



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

Members Present: Chair Andrew Deslaurier, Vice Chair Michael Riley, Secretary Kimberly Conway, Member Michael Rosa, and Member John Burrows

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Deslaurier stated that the meeting is a hybrid meeting with a Zoom option. All members are present.

Call to Order 7:00 PM

Chair Deslaurier called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Kelly Sardina of 95 Gray Street – Ms. Sardina stated that the MBTA documents and there are a few errors that should be corrected. On page 4, the town of Framingham is listed and the meeting on Affordable Housing was on November 22, 2022 not December 2022.

Announcements

2. Vacancies on Boards and Committees

Secretary Conway read the list of vacancies of boards and committees.

3. All Other Announcements may be Viewed on the Town of Billerica Website

Presentation

6. Diversity, Equity and Inclusion (DEI) Presentation – HR Director, Michele Rivera

Michele Rivera joined the meeting and gave a presentation on DEI. The Select Board instructed the Town Manager to create a commission on DEI. This is the first presentation of who should be on the committee and what the committee should focus on. We should empower our employees and residents. When hiring, we should select the most qualified candidate.

Vice Chair Riley stated that we see diversity in the schools: kids, teachers, coaches and we need to bring that on the Town side. We want to get all people involved and should shadow what the school has already done. We need to take initiatives on celebrations like Martin Luther King Day and Juneteenth.

Member Rosa stated that he supports fairness and inclusion and asked if we are being asked to create the committee. Ms. Rivera replied no, the Town Manager is creating the committee. The school has their own DEI commission so why are we asking them to be part of the commission? Ms. Rivera stated that the schools have a broader community. Mr. Curran stated that we want to interface with the school since they have already taken a lot of steps and they have resources that we want to tap in regards to DEI demographics. Member Rosa stated that the schools have their own HR person and they should be the person on this committee. Mr. Curran agreed and will speak with the Superintendent. Member Rosa asked if this would be an advisory committee. Mr. Curran replied yes. There will be training, diversity awareness on job postings and once the committee is established, we will get an audit done. In the future, we may look towards a regional DEI commission. Member Rosa asked how much a consultant would be for the audit. Ms. Rivera replied she has heard between \$6,000 to \$20,000 depending on the scope. Member Rosa stated that Mr. Curran has always hired the best qualified applicant regardless of race. Member Rosa added that the school is not very good with disabled people because some of the schools are not ADA compliant for physically disabled people. Mr. Curran stated that they should definitely look at access.



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Member Burrows stated that we should institute using Google translate to help people with different languages. He is concerned there are no residents on the committee because the residents should be involved. He also believes that sexuality should not be in the workplace.

Secretary Conway stated that typically people like to work with people like them. We are not diverse and we need to think outside of the box. What is the time frame for this? Ms. Rivera replied that she would like to start in February since it is Black History Month. She would like to start with a round table of the members. The members should be diverse and it should be in an informal setting. Secretary Conway stated that people aren't applying here because we are not diverse and we should look at expanding the pool.

Chair Deslaurier stated that we have Diversity and Equity but not Inclusion. In his kids' school, there are 20 different native languages. We have taken steps but we need to do more. The schools have done an excellent job and we need to join them. The committee should meet and come up with goals. His job has now taken last names and schools off the resumes to be more unbiased.

Mr. Curran stated that the members should be from different backgrounds.

Member Rosa stated that this a town committee should be subject to Open Meeting Laws and agenda and meeting minutes being posted. Mr. Curran replied yes, it would have to meet all Open Meeting Laws.

Vice Chair Riley stated that we need to stay involved in this committee.

8. MBTA Communities Update

Erika Jerram, Community Development Director and Jenny Raitt, Director of NMCOG joined the meeting to discuss an update on the MBTA Communities. Ms. Jerram stated that no action is required by the Select Board at this time.

Mr. Curran stated that this is a document that will check a box at the State. There are no consequences to the Town if this is submitted. The State is requiring that all zoning be in place by December 2024.

Member Rosa asked why Framingham was referenced. Ms. Jerram stated that she worked in Framingham for 15 years, it was a mistake. Member Rosa stated that there are some multi-families that are not referenced such as the duplex for the Housing Authority. If we are submitting this to the State, then it should include everything that has been approved and permitted. It should also be mentioned that we have met the 10% affordability. Member Rosa stated that in Section 2.2, you are proposing an inclusionary bylaw. Ms. Jerram replied we could and everything is on the table. Member Rosa stated that it is ridiculous that the State will force 2000+ units with no affordability requirement. This will push the Town out of compliance with the 10% of 40B. Member Rosa added that 30% of our housing is high density multi-family. Member Rosa also stated that the bylaw that is referenced in this document does not match the actual bylaw. The actual Zoning Bylaw needs to be referenced correctly. Ms. Jerram stated that this needs to be submitted on Friday and if it's not exact it doesn't change anything. DHCD knows we have a plan. Chair Deslaurier stated that this is the first step. Member Rosa stated that he understands but our zoning bylaw references should be accurate. Ms. Raitt stated that the language was taken from the Housing Production Plan. The information is helpful and they will try to be as accurate as possible and this will reflect the changes. If this is not filed on time, the Town will not be compliant and it could affect funding for the Housing Authority and other this. Ms. Raitt stated that the proposed plan can include affordability in the inclusionary zoning. We can update the existing zoning or create a 40R zone which includes affordability.

Secretary Conway asked if they think the timing will stay on track or will it slip. Ms. Raitt believes that will stay on track and we must have zoning in place by December 2024. Mr. Curran stated that the new Governor spoke at the MMA conference and her first priority is to hire a Housing Secretary so this will stay on track. Secretary Conway asked what happens if Town Meeting votes against the zoning. Ms. Jerram stated that is why we are targeting the Spring Town Meeting and if it falls, come back in the Fall.



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Member Burrows asked how much funding we would lose if we don't move forward with the zoning. Mr. Curran stated that the Housing Authority would lose about 10% and the biggest hit is we wouldn't be able to apply for Mass Work Grants and the State has more money now for Towns. Member Burrows stated that if build 2300 apartments, we are going to potential add over 1,000 kids into the school system. Member Burrows asked if this has anything to do with the AG reaching out to us and saying our bylaw had errors in it from the last Town Meeting. Mr. Curran replied no.

Vice Chair Riley stated that this is a huge issue and asked if Stoneham is a community that already has inclusionary zoning. Mr. Raitt replied she doesn't believe any community has proven they meet the requirement and only has submitted action plans. Vice Chair Riley asked if DHCD is still taking input from communities. Ms. Jerram stated that DHCD took the comments from the Towns and did update the requirement that the housing could be put elsewhere, not necessarily at the train station. They are not taking any more formal comments. Vice Chair Riley asked if any Towns filed suit against this regulation. Ms. Raitt stated that Rockport did and they are now in non-compliance. Ms. Raitt added that this is about zoning, it doesn't mean the units will be built and she would advise against any injunctions.

Chair Deslaurier stated that there are only two communities in NMCOG not affected by this. Can this be a regional effort strategy? Ms. Raitt stated that would be a separate train of thought from this issue but we could look at this. Chair Deslaurier stated that the last administration failed at this and stopped at Rt. 128 and he hopes this administration has a better perspective for communities past Rt. 128.

10. Affordable Housing Update

Erika Jerram, Community Development Director and Jenny Raitt, Director of NMCOG continued with an affordable housing update.

Mr. Curran stated that they are looking at town owned property and would like to have project that has around five affordable units.

Member Rosa asked why Vice Chair Riley was included. Mr. Curran stated that he had come into the office and it was an informal discussion. Member Rosa stated that Kat came to our last Open Space meeting and there should be a list of town owned parcels that we should review. We should also look at partnering with Shawsheen Tech to build affordable housing. We need to look at all types of housing because we have a lot of apartments.

Secretary Conway asked if the ARPA funds that we put aside for down payment assistance were included. Mr. Curran replied no, but we could build five units and use the ARPA money for the down payment.

Member Burrows stated that we need to look at design standards for 40R. Ms. Jerram stated that we can look at creating design standards. Ms. Raitt stated that 40R addresses smart growth, what we need to do is adopt an overlay.

Vice Chair Riley stated that he agrees we should look at parcels that would accommodate affordable houses and we should move quickly.

Chair Deslaurier thanked staff for the update. A previous agenda item was DEI and affordable housing is a strategy that is included to help us achieve DEI in Billerica.

13. 1st Reading of the Permanent Outdoor Seating Regulations

Erika Jerram, Community Development Director continued with the 1st reading of the Permanent Outdoor Seating Regulations. When COVID hit, we had emergency outdoor seating policies to provide social distancing. Some of the businesses want to continue and we need to provide regulations to address it.



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Chair Deslaurier asked why would this not be covered under the Common Victualler process. Mr. Curran stated that that this sets the process and gives guidelines that clarifies what can and cannot be done. The more streamlined the better. He would suggest waiving the fee since they already pay a fee for their license. They would also have to comply with zoning.

Member Rosa stated that if a business has a ZBA decision to open, then they should have to go back to the ZBA. If a business has a liquor license, then they have to abide by the ABCC regulations. All references to Selectmen should be changed to Select Board. In Article I Section 1, we should not allow tables to be set up in the street. In Section 3, umbrellas, heaters, etc. need to be properly secured. In Section 5, the Fire Department should also be involved. He would also agree that the fee should be waived. In Article II, Section 3, is \$500,000 liability enough? That should be looked at. In Section 4, any outdoor seating should require a public hearing, so the neighbors are notified of what is going on. Chair Deslaurier replied that the section says may, not shall. Article III, this section should be the exact language provided in Article 28.0 of the Select Board Rules and Regulations.

Secretary Conway stated that she agrees it should say may require a public hearing. The establishments that have always had outdoor seating like the Emerald Rose had to comply with zoning such as enough parking and enough bathrooms. Secretary Conway asked if a restaurant has 200 occupancy and they add 40 seats outside, can they remove seats inside to stay at 200 or do they go for an occupancy of 240? Ms. Jerram replied either. Secretary Conway stated that she doesn't believe that they should be allowed to cook outside and the Board of Health should be consulted.

Member Burrows asked if hours of operation for outside will be addressed? What if they want to do igloos during the winter? Ms. Jerram replied that would need to get a building permit and would require a review. Member Burrows stated that we have waived a lot of fees for businesses and we should look at taking care of the residents.

Member Rosa asked if there should be a segregation clause. Ms. Jerram replied that she would check with Town Counsel.

Appointments

5. Billerica Youth Advisory Committee

5a. Joshua Rodriguez Ortiz

5b. Shreya Stanley

Chair Deslaurier stated that neither applicant is here tonight.

MOTION - Secretary Conway made a motion to appoint Joshua Rodriguez Ortiz as a regular member of the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0.

MOTION - Secretary Conway made a motion to appoint Shreya Stanley as an alternate member of the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0.

Approval of Meeting Minutes

4. January 09, 2023

Member Rosa stated that he had made some minor corrections prior to the meeting and they were incorporated into the minutes that were in the package.

MOTION - Secretary Conway made a motion to approve the January 9, 2023 Select Board minutes as amended by Member Rosa prior to the meeting. The motion was seconded by Member Rosa and unanimously voted 5-0.

Old Business

7. Town Manager's Report

Mr. Curran presented his report.



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- **Budget Meetings**

Mr. Curran stated that budget meetings are completed and the town has maintained increases of 2% or under except the DPW which is primarily because of the Waste Management contract increase.

Member Burrows stated that that he thinks that we should still add members to the facilities department. Mr. Curran stated that he would like to but he has put on a hiring freeze.

- **Iron Horse Park**

Mr. Curran stated that the EPA is undergoing a 5-year review process. This review is to make sure that the remedial action performed is still working.

Vice Chair Riley asked if we could bring the EPA in for a briefing on this project.

Member Rosa stated that this review is to make sure that no chemicals could leak into the Concord River but could they do an analysis if the dam is removed and the water goes down 6” would there be an impact to the Concord River. Mr. Curran stated that they can look at it.

- **Pollard Field**

Mr. Curran stated that the contractor has been onsite to excavate the foundation locations of the light poles.

- **Stormwater Bylaw**

Mr. Curran stated that the Board of Health currently handles storm water but that is transitioning to the Engineering Department. The DPW has been reviewing the current bylaw and if there are any changes, they will be presented at the Spring Town Meeting.

Member Rosa asked why this is changing. Mr. Curran stated that with the Board of Health, this could result in requiring two hearings and the DPW has the expertise in stormwater. It still could result in two public hearings with Conservation and DPW, but the second would be more abbreviated. Member Rosa stated that residents should know what is going on. If there are two hearings so, be it.

- **Flags**

Mr. Curran stated Donnie Jarvis was notified of the bad condition of the flags at Talbot Oval and Town Center. He has ordered new flag.

- **Community Funds**

Mr. Curran stated that the deadline for the Community Funds has been extended to February 1st at 4:00 PM.

Member Rosa stated that since the Community Funds now include a TIFF project, the Select Board should be involved with who gets the grant.

- **Billerica DPW**

Mr. Curran stated his office sat down with abutters for the new DPW facility on January 11th. They will work with the design team to address their concerns. There will be a public information session on Wednesday, February 8th.

Vice Chair Riley asked how the neighbors were notified. Mr. Curran replied that letters were sent. They are trying to be proactive and bring in the abutters at the beginning of the process. They could also do a Code Red.

Member Rosa stated that it was a great job with the notification of the abutters at such an early stage.



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- **Zoning Audit**

Mr. Curran stated the on January 30th, there will be a listening session on the Zoning Audit. This was a Select Board goal in FY 2021.

Member Burrows stated that the AG had an issue with some of the articles from Town Meeting. Is the Zoning Audit a result of this? Mr. Curran replied no, the AG issue was that there was a problem with the advertising for one hearing, and Town Counsel has responded.

Member Rosa asked what articles were affected. Mr. Curran replied that they were the housing keeping zoning articles from the fall Town Meeting.

- **Cabot Meeting**

Mr. Curran stated that his team met with Conor Powers from MIIA to go over renewal issues. The rate is increasing next year by 10% and the Town will need to have security software on every desktop by July 1, 2024.

- **Parkway Avenue**

Mr. Curran stated the Kevin Fusco from Habitat for Humanity came in to review the Parkway Ave site. They are confident this parcel will support a multi-family structure.

Member Rosa stated that this is a good opportunity to work with Shawsheen Tech.

- **Recreation & COA Feasibility Study**

Mr. Curran stated his office, Left Field and Vice Chair Riley interviewed three architects for the feasibility study. The group chose Abacus Architects. The Town will have a kickoff meeting with the architect this week.

Member Rosa asked if this is being looked at as one or two buildings. Mr. Curran replied both. Vice Chair Riley added that all firms interviewed liked one intergenerational building idea.

- **BMHS Receives Another Award**

Mr. Curran stated the Boston Society of Architects awarded the BMHS an award for Design Excellence.

9. Update on Pond Street Truck Traffic – Requested by Member Burrows

Mr. Curran stated that there are Planning Board conditions and as stated in Sgt. Magnan email should address the issues. Vice Chair Riley stated that he spoke with Sgt. Magnan. Sgt. Magnan spoke with the owner of the building and he is going to install the signs as soon as possible. Vice Chair Riley stated that there were a few complaints at the start of constructions but the Planning Board brought the owner in and they were corrected.

Member Burrows stated that there are no signs installed yet and they aren't following the conditions.

Vice Chair Riley stated that there was a lengthy hearing process and they do not have an occupancy permit, so there is no problem yet.

Chair Deslaurier stated that we should get an update on when the signs will be installed.

Member Rosa stated that we are the Road Commissioners so to make the signs enforceable we should take a vote to approve the signs. Chair Deslaurier stated that these are directional signs and did the Board take a vote on Alpine or High Street. Mr. Curran replied he was not sure. Member Rosa stated that we should ask Town Counsel and put it on a future agenda. Chair Deslaurier stated that if we approved the High Street signs, then we could approve these ones.



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New Business

11. 2023 Goals

Chair Deslaurier stated that we presented our goals and now the Town Manager will go through them and update them. Mr. Curran stated that if there are conflicts between the members, he will highlight them.

Secretary Conway stated that they should be prioritized if there are several members with similar comments.

7. Town Manager's Review

Chair Deslaurier stated that all members have submitted the Town Manager's review. He has taken all the ratings and summarized them with the average score being 4.1. Each Board member summarized their review and pointed out the strengths and weaknesses they thought were important.

Secretary Conway stated that some strengths are: professionalism, communication with the community i.e., newsletter, Facebook postings, visible leader, ability to delegate, great hiring skills and great financial management. Some areas of improvement are: focus on employees other than department heads since Personnel Management was the lowest score from most of the board, communication with the Select Board, takes too long to make decisions on personnel issues, attract more businesses and look to make more automation and innovation.

Member Burrows stated that some strengths are: has years of institutional knowledge and he has good response time to his questions. Some areas of improvement are: need to attract businesses and we need to separate Town and School items at Town Meeting.

Member Rosa stated that some strengths are: improved communications with residents, knowledgeable of the job, community outreach such as Facebook and newsletter, office staff is doing a great job taking weight of his shoulders, very prepared for meetings, visible at town events and have become more approachable, and reorganizing town departments. Some areas of improvement are: zoning issues, better communication with the Board and employees other than Department Heads, preserve town properties, bring commercial business to Billerica, there are some staff members that you still do some hand holding which takes away time from other duties, try to bridge the gap with all employees and up moral, concern with budget items and impacts to residents, response to emails quicker.

Vice Chair Riley stated that some strengths are: hiring top level staff and a great financial awareness. Some areas of improvement are: boosting morale of employees from top to bottom and response time for questions.

Chair Deslaurier stated that we are in a completely different place from where we were a year ago and he is happy with this. Some strengths are: building services, people want to come here, financial planning is huge and we have the lowest tax rate around. Some areas of improvement are: delegation and communication.

Chair Deslaurier stated that we need to work on redesigning the form going forward and asked that Mr. Main and HR work on improving this form.

Mr. Curran stated that he appreciates that feedback the Board has given him and will focus on the areas needing improvement such as personnel policies. He stated that he couldn't do the work he does without the staff in his office.

14. Early Voting for Municipal Elections

Mr. Curran stated that the Town Clerk has submitted the early voting hours for the municipal election.

MOTION - Secretary Conway made a motion to approve the early voting for the 2023 municipal elections as Monday and Tuesday March 27th and 28th from 8:30 AM to 4:00 PM and Wednesday, March 29th from 8:30 AM to 7:00 PM at the Town Hall auditorium. The motion was seconded by Vice Chair Riley and unanimously voted 5-0.



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15. Proprietary Bid – Musco Light Poles – Vining School

Mr. Curran stated that this is a house cleaning item. This needs to be approved since it is proprietary bid. Member Rosa asked if this was already done. Mr. Curran stated that it needs to be done on every project.

MOTION - Secretary Conway made a motion to recommend to include Musco Sports Lighting as a proprietary bid for the lighting at the Vining School due to the fact that these are the same product that has been used on other fields and Billerica Recreation has Musco Sports Lighting as their preferred vendor and the maintenance employees are familiar with the operation of this system. The motion was seconded by Member Rosa and unanimously voted 5-0.

16. Discussion on “15 Minute” Parking Spaces in Front of Town Hall – Requested by Member Burrows

Member Burrows stated that he received a complaint that there were no parking spaces out front for residents to use to run in and do business at Town Hall. He would suggest that 4 “15 Minute” parking spaces be put out front, two on each side closest to the building. Mr. Curran stated that he can instruct employees not to park in the spaces closest to the building. This is usually only a problem with the auditorium being used because there is not enough parking.

Secretary Conway suggested adding 2 spaces to see if they will be used. Member Rosa agreed with 2 spaces to start. Mr. Curran stated that he will get those two spaces marked within the next week or two. No vote was taken.

Meeting Schedule – February 6, 2023 and February 27, 2023

MOTION - Secretary Conway made a motion to adjourn the January 23, 2023 Select Board meeting at 11:10 PM. The motion was seconded by Member Rosa and unanimously voted 5-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – January 23, 2023

Call to order 7:00 PM

1. **Open Microphone**– No Exhibits

Announcements

2. **Vacancies on Boards and Committees**- Vacancies list
3. **All other announcements may be viewed on the Town of Billerica website** – No Exhibits

Fiscal Efficiency and Public Recognition

Approval of Meeting Minutes

4. **January 9, 2023** – Minutes

Appointments

5. **Billerica Youth Advisory Committee**
 - a. **Joshua Rodrigues Ortiz** – Application dated December 16, 2022
 - b. **Shreya Stanley** – Application dated January 08, 2023

Presentation

6. **Diversity, Equity and Inclusion (DEI) Presentation** – **HR Director, Michele Rivera** – Presentation dated January 23, 2023

Old Business

7. **Town Managers Report** – Town Manager’s Report dated January 18, 2023
8. **MBTA Communities Update** – Memo from E. Jerram dated January 19, 2023
9. **Update on Pond Street Truck Traffic** – **Requested by Member Burrows** – Email from Sgt. Magnan dated January 18, 2023, Recorded Decision dated July 20, 2021, Book/Page 36021/131
10. **Affordable Housing Update** – Presentation dated January 23, 2023,

New Business

11. **2023 Goals** – 2023 Goals and Objectives
12. **Town Manager’s Review** – Reviews from all Select Board members and a summary sheet
13. **1st Reading of the Permanent Outdoor Seating Regulations** –Memo from Planning and Community Development Staff dated January 20, 2023, Presentation Billerica Outdoor Dining dated January 23, 2023
14. **Early Voting for Municipal Elections** – Email from Clancy Main dated January 9, 2023, Memo from S. Schult dated January 23, 2023
15. **Proprietary Bid – Musco Light Poles – Vining School** – Memo from Left Filed dated January 6, 2023
16. **Discussion on “15 Minute” Parking Spaces at Town Hall** – **Requested by Member Burrows** – Picture of Town Hall front parking lot

Meeting Schedule

February 6, 2023 and February 27, 2023

Approved On: February 27, 2023