



BOARD OF SELECTMEN

TOWN HALL
365 BOSTON ROAD
BILLERICA, MASSACHUSETTS 01821
978-671-0939
FAX: 978-671-0947

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

MEETING MINUTES FEBRUARY 25, 2019

A regular meeting of the Board of Selectmen was held on Monday, February 25, 2019 at 6:29 p.m. in the Conway Hearing Room. Present were Selectman Kimberly Conway, Chairman, Selectman Andrew Deslaurier, Vice Chairman, Selectman Edward Giroux, Secretary, Selectman George Simolaris, Member, Selectman Michael Rosa, Member, Town Manager John Curran, and Assistant Town Manager Cathleen O'Dea.

Chairman Conway called the meeting to order at 6:29 p.m.

At 6:30 p.m. the Board, by Roll Call vote, adjourned into Executive Session for –Pursuant to G.L. c 30A. sec.21(a)(7), to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements-review and approval of Executive Session minutes of the following Executive Session meetings:

2. January 7, 2019-pursuant to G.L. c.30A, sec. 21(a)(1) to discuss the reputation, character, physical condition or mental health, rather than professional competence of an individual, or to discuss the discipline or dismissal of, or complaints, or charges brought against a public officer, employee, staff member or individual

The Board will return to public session

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It was voted:

Selectman Rosa-Aye
Selectman Giroux-Aye
Selectman Deslaurier-Aye
Selectman Simolaris-Aye
Selectman Conway-Aye

The Board returned to public session

OPEN MICROPHONE

Ms. Dee Dee Dorrington of 31 Arcadia Road came to the podium and spoke about the activities of Life Alliance. Ms. Dorrington also introduced other members of the organization. Susan Robertson, Anne Marie Cicarello, and Kathy Parsons.

ANNOUNCEMENTS

Selectman Giroux stated there were five openings on the Scholarship Foundation Committee.

Selectman Giroux stated that the Billerica Health and Wellness Fair will be held on Saturday, April 13, 2019 at the Elks Hall on Webb Brook Road, from 10 to 1 p.m. Over 70 vendors will be participating this year to help in our community's effort to support the Health and Wellbeing of Billerica's residents through its mission to Engage-Educate- Energize . Please join us for information, displays, activities as well the opportunity to pick up our free updated booklet listing all the sponsors, vendors, and important related contact information we are lucky enough to have available to all here in Billerica.

All other announcements may be viewed on the Town of Billerica Website, Selectmen's page.

MINUTES

January 28, 2019 (Regular Session)

Selectman Rosa stated that on page 2 of the minutes he would like to have Jacqueline Rowland changed to Jacqueline DiPersio.

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On page 12 relative to the interview process for the East Billerica Traffic Management Committee member, he would like added his concerns that about the candidate working for VHB, which is a contractor for the Town.

Selectman Rosa stated he would also like added after Chairman Conway's comments on the cut-off process was that his idea of a cut-off process was that the Board had a list, they conducted interviews, and those were the two candidates they had to choose from.

Amended minutes will appear on a future Agenda.

January 7, 2019 (Executive Session)

Selectman Giroux, seconded by Selectman Deslaurier, made a motion to approve the amended Executive Session Minutes of January 7, 2019

Roll Call Vote:

Selectman Rosa – Aye
Selectman Giroux – Aye
Selectman Deslaurier – Aye
Selectman Simolaris – Aye
Selectman Conway – Aye

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen release the Executive Session Minutes of January 7, 2019

Selectmen Rosa spoke on the motion. He stated that he hopes these Executive Session Minutes are released. They are no different than the two Executive Session Minutes that occurred in 2015. He further stated it may be argued that those sessions in 2015 were about people sitting in positions at that time.

Selectman Rosa stated he would argue that it is no different in this case. He stated he is trying to be as generic as possible. The individual that this Executive Session is about does sit on a very important Board and a very important committee in Town. That is no different than the ones in 2015.

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Selectman Rosa stated that for complete transparency these minutes should be released. He further stated this was the same argument that Selectman Deslaurier made back in 2015 about both cases; that those minutes should be released.

Selectman Rosa stated he hopes there is a positive motion to release these minutes.

Selectman Deslaurier stated that Selectman Rosa is correct. He did state that back in 2015. The facts in 2015 were the events that were discussed transpired while the individual was holding a seat and were in the conduct of their duties of that seat.. That is why he said that.

Selectman Simolaris stated that he is for clarity; however he did not want to jeopardize the Town so he would be voting not to release these minutes at this time.

Roll Call Vote on the motion:

Selectman Rosa – Aye
Selectman Giroux-No
Selectman Deslaurier-No
Selectman Simolaris-No
Selectman Conway-No

Chairman Conway stated that the Board of Selectmen has reviewed the Executive Session minutes from January 7, 2019 and determined pursuant to G.L. Chapter 30A, Section 22 that such Executive Session Minutes warrant continued non-disclosure

Selectman Simolaris asked if these minutes could be released in the future.

Chairman Conway stated that all the Board was voting on is non-disclosure at this time.

OLD BUSINESS

Town Manager's Report

-Fiscal Efficiency

-Professional Recognition

Mr. Curran reviewed for the Board items on his Town Manager's Report; i.e., 8 Carter Avenue, Health Insurance Meeting, Sidewalk Management Plan, Complete Streets, Economic Development, Zoning Workshop, Water Meters, Adult Use Marijuana Establishment.

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Selectman Rosa asked would the marijuana establishments be licensed through the Board of Selectmen.

Mr. Curran stated that a piece of it would go through the Board, another would go through the Town Manager's Office and another would go through the Planning Board and the Board of Health.

Selectman Rosa asked if there will be a subcommittee as there was for medical marijuana.

Mr. Curran stated it would be discussed at the next meeting.

Chairman Conway suggested polling other communities to see how they handled it.

Selectman Rosa asked when Mr. Curran proposed conclusion of the water meter project.

Mr. Curran stated the majority would be completed within 6 to 8 months.

Selectman Rosa asked about discussing changing the billing cycles at some point.

Mr. Curran stated he would recommend having a full year of complete data to ascertain revenue generation.

Selectman Rosa agreed but stated he would like to have all the upfront work done ahead of time.

Selectman Rosa stated he is glad to see that Carter Avenue is moving along. He further stated he is happy about the Zoning Workshop and the Self-Evaluations for the Sidewalk Management Plan. He would like to see a layout of sidewalks to see if there any impediments to making them ADA compliant.

Selectman Giroux concurred with Selectman Rosa on Carter Avenue. He asked Mr. Curran that in addition to existing sidewalks, would this plan help to identify areas in town that would need sidewalks.

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Mr. Curran stated that was part of the plan based on proximity to public transportation, schools, etc.

Selectman Giroux stated he is looking forward to the Zoning workshop. There has been some good discussion on it.

Selectman Giroux stated he concurred with Selectman Rosa regarding the water billing cycle. He said it makes sense to collect a year's worth of data before changing it. It also makes sense to evaluate what decisions can be made ahead of time.

Selectman Giroux commented on the EMD Serono expansion and what a good business neighbor they have been. He also stated he is looking forward to working with Clear Motion and the new life science company that will be housed at 900 Middlesex Turnpike.

Selectman Simolaris asked if the demolition of the structure on Carter Avenue will be going out to bid.

Mr. Curran stated it has already gone out to bid. The work is scheduled to start in early March.

Selectman Simolaris asked about the process involved for the increases in the Health Insurance for retirees.

Mr. Curran explained why the rates are going up 4%. He reminded the Board that the Town pays 90% of retirees' health benefits.

In regards to "Complete Streets", Selectman Simolaris asked if the Town had applied for any funding yet.

Mr. Curran stated the Town is creating a list and then will apply for funding. Mr. Curran pointed out that the Town had received funding for some of the studies that had been done.

Selectman Simolaris commented on EMD Serono and how lucky Billerica is to have them as neighbors. He asked Mr. Curran if it were possible to have an Economic Development update at a future meeting.

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Mr. Curran stated he could arrange that.

Selectman Simolaris asked about the number of complaints on water bills.

Mr. Curran stated there were less this cycle than there was before. He stated that there should be some education for people who have irrigation systems. That was the bulk of the complaints.

Selectman Simolaris asked about adopting criteria and the time frame residents have to dispute water bills.

Mr. Curran stated there is a timeline. People can find that out from the Water Department. He also stated there is a complaint form on line for residents. They can also get them from the Water Department.

Selectman Simolaris asked about the timeline for marijuana facilities to get on line. He also asked about the RFP process.

Mr. Curran spelled out the RFP like process. He stated it would be a long process that probably would not be completed until mid to late summer. The process will help identify the best fits for the Town.

Mr. Curran further noted that he had taken a tour of a growth facility in Littleton. He said that the security there was very impressive. He said they had all different forms there; i.e., edibles, vaping, etc.

Selectman Simolaris asked about Board input for this.

Mr. Curran stated at some point the Board would need to weigh in heavily.

Selectman Deslaurier asked about layering in on all the policies the Town has entered into; i.e., Complete Streets, Green Communities, etc.

Mr. Curran stated something could be embedded in policies to see progress to date.

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Chairman Conway stated that Rob Anderson continues to do an outstanding job in the area of economic development. EMD Serono has been and will continue to be a great community member for Billerica. Chairman Conway welcomed the two new companies to Town.

Chairman Conway encouraged people to have an open mind going into the Zoning Workshop.

Discussion on Plans to Eliminate Trucks Hitting the Low Mt. Pleasant Street Bridge

Mr. Curran introduced DPW Director Abdul Alkhatib to update the Board on the signs by the Mt. Pleasant Street Bridge including a laser sign.

Mr. Alkhatib stated it was a solar sign that would be flashing. It is activated by laser, but not the technology that had been discussed. It is operated in a similar fashion

Mr. Alkhatib discussed the sign the MBTA proposed to put up. It will be a solar sign that will alert at all times that there is danger. In addition, Mr. Alkhatib stated the Town will increase their signage in advance of the bridge on both sides and on Billerica Av as well.

Mr. Alkhatib stated that after delays and several phone calls and e-mails, he is still waiting on a date that the sign will be installed.

Mr. Alkhatib stressed that he wanted the public to know that it is not a town bridge. It belongs to the MBTA and they are being asked to protect their own bridge and infrastructure.

Chairman Conway commented on Mr. Ramos bringing this to the Board. She also stated she too has received a number of phone calls and e-mails, and how frustrating it must be for the neighbors in the area. She asked Mr. Alkhatib that if there was any way he could expedite getting the signage up, it would be appreciated.

Mr. Alkhatib stated he would continue to contact them.

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Selectman Deslaurier stated that he thinks these are not professional truck drivers that are hitting the bridge. He thinks they may be rental trucks. He thinks it may be a ways problem more than an inattentive problem because of the ways and other GPS apps are sending people off of 495.

Selectman Rosa referenced an idea put forth by Mr. Al Ramos previously; 2 steel poles that goes over the road with a sign that says "If you hit this sign, you're going to hit this bridge". That could be the biggest cheapest deterrent. It would least give them an opportunity to back up.

Mr. Alkhatib says he agrees if people are paying attention. Probably 99% of these accidents are caused because drivers are not paying attention. He says there are signs right by the bridge on both sides that tells you the height and you can see the bridge and the height.

Selectman Rosa countered that the sign would be at a level where they could hit the sign. It would be the same concept that is used in parking garages. He suggested advocating for the MBTA to do something like that. They don't have to see the sign. They don't have to read it. They will feel the impact. He suggested getting the cost of doing something of that nature and giving it to the MBTA.

Selectman Giroux asked that whatever type of signage was used, would it be on both sides of the bridge.

Mr. Alkhatib stated it would be on both sides of the bridge.

Selectman Simolaris recommended putting rubber flaps at least coming sown 2 or 3 feet from the bridge. Also, suggested having the words "Low Bridge" right above it.

Conservation Related Deeds for former Cabot Property and Sheridan Street Parcels

Mr. Curran stated there are two items for the Board's business to complete. One is for the Cabot property that went through Town Meeting and the other for Sheridan Street parcels.

In regards to the Cabot property, Selectman Rosa stated he had a recollection of a friendly amendment put forth at Town Meeting for boat access. He would like to ensure that it is so and if language needs to be inserted to make sure it is allowed.

Mr. Curran stated that his recollection is that there is nothing in the deed that would prohibit boat access to the sight, but that he would go back and look in the notes.

Selectman Rosa suggested that if this is not time sensitive, to hold it until the next meeting and look into adding any language or to review the vote at Town Meeting to make sure there would be access.

Chairman Conway asked if that is something that is typically in a deed.

Selectman Rosa stated some deeds have restrictions on it. This would be like an opposite. It would be ensuring that boating access is allowed.

Selectman Deslaurier asked if it is not prohibited under current zoning, what is the concern.

Selectman Rosa stated the land is still in the care of the Town. Once it is turned over the Conservation Commission, he is not sure what their restrictions would be. It can be very restrictive within the first 100 feet of waterways under the River Protection Act. He stated he just wants to make sure there is access for people to fish and boat.

Chairman Conway pointed out language in the deed on the vote of Town Meeting that might clear up Selectman Rosa's concern.

Selectman Simolaris commented on the access road off of River Street for wetland purposes.

Selectman Simolaris asked Selectman Rosa if he wanted to put a speed boat ramp there.

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Selectman Rosa stated no. He also pointed out that they are turning over 10.8 acres of land that is relevant to the re-creation of wetlands which equates to 200 feet that falls under the River Protection Act.

Selectman Simolaris asked he there would be a paved road there.

Selectman Rosa stated that road is there for the re-creation of wetlands. When the state leaves, that road is coming out. It is just temporary.

Chairman Conway stated they would hold off on the vote for this item until the next meeting or if the information relative to Selectman Rosa's question is obtained before the end of this meeting.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen accept the donation of land on Sheridan Street, Assessor's Map 98, Parcel 49.

It was voted: 5 – In Favor
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen accept the donation of land on Sheridan street, Assessor's Map 98, Parcel 48.

It was voted: 5 – In Favor
0 – Opposed

Billerica Pop Warner and Cheerleading-Request Approval to Advertise their Registration Dates/Times in the center of Town for the month of March. The Registration Dates are every Saturday in March from 9:00 a.m. to 1:00 p.m.

Mr. Bubba Goodwin appeared before the Board for this item.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen grant permission to Billerica Pop Warner Football and Cheerleading to place 4 signs on the Common to advertise the registration from March 1 through March 30, 2019

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It was voted:

5 – In Favor

0 – Opposed

Selectman Simolaris commented on the new safety protocols for youth football.

Appointments Board of Selectmen
-Scholarship Foundation Committee
-Board of Registrars-Republican

Selectman Rosa stated he had submitted 3 applications for the Scholarship Foundation Committee.

Chairman Conway stated that the terms for those applications ended on June 30th.

Selectman Rosa stated perhaps they could be addressed on a future agenda.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board appoint Jim Gately to the Scholarship Foundation Committee.

It was voted:

5 – In Favor

0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board re-appoint Donald Lovegrove to the Board of Registrars as a Republican member.

It was voted:

5 – In Favor

0 – Opposed

Discussion on snow removal from schools sidewalks and general walks to schools; and how we expedite clearing of areas after a storm, via purchasing additional equipment and budget implications

Chairman Conway stated that this item was put on the Agenda by both Selectmen Deslaurier and Simolaris

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Selectman Deslaurier stated he put this on the Agenda to perhaps discuss consistency on the clearing of sidewalks after a snowstorm. Specifically, the clearing of some sidewalks, how are they prioritized, and what are the responsibilities of the homeowners where there are sidewalks in front of their residences. This also may be an opportunity to elevate services.

Selectman Simolaris put forward an idea that officials at the schools should take notice of the close vicinity to their schools and if sidewalks need to be cleared, call the DPW.

Selectman Simolaris also asked about the protocol for clearing sidewalks.

Mr. Curran explained the contract with Joe Murray on maintaining sidewalks after a snow event. At the conclusion of a snow event, the contractor has 48 hours to clear sidewalks. There has been a misconception lately that if a school is open, the sidewalks will have been cleared. A school is open or closed depending on the state of the roads, not sidewalks.

Mr. Curran put up for the Board a list of the amount of equipment the contractor uses. Also, Mr. Curran pointed out any accumulation of more than 2" the contractor is required to remove.

Mr. Curran also put up a list of the streets in town and explained how they are prioritized. He also emphasized that the contractor does not begin to clear the sidewalks until the snow event has concluded.

DPW Director Abdul Alkhatib came to the podium. He stated that some of these storms are of long duration. Personnel doing snow removal are working 16-24 hours. Also, the same people that clear sidewalks are plowing during the event. They don't just start on sidewalks as soon as the event concludes.

Selectman Rosa stated that there is the by-law that residents need to clear the sidewalk in front of their homes. There is also the list of streets that are done. People need to remember that if it is less than 2 inches the contractors do not come out. He also stated that if a sidewalk is being cleared by a BobCat, it is not going down to bare cement that happens when you scrape with a shovel, especially if there is melting during the day and if you have a cold night it freezes.

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Selectman Giroux stated that it is the same premise as fire hydrants. If you are clearing your driveway, and you have a sidewalk, clear that. If you can't do it, ask a neighbor. If a neighbor can't do it, volunteer to help.

Chairman Conway asked if Mr. Curran could put the list of streets on the website.

Mr. Curran cautioned residents that if they have their driveways plowed do not push into the right of way, it makes it difficult for snow removal. He also encouraged residents to be cognizant of catch basins and elderly neighbors as well. He thanked everyone for doing this.

Billerica Public Library, One Day Beer and Wine License for Friday, March 22, 2019 from 5:00 p.m. to 10:00 p.m. for "thank you" Reception.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board grant the Billerica Public Library a One Day Beer and Wine License for Friday, March 22, 2019 from 5:00 p.m. to 10:00 p.m. for a "Thank you Reception".

It was voted:

4 – In Favor
0 – Opposed
1 – Abstention (Selectman Conway)

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board waive all fees associated with the One Day License.

It was voted:

4 – In Favor
0 – Opposed
1 – Abstention (Selectman Conway)

FY 2020 Budget

Mr. Curran thanked Analyst Clancy Main and Town Accountant Paul Watson for their assistance and work in producing the Budget. He reviewed for the Board the process involved in creating the budget.

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Mr. Curran stated that this budget contains everything necessary to be considered for a Distinguished Budget Award. They will be submitting the paperwork to be considered for the award. Mr. Curran stated they added Financial Outlook and Fiscal Policies throughout the document to be eligible for the award.

Mr. Curran reviewed highlights of the Budget for the Board and the components and changes affecting different areas. The only thing that has impacted this year's budget is contract settlements on both the Town and School side; Public Safety and Teachers. The Budget has gone up 2.19%. The shared costs and Town Government went up 1.57%. The total budget for the year including the General Fund and Water and Sewer Enterprise \$168.8 million. The total tax levy is \$129 million. The School Budget went up 4.4%, but if you add the Shawsheen Budget, it went up 2.84%. Mr. Curran also highlighted the Capital Plan.

Mr. Curran reviewed a slide that showed why the residential tax rate went up. He stated there are two things that drive the residential tax rate; economic development and the marketplace.

Mr. Curran also reviewed the summary sheet that shows all of the money that needs to be raised to fund everything for this year which is \$179 million.

Discussion and questions ensued from Board members including taxing over the levy, what drives the balances on the 2 enterprise funds, shared costs and keeping the number flat, excess levy comparison by community, being 16 million dollars under the debt levy. Using that even in tough economic times would be a very last resort. Also, in regards to Economic Development, the importance of retaining quality companies in Town as well as well as pursuing new economic opportunities. Economic Development is needed because when the commercial rate goes up, the residential rate goes down. Other questions and comments included, FTE in the school budget being leveled off, concern over the fact that the school budget has risen 4.4% with the Vining coming off line and the consistent drop of the student population. Re-visiting consortium purchasing of chemicals, the importance of the 16 million dollar excess levy capacity and still able to build 2 new schools. There were additional comments such as recommending to people running for Town Meeting to attend Fin Com meetings to get any of their questions on the budget answered. It was noted that the increase in spending of the Town out of pocket is the lowest since 2011.

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The Board thanked Mr. Curran and all involved in the production of the budget. They thanked Mr. Curran for in-depth presentation and all of the detailed graphs contained within the document

Selectman Giroux, seconded by Selectman Deslaurier, made a motion that the Board approve the total General Fund Budget minus Public Safety of \$134,126,974.00.

It was voted: 5 – In Favor
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board approve the Public Safety Budget of \$19,808,285.00.

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

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board approve the Water Enterprise Budget of \$6,276,034.00.

It was voted: 5 – In Favor
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board approve the Waste Water Enterprise Budget of \$8,641,118.00.

It was voted: 5 – In Favor
0 – Opposed

Going back to Item 10 on the Agenda, Mr. Curran stated a motion was made to amend Article 33 but if failed. There is nothing that would prevent river access. It was determined that the amendment wasn't necessary. It was felt that changing language could hurt any legal wording.

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Mr. Curran read the Town Meeting Article and amendment in its entirety as well as the vote of Town Meeting.

Selectman Rosa asked if they could hold off on the vote to confer with Town Counsel to see if language should be put there to make it clear that it allows for river access for pertinent future boards and committees.

Chairman Conway stated she would have trouble voting against anything Town Meeting had approved; but could hold off voting on this item until the next meeting.

Selectman Simolaris asked if motorized boats would be included.

Meeting Schedule

March 4 and March 18, 2019

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

It was voted:

5 – In Favor

0 – Opposed

Chairman Conway adjourned the meeting at 9:51 p.m.

A TRUE COPY ATTEST



Sue Aker, Recording Secretary