

#7



BOARD OF SELECTMEN

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

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

MEETING MINUTES

MARCH 26, 2018

A regular meeting of the Board of Selectmen was held on Monday, March 26, 2018 in the Conway Hearing Room. Present were Selectmen 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 Manger

CALL TO ORDER

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

OPEN MICROPHONE

No one was present for Open Microphone

ANNOUNCEMENTS

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

Selectman Conway stated that the date for the Billerica Health and Wellness Fair is Saturday, April 14, 2018 from 10:00 a.m. to 1:00 p.m. at the Billerica Elks on Webb Brook Road.

America’s Yankee Doodle Town

MEETING MINUTES

MARCH 26, 2018

-2

Town Clerk Shirley Schult came to the podium with an Election Update.

The Annual Town Election will be held on Saturday, April 7th, 2018. The Polls will be open from 8:00 AM until 8:00 PM.

Absentee Ballots are now available at the Town Clerk's Office.

Registered voters unable to go to the polls on Election Day may vote by absentee

ballot in the Town Clerk's Office at Town Hall, Monday through Friday between the hours of 8:30 a.m. and 4:00 p.m. Absentee ballots can be mailed to the Voter upon a written request signed by the voter.

The cutoff for absentee voting is 12:00 o'clock noon on Friday, April 6th, 2018.

If you have any questions, call the Town Clerk's Office at 671-0924 or 671-0925.

PRESENTATIONS

Historical Municipal Sign – Marlise Henderson

Marlise Henderson came to the podium and addressed those present regarding a Wayside Exhibit along the new Lowell Street sidewalk parallel to the Middlesex Canal that she arranged for in collaboration with the Middlesex Canal Association and the Historical Commission.

She showed the Board a life size proof for their review and requests of the Board to accept the future exhibit as a municipal sign.

Selectman Conway, seconded by Selectman Giroux made motion to accept the proposal for a historical municipal sign, Wayside Exhibit along the new Lowell Street sidewalk parallel to the Canal.

It was voted:

5 – In Favor

0 – Opposed

MEETING MINUTES

MARCH 26, 2018

-3

MINUTES

February 26, 2018

Selectman Rosa asked that on the last paragraph of page 17 regarding the Pinehurst Fire Station to include his remarks "Moving the Fire Station to Shawsheen Road would put it in a flood plain. Selectman Rosa asked if there were any locations for the Pinehurst Fire Station that had been identified?" The answer was no.

Selectman Simolaris asked that on page 20 on the Opioid Litigation to include at the end of the first paragraph that Town Counsel should also donate their services to the Town for this matter.

Selectman Conway, seconded by Selectman Rosa made a motion to accept the minutes of February 26, 2018 as amended.

It was voted:

5 – In Favor

0 – Opposed

TOWN MANAGER REPORT

Mr. Curran outlined for the Board items on his Town Manager's Report; i.e., Health Insurance rates, Fire Department Promotions, Locke School Baseball Fields, Interfaith Association, 3rd Community Conference, and Town Hall Renovations.

Selectman Rosa asked if anymore consideration had been given to the the 3-tier system, which is provider +1.

Mr. Curran responded that option had been looked into about 18 months ago. Mr. Curran further stated he will revisit this with Cooke and Company. Mr. Curran highlighted another option that was being investigated. This was an option that would reclassify the way pharmaceuticals are being handled within the Senior programs that could possibly save some money.

MEETING MINUTES

MARCH 26, 2018

-4

Selectman Rosa congratulated the members of the Fire Department that received promotions.

Selectman Rosa asked about the 19 acres of the Cormier property that abuts the access Locke School Baseball fields. Selectman Rosa explained that this property was to be donated to the Town. It was accepted by the Board of Selectmen, but not the Conservation Commission. Selectman Rosa stated that parcel would be good to expand the fields and to preserve Jonesboro Forest land

Mr. Curran stated they had looked at the work they were doing from the perspective of the Cormier property. The acquisition of that property would not really change what is being attempted. The parking and the access are on the other side.

Mr. Curran stated that the Board accepted the donation of the property contingent up acceptance by the Conservation Commission. The Conservation Commission never acted on it because by then, the owner wanted to keep some of the property for the creation of Cul Du Sac's . The Town wanted the owner to resolve these issues before moving forward on the land donation. Mr. Curran stated that to date, the owner has not taken any action. Mr. Curran stated he had spoken with the owner's attorney a short time ago.

Selectman Rosa asked Mr. Curran to place this on his next Town Manager's Report for a more in-depth discussion.

Selectman Rosa asked that in regards to the Town Hall renovations would there be another electricity audit.

Mr. Curran stated that had been discussed recently and he was looking into it.

Selectman Giroux congratulated the Fire Fighters that were promoted. He stated he welcomed the improvements to the Locke Field. Selectman Giroux asked if there was any resolution to the Food Pantry situation.

Mr. Curran responded that there is a plan in the works for the Inter Faith Community to take over looking for temporary housing for the Food Pantry. He further stated that the Vining School is being considered for a more permanent solution.

MEETING MINUTES

MARCH 26, 2018

-5

Selectman Simolaris inquired about the parking for the softball fields at the Vining.

Mr. Curran explained in detail where the lot would be and how that would be accomplished.

Selectman Simolaris suggested considering using the present High School football field for the High School baseball field instead of building another field.

Mr. Curran stated that right now the School has control of that field. He further stated that the demand for that field needs to be considered to see what the best use of that field should be.

Selectman Simolaris commented on the Town Hall renovations. He suggested utilizing resources in town such as the House of Correction for painting. He further suggested using top quality hotel type rugs for high traffic areas.

Mr. Curran explained how the flooring would be installed on the different floors.

Selectman Conway asked what the most common flooring used in municipal buildings.

Mr. Curran explained about the flooring for this building.

Chairman Deslaurier comment on the Fire Department promotions; i.e., the quality of municipal leaders coming up through the ranks.

Selectman Rosa concluded the discussion on the Town Manger's report by commenting on the good commercial tile carpets where sections can be removed. He further stated that hard floors can be noisy. Carpeting can absorb the sound. He also expressed concern about slippery floors.

COMMUNITY FUNDS

Selectman Conway announced the Community Fund recipients and stated the funds will be awarded at the April 9th Board of Selectmen's meeting.

MEETING MINUTES

MARCH 26, 2018

-6

Selectman Rosa stated that in previous years, the Board had broken up into groups with the contributing companies for recipient selection.

Chairman Deslaurier stated that there had been an incident in the past when a deserving applicant did not receive an award due to a discrepancy. Last year the process was changed by just having the contributing companies decide on the recipients. The Board received good feedback from that process, and was asked by the companies this year to continue that process.

Selectman Rosa asked if the Board voted to amend that process in their Policies and Procedures.

Chairman Deslaurier stated they continued on with that process without any particular change to the Policies and Procedures.

Selectman Simolaris stated he thought it would be nice to have Board approval.

Selectman Simolaris asked why the Community Funds were in place.

Mr. Curran explained the procedure of the TIFF Program. It is basically an abatement program designed to attract businesses into Town. It is an Economic Development tool.

Selectman Simolaris stated that he appreciated all of the contributions of these companies, but would like to see it go back to the original process.

Selectman Rosa stated that this money is by way of these companies entering into a TIFF agreement with the Town. He re-iterated that the Town absolutely has to have a say on how these funds are decimated. He further stated he would like an agenda item relative to the next round of Community Funds and how they will be addressed.

Selectman Conway, speaking from a business perspective, that companies typically have a charity they like to support.

The Board thanked the companies involved.

MEETING MINUTES

MARCH 26, 2018

-7

GREEN COMMUNITIES-VEHICLE POLICY AND ENERGY REDUCTION

Mr. Curran stated he did not think a vote of the Board was required this evening. He gave the Board a review of the policies and what they entail.

Mr. Curran reviewed the criteria and the vehicles that could be purchased under this policy.

Selectman Simolaris stated he is hoping that the Town could purchase a couple of electric cars.

Selectman Conway expressed her agreement with Selectman Simolaris on the purchase of electric cars. She said she drives past the Tewksbury DPW daily and they have electric cars.

Selectman Rosa asked if the current standards were based on the manufacturer's sticker price regarding town vs. highway driving.

Clancy Main came to the podium and stated he went on the State Bid List and that is where he got the data on miles per gallon. Green Communities said that if it was on the State Bid, they would accept it.

Selectman Rosa stated he just wanted to make sure it did not negatively impact the Town in the pickup truck area.

TEXTILE RECYCLING UPDATE

Mr. Curran provided and reviewed for the Board a contract for the Board's perusal for Textile Recycling Program.

Selectman Giroux stated after review, that he had certain items in the contract that caused him concern; i.e., what is acceptable to put in the bags; and items falling out of bags and being left on the Street.

Selectman Giroux stated he would like to make a motion to reconsider the vote from the previous meeting to move forward with the contract

MEETING MINUTES

MARCH 26, 2018

-8

Chairman Deslaurier stated that this discussion was just for questions on the contract.

Selectman Rosa said that if there are questions on the contract, the representative should come to another meeting to address the issues.

Selectman Giroux stated he had talked with several people who had these concerns and were not in favor of this.

Selectman Rosa said that if Selectman Giroux had questions, he would have Waste Zero come back.

Selectman Giroux stated he has changed his mind and is not in favor of the program.

Selectman Conway stated she continues to have concerns relative to this program; i.e. taking away from charities and more calls to the DPW if there are problems.

Chairman Deslaurier asked if a program such as this had to be collectively bid. He said he had received phone calls from other companies on similar programs.

Mr. Curran stated this was exempt from the bidding procurement laws.

Selectman Rosa stated he would like to have the representative from Waste Zero come back to the next meeting. He stated he would reach out to the representative for the next meeting or the meeting of April 23rd.

Selectman Rosa encouraged Board members to look at all the drop-offs in Town with all of the mounds of toys and clothing surrounding them. They are far more of an eyesore than the pink bags, which would help to save the town money.

RECREATIONAL MARIJUANA REGULATIONS OR PROHIBITION

Mr. Curran reviewed the timeline and the details of the legalization of Marijuana. The Town has a zoned area for Medical Marijuana. That overlay is off of Route 3, Sterling, Esquire and Republic Road. Anything discussed this evening will only affect Recreational Marijuana.

MEETING MINUTES

MARCH 26, 2018

-9

Mr. Curran stated that the vote in 2016 was for the communities to have the opportunity to decide whether they want to allow retail Marijuana sales and/or allow the cultivation of Marijuana in their communities.

Mr. Curran stated his role is to counsel the Board on what the options are; i.e., regulate it in the same area that medical Marijuana is. Without ballot vote it could be restricted to what is allowed based on what is allowed on Liquor Store Licenses.

Mr. Curran stated the Board would need to make a decision to allow the sale or cultivation of Marijuana in that area or give the residents a say in the retail sales or cultivation in their community. You could have as many as ten dispensaries. Mr. Curran stated you could restrict it to 2 by an act of Town Meeting.

Selectman Simolaris stated that he believed that people will utilize this in a safe way as they done with medical marijuana. He further stated that he believed this could generate revenue for the Town. He stated he is in favor of the marijuana and of it being sold in one specific area. Selectman Simolaris touched on some of the license required ; i.e., testing license, growing license, dispensary license, and the potential for a delivery license. This is a cash business and there could be problems with delivery drivers being robbed.

Selectman Conway asked if the cultivation and retail could be grouped together.

Mr. Curran replied that you could do one without the other.

Selectman Conway asked why this could not be grouped into the regular election

Mr. Curran stated that you could , but he wanted to have this in place for Fall Town Meeting.

Selectman Conway stated she is very much in favor of taking this to the people to be voted on. This will be a 100% cash business and she thinks the voters should be aware that and given the opportunity to vote on it.

MEETING MINUTES

MARCH 26, 2018

-10

Selectman Rosa commented on the differences in the percentages in some communities in the state election and then the on the local level. He noted that these communities voted in the state wide election to legalize marijuana and then it lost on the local level to have these establishments in their communities. He felt it was a significant difference.

Selectman Rosa asked about the tax revenue these establishments would bring in. He wanted to know if the \$600,000 is accurate at 3%.

Mr. Curran stated that the 3% was what the Cannabis people estimated when they put this legislation together. Mr. Curran stated he did not believe the 3% would cover the education on this and other impacts. As for the \$600,000 in tax revenue, he felt it would be closer to \$300,000.

Selectman Rosa asked how that out of that 300K how would offset the impact on Town Services

Mr. Curran stated it would be hard to quantify. He stated it was a cash business which is an invitation to crime, and there would certainly be more traffic. There would be a higher need for public safety. Mr. Curran cited studies out of Colorado. There will be high levels of crime associated with this and did not think the 3% would be worth the prices that will be paid in the Community.

Selectman Rosa stated he had no issue with this going back to the voters. He stated that it seemed once it is paired down to the local level , people look at it differently.

Selectman Giroux asked about establishing the regulations at Town Meeting and have the question on the regular ballot as opposed to having a special election.

Mr. Curran stated you could, but felt it would have to be exactly what the Town voted for. You can't put two scenarios on the warrant. He will look further into it to see if it is possible.

Selectman Giroux asked how it would work with a special election since there can be no campaigning.

MEETING MINUTES

MARCH 26, 2018

-11

Mr. Curran replied you could put out information. The Board cannot advocate one way or the other.

Chairman Deslaurier talked about the difference in the law for different communities. He stated that he believes it is unfair and that it was pushed down to the local level due the State's ineptitude.

Chairman Deslaurier stated he did support going forward with the special election.

Mr. David Johnson came to the podium and spoke on the matter. He stated he did not see any harm in having regulations in place for both medical and recreational marijuana because these facilities could come into Town at any time.

Mr. Curran stated that they would have to have a letter from the host community.

Mr. Johnson stated he would like to have the Board put together a committee to put together rules and regulations for both recreational and medical marijuana facilities.

Mr. Johnson stated that it regards to being an all cash business, you could use a pay pal for purchases.

Selectman Conway asked how he had researched this and if he had a cited reference.

Mr. Johnson stated he had taken it from one of the medical marijuana groups that had made a presentation.

Selectman Conway thought perhaps it would be a good idea if Chief Rosa came to speak to the Board to see how other communities are handling this.

Mr. Johnson stated that the document being referenced did not come from the Medical Marijuana people.

MEETING MINUTES

MARCH 26, 2018

-12

Chairman Deslaurier asked if what Mr. Johnson is speaking of is part of the regulations being developed with Town Counsel

Mr. Curran replied yes, but not all of this is in the hands of local government. He said it is regulating time, place and manner.

Selectman Simolaris stated there is heavy scrutiny in this matter. You have to have cultivation but does not have to have retail. Selectman Simolaris cited an article in the Boston Globe stating that crime has been reduced in Oregon.

Selectman Giroux asked about the status of the process in terms of regulations.

Mr. Curran stated that the process has started for fall Town Meeting. He needs a sense of the Board whether to allow retail sale and cultivation.

Selectman Rosa stated he would like to see an outline of medical marijuana already zoned , where the rules and regulations currently are, and where we need to get them if a facility would like to come into town and also the same thing for recreational marijuana.

Chairman Deslaurier asked the Board where they stood on a special election

Selectman Conway reiterated the fact that this is a cash business. There are armed guards at these facilities. It is very different from wanting to legalize it and having it sold locally. Selectman Conway stated that if she had to decide tonight, she would prefer a November ballot.

Selectman Simolaris would prefer it on a regular election where people would be aware of it as opposed to a special election. He is in favor of the November ballot.

Selectman Giroux stated he would prefer the November ballot..

Mr. Curran stated he would do research and report back to the Board. He further recommended not calling for an election tonight.

MEETING MINUTES

MARCH 26, 2018

-13

MAILBOXES PLACED ON SIDEWALKS

Selectman Simolaris reviewed the mailbox situation in some areas of town that precludes wheelchair access as well as bikes, strollers, and pedestrians. This is a violation of the disabilities act, it is dangerous, and makes snow removal difficult. He suggested a by-law banning mailboxes on sidewalks. He commented on other communities that that have the mailboxes on one side of the street.

Selectman Rosa read from the Architectural Access Board entitled "Walk Ways", which covers sidewalks regarding widths, and showing how to install sidewalks. He showed pictures of mailboxes on Salem Road that are obstructing any kind of pedestrian access and making it difficult for snow removal.

Selectman Rosa suggested setting a policy that when new sidewalks are installed that there are absolutely no obstructions of any kind. He suggested having mailboxes back behind sidewalks.

Mr. Curran stated he will talk to Town Counsel to see if there is any case law superseding Federal law. He will try to work around this issue prior to the next sewer contract.

Selectman Simolaris commented that it might prove difficult for mail carriers to get out of their trucks if mailboxes were pushed back behind sidewalks. The mailboxes should be on the other side of the street.

Selectman Rosa commented that mail carries deliver packages that they have to leave their trucks for to deliver. If the post office does not want to deliver mail like this they can tell their postal customers.

Selectman Conway asked if it was worth having a meeting with the Post Master.

Mr. Curran stated he would look into the matter and try to set something up.

MEETING MINUTES

MARCH 26, 2018

-14

BILLERICA HEALTH AND WELLNESS COMMITTEE, PERMISSION TO USE THE TOWN COMMON FOR AN OKTOBERFEST CELEBRATION ON SATURDAY, OCTOBER 18, 2018 FROM 10:00 A.M. TO 1:00 P.M.

Selectman Conway, seconded by Selectman Rosa, made a motion to grant permission to the Billerica Health and Wellness Committee to use the Town Common for an Oktoberfest Celebration on Saturday, October 18, 2018 from 10:00 a.m. to 1:00 p.m.

It was voted:

5 – In Favor

0 – Opposed

LITTLE LEAGUE OPENING DAY PARADE, SATURDAY, APRIL 21, 2018 AT 8:00 A.M.

Selectman Conway, seconded by Selectman Rosa, made a motion to grant permission to Billerica Little League to have their Opening Day Parade on Saturday, April 21, 2018 at 8:00 a.m.

It was voted:

5 – In Favor

0 – Opposed

SEND TREBLE COVE ROAD TO THE TRAFFIC MANAGEMENT COMMITTEE TO DISCUSS THE IMPACTS OF THE UPGRADED MOBIL STATION ON THE CORNER OF REPUBLIC ROAD AND TREBLE COVE ROAD TO MINIMIZE IMPACTS TO THE RESIDENTS IN THE RIO VISTA NEIGHBORHOOD.

Selectman Rosa reviewed the expansion of the Mobil Station. He would like to get a copy of the ZBA decision to see what they approved. The neighbors are concerned about tractor trailer truck park overnight idling, thus causing sound disturbances. He asked Mr. Curran to get that information to see where we stand.

Selectman Simolaris wanted to know the criteria that was used to approve this the second time when it was denied previously

MEETING MINUTES

MARCH 26, 2018

-15

Mr. Curran stated it was denied because it was a trucking terminal which is not an allowed use. It was remanded back and sold as a non-conforming use.

Selectman Simolaris explained where the station was located. He stated he does not believe that trucks should be parked there overnight.

Mr. Curran stated he would gather the information and the ZBA decision and report back to the Board.

WATER SEWER RATES IN TOWN AND OUT OF TOWN

Mr. Curran stated that this was a first reading. There would be no vote taken on the rates at this meeting.

Doug Gardner came to the podium and reviewed the proposed rates for the town and the reason for increases. He is recommending moderate increases of 3% for water and 7.5% for sewer.

Mr. Curran expounded further on the rates.

Selectman Simolaris commented on the rates and asked what happens to the sewer rates when the town is fully sewerred.

Mr. Gardner and Mr. Curran stated you couldn't speculate on something so many years down the road.

Selectman Rosa expressed concerns on how the rates were structured for out of town users. He also suggested that rates should be higher between 2001-10000, 10000 cubic feet and over 10000 cubic feet because that will drive people to conserve.

Mr. Curran and Mr. Gardner suggested waiting until all the new meters have been installed before making changes to the tiers.

Mr. Gardner stated he would get the numbers for residents who fall into the over 10,000 cubic feet per Selectman Rosa's request.

MEETING MINUTES

MARCH 26, 2018

-16

Selectman Giroux asked that in light of the suggestion of reviewing the tiers once the water meters are completely installed , could that affect the billing cycle.

Mr. Curran stated you could look into that if you wanted to change the billing cycle. That would involve restructuring the tiers dependent on the billing cycle.

Mr. Gardner concurred with that and further stated you would need at least one year of data.

Chairman Deslaurier stated he is favor of these increases and will be voted on at a future meeting.

Mr. Curran and the Board thanked Town Accountant Paul Watson for his assistance in compiling information on the water and sewer rates.

SPRING 2018 PRELIMINARY TOWN MEETING WARRANT ARTICLES

Mr. Curran stated that most of the articles are set up as placeholders. He stated he would go through the article, identify any problems and ask the Board to vote to endorse the articles to appear on the warrant.

Selectman Conway, seconded by Selectman Rosa made a motion to support Article 2.

It was voted:

5 – In Favor

0 – Opposed

Selectman Rosa asked about adding the Cabot Land Use Committee to Article 3 as they have made their report to the Board and will make their final report to Town Meeting.

Selectman Simolaris commented on the Resident’s Employment Committee in Article 3. He felt it was a good committee. It benefited Billerica residents and companies with apprenticeship programs.

Mr. Curran concurred with Selectman Simolaris. It would help companies that have apprenticeship programs.

MEETING MINUTES

MARCH 26, 2018

-17

On Article 33, Selectman Rosa, asked Mr. Curran to ensure there is language in the article relative to river access.

On Article 34, Selectman Rosa asked that if any of the streets listed had previously come before the Planning Board in years prior.

Chairman Deslaurier asked the Board if anyone had any objection to having any of these articles appear in the warrant. He stated there will be other chances to vote pro or con for the articles.

Selectman Rosas asked about warrant article 31, purchasing 8 Carter Avenue. He wanted to know if the purchase was going to be funded through the Land Bank.

Mr. Curran stated that it could, but there was the possibility it could be funded another source; possibly overlay surplus.

Selectman Rosa stated that if the purchase money came from another source, it would leave the money in the Land Bank intact.

Selectman Conway, seconded by Selectman Rosa made a motion to approve the preliminary warrant as presented.

It was voted:

5- In Favor

0 – Opposed

TOWN'S RIGHT OF FIRST REFUSAL ON CHAPTER 40b, AND AFFORDABLE UNIT ON PROPERTY LOCATED AT 41 BOSTON ROAD, UNIT 143, PART OF BARRETT FARM

Selectman Simolaris, suggested using the Land bank for purchasing affordable units. He stated he would like the Board's input in crafting a warrant article for fall town meeting.

Selectman Conway, seconded by Selectman Rosa made a motion to give up the Town's right of first refusal on Chapter 40B, an affordable unit on property located at 41 Boston Road, Unit 143, part of Barrett Farm.

MEETING MINUTES

MARCH 26, 2018

-18

It was voted:

5 – In Favor

0 - Opposed

MEETING SCHEDULE

April 9 and 23, 2018

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 10:08 p.m.

A TRUE COPY ATTEST



Sue Aker, Recording Secretary