



**Minutes from Executive Session
April 12, 2011**

The Board of Selectmen held an Executive Session jointly with the Billerica Planning Board in Room 110, Billerica Town Hall.

Present were: Chairman Robert Correnti, Vice-Chair Robert Accamando, Secretary Michael Rosa, Selectman David Gagliardi, Town Manager John Curran, Town Counsel Patrick Costello, Assistant Town Manager Cathy O'Dea, Planning Board Director Peter Kennedy as well as Planning Board Members: Chairman David Saviano, Vice Chairman Vincent MacDonald, Member Edward McLaughlin, and Member Patricia Flemming. Member David Kinsella joined the meeting, in progress, at 6:37 pm. The meeting began in Open Session at 6:32 pm and was adjourned into Executive Session, with intent not to return to Open Session with the following motion:

Motion by Secretary Rosa: to adjourn into Executive Session for the purpose of discussing the Board of Selectmen's strategy with respect to possible litigation relative to the locating of cell towers at The Country Club of Billerica and Akerson Field as well as strategy relative to possible litigation at Iron Horse Park. The motion was seconded by Selectman Gagliardi.

Roll call vote:

Chairman Correnti	yes
Vice-Chair Accomando	yes
Secretary Rosa	yes
Selectman Gagliardi	yes
Selectman Deslaurier	absent

Vote: 4-0-1

Executive Session commenced at 6:33 pm

Item One:

Cell Tower at The Country Club of Billerica.

Town Manager John Curran told those present that the Planning Board was requesting legal counsel on the Country Club's appeal of the Planning Board decision. Town Counsel, Patrick Costello detailed for those present the merits of the appeal. Discussion ensued among those present and by a roll call vote of the Planning Board authorization was granted to Town Counsel and the Planning Board Director to enter into discussion with the appellant to discuss possible settlement.
Vote of the Planning Board 6-0.

**Item Two:
ANR at Iron Horse Park.**

Town Counsel, Pat Costello, detailed the merits of the ANR application and informed those present of their statutory obligations under Massachusetts General Laws Chapter 21E. Discussion ensued among those present and by a roll call vote of the Planning Board authorization was granted to Town Counsel and the Planning Board Director to enter into discussion with the appellant to discuss possible settlement.
Vote of the Planning Board 6-0.

**Item Three:
Cell Tower at Akerson Field**

Town Manager reported that the Planning Board was requesting legal counsel for the applicants appeal of the Planning Board decision. Town Counsel Pat Costello, detailed for those present the relevant criteria applied to denial of an application. Discussion ensued on the merits of the case as well as whether the applicant could choose another location. Town Counsel responded that the applicant had reviewed other sites but that none were appropriate, according to the petitioner. A roll call vote was taken and it was decided that authorization be given to Town Counsel and the Planning Board Director to enter into discussion with the applicant to discuss possible settlement.
Vote of the Planning Board 4-2-1.

It was agreed that Town Counsel would meet with both Boards to report on the discussion regarding possible settlement on each of the issues.

Motion by Secretary Rosa to adjourn the Executive Session. The motion was seconded by Selectman Gagliardi.

Roll Call Vote:

Chairman Correnti	yes
Vice-Chair Accomando	yes
Secretary Rosa	yes
Selectman Gagliardi	yes
Selectman Deslaurier	absent

Vote: 4-0-1

The meeting was adjourned and the Executive Session ended at 8:46 pm.

Approved: 5/2/11

Released: 9/22/2014

A true copy:



Michael S. Rosa
Secretary