



BOARD OF SELECTMEN

TOWN HALL
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Andrew N. Deslaurier, *Chairman*
Edward J. Giroux, *Vice Chairman*
Kimberly J. Conway, *Secretary*
George J. Simolaris, Jr., *Member*
Michael S. Rosa, *Member*

MEETING MINUTES

JANUARY 8, 2018

A regular meeting of the Board of Selectmen was held on Monday, January 8, 2018 at 7:00 p.m. in the Conway Hearing Room. Present were Selectman Andrew Deslaurier, Chairman, Selectman Edward Giroux, Vice Chairman, Selectman Kimberly Conway, Secretary, Selectman George Simolaris, Member, Selectman Michael Rosa, Member, John Curran, Town Manager, and Cathleen O'Dea, Assistant Town Manager.

CALL TO ORDER

Chairman Andrew Deslaurier called the meeting to order at 7:00 p.m.

OPEN MICROPHONE

David Johnson, 113 Gray Street, came to the podium regarding Recreational Marijuana Facility Rules and Regulations and Public Meetings for Medical Marijuana facilities.

Christopher Tribou, 13 Bridle Road, came to the podium regarding the Food Pantry.

Marc Chapdelaine, Esq., 325 Central Street, Saugus, MA, Attorney for Play-Offs came to the podium regarding reconsideration of Play-Offs 2018 Restaurant All Alcoholic License.

In response to Attorney Chapdelaine's remarks, Chairman Deslaurier explained his correspondence had been received after the posting of the Agenda. The timeline would be addressed in the Town Manager's Report.

America's Yankee Doodle Town

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ANNOUNCEMENTS

Chairman Deslaurier asked for a moment of silence for former Town of Billerica Treasurer, Arthur Curtin, who passed away that morning.

Selectman Conway stated there were 4 openings on the Scholarship Foundation Committee, and 4 openings on the Cable Advisory Committee. All other announcements may be viewed on the Town of Billerica Website, Selectmen's Page

MINUTES

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to accept the minutes of December 18, 2018.

It was voted:

5 – In favor

0 – Opposed

PUBLIC HEARINGS

7:15 p.m. National Grid and Verizon-Cardington Avenue-Installation of New Pole and Anchor To Feed New Home at 24 Cardington Avenue. Plan No.: 25188271 (Abutters Notified by Selectmen's Office).

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to open the Public Hearing.

It was voted:

5 – In Favor

0 - Opposed

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Ken Doby from National Grid came to the podium.

Chairman Deslaurier asked if there were any questions from Abutters.

Mr. Doby replied there were none that he was aware of.

Chairman Deslaurier asked if anyone from the Public wished to speak.

No one from the Public spoke.

Selectman Conway, seconded by Selectman Rosa made a motion to close the Public Hearing.

It was voted: 5 – In Favor
0 – Opposed

Selectman Conway, seconded by Selectman Rosa made a motion to allow National Grid and Verizon to install a new pole and anchor to feed new home at Cardington Avenue, Plan # 24188271.

It was voted: 5 – In Favor
0 - Opposed

7:25 p.m. National Grid and Verizon-Relocating Pole #30 15 feet +/- Towards Pole 29, Boston Road at Customer's Request, Existing Pole is in Proposed Driveway. Plan No. 25080038 (Abutters Notified by Selectmen's Office)

Selectman Conway, seconded by Selectman Rosa made a motion to open the Public Hearing.

It was voted: 5 – In Favor
0 – Opposed

Selectman Rosa asked if any abutters had concerns.

The Representative from National Grid stated there were none.

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Chairman Deslaurier asked if anyone from the Public wished to speak.

No one from the Public was present to speak.

Selectman Conway, seconded by Selectman Rosa made a motion to close the Public Hearing.

It was voted: 5 – In Favor
0 – Opposed

Selectman Conway, seconded by Selectman Rosa made a motion for National Grid and Verizon to relocate Pole #30, 15 feet +/- towards pole 29, Boston Road at Customer's Request. Existing Pole is in proposed driveway. Plan #250800381.

It was voted: 5 – In Favor
0 – Opposed

7:30 p.m. National Grid, Plan No. 25408865 Boston Road-National Grid Proposes Two (2) 5' Conduits to Feed 3 Buildings at 71 Boston Road (Abutters Notified by Selectmen's Office.)

Selectman Conway, seconded by Selectman Rosa made a motion to open the Public Hearing.

It was voted: 5 – In Favor
0 – Opposed

Selectman Rosa asked if there were any concerns from Abutters.

The Representative from National Grid stated there were none.

Chairman Deslaurier asked if anyone from the Public wished to speak.

There were no questions from the Public.

Selectman Conway, seconded by Selectman Rosa made a motion to close the Public Hearing.

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It was voted: 5 – In Favor
0 – Opposed

Selectman Conway, seconded by Selectman Rosa made a motion to approve National Grid's Plan 25408865, two (2) 5" conduits to feed three building at 71 Boston Road.

It was voted: 5 – In Favor
0 – Opposed

OLD BUSINESS

Town Manager's Report

Town Manager John Curran outlined items on his Town Manager Report; i.e. Proprietary Fiber Vendor Approval, Playoff's Letter, FY2019 Budget, Recreation Rink, Terrazzo bid for the new High School, Interim Fire Chief, Fire Department Assessment Center.

Mr. Curran explained to the Board that item 1 on his Town Manager Report, Proprietary Fiber Vendor Approval was the only item that required Board approval.

Mr. Curran explained in detail the item and stated he had written up a motion for the Board to make under M.G.L., c 30, S39M(b) to make Waveguide the Proprietary Vendor .

Selectman Rosa asked if this prevented them from going out to bid by doing this.

Mr. Curran replied that it did.

Selectman Rosa asked if there was a reason it would not be put out to bid and have the institutional knowledge structured into the Bid process.

Mr. Curran stated that in his proposed motion you have to list the reasons why you would not be going out to bid. He stated that with their institutional knowledge it would make sense to go with Waveguide.

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Selectman Rosa asked if this was budgeted or something that came up along the way.

Mr. Curran stated it was budgeted for.

Selectman Giroux asked that if a new High School was not being built would this even be an issue.

Mr. Curran replied that it would not.

Selectman Giroux stated it made sense to go ahead with this motion

Selectman Simolaris asked about the timeline for this project and also clarified that this vendor did the same work in the other Municipal buildings. Selectman Simolaris also asked what the cost would be.

Mr. Curran replied yes and stated he would get him the cost for him.

Mr. Curran read a memo from David Saindon to answer some of the questions Selectman Simolaris had. Mr. Curran indicated that due to the complexity of the project if they were to go out to bid for this project, the low bidder would not have the knowledge and would have to be brought up to speed. It would be a huge learning curve.

Selectman Simolaris asked if Mr. Curran wanted the Board to vote on this tonight.

Mr. Curran replied that he thought it would be appropriate for the Board to vote at this meeting.

Selectman Rosa that when all is done, will everything that was previously done be rewired and is there any place in Town that would need to be included.

Mr. Curran stated that this was part of the review to make sure the present system would be integrated into it.

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Selectman Conway stated that if Perkins and Will are asking a Proprietary Bid for Waveguide, it must be a well thought out process as it is uncommon not to go out to competitive bidding for projects. For the High School project this is only the second time it has gone for proprietary bidding.

Selectman Conway, seconded by Selectman Rosa made the following motion: "Move that the Town proceed with procuring Waveguide as a proprietary award for the installation of new fiber cable routing which will support the High School and Billerica Emergency Services. Pursuant to M.G.L. c.30, s 39M (b), be it further moved that this need for procuring this work via a proprietary vendor is based on the following:

- Existing fiber cable associated with the Town's Emergency Services has been installed by Waveguide. Waveguide is familiar with the existing fiber runs associated with the Town's Emergency Services;
- Waveguide has been involved in the pre-planning of this scope/project;
- Due to sensitivity of this work consisting of maintaining emergency services for Fire and Police, the fiber cabling contractor will be required to participate in on-going in-depth coordination meetings with various stakeholders".

It was voted:

5 – In Favor

0 - Opposed

Mr. Curran spoke about Fire Chief Tom Conway who retired on January 5th. Chief Conway had a distinguished 34 year career with the Town. His dedication, integrity, and professionalism in all aspects for Fire Service will be missed.

Mr. Curran announced that Deputy Fire Chief Bob Cole will be the interim Fire Chief until a permanent candidate is appointed. The Town is waiting for Civil Services to certify the results of the assessment center. Once that is done, the Town can complete the hiring process. That process will take between 30 and 60 days which is term of Deputy Cole's appointment.

Mr. Curran spoke about Play-Off's and their failure to comply with all applications and criteria associated with yearly license renewal. More specifically Mr. Curran remarked on Play-Offs failure to fill out a health and safety inspections applications. As a courtesy, the Fire and

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Building Department did go out and inspect the premises in anticipation of that application being submitted; which was never done even after repeated phone calls.

Mr. Curran also remarked about the difference between Play-Off's and two other establishments in Town that were referenced in the letter is that those two establishments responded and there is a pending resolution.

Mr. Curran recognized employees and the families of these employees from the DPW for their extraordinary efforts in keeping the Streets safe clean during the Christmas day storm. Their sacrifices enabled the rest of us to enjoy Christmas with our families. Mr. Curran stated he would like the public to understand just how hard the DPW works. He also recognized them for their efforts in all of the water main breaks that have happened during this recent cold snap.

Selectman Giroux thanked the DPW for all their hard work during the Christmas storm, subsequent storms and the extraordinary cold snap. Selectman Giroux congratulated Chief Conway on his retirement and his long career with Billerica

Selectman Rosa also thanked the DPW and passed along comments he received about what good shape the roads are in.

Selectman Rosa thanked Chief Conway for his service and dedication to the Town. He remarked that Chief Conway was always looking for ways to save the town money and to better serve the Fire Department at the same time.

Selectman Rosa expressed disappointment that the Fire Department Assessment was now comparing Billerica to "like" communities. He wanted to know why it wasn't being done as the process progressed. He felts things like that should be done in a concurrent manner.

Selectman Simolaris asked if Play-Off's License was complete last meeting why they couldn't have the opportunity to renew their license.

Mr. Curran explained the local and state requirements for license renewals. He also stated that a quorum was not able to be put together before the end of the year to act on this license.

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Selectman Conway offered her congratulations to the DPW and Water Departments. She stated it is been so incredibly cold and these folks are out there at all hours fixing these breaks and making sure the Streets are safe and passable

Chairman Deslaurier also congratulated DPW for their consistent professionalism in this weather.

He also congratulated Chief Conway and wished him well.

NEW BUSINESS

Set Date for Show Cause Hearings for Nana Seven Restaurant and Homewood Suites Hotel – Delinquency in Appointing New Managers

Police Chief Dan Rosa came to the podium and stated that Homewood Suites is on the Agenda for the appointment of a New Manager.

Chief Rosa stated he did receive an e-mail from the Attorney for Nana Seven regarding their progress for a change of Manager. Chief Rosa further stated that he would still like to schedule a Show Cause Hearing at least 30 days out and no more than 60 days out to show cause for the suspension or revocation of Nana Seven's license for failure to appoint a new manager.

Chairman Deslaurier stated the Board could do it at the meeting of February 5th.

Chief Rosa stated they are making progress and moving forward, but not sufficient enough progress as to not have the hearing.

Selectman Conway, seconded by Selectman Rosa made a motion to schedule a Show Cause Hearing for Nana Seven for a Rules and Regulation Violation..

It was voted:

5 – In Favor

0 – Opposed

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Acceptance of Bequest from John K. Jovan to the Billerica Public Library.

Library Director, Jan Hagman and Ellen Rawlings came to the podium and spoke about John Jovan, a late patron of the Library and his bequest for the Library.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that pursuant to the provisions of General Law Chapter 44, Section 53A, the Billerica Board of Selectmen accepts the bequest of John Jovan as presented in his last Will and Testament of 10% of his estate to the Billerica Library and further authorizes the Chairman of the Billerica Board of Selectman to execute the assent and waiver of notice, nomination and waiver of surety as provided by the estate.

It was voted:

5 – In Favor
0 - Opposed

Billerica Youth Lacrosse, Permission to Place four (4) Lawn Signs on the Common for Billerica Youth Lacrosse Registration.

Selectman Conway, Seconded by Selectman Rosa, made a motion to allow Billerica Youth Lacrosse to place four (4) Lawn Signs on the Common for Billerica Youth Lacrosse Registration from January 14 through February 14th.

It was voted:

5 – In Favor
0 – Opposed

Setting Up Emergency Shelter Areas Within the Town of Billerica

Selectman Simolaris put this item on the Agenda for a discussion with the Board because of concerns for residents who lost power during snow storms and the extraordinary cold and who could not stay in their homes and had nowhere to go.

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Mr. Curran explained there is a plan in place for emergency sheltering . He stated there is a trailer on Alexander Road that has cots and other emergency supplies and equipment. There is also a generator that can power an emergency center at the Marshall Middle School to enable it to be an emergency center . Mr. Curran explained that the Council on Aging is used as a warming center. It is in the process of being outfitted with "pig tails" for the emergency generator.

Mr. Curran further stated that in collaboration with the Council on Aging, the Fire Department, Police Department and Emergency Management there is a list of approximately 90 people who may need assistance .

Prior to last week's storm , there was a meeting to discuss what might be necessary . There were preliminary calls made . There was a second set of phone calls made to see who might need assistance. If there was no response, Emergency Management Crews were sent for a Health and Wellness check. There was also some shoveling done on an emergency basis.

Selectman Conway asked if Bill Laurendeau, Emergency Management Director could come in for a presentation on Emergency Management functions.

Selectman Rosa concurred that it was a great idea to have Mr. Laurendeau make a presentation to the Board.

Access to Akeson Field

Selectman Simolaris stated he has received a phone call from a resident who wanted to access the Akeson Field and found that it was blocked.

Selectman Rosa stated that the gate is there to stop vehicles from going beyond a certain point. It does not preclude anyone from walking through the field. It is accessible.

Mr. Curran asked if the Board wanted him to take any action.

The Board did not wish any action taken.

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Policy When a Licensee is Not in Compliance with State and Local Laws and Policies

Selectman Rosa stated he would like to structure a policy that will cover ADA compliance, and other areas that are covered by Inspectional Services to notify the Board of such matters. The policy would also enable licensees in Town to know what is expected of them and to shore up some areas that might be lacking.

Selectman Giroux concurred with Selectman Rosa and said he thought it would be a good idea.

Chairman Deslaurier expressed concern about over regulating some of these matters.

Selectman Rosa stated he would draft something and send it to the Chairman to decimate to the Board.

Island Hospitality Management III, Inc., d/b/a Homewood Suites by Hilton, Change of Manager

Matt Barlett, proposed Manager came to the podium for this item.

Mr. Bartlett explained to the Board the hours for Alcohol. They are Monday through Thursday from 5:00 p.m. to 7:00 p.m.

Selectman Conway, seconded by Selectman Rosa made a motion to approve the change of Manager for Island Hospitality Management, III, Inc., d/b/a Homewood Suites by Hilton, to Matt Barlett.

It was voted:

5 – In Favor

0 – Opposed

Discussion on the Future of the Food Pantry

Selectman Simolaris initiated a discussion on the future of a location for the Food Pantry.

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Chairman Deslaurier clarified that the Food Pantry is not a Town of Billerica organization.

Mr. Curran stated that although the Food Pantry is a great service to the Town, it is a private organization and you need to tread carefully so as not to mix Town resources. However, this is a valuable service and will do everything possible to make sure it stays available.

Mr. Curran stated he spoke with Rev. Katherine Adams, the head of the local clergy in Town. She said they would be having a meeting to discuss it.

Mr. Curran also spoke about the School Department and the food program they run.

Mr. Curran stated he will personally follow this to make sure this is an opportunity rather than a loss.

Discussion on the Protocol for Snow Plowing and Who Oversees the Condition of the Streets

Selectman Simolaris stated he had received some calls about Letchworth AV and from the Pinehurst Area because there was no salt and the streets weren't plowed wide enough. He also commented on the crosswalk from the Senior Center to Walgreens'. That was icy as well.

Mr. Curran stated that there were checkers that go around and check the plow routes that have been plowed by Town Employees and the Contractors. Mr. Curran also spoke about Joe Murray who is the contractor for clearing sidewalks at the Common and 3A.

Mr. Curran asked businesses along 3A to be a little more cognizant of where they push the snow in the public ways.

Mr. Curran stated he will be meeting with the DPW Director about North Billerica and 3A. He further stated they will be looking at maintaining sidewalks on 3A by Circle Health after looking at it from a pedestrian standpoint.

Selectman Giroux asked about a mechanism to check on private contractors who plow private entities and push snow into the Street.

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Mr. Curran stated they will talk to the commercial entities to make sure that doesn't happen .

Selectman Rosa stated there is a by-law in place for residents and businesses to take care of their own sidewalks. Selectman Rosa stated there is a lot to maintaining sidewalks when they go in and snow removal is just one aspect of it.

Meeting Schedule

January 29, 2018

February 5 and 26, 2018

Discussion ensued about the confusion of the next January meeting; whether it was January 22 or January 229th.

Adjournment

Selectman Conway, seconded by Selectman Rosa made a motion to adjourn.

It was voted:

5 – In Favor

0 – Opposed

Chairman Deslaurier adjourned the meeting at 9:00 p.m.

A TRUE COPY ATTEST



Sue Aker, Recording Secretary