



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

Members Present: Michael Riley, Kimberly Conway, Michael Rosa, and John Burrows

Members Absent: Andrew Deslaurier (Remote)

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

Member Riley stated that the meeting is a hybrid meeting with a Zoom option. All votes will be taken by roll call since Member Deslaurier will be joining remotely.

Call to Order 7:00 PM

Member Riley called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

There were no residents for open microphone.

Member Riley stated that we will wait until Member Deslaurier joins the meeting to do the reorganization of the Board.

Announcements

3. Vacancies on Boards and Committees

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

Member Rosa asked why the DEI appointments haven't been made. Mr. Curran stated that we have applications, we just have not done it yet.

Member Deslaurier joined the meeting via Zoom at 7:04 PM.

2. Reorganization of the Select Board

Member Deslaurier called for nominations for Chair.

MOTION - Member Burrows made a motion to nominate Michael Rosa as Chair. The motion was seconded by Member Rosa and voted 2-3-0. On a roll call vote: Member Burrows voted Aye, Member Rosa voted Aye, Member Riley voted No, Member Conway voted No and Member Deslaurier voted No. The motion failed.

MOTION - Member Conway made a motion to nominate Michael Riley as Chair. The motion was seconded by Michael Riley and voted 3-2-0. On a roll call vote: Member Conway voted Aye, Member Riley voted Aye, Member Rosa voted No, Member Burrows voted No, and Member Deslaurier voted Aye. The motion passed.

Member Deslaurier stated that this past year has been a tremendous year and we faced enormous challenges. He is proud of our members.

Chair Riley called for nominations for Vice Chair.

MOTION - Member Deslaurier made a motion to nominate Kimberly Conway as Vice Chair. The motion was seconded by Chair Riley and unanimously voted 5-0-0. On a roll call vote: Member Deslaurier voted Aye, Member Rosa voted Aye, Member Conway voted Aye, Member Burrows voted Aye and Chair Riley voted Aye.

Chair Riley called for nominations for Secretary.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

MOTION - Vice Chair Conway made a motion to nominate Andrew Deslaurier as Secretary. The motion was seconded by Member Deslaurier and voted 3-2-0. On a roll call vote: Vice Chair Conway voted Aye, Chair Riley voted Aye, Member Rosa voted No, Member Burrows voted No, and Member Deslaurier voted Aye. The motion passed.

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

Proclamation

5. Tree City USA – Proclamation – April 28, 2023 as Arbor Day

Vice Chair Conway read the proclamation.

MOTION - Member Rosa made a motion to declare that April 28, 2023 as Arbor Day. The motion was seconded by Vice Chair Conway and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Public Hearings

6. Vote to Adopt the Orders of Layout for Street Acceptance for Astrig Way, Bellflower Road, Birch Street, Breen Road, Colby Street, Dean Street, Edgell Road, Field Street, Heron Lane, Moran Road, Outlook Road, Pauline Road, Pelham Street, Westcott Road, and Wheeler Road – Requested by Kelley Conway, P.E., Town Engineer

MOTION - Vice Chair Conway made a motion to open the public hearing for the adoption of the Orders of Layout for Street Acceptance at 7:13 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

DPW Director, Fred Russell appeared for the public hearing. This street acceptance is to accept streets for sewer contract #38, residents petition and clean up of portions of streets that are not accepted. They met with the Street Acceptance and Discontinuance Committee on March 24th and they voted to accept the streets as presented. Vice Chair Conway added that it was an unanimous vote.

Member Burrows asked if Astrig Way was near Middlesex Community College. Mr. Russel replied yes.

There were no questions from the public in person or via Zoom.

MOTION - Vice Chair Conway made a motion to close the public hearing for the adoption of the Orders of Layout for Street Acceptance. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Astrig Way as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Bellflower Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Birch Street as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Breen Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Colby Street as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Dean Street as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Edgehill Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Field Street as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Heron Lane as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Moran Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Outlook Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Pauline Road as presented. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Pelham Street as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Wescott Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to adopt the Order of Layout for Street Acceptance for Wheeler Road as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

7. National Grid - #30677444 - National Grid to install approximately 40' of 1-3" conduits from existing Pole #105 to new proposed heavy duty handhole (HDHH 105-1) with 4/0 3c UG secondary wire on Captain Gookin Ave. Install approximately 130' 1-3" conduit from new HDHH 105-1 to second HDHH 105-2 with 4/0 3c UG secondary wire on Captain Gookin Ave in order to correct illegal service to 4 Captain Gookin Ave

MOTION - Vice Chair Conway made a motion to open the public hearing for National Grid Pole Petition #30677444 at 7:22 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Veasna Eang from National Grid appeared via Zoom. Mr. Eang stated that the Board heard an application for this area for overhead utilities. It was denied, so this application is to replace the underground utilities in the same area.

Member Rosa stated that on the DPW comment sheet it says there may be a conflict with the water and a meeting should occur on site. Has this happened? Mr. Eang replied he does not know but will make sure it does happen. Member Rosa stated that the previous application had new utility poles now this application is for underground. Mr. Eang replied that was correct. Member Rosa stated that he is not comfortable with approving this until the issues with the DPW have been addressed. This should be continued and a meeting on site be conducted with the DPW and National Grid.

Secretary Deslaurier agreed with the continuance and this should have been mitigated beforehand.

MOTION - Vice Chair Conway made a motion to continue the public hearing for National Grid #30677444 until April 24, 2023 @ 7:00 PM. The motion was seconded by Secretary Deslaurier and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Approval of Meeting Minutes

3. March 20, 2023

MOTION - Vice Chair Conway made a motion to approve the Select Board meeting minutes of March 20, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

New Business

13. Billerica's Community Farmer's Market (BCFM) – Application for Entertainment License – Monday's from June 12th to October 9th from 2:00 PM to 7:00 PM (No Market on September 4th) AND Request (4) 18" x 24" Signs on the Town Common on Market Days (Mondays)

Crystal Thomas appeared for the request of Billerica's Farmer's Market. There was a mistake in the application, our first market is June 12th, not June 19th.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

MOTION - Vice Chair Conway made a motion to grant the entertainment licenses for the Billerica's Community Farmer's Market on Mondays from June 12th to October 9th from 2:00 PM to 7:00 PM at the old Ditson School property and to waive all associated fees. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

MOTION - Vice Chair Conway made a motion to approve (4) 18" x 24" signs on the Town Common on Market Days. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

12. Preliminary Warrant Articles – Discussion and Possible Vote

Fred Russell stated that Article 26 is for restoration of the Crosby Hill and Boston Road water storage tanks. Crosby Hill was renovated in 2009 and Boston Road was renovated in 2006. The American Water Workers Association Standards recommends restoration every 13-15 years. The Crosby Hill take will be a small renovation because we hope to replace it within the next few years.

Vice Chair Conway asked if there is any responsibility from the cell providers that are on the tanks. Mr. Curran stated that they looked at the special permit and leases for Verizon and AT&T and there were no conditions for maintenance except if their own equipment is damaged. Member Rosa stated that the condition was in the ZBA decision, not the Planning Board.

Member Burrows stated that the Dodge Report indicates that the cost of maintenance is \$6.3 Million dollars. Mr. Russell stated that is the replacement costs in a few years.

MOTION - Vice Chair Conway made a motion to recommend Article 26 to the Spring Town Meeting warrant as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Mr. Russell stated that Article 27 stems from the brown water survey that was done. This article is for the unidirectional flushing program. It was mentioned that this was already done by CDM years ago, but we can't find anything in the office. We did find a copy of a contract from CDM but not the study. There is different technology now than there was in 2000.

Vice Chair Conway stated that this funds the study but then there will be additional costs. Mr. Russell replied no, our staff does the work.

Member Rosa stated that the study was done and one of the engineers was a Billerica resident and he will go through his files.

MOTION - Vice Chair Conway made a motion to recommend Article 27 to the Spring Town Meeting warrant as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Mr. Russell stated that Article 28 is to replace three pump station motors. The work will be done by staff.

MOTION - Vice Chair Conway made a motion to recommend Article 28 to the Spring Town Meeting warrant as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Mr. Russell stated that Article 29 is for upgrades to the SCADA system, which is the brain device net.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

MOTION - Vice Chair Conway made a motion to recommend Article 29 to the Spring Town Meeting warrant as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

Mr. Russell stated that Article 33 is for the street acceptances that were just voted on.

MOTION - Vice Chair Conway made a motion to recommend Article 33 to the Spring Town Meeting warrant as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Vice Chair Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Secretary Deslaurier voted Aye and Chair Riley voted Aye.

15. Article 42 – Discussion – Requested by Atty. Stephen J. Lentine

Attorney Stephen Lentine, Brian Goguen and Thomas Fitzpatrick appeared for discussion on Article 42. Mr. Goguen has been in town for years and has a special permit from the ZBA for a home occupation. His business has grown and he would like to change the zoning from Neighborhood Residence to Neighborhood Business and change his entire home into the business. They are going before the Planning Board for the Public Hearing on April 10th.

Member Rosa asked what else could be done there by right if the zoning changed. Attorney Lentine replied it could be retail, or a bank but the biggest protection is that this is less than 30,000 SF lot. It would most likely be a lawyer's office or CPA or doctor's office, nothing that would generate a lot of traffic. Member Rosa stated that customer traffic is less since Covid with DocuSign.

Vice Chair Conway stated that this could be a retail or bank. Attorney Lentine replied yes, but the size of the lot would limit it and a drive-thru would require a special permit. Vice Chair Conway stated that the zoning across the street was changed and with this being on the corner of Middlesex Turnpike and Concord Road she would not consider this spot zoning. Attorney Lentine stated that there is industry across the street and multi-family behind. Vice Chair Conway asked what the neighbors have said. Attorney Lentine stated that we have spoken with most of the neighbors and most are in favor. Member Rosa stated that he received a call from the son of one the neighbors. Mr. Goguen stated that he has four direct abutters and spoke with all of them. Two out of the four are in favor, one is against and one hasn't reached out.

Secretary Deslaurier asked if this will change the tax profile. Mr. Goguen stated that his 900 SF office is taxed as commercial but the house is taxed as residential. With the change to zoning being commercial, everything will be taxed as commercial.

Member Rosa asked how old the house is and is it historic. Mr. Goguen replied it was built in 1812 but he doesn't think it has a historical registration. Member Rosa stated that if it is put on the historic register then it would protect the house and neighbors may feel more protected so it may help ease their concerns. Attorney Lentine stated that they would look into this and he believes that the Town of Billerica also has a historic list and that may be easier to get onto. Member Rosa suggested that they should try to get on the Town's list and start the process of getting on the historical register before Town Meeting.

Chair Riley stated that the abutters have been notified for the public hearing before the Planning Board.

14. Outdoor Dining Application – Alteration of Common Victualler's License – Stromboli's – Request to Add a 40' x 20' Season Tent for Casual Dining with ~8 Tables and 30 Seats – (There is no alcohol served at this location)

Mansour Alirisheq appeared for the outdoor dining application. He is requesting that he be allowed to put up a 40' x 20' tent for casual dining like he's done for the last two years.

Secretary Deslaurier left the meeting at 8:00 PM.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

Member Rosa stated that the comment from the Building Commissioner on the application states a modification of the special permit is needed. We just approved the Outdoor Dining Regulations. Mr. Alirisheq stated that if he has to go to the ZBA, then he will lose the outdoor dining season and that is not what the Building Commissioner told him. Member Rosa read the email from the Building Commissioner into the record.

Member Burrows asked if it could be moved closer to the left-hand side of the property. Mr. Alirisheq stated that he spoke with the Building Commissioner and he said I need to go to the ZBA to add the outdoor dining permanently for next year. He would make it more permanent and slide it more to the left but he said it was fine this year. Mr. Curran stated that he will speak with the Building Commissioner.

MOTION - Vice Chair Conway made a motion to grant the request for outdoor dining with a 40' x 20' tent subject to the approval and conditions of the Zoning Board of Appeals. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Old Business

4. Town Manager's Report

Mr. Curran presented his report.

- **Auditorium**

Mr. Curran stated that construction will start after the Spring Town Meeting.

- **Town Meeting Members**

Mr. Curran stated that after the election there are only 157 elected Town Meeting Representatives. A quorum of 121 members is needed.

Member Rosa asked if the write ins for Town Meeting members on election day have been added and if those have been posted. He also asked that all the vacancies be posted online. Member Rosa stated that Town Meeting members vote on everything including zoning, budgets, etc. and encouraged residents to get involved.

Vice Chair Conway stated that we need to get Town Meeting members involved. There were no applicants in Precinct 10 in this last election. She would also encourage residents to get involved.

Member Burrows stated that Town Meeting members need to be advertised.

Chair Riley stated that we should put out more advertising for Town Meeting members. Town Meeting members make the decision for the Town and perhaps we should hold an Open House to discuss how Town Meeting works.

- **Town Hall Employee Appreciation Day (April 21st or April 26th)**

Mr. Curran stated that in an effort to improve the relationship between him and the employees we are scheduling an Employee Appreciation Day. There will be training on stress, lunch will be provided and there will be a family feud game.

Member Rosa stated that this is a great idea and asked that the Board be notified on which day it is.

Member Burrows stated that this is a good idea.

Chair Riley stated that they should look at quarterly employee meetings.

- **Ask a Planner Office Hours**

Mr. Curran stated the Planning office will host several sessions off site to allow residents to ask questions.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

Member Rosa asked if there was a way people could submit questions beforehand and then get their answers during one of these sessions. Mr. Curran replied he can check on that and he believes there will be one virtual meeting also. Member Rosa asked if they could join a couple of Farmer's Markets.

Member Burrows stated that perhaps there should be more evening hours.

- **Boston Road North**

Mr. Curran stated that they will be meeting to discuss the laydown area for the duration of the Boston Road project. The property next to Town hall seems to be a good option.

- **Town Center Project**

Mr. Curran stated that on March 22nd this office met with DPW, BETA and the utility companies to walk the project. The project team will be attending the Historic District Commission on April 5th to receive their comments.

Member Rosa asked where the plans stand for the Center project. Mr. Curran stated that there was a hitch with the COA site but it is the same preliminary plan that was presented, it is just further along. Member Rosa stated that we haven't endorsed a plan and we need to get input from the neighbors. Mr. Curran agreed and will be reaching out in June to the neighbors. Member Rosa stated that it should be sooner than later.

Vice Chair Conway asked why the Town would not run this project. Mr. Curran stated that if this was a TIP project, the State would manage it. Vice Chair Conway stated that we need to share the information as soon as possible and be transparent as possible.

- **Marketing Survey**

Mr. Curran stated the marketing survey closed on March 31st and they received about 400 responses. All ages are represented pretty equally except 18-24 which is a low turnout. The Planning staff will be working with Seven Letter to present the data later this month.

Vice Chair Conway stated that we should reach out to the BYAC. Mr. Maynard replied that they did reach out to them. Mr. Curran stated that we will get a presentation to the Board.

- **Governor Healy Visit**

Mr. Curran stated that Governor Healy visited the Hajjar to discuss the universal school lunch program.

- **Recreation/COA**

Mr. Curran stated the Capital Facilities Committee met on March 28th to discuss the project. The majority in attendance agreed that two separate buildings would best fit the two groups as opposed to an intergenerational center. Almost all residents agreed that the COA should remain on the site it is.

Member Rosa stated that the room was packed with residents and there was a lot of good input.

Vice Chair Conway stated that she likes the idea of an intergenerational center but will listen to the residents. If we keep the COA in the same location we need to look at expanding it or other options.

Chair Riley stated that there was a lot of support for separate buildings and there were also concerns with using the Vining School.

- **Budget Process – Finance Committee**

Mr. Curran stated the all departments have been presented to the Finance Committee except the Veterans, School Department and Shawhseen Tech.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

• **Shirley Schult Retirement Brunch**

Mr. Curran stated the Shirley Schult will retire on April 7th and we are having a brunch from 10:00 AM to Noon in the Conway Hearing Room.

Member Rosa stated that Shirley started in the Town in 1972 and thanked her for all her hard work.

5. Article 41 – Discussion and Possible Vote on Amending – Requested by John Burrows

Member Burrows stated that he has added that “This will remain in effect as applicable under MGL, Chapter 30A, Section 20G” at the end of the third paragraph and added the School Committee on the list.

Vice Chair Conway asked why this is being put forward to us because it’s not our article, it’s Member Burrows article. He should be allowed to make the edit to it. Mr. Curran stated that since Member Burrows is an elected official and submitted this article. There are two actions from this Board. They need to vote on the edits and then vote to recommend or not. If no action is taken he would have to do it on Town Meeting floor. A petitioner article requires 10 signatures, but Member Burrows can submit it as a Board member. Vice Chair Conway asked why he can’t just change it. Mr. Curran stated that the Board votes on every article to form or to endorse. Vice Chair Conway stated that 5 minutes seems long and stated that 3 minutes are the standard. Member Burrows stated that he could meet in the middle and have 4 minutes. Vice Chair Conway asked who will be responsible for recording the meetings and storage and would this include recording Zoom meetings. Member Burrows replied the Recording Secretaries would be responsible for recording and the IT department can get them on a server and yes it would include Zoom.

Member Rosa stated that he supports both edits and approval but he disagrees with the process. This was originally brought up on March 30 to add the School Committee while it was a draft warrant and these changes should have been allowed to be made, so it was in the preliminary warrant. There have been a lot of articles that have been changed. He would agree that a petitioner’s article with 10 signatures should not be changed, because those 10 people signed based on the description of the article that was submitted but this is not the case with this article. This article was submitted by Member Burrows with only his signature per the Town Charter.

Chair Riley stated that he agrees with adding the edits. It’s hard to get people to get on committees and now they are now going to be recorded. Each Board should make the decision on how long the public can speak and Open Meeting Law requires people to have 15 minutes to address the Board.

MOTION - Member Rosa made a motion to accept the edits for Article 41 to add “This will remain in effect as applicable under MGL, Chapter 30A, Section 20G” at the end of the third paragraph and added the School Committee on the list. The motion was seconded by Member Burrows and unanimously voted 4-0-0.

MOTION - Member Burrows made a motion that the Select Board support Article 41 as amended to the Spring Town Meeting. The motion was seconded by Member Rosa and voted 2-2-0. Member Rosa and Member Burrows voted in favor and Chair Riley and Vice Chair Conway voted opposed. The motion fails.

11. Community Funds – Discussion and Possible Vote

Mr. Curran provided a memo stating that he believes that the money awarded to Community Caregivers should be rescinded due to false statements made on the application. Mr. Curran read his memo into the record.

Chair Riley stated that he spoke with one of the people that was listed on the application. We should look at rewriting the policy.

Member Rosa stated that he agrees that the policy needs to be redone and he has already started working on it with Ms. McDowell and Mr. Curran. He would also agree with rescinding the award. There was an email from the applicant stating it was a misunderstanding but it was lie. In the application she stated that the charity had a Board and then an email she said they didn’t. She also falsified the application by using two people’s names without their permission and using a false address for one of them. We should not rescind all the applications just this one.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

Member Burrows stated that we need to follow the policies. He voted no because it was a large amount and more people should have gotten the money. He would agree to rescinding the award.

Vice Chair Conway stated that it's an unfortunate situation and there is now a cloud over the organization that has done good work but she understands the concerns. She also would like to rewrite the policy and make it clear.

Chair Riley stated that it's sad for this organization but it's important to do what is correct.

MOTION - Vice Chair Conway made a motion to rescind the \$38,000 that was originally given to Community Caregivers. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Chair Riley stated that he would like to create a subcommittee with himself and Secretary Deslaurier to reallocate the \$38,000 since Secretary Deslaurier put a lot of effort into this.

Member Rosa stated that Secretary Deslaurier stated that he did not have a lot of time invested in this and would like to be a backup on this subcommittee.

Chair Riley stated that as far as rewriting the policy, he would like Vice Chair Conway to look into this. Member Rosa stated that this is not on the agenda and should only be talked about in general but he will share what has been done with Vice Chair Conway.

Vice Chair Conway stated that we should try to spread the money across more groups. She would like to work with Member Rosa to update the policies and put it back on the next agenda.

Meeting Schedule – April 24, 2023 Regular Session at 7:00 PM with a Financial Work Session stating at 5:30 and May 1, 2023

MOTION - Vice Chair Conway made a motion to adjourn the April 3, 2023 Select Board meeting at 9:35 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 3, 2023**

Exhibits for the Select Board Meeting – April 3, 2023

Call to order 7:00 PM

1. **Open Microphone**– No Exhibits
2. **Reorganization of the Select Board** – No Exhibits

Announcements

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

Proclamation

5. **Tree City USA – Proclamation – April 28, 2023 as Arbor Day** – Proclamation

Public Hearing

6. **Vote to Adopt the Orders of Layout for Street Acceptance for Astrig Way, Bellflower Road, Birch Street, Breen Road, Colby Street, Dean Street, Edgemoor Road, Field Street, Heron Lane, Moran Road, Outlook Road, Pauline Road, Pelham Street, Westcott Road, and Wheeler Road** – Requested by Kelley Conway, P.E., Town Engineer – Memo from Kelley Conway dated 4/3/23, Order of Layouts, Boundary Descriptions
7. **National Grid - - #30677444 - National Grid to install approximately 40’ of 1-3” conduits from existing Pole #105 to new proposed heavy duty handhole (HDHH 105-1) with 4/0 3c UG secondary wire on Captain Gookin Ave. Install approximately 130’ 1-3” conduit from new HDHH 105-1 to second HDHH 105-2 with 4/0 3c UG secondary wire on Captain Gookin Ave in order to correct illegal service to 4 Captain Gookin Ave** – Application from NG dated 3/10/23, Contractors Acknowledgement Form dated 03/29/23 , DPW Comments dated 03/24/23, Electrical Inspector Comments dated 03/20/23, Police Comments dated 03/17/23, Abutters List, Public Hearing Notice

Approval of Minutes

8. **March 20, 2023** – Select Board Minutes 03/20/23

Old Business

9. **Town Manager’s Report** – Town Manager’s Report dated 03/30/23
10. **Article 41 – Discussion and Possible Vote on Amending** – Requested by John Burrows – Draft Article 41
11. **Community Funds – Discussion and Possible Vote** – Memo from J. Curran dated 03/30/23, Emails from C. Main dated 3/10/23, L. Whiting dated 3/10/23, D. McDevitt dated 3/20/23, D. McDevitt dated 3/20/23
12. **Preliminary Warrant Articles – Discussion and Possible Vote** – Draft Preliminary Warrant Due March 23rd

New Business

13. **Billerica’s Community Farmer’s Market (BCFM) – Application for Entertainment License – Mondays from June 19th to October 9th from 2:00 PM to 7:00 PM (No Market on September 4th) AND Request (4) 18” x 24” Signs on the Town Common on Market Days (Mondays)** – Application dated 03/16/23, Entertainment License dated 03/16/23, Workers Comp Affidavit dated 03/16/23, Abutters List, Public Hearing Notice
14. **Outdoor Dining Application – Alteration of Common Victualler’s License – Stromboli’s – Request to Add a 40’ x 20’ Season Tent for Casual Dining with ~8 Tables and 30 Seats – (There is no alcohol served at this location)** – Application dated 03/13/23, Email from M. LaLumiere dated 03/27/23, Insurance binder, Flame Retardant Certificate, Site Plan
15. **Article 42 – Discussion** – Requested by Atty. Stephen J. Lentine – Memo from Atty. Lentine dated 03/30/23

Meeting Schedule

April 24, 2023 and May 1, 2023

Approved On: April 24, 2023