



**BOARD OF SELECTMEN
TOWN HALL
365 BOSTON ROAD
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Edward J. Giroux, *Chairman*
Andrew N. Deslaurier, *Vice Chairman*
Kimberly J. Conway, *Secretary*
Michael S. Rosa, *Member*
Daniel L. Burns, *Member*

MEETING MINUTES

JUNE 17, 2019

A regular meeting of the Board of Selectmen was held in the Conway Hearing Room on Monday, June 17, 2019 at 7:00 p.m. Present were Selectmen Edward Giroux, Chairman, Selectman Andrew Deslaurier, Vice Chairman, Selectman Kimberly Conway, Secretary, Selectman Michael Rosa, Member, Selectman Daniel Burns, Member, Town Manager John Curran, and Assistant Town Manager Cathleen O'Dea.

CALL TO ORDER

Open Microphone

Caddy Em, 4 Letchworth Avenue came to the podium regarding a statement of his intent relative to his appointment to the Community Preservation Committee.

Bill Quagliozzi, 270 Concord Road, came to the podium regarding the Community Preservation appointment,.

Ellen Killian, 23 Broadleaf Street, came to the podium regarding the Community Preservation appointment.

Colleen Moore, 42 Talbot Avenue, came to the podium regarding the Community Preservation Appointment.

Selectman Giroux stated that since this matter was not on the Agenda, it could not be discussed. It could be discussed after the meeting.

America's Yankee Doodle Town

MEETING MINUTES

JUNE 17, 2019

-2

Selectman Conway stated that it could be discussed with the Board separately, not as a group after the meeting.

ANNOUNCEMENTS

Vacancies on Boards and Committees

Selectman Conway stated there were 2 openings on the Arts Council, 1 vacancy on the Commission on Disability, 1 vacancy on the Historic Districts Commission, 2 vacancies on the Historical Commission, and 6 vacancies on the Scholarship Foundation Committee.

Selectman Conway stated all other announcements may be viewed on the Town's website, Selectmen's page.

PRESENTATIONS

Legislative Update – State Senator Cindy Friedman and State Representative Marc Lombardo

State Senator Cindy Friedman and State Representative Marc Lombardo, came to the podium and updated Board members on activities at the State House.

Items highlighted were Budget conferencing in the House and the Senate, particularly for local aid, the Distracted Driving bill, Regional Empowerment, Health and Human Services, funding dealing with the Opioid Crisis, Fair Share Amendment, Health Care, funding for the Clara Sexton House, the Boys and Girls Club, and BMX Track maintenance, Chapter 90 monies, and the Allen Road project.

Questions and comments from Board members included the possibility of additional funds for the Bike Path, Chapter 90 , COA and Veterans Services, Chapter 70 Special Education Funding, revenues and avenues of funding for Route 4, and income based housing.

The Board thanked Senator Friedman and Representative Lombardo for the update.

MEETING MINUTES

JUNE 17, 2019

-3

PUBLIC HEARINGS

7:10 p.m. Waveguide on behalf of Cambridge Network Solutions; permission to erect utility pole at or near 148 Rangeway Road

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

It was voted:

5 – In Favor

0 – Opposed

Jeff Harrington from Cambridge Network Solutions came to the podium for this item.

Selectman Rosa asked if there were any neighbor concerns relative to this project. He also reminded Mr. Harrington about checking for water mains with the DPW.

Chairman Giroux asked if anyone from the public wished to speak.

Mr. Bob Bailey came to the podium and inquired about whom had responsibility for the pole should something happen to it.

Mr. Harrington responded to Mr. Bailey's concerns with a detailed explanation on the coordination and procedures involved.

Selectman Rosa asked about the timeline involved in getting power restored should something happen to the pole.

Mr. Harrington addressed Mr. Rosa's concerns with a step by step explanation.

In regards to issues with double poles Selectman Rosa suggested incorporating language into the vote stating that if another pole is put there; in the event of damage to the original pole, there is a time limit of perhaps a week.

Mr. Harrington stated he agreed with Selectman Rosa relative to double poles and would stand behind it and offered a suggestion of no more than 48 hours.

MEETING MINUTES
JUNE 17, 2019

-4

Selectman Rosa asked that when the motion is made that language be included saying the double pole will not be there for more than 48 hours

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 that the Board of Selectmen grant permission for Waveguide on behalf of Cambridge Network Solutions; permission to erect utility pole at or near 148 Rangeway Road with the caveat that a double pole will not be allowed for more than 48 hours.

It was voted: 5 – In Favor
0 – Opposed

Waveguide on behalf of Cambridge Network Solutions; permission to excavate and place conduit and cable on the north side of Rangeway Road @ Charter Way.

Selectman Conway, seconded by Selectman Rosa, made a motion to open the public hearing.

It was voted: 5 – In Favor
0 – Opposed

Mr. Jeff Harrington from Cambridge Network Solutions returned to the podium for this Agenda item.

Selectman Rosa asked if there were any neighbor issues.

Mr. Harrington replied there had been an e-mail to Mr. Jay Dunn from a resident, but the questions were addressed after Mr. Dunn reviewed the project with the resident.

Mr. Curran voiced concerns on going curb to curb on Rangeway and Charter Way.

MEETING MINUTES

JUNE 17, 2019

-5

Selectman Rosa reiterated adhering to the DPW rules and regulations relative to street openings.

Chairman Giroux asked if anyone from the public wished to speak.

Selectman Rosa, seconded by Selectman Burns, 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 that the Board of Selectman grant permission for Waveguide on behalf of Cambridge Network Solutions ; to excavate and place conduit and cable on the north side of Rangeway Road @ Charter Way contingent upon the DPW Memorandum dated May 19, 2019.

It was voted: 5 – In Favor
0 – Opposed

OLD BUSINESS

Town Manager’s Report

Town Manager John Curran highlighted for those present items on his Town Manager’s Report; i.e., Comcast Contract Negotiations, Neighborhood Meetings, Veteran’s Services Director, MDI Meeting, Adult Use Marijuana Procurement Process, Personnel Changes, Surplus Furniture from High School, and 111F Police and Fire Coverage.

Selectman Deslaurier asked Mr. Curran to explain 111F coverage.

Mr. Curran stated that 111F is basically Worker’s Comp for Police Officers and Fire Fighters that were injured on duty providing health coverage and pay. 111F refers to the statute that was passed.

MEETING MINUTES

JUNE 17, 2019

-6

Selectman Deslaurier commented that perhaps it was time re-evaluate the Neighborhood Meetings relative to engaging more people. People' engagement with government is changing and the town should adapt to those changes

Selectman Burns concurred that some new ideas should be explored relative to the Neighborhood Meetings due to the fact that the turnout was on the low side this year. Social Media does play a part. Selectman Burns suggested using this year to come up with some new ideas; i.e. a couple of meetings at schools and a couple on Social Media. Find a balance between the two and come up with what works.

Selectman Conway stated that perhaps that residents that did attend Neighborhood Meetings probably would not likely go to Social Media. This is an opportunity to reach out more to people on Social Media. The Town Manager's recap of the year should be widely spread on Social Media.

Selectman Conway asked about the surplus furniture.

Mr. Curran explained that there is a process. Departments in the Town have the opportunity to take it. After everyone turns it down then it can be given away because there is no value.

Selectman Conway stated she supports the Downtown Initiative and would like to see the old plan rejuvenated.

Selectman Rosa stated he is glad that there are fresh eyes looking at the old downtown plan.

In regards to the 111F, Selectman Rosa asked if there would be a savings involved.

Mr. Curran stated that there is a savings in the overall line item for insurance. With this new plan, you will not see a lot of coming back for money to Town Meeting for 111F. It is better coverage and it is saving money.

Selectman Rosa stated he agreed with Board members on the Neighborhood Meetings, but would not want to abandon the locational plan because residents that did come out were engaged and had good input for their areas of town.

MEETING MINUTES

JUNE 17, 2019

-7

Selectman Rosa stated he would like to see areas of the COA and Recreation Department relocated to the Old Ditson School. Intergenerational activities are big these days and it would free up space in both facilities. We should begin to do the analysis now for potential uses for the building.

Selectman Deslaurier spoke of ways for use of the property. Maybe the discussion should be continued along with ways the neighborhood recommends. Perhaps even a new structure versus the one that is presently there.

M. Curran stated that people should not have false hopes on what goes in that building. He further stated you need to get all of the correct information on the table prior to discussions.

Mr. Curran stated he would need direction from the entire Board to ascertain how structurally sound that building is.

Selectman Conway stated she would like to see a structural study done. She has not seen the one done in 2000-2001 as she was not on the Board at that time. She stated she would like a definitive answer if the building is structurally sound or not.

Mr. Curran stated he could look at that study and report to the Board on what was said then and make a determination on what type of a structural study based on the information we already have.

Selectman Burns asked to have it on the Agenda for the meeting in July .

Chairman Giroux stated he was glad about the 111F. In regards to the surplus furniture at the High School, he wanted to make sure it was items that were not attached to the wall.

Mr. Curran stated that was correct.

In regards to the Marijuana licenses, Chairman Giroux asked if applicant that requested a retail and cultivation would that take up both licenses.

Mr. Curran stated they are presently researching that.

MEETING MINUTES

JUNE 17, 2019

-8

Chairman Giroux gave his views on the poor attendance at the Neighborhood Meetings. After speaking with a resident he stated that the notifications on Social Media do not necessarily reach everyone. He suggested perhaps a combination of direct mail and social media.

Chairman Giroux stated he agreed with his colleagues on the Old Ditson School. He suggested having a forum with neighbors on this subject later in the summer or early Fall. It would be helpful to have the information from the last study done.

ADOPT ORDER OF TAKING FOR EASEMENTS ON BALDWIN ROAD

Town Engineer Kelley Conway came to the podium and stated this was a follow-Up to the April 22, 2019 Board of Selectmen’s Meeting. All issues and concerns have been resolved.

Selectman Conway, seconded by Selectman Rosa, made a motion to adopt the order of taking presented to the Board on this date for the purpose of acquiring interests in certain lands abutting Baldwin Road as set forth in the order to allow the Town to carry out the Baldwin Road Sidewalk project.

It was voted: 5 – In Favor
0 – Opposed

Appointments Board of Selectmen

Historical Commission

Selectman Conway, seconded by Selectman Rosa, made a motion to appoint Travis Brown to the Historical Commission.

It was voted: 5 – In Favor
0 – Opposed

LRTA

MEETING MINUTES

JUNE 17, 2019

-10

Selectman Conway, seconded by Selectman Rosa, made a motion that the Board of Selectmen appoint John Pellegrino as a regular member of the Council on Aging.

It was voted: 5 – In Favor
0 - Opposed

Selectman Conway, seconded by Selectman Rosa, made a motion that the Board of Selectmen appoint Barbara Flaherty as a regular member of the Council on Aging.

It was voted: 5 – In Favor
0 – Opposed

Selectman Conway, seconded by Selectman Rosa, made a motion that the Board of Selectmen appoint Richard Carroll as an alternate member of the Council on Aging.

It was voted: 5 – In Favor
0 – Opposed

Pull for Hope – Sign Request on Common – Bill Paskiewicz

Selectman Conway, seconded by Selectman Rosa, made a motion that the Board of Selectmen allow the Pull for Hope Group to place 4 signs on the Town Common from September 1 through the date of the event.

It was voted: 5 – In Favor
0 – Opposed

Vote to Approve the Issuance of Bond Anticipation Note (BAN) for Municipal Purposes

Mr. Curran stated this was a Bond Anticipation Note for 6.430 million dollars.

Town Accountant Paul Watson further explained the Bond Anticipation Note.

MEETING MINUTES

JUNE 17, 2019

-11

Selectman Conway, seconded by Selectman Rosa made a motion that

I, the Clerk of the Board of Selectmen of the Town of Billerica, Massachusetts, certify

that at a meeting of the board held June 17, 2019, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: to approve the sale of a \$6,430,000 2.75 percent General Obligation Bond Anticipation Notes (the "Notes") of the Town dated June 28, 2019, and payable September 27, 2019, to Piper, Jaffray & Co. at par and accrued interest, if any, plus a premium of \$18,903.20.

Further Voted: that in connection with the marketing and sale of the Notes, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated June 6, 2019, and a final Official Statement dated June 12, 2019, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a significant events disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance federal tax compliance procedures and significant events procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Notes and to comply with relevant securities laws.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

MEETING MINUTES

JUNE 17, 2019

-12

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Notes were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended.

It was voted: 5 – in Favor
0 - Opposed

End of Year Transfers

Selectman Conway stated that MGL c. 44 sec 33B establishes the procedure by which a municipality may make end-of-year budget transfers by a majority vote of the selectmen and a majority vote of the finance committee.

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

Transfer from anticipated surplus in the Workers' Compensation (91070-7020) the sum of \$70,000 to the cover anticipated deficit in the Legal Budget (19370-7096).

It was voted: 5 – In Favor
0 – Opposed

Selectman Conway, seconded by Selectman Rosa made a motion to

Transfer from anticipated surplus in the Workers' Compensation (91070-7020) the sum of \$50,000 to the cover anticipated deficit in the Town Retirements (19370-7080).

It was voted: 5 – In Favor
0 – Opposed

MEETING MINUTES

JUNE 17, 2019

-13

MEETING SCHEDULE

July 15 and August 19, 2019

ADJOURNMENT

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

It was voted:

5 – In Favor

0 – Opposed

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

A TRUE COPY ATTEST

Sue Aker, Recording Secretary