the table. The net increase to the Town's levy, excluding the debt exclusion, is 2.24%, which is less than Proposition 2 ½ and it excludes all new growth

Chairman David Gagliardi thanked Mr. Scanlon and his Board for their hard work.

Chairman Gagliardi asked if there were any questions from Board members.

Questions and a lengthy discussion took place among Board members on various aspects of the presentation including how the tax rate affects attracting small businesses into Town, the impact of the Parker School on home sales in that area, the tax shift, giving a portion of new growth to offset the cost of the new High School, how homes can be purchased in Town on all financial levels, and the \$1,948,506.00 long term bonding of the Parker School.

Chairman Gagliardi again thanked Mr. Scanlon and his staff for this presentation, as well as Town Manager John Curran, Paul Watson, Town Accountant, and John Clark, Treasurer/Collector for their efforts in putting this together and presenting the Board with a budget that comes to \$5,000,000.00 under levy capacity. Chairman Gagliardi further stated that being \$5,000,000.00 under the levy capacity is extremely unusual and is a wonderful testament to the work being done in Billerica financially.

Town Manager John Curran thanked the financial team of the Town Accountant, Treasurer/Collector, and the Assessor and his Board for their great work.

Chairman Gagliardi asked if anyone wished to speak on the Public Hearing.

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

It was voted: 5 – In Favor
0 – Opposed

Selectman Michael Rosa, seconded by Selectman Andrew Deslaurier made a motion that the Billerica Board of Selectmen adopt a residential factor of 75.4129%.

It was voted: 5 – In Favor
0 – Opposed

Secretary Michael Rosa stated that Item 12 was off the Agenda

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12 HARNDEN ROAD DEED

Town Manager John Curran stated that this was a correction to an old deed. Town Meeting has acted on it and now it needs to be authorized by the Board of Selectmen. It required a vote and signatures of the Board.

Selectmen Michael Rosa, seconded by Selectman Andrew Deslaurier, made a motion that the Billerica Board of Selectmen approve the release of deed for the property at 12 Harnden Road, Billerica, MA, Registry of Deeds Plan Book 29, Plan 25.

It was voted: 5 – In Favor
0 – Opposed

BOARD OF SELECTMEN MEETING SCHEDULE FOR 2014

Secretary Michael Rosa requested that the meeting scheduled for December 1, 2014 be re scheduled. It could be discussed at a subsequent meeting.

Chairman David Gagliardi agreed.

APPOINTMENTS BOARD OF SELECTMEN

HIGH SCHOOL BUILDING COMMITTEE

Chairman David Gagliardi stated that the Board needed to appoint a member of the Board of Selectmen to the Committee. He appointed himself as he has been a member of the Facilities Study Committee and he would continue with the Building Committee.

TOWN MANAGER NEGOTIATING COMMITTEE

Chairman David Gagliardi stated the he would appoint himself and Selectmen Andrew Deslaurier to the Negotiating Team.

Selectmen George Simolaris expressed his concern relative to the fact that they still had not heard from the Attorney General's Office on the Open Meeting Law Complaint. He also felt it would not be prudent at this time to appoint the same negotiating team as before. He would like to make it a 3 person negotiating team.

Chairman David Gagliardi stated that if it were a 3 person team it would be a majority of the Board and could not be done.'

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Town Counsel Patrick Costello came to the podium and stated the he did not believe that under the Board of Selectmen’s Policies and Procedures that the appointment of the Negotiating Team had any Open Meeting Law ramifications including the complaint that is now pending before the Attorney General.

The policy states that the Chairman appoints one other member of the Board.

He recommended that if the Board wanted to it could place an item on a subsequent agenda to increase the size of the Negotiating Team to 3 and then a discussion could take place regarding Open Meeting Law ramifications with a majority of the Board on the team.

MEETING SCHEDULE

The next meeting will be December 16, 2013.

EXECUTIVE SESSION

Secretary Michael Rosa, seconded by Selectmen Andrew Deslaurier, made a motion to adjourn at 8:42 p.m. into Executive Session (M.G.L. 39, S23b,3) for the purpose of discussing the Memorandum of Agreement between the Town of Billerica and the Department of Capital Asset Management and the Middlesex Sheriff’s Department and also strategy for litigation.

They will return only to adjourn from Regular Session.

It was voted:	Selectman Andrew Deslaurier	Aye
	Selectman Robert Accomando	Aye
	Selectman George Simolaris	Aye
	Selectman Michael Rosa	Aye
	Selectman David Gagliardi	Aye

A TRUE COPY ATTEST

Sue Aker, Recording Secretary

**Board of Selectmen
Executive Session Meeting Minutes
December 2, 2013 @ 8:55pm
Town Manager's Office**

Present: Chairman David Gagliardi, Vice Chair Robert Accomando, Secretary Mike Rosa, Member Andrew Deslaurier, Member George Simolaris, Town Manager John Curran, Assistant Town Manager Cathleen O'Dea, Undersecretary of Administration and Finance for the Commonwealth of Massachusetts Scott Jordan, Deputy Commissioner Division of Capital Asset Management for the Commonwealth of Massachusetts Liz Minnis, and Town Counsel Pat Costello.

Scott Jordan reviewed for those present the Commonwealth's decision making process in expanding the jail at the Middlesex House of Correction, stating that as a result of overcrowding at the Cambridge facility coupled with a ruling in favor of the ALCU's claim on behalf of the detainees, the decision to expand the Billerica facility was necessary. He assured the Board that it has been proposed as a temporary facility but that the Billerica expansion would be in place until another permanent facility was constructed, adding that the permanent facility was slated for somewhere in the South East portion of Middlesex County.

He explained that the May 29, 2013 court ruling reduced the Cambridge cap to 200 and increased the MHOC cap to 1010. These two concurrences necessitated the HOC expansion.

He described the proposal expansion as a \$37 million project, adding capacity to accommodate 400 plus men from the Cambridge Jail. He also stated that the proposed construction would accommodate 240 beds in a 2-story dormitory housing and 256 beds in a 4-story pod housing for a total of 496 new beds.

He described the current facility as being 362,000 square feet with an expansion of 85,000 square feet for a total of 447,000 square feet.

He reviewed the project schedule as having construction completed in April of 2014.

He also explained that the existing permit for sewer usage was 200,000 gallons per day and their current use was a max of 123,000 gallon per day, adding that the expansion would add 150.7 gallons per bed or 74,747 in total. He reviewed for those present the permitting history.

Scott Jordan then reviewed for the Board the States commitment to the Town to pay for its import; to include:

- Sewer connection fee (calculated: 496 beds x 200 gallons/bed x \$15.42 for a total of \$1.5 million)
- Pay for water and sewer capital costs not currently in residential rate
- Pay for traffic signalization
- Remove name Billerica from facility

In addition Scott Jordan offered the Executive Office of Administration and Finance's cooperation with and support of the Town in efforts to:

- Study concept of shared maintenance facility between the Town and the Middlesex Sheriff's Office
- Support legislation to remove conservation restrictions on certain land
- Support Town's application for Mass Works and Mass DOT grants to improve Boston Road

The Board questioned the State officials on the high usage numbers. Scott Jordan explained that certain categories of detainees e.g. those in isolation drove those numbers upward.

The Board discussed the cost and the efficacy of a shared vehicle maintenance facility. They also commented that the new signalization was necessitated by the expansion and benefitted the House of Correction. Selectman Rosa addressed the partial removal of the Conservation Restriction and argued for the removal of the entire restriction; suggesting language that the restriction be "removed on all or a portion of the deed restriction as the Town of Billerica deemed appropriate." The State did not object to this language.

The Board questioned the State about the timing of their support for MASS Work and other grants noting that the political leadership may change thus altering their willingness to support the Town's funding efforts.

The Commonwealth requested from the Town cooperation from inspectional services as well as the Town's commitment to drop its appeal of the DEP Permit issued.

Scott Jordan articulated the Middlesex Sheriff's Departments (MSD) concerns about committing to a full cost recovery rate as they were experiencing budget constraints. To that end, the State offered to pay MSD's portion of the \$1.2 million. It was noted that the Town could continue to recover full rates going forward.

Members were asked to comment on their willingness to agree in concept to the plan and mitigation package. Selectman Rosa expressed his concern on having to make a commitment in concept that evening, as a great deal of information was presented.

Town Counsel Pat Costello reminded those present that he needed to respond to the DEP and that he was certain that the DEP would not grant an extension.

Selectman Simolaris spoke about Billerica's needs for sidewalks and stated that Billerica had been neglected by the State in this regard.

Selectman Rosa asked Scott Jordan if a Billerica Water Ban would apply to the House of Correction, he agreed that it should.

Motion made by Selectman Rosa to approve, in principle, the terms and conditions of the Agreement as discussed subject to Town Counsel's preparation of a final draft MOA for execution by both parties; seconded by Selectman Accomando.

Roll Call Vote:

Chairman Gagliardi-----"AYE"
Vice Chair Accomando--"AYE"
Secretary Rosa-----"AYE"
Selectman Deslaurier-----"AYE"
Selectman Simolaris-----"AYE"

Vote 5-0

Motion approved

Motion made by Selectman Accomando to adjourn; seconded by Selectman Deslaurier.

Roll Call Vote:

Chairman Gagliardi-----"AYE"
Vice Chair Accomando--"AYE"
Secretary Rosa-----"AYE"
Selectman Deslaurier-----"AYE"
Selectman Simolaris-----"AYE"

Vote 5-0

Motion approved

The Executive Session adjourned at 9:35pm.

The Board returned to Open Session and adjourned at 9:38pm.