



BOARD OF SELECTMEN

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

MEETING MINUTES

JANUARY 7, 2019

A regular meeting of the Board of Selectmen was held on Monday, January 7, 2019 at 7:00 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.

CALL TO ORDER

Open Microphone

John Burrows, 38 Shawsheen Road, came to the podium regarding Board of Selectmen Appointments.

Dan Burns, 12 Nolte Road, came to the podium and spoke on Agenda Item 17.

Chris Tribou, 13 Bridle Road, came to the podium regarding a Street Light issue on McGinness Way.

Mr. Curran stated he would look into it.

ANNOUNCEMENTS

Selectman Giroux stated there were 5 vacancies on the Scholarship Foundation Committee and 1 vacancy on the Traffic Management Committee.

America's Yankee Doodle Town

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He further stated that all other announcements may be viewed on the Town of Billerica website, Selectmen's Page.

PRESENTATIONS

Shawsheen Valley Technical High School Presentation of POW Chair

Shawsheen Tech Superintendent Tim Broderick came to the podium and spoke about the Chair. He introduced members of his faculty and students that were involved with the project.

Chairman Conway extended her thanks to Mr. Broderick and those involved.

Selectman Simolaris spoke personally about the importance of remembering POW's.

PUBLIC HEARINGS

7:10 p.m. National Grid and Verizon-National Grid to install a new pole 9-75, in the public way. This will feed new buildings at 14 Sterling Road, Plan #26487882.

Selectman Giroux, 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 or questions from Abutters.

There were none.

Mr. Curran asked if there would be any interference with sidewalks at that location.

The Rep. from National Grid stated no. It was mostly an industrial area.

Chairman asked if anyone from the Public wished to speak.

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There were none.

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

It was voted: 5 – In Favor
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectman approves National Grid/Verizon for the installation of a new pole 9-75, in the public way. This will feed new buildings at 14 Sterling Road, Plan #26487882.

It was voted: 5 – In Favor
0 – Opposed

7:15 p.m. National Grid to install new manholes, conduit and electric conductor at the intersection of Middlesex Turnpike and along Lexington Road in a public ROW. Plan # 26276402

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

It was voted: 5 – In Favor
0 – Opposed

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

There was none.

There was no one present from National Grid for this hearing.

Selectman Giroux, seconded by Selectman Deslaurier, made a motion to continue the Public Hearing until Monday, January 28, 2019 at 7:15 p.m.

It was voted: 5 – In Favor
0 – Opposed

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7:20 p.m. Cabot Corporation, 157 Concord Road, Billerica, MA for Flammable Gas License of 4,000 Cubic Fee added to the existing license

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

It was voted:

5 – In Favor

0 – Opposed

Deputy Fire Chiefs Tom Ferraro and Steve Kennedy along with Mike Covenno and Larry Murphy from Cabot Corporation came to the podium and explained the item.

Deputy Ferraro stated the Fire Department had no issues with it.

Selectman Simolaris asked if the gas would be kept inside or outside.

Mr. Covenno stated it would be in a gas storage shed.

Chairman Conway asked if there were any questions from the Public.

There being none, Selectman Giroux, seconded by Selectman Rosa, made a motion to close the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen approve the change in the license of Cabot Corp., 157 Concord Road, Billerica to store flammables by adding the storage of up to 4,000 cubic feet of Flammable Gas with the following conditions.

-Massachusetts General Law: Chapter 148

-527 CMR Massachusetts State Fire Code

-780 Massachusetts State Building Code

-All applicable NFPA Codes

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-Annually the property owner shall retain a Massachusetts Registered Professional Engineer to review this property/building to determine compliance with the Massachusetts State Fire Code, the Massachusetts State Building Code and Town of Billerica Permit and License Restrictions. A report shall be submitted to the Fire Prevention Bureau one (1) month prior to the expiration of the annual Fire Department Permit.

It was voted:

5 – In Favor

0 – Opposed

7:20 p.m. Request for Class II Motors, 768 Boston Road, Billerica

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

It was voted:

5 – In Favor

0 – Opposed

Mr. Arzu Amirov came to the podium and explained the operation of his proposed business; auction to auction. There would be no vehicles parked on site.

Selectman Rosa asked Mr. Amriov if he was aware and understood the conditions imposed by the ZBA.

Mr. Amirov stated that he did understand the conditions.

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

There being none, Selectman Giroux, seconded by Selectman Rosa, made a motion to close the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

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Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen approve Arzu Amirov, d/b/a Khazar Motors a Class II License at 768 Boston Road, Unit 3, Billerica, MA subject to the ZBA Special Permit Conditions A-E; hours of operation 12:00 p.m. to 5:00 p.m., Monday Thru Friday.

It was voted:

5 – In Favor

0 - Opposed

OLD BUSINESS

Town Manager's Report

-Fiscal Efficiency

-Professional Recognition

Town Manager John Curran highlighted items on his Town Manager's Report; i.e., Police Interviews – Lieutenant and Sergeant, 8 Carter Avenue Demolition, Big Lots fines for sign violations, removal of DPW from Civil Service, DEP Recycling Dividends Program Grant, Green community designation, Dementia Friendly Billerica Training, Vaping BOH Regulations and CPC update.

Selectman Rosa commented on the items on Mr. Curran's Town Manager Report, including congratulating Sergeant Craig Grogan on being selected as a Police Lieutenant, and asking who would be responsible for the vaping rules and regulations. Selectman Rosa also stated he was pleased with the various applications for CPC, and that Big Lots had paid fines for illegal signage and the signs had been removed.

In response to Selectman Rosa's question on the vaping rules and regulations, Mr. Curran stated he thought it would be appropriate for this to come under the auspice of the Board of Health.

Selectman Giroux congratulated Lt. Grogan. He stated he has served with him on various committees; and that he is a dedicated police officer. Selectman Giroux stated he is pleased with the sign removal. He feels that the removal aids in the community's appearance.

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Selectman Giroux asked Mr. Curran if there were any plans for Carter AV.

Mr. Curran stated there were no specific plans as yet.

Selectman Simolaris asked if any by-laws or regulations for Vaping had to be approved by Town Meeting.

Mr. Curran stated it would be just the Board of Health.

Selectman Simolaris clarified with Mr. Curran that Vaping products will only be sold in Tobacco Shops.

In regards to the Green Energy Grants, Selectman Simolaris asked if the first grant could be used for the purchase of electric cars for the Town.

Mr. Curran stated that not the first grant, but there are grants for that purpose.

Selectman Deslaurier asked Mr. Curran to review some examples of some of the projects that are part of the Green Community Grants.

Mr. Curran replies that some of the projects would be window replacement or weatherization of windows, HVAC projects that are directly related to energy conservation.

Selectman Deslaurier also asked if the grants need to be applied for from year to year.

Mr. Curran stated that the Town will be eligible for it annually; however, it probably won't be as large as this year.

Chairman Conway stated she appreciates that Big Lots paid the fines on the sign violations. It shows they are a dedicated member of the Community. She further stated it should serve as a reminder to everyone that you just can't put a sign anywhere.

Chairman Conway commented on the recycling grant. It will serve to help educate residents on what can and cannot be put in recycling.

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Chairman Conway clarified on the Vaping Rules and Regulations. This regulation is designed for the purpose of keeping vaping products out of the hands of children. It will not affect adults.

NEW BUSINESS

William F. Eggo Post, 2597, Re: Permission to conduct Poppy Drive at the Market Basket Stores located at 199, 493 & 700 Boston Road for May 17,18, and 19, 2019 from 9:00 a.m. to 3:00 p.m.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen grant permission to the William F. Eggo Post, #2597 to conduct a Poppy Drive at the Market Basket Stores located at 199, 493 and 700 Boston Road for May 17, 18, and 19, 2019 from 9:00 a.m. to 3:00 p.m.

It was voted:

5 – In Favor
0 – Opposed

Set Hours of April 6, 2019 Annual Town Election and Date and time of Spring 2019 Session of Town Meeting.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen set the hours for the annual Town Elections for April 6, 2019 from 8:00 a.m. to 8:00 p.m.

It was voted:

5 – In Favor
0 – Opposed

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen Set the date and hour for the Spring Session of the Annual Town Meeting to commence, per Section 2-1 (1) (5), as amended , of the Town Charter and Article 1, Section 1 (1.1)(A)(C) of the Billerica General By-Laws. (Tuesday, May 7, 2019 at 7:00 p.m.)

It was voted:

5 – In Favor
0 - Opposed

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Chairman Conway recused herself from items 12, 13, and 15.. Chairman Conway will leave the Hearing Room. Vice Chairman Deslaurier will chair the meeting for those items.

Nikanth Store, LLC, dba Beer Wine and More; Re: permission to change DBA to Richdale Beer Wine and More.

No one was present for this item.

Country Club of Billerica, 51 Baldwin Road, Re: Request for Change of Manager

Attorney Stephen Nelson representing the Country Club came to the podium. He introduced the proposed manager, Michael Ferren as well as Mr. William Ferren.

Attorney Nelson reviewed for the Board the history regarding the change of managers.

Questions and comments from the Board ensued including; advising Mr. Ferren to familiarize himself with the Town's Alcohol policies and to sign the back page, and that the Board takes this responsibility very seriously.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen approve the change of Manger for the Country Club of Billerica, 51 Baldwin Road, Billerica to Michael F. Ferren.

It was voted:

4 – In Favor

0 – Opposed

1 – Abstention (Selectman Conway)

Appointments-Board of Selectmen

-Traffic Management Committee-1 Vacancy-2 Applicants

Ms. Diane Dorrington and Mr. David Gagliardi appeared before the Board to be interviewed for the vacancy on the Traffic Management Committee.

Selectman Rosa stated he had checked with the Town Clerk's office and the opening was in East Billerica. Selectman Rosa reviewed the history of the Committee.

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Chairman Conway stated she was under the impression that this was an "at large" opening.

Selectman Simolaris commented that it was hard to get people to volunteer. It shouldn't matter what section of Town you live in. He thanked Ms. Dorrington and Mr. Gagliardi for applying.

Selectman Rosa thanked Mr. Gagliardi for applying. He stated he felt that Ms. Dorrington lived closer to the area of town in question.

Chairman Conway tabled the item until the January 28th meeting to get clarification from the Town Clerk.

99 Restaurant, 672 Boston Road, Re: Change of Manager to Courtney Daigle for their Restaurant All Alcoholic License

Courtney Daigle came to the podium.

The entire Board reminded Ms. Daigle about the seriousness of dispensing alcohol and to have paperwork in on time. She was also reminded to review the Alcohol Rules and Regulations and to sign the back page.

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectmen, approve the the change of manager for the alcohol license of the 99 Restaurant, 672 Boston Road.

It was voted:

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

Chairman Conway returned to the Hearing Room.

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**KHD, Inc., d/b/a High Octane Harley Davidson, One Chelmsford Road, N. Billerica, MA, Re:
One Day Beer and Wine Licenses on Saturday, January 12, 2019 from 11:00 a.m. to 3:00 p.m.**

Selectman Giroux, seconded by Selectman Rosa, made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson, One Chelmsford Road, N. Billerica, MA, on Saturday, January 12, 2019 from 11:00 a.m. to 3:00 p.m.

It was voted:

5 – In Favor

0 - Opposed

Executive Session –Pursuant to the provisions of 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.

Selectman Giroux, seconded by Selectman Rosa, made a motion that pursuant to the provisions of 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

It was voted:

Selectman Simolaris - Aye

Selectman Deslaurier – Aye

Selectman Rosa – Aye

Selectman Giroux – Aye

Selectman Conway - Aye

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Executive Session-Pursuant to the provisions of G.L. c. 30A, sec. 21 (a)(1)-) to discuss strategy with respect to Collective Bargaining or *litigation* if an open meeting may have a detrimental effect on the bargaining or *litigating* position of the public body and the chair so declares.

Selectman Giroux, seconded by Selectman Rosa, made a motion that pursuant to the provisions of G.L. c. 30A, sec. 21 (a)(1)-) to discuss strategy with respect to Collective Bargaining or *litigation* if an open meeting may have a detrimental effect on the bargaining or *litigating* position of the public body and the chair so declares.

It was voted:

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

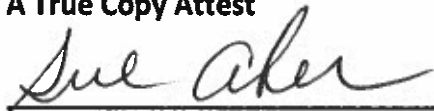
Chairman Conway declared that an open meeting may have a detrimental effect on the bargaining or litigating position of the public body.

The Board will only return to Open Session to adjourn.

MEETING SCHEDULE

January 28, 2019
February 4 and 25, 2019

A True Copy Attest



Sue Aker, Recording Secretary