



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 4, 2022**

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

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main

Call to Order 7:00 PM

The meeting was called to order in the Thomas Conway Hearing Room, Room 205. The meeting was also available via Zoom.

The Pledge of Allegiance was recited.

1. Open Microphone

Mr. Guenther – Mr. Guenther thanked the DPW that replaced his mailbox after being hit by a plow during the last storm. We need to have property rights for landowners. He would also like someone to watch his dog while he is away.

Doreen Healy of 53 Baldwin Road – Regarding Agenda Item #13, she agrees that the School Administration should not be in Town Hall, they should be in a School. They use a lot of Town resources and do not pay for them. She thought when the High School was built, they would move in there. The school gets money, but they are using Town resources. Steve from the Disability Commission has his office in a closet. The substance awareness office is in the basement. The School Committee uses town custodians to set up and break down their meetings. They should be held in the schools. Ms. Healy thanked Mr. Curran for all his help with the school playgrounds.

Kelley Sardina of 95 Gray Street – The Select Board should review and act on the changes for the Billerica Mall made by the Planning Board on March 21, 2022. They changed the parking lot and now there will be parking in the back. This was not properly vetted by the Fire Department. The new plans are in violation of the local bylaws and this is a safety issue.

Cheri Gargalianos of 23 Pollard Street – Regarding Agenda Item #13, she does not agree with moving the School Administration offices. We are one Town. She does agree that the School Committee should be holding their meetings in the schools.

Matt Manetta of 7 Ichabod Lane – Regarding Agenda Item #13, the Town shouldn't bail out the schools. They have their own budget. This is similar to the field issues. Why are we using Town resources for school playgrounds?

Danielle Hadley of 61 Whipple Road – Regarding Agenda Item #13, if the School Administration moves out it would give an opportunity to open spaces for other Town offices. The Disability office is a small closet, and this does not promote inclusion. The substance awareness is in a dank basement.

Mikala Michaud of 7 Ichabod Lane – Congratulated Member Conway and Member Riley for winning the election. She thanked the Town for starting to take care of the playgrounds and she agrees with moving the School Administration out of Town Hall.

Darlene Torres – The School Administration could rent out 25 Linnele Circle. The Select Board should work with the School Committee on this matter it is worth the collaboration.



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2. Reorganization of the Select Board

MOTION - Member Conway made a motion to nominate Andrew Deslaurier as Chair. The motion was seconded by Member Riley and unanimously voted 5-0.

MOTION - Member Conway made a motion to nominate Michael Riley as Vice Chair. The motion was seconded by Member Burrows and unanimously voted 5-0.

MOTION - Vice Chair Riley made a motion to nominate Member Conway as Secretary. The motion was seconded by Member Burrows and unanimously voted 5-0.

Announcements

Secretary Conway thanked Patricia Battcock for her one and half years of service as Executive Secretary. She also thanked all the voters who voted in the election on Saturday.

Vice Chair Riley thanked everyone who helped in his campaign especially his family. He also thanked former Select Board member Dan Burns for his service.

Chair Deslaurier thanked everyone who put their name on the ballot. It's not an easy thing to do.

3. Vacancies on Boards and Committees

Secretary Conway read the current board and committee vacancies

4. All other announcements may be viewed on the Town of Billerica website

Proclamations

5A. Arbor Day

Fred Russell, Director of Public Works – This proclamation is one of the criteria to allow Billerica to become a Tree City USA. They will be planting a tree in the common on April 15th at 10:00 AM. Member Rosa stated that the Proclamation should be updated with the new Board. Secretary Conway read the proclamation.

MOTION - Secretary Conway made a motion to sign and issue the Arbor Day proclamation. The motion was seconded by Member Burrows and unanimously voted 5-0.

5B. Autism Awareness

Member Burrows thanked Mr. Curran and Mr. Main for pulling this together. His son is on the spectrum for Autism and April is Autism Awareness month. Everyone with autism is unique and special. Secretary Conway read the proclamation.

MOTION - Member Burrows made a motion to sign and issue the Autism Awareness proclamation. The motion was seconded by Member Rosa and unanimously voted 5-0.



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Public Hearings

6. Fuel Storage – 8 Federal Street, Rhino Billerica Investors, LLC – Installation of (4) four 1,000 gallon liquified petroleum gas tanks

MOTION - Secretary Conway made a motion to open the public hearing for fuel storage at 8 Federal Street at 7:37 PM. The motion was seconded by Member Rosa and unanimously voted 5-0.

Darren Genaro from Eastern Propane, John O'Reilly from Rhino Billerica Investors and Deputy Fire Chief Steve Kennedy appeared for the public hearing. They are proposing adding four 1,000 gallon liquified petroleum gas tanks at 8 Federal Street for primary heat. Member Rosa stated that they will need to comply with the stipulations as noted by the Fire Department. Deputy Chief Kennedy stated that he is ok with the application as long as they comply with the regulations.

There were no questions.

MOTION - Secretary Conway made a motion to close the public hearing for fuel storage at 9 Federal Street. The motion was seconded by Member Rosa and unanimously voted 5-0.

MOTION - Secretary Conway made a motion to grant the fuel storage permit for 8 Federal Street for Rhino Investors, LLC for installation of (4) four 1,000 gallon liquified petroleum gas tanks subject to 527 CMR and NFPA 58. The motion was seconded by Vice Chair Riley and unanimously voted 5-0.

7. Class II – 6 Executive Park Drive, Vroom Car, LLC – One-Story building ~45,000 SF parcel – Vehicles to be parked behind building along rear of property. Hours of Operation: Monday-Friday 9:00 AM to 5:00 PM

MOTION - Secretary Conway made a motion to open the public hearing for a Class II license at 6 Executive Park Drive at 7:39 PM. The motion was seconded by Member Rosa and unanimously voted 5-0.

Attorney James Dangora, Jr. and Steve MacNeill from Vroom Car, LLC appeared for the public hearing for a Class II license at 6 Executive Park Drive. In 2019, they opened a state-of-the-art pharmacy. They are now requesting a Class II license for ten used vehicles to be used in delivery. The ZBA granted the Special Permit. There were conditions of the ZBA approval such as limited to 10 vehicles, they must be parked behind the building, the hours of operation were specified and there can be no signs or banners.

There were no questions from the audience.

MOTION - Secretary Conway made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 5-0.

MOTION - Secretary Conway made a motion to grant the Class II license for Vroom Car, LLC, 6 Executive Park Drive. The motion was seconded by Vice Chair Riley and unanimously voted 5-0.

Member Rosa stated that for the record, the conditions in the ZBA decision should be referenced in our decision as has been done in the past.



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Approval of Meeting Minutes

8. December 20, 2021, January 24, 2022 and February 7, 2022

December 20, 2021

Member Rosa stated that there are a few corrections: Under 2022 License Renewals – there was background information that he gave that should be added. In the same section, Selectwoman Conway left the meeting room, not just abstained from voting and that should be clarified. In the same section, License #39 – The first part of the motion is missing.

MOTION - Secretary Conway made a motion to approve the Select Board meeting minutes of December 20, 2021 as amended by Member Rosa. The motion was seconded by Member Burrows and voted 4-0-1. Vice Chair Riley abstained from voting.

January 24, 2022

Member Rosa stated that there are numerous corrections including: time not listed on public hearings, comments regarding DPW and abutters notification are missing on Item #5, Item #12 – The last sentence should say “The deadline of February 18, 2022 is for the subcommittee to come back its recommendation.”

Secretary Conway asked that this set of minutes be brought back when corrected.

February 7, 2022

MOTION - Secretary Conway made a motion to approve the Select Board meeting minutes of February 7, 2022 as submitted. The motion is seconded by Member Rosa and unanimously voted 5-0.

Old Business

9. Designation of the Billerica Bay Circuit Trail Path from the Bedford, MA trailhead through to the Cider Mill property – Discussion and Vote

Mr. Curran stated that this is the southern leg of the Billerica Bay Circuit Trail Path. This designates these parcels of the trail that are Town owned.

Secretary Conway asked if there will be any takings or easements required. Mr. Curran responded that there will be takings with the bike path but not with this motion. This will establish the route that was approved by Town Meeting.

Dan Burns also joined the meeting via zoom. Mr. Burns stated that he is here to answer any questions.

MOTION - Secretary Conway made a motion to designate the Billerica Bay Circuit Trail Path from the Bedford, MA trailhead through to the Cide Mill property. The motion was seconded by Member Rosa and unanimously voted 5-0.

10. Town Manager’s Report

Mr. Curran presented his report.

- The DPW Director has hired Woodard and Curran to review the impact of removing the Talbot Hill Dam on our water system and if there are impacts on our water intake and to provide any mitigation. NOAA is taking the lead on this project. He will keep the Select Board updated.



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Vice Chair Riley asked if there were any questions from the Historic District Commission. Mr. Curran stated that he will look into it.

Member Burrow stated that they should look at a fish ladder similar to one down in Newton/Watertown. Mr. Curran stated that was brought up at the Conservation meeting and they were not in favor of it.

Member Rosa asked if we would need a second water intake as a backup. Mr. Curran stated that we could use this as leverage.

Secretary Conway stated that she is very concerned with this and we should take a strong stand against this.

Chair Deslaurier stated that the Town doesn't own the dam. Mr. Curran replied that was correct. It is owned by a private owner, and he wants it removed.

Member Rosa stated that the Board should reach out to former Select Board member Rawlings. She was involved years ago with the dam.

- The Conservation Commission discussed the boat launch at their March 9th meeting. The existing conditions are not mapped out and they are still working on them. The DPW has also sent in their concerns.

Vice Chair Riley stated that there was a lot of concern with the Conservation Commission and asked if it had a public hearing. Mr. Curran stated that it is a state agency, so no public hearing was required except for the Conservation Commission.

Secretary Conway stated that she is concerned with the impacts down stream and suggested pushing back the boat launch project because they seem unprepared. Mr. Curran stated that they submitted it as a state agency. Secretary Conway stated that she is disappointed in the submittal.

Member Rosa stated that they need to have better communication with the state.

- The draft report has been written by PRA for the Masonic Hall. The first phase would address the issues on the first floor and cost \$100,000 - \$200,000. If the cost is closer to \$100,000, then they will look at the second floor and access issues. They will meet with the food pantry to discuss a more permanent solution and will keep the Select Board updated. A final report is coming.

Mark LaLumiere, Building Commission – Mr. LaLumiere stated that he has reviewed the PRA report and is happy with their findings. This building is an assembly use which is one of the most restrictive uses for egress. This is a good start.

Member Rosa stated that this building is a good fit for the Food Pantry.

Secretary Conway asked if we were going with Option 1 or 2. Mr. Curran replied that he doesn't know yet. They need to meet with them first, but it would be most likely Option 2.

- Billerica Green Clean Up Day is scheduled for April 23, 2022.
- The Howe School is 100% framed in the new addition and about 97% framed in the existing building. Most of the windows have been installed.



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- They are working on a preliminary drawing on the auditorium rehab project which will include lights, painting, acoustic fixes, furniture, and windows.

Secretary Conway stated that the acoustics are awful, and the improvements are welcome.

- There is a high demand of replacing broken trash barrels and they are trying to keep up with the demand.

Secretary Conway stated that the barrels can be fixed in some cases, and we should not be wasteful.

- A letter has been provided regarding the MBTA Communities. There are many communities that are having issues with this regulation because it is a one size fits all that does not work. They will have a discussion at the next meeting.

Secretary Conway asked if our State Reps can help with this issue. Mr. Curran stated that he will be reaching out to other communities.

Member Rosa stated that Billerica is over the required 10% affordable housing, so this is wrong of the State to push this.

- There was an accident at the Community Car Collection with a vehicle driving through the building
- The Peggy Hannon Rizza Park is moving along. There was a hazardous material issue within one of the buildings.

Member Burrows stated that we should still be looking at adding bubbles. Lacrosse is spending \$14,000 for 14 1-hour sessions in Lexington.

- Glad Valley Road will be closed Monday-Thursday. Turf will be installed in July and it should be substantially completed by October 31st.
- Things are moving in the right direction in regard to COVID-19.

Member Rosa stated that they are now monitoring COVID with wastewater. Mr. Curran stated that we are already doing that. Member Rosa asked that this be included in your report. Mr. Curran stated that this is helpful in determining long term trends.

11. Preliminary Warrant – Discussion and Vote

Mr. Curran stated that the Board needs to vote on adding Articles 17 and 19 to the preliminary warrant. Article 17 addresses the Storm Water Management grant. DPW Director Fred Russell appeared to discuss Article 17. The cost of this project is for \$231,000 but \$139,000 will come from the grant.

MOTION - Secretary Conway made a motion to recommend adding Article 17 on the warrant. The motion was seconded by Member Burrows and unanimously voted 5-0.

DPW Director Fred Russell appeared to discuss Article 19. This article is in conjunction with Phase III of the Wastewater Treatment. The cost of the project is \$11.3 million but there were changes such as new piping and conduit that need to be rerouted, hazardous materials and dewatering. The \$1.6 million is for unpredicted construction costs.



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Secretary Conway asked what percentage of the construction cost this is. Mr. Russell replied it was 12% of the overall project.

MOTION - Secretary Conway made a motion to recommend adding Article 19 on the warrant. The motion was seconded by Member Rosa and unanimously voted 5-0.

New Business

12. Billerica Little League – Application and Invitation for Opening Day Parade – April 23, 2022 starting at 8:00 AM from the Billerica Town Hall to Pollard Field

MOTION - Secretary Conway made a motion to approve the Billerica Little League Opening Day for April 23, 2022 pending a favorable recommendation from the Safety Officer. The motion was seconded by Member Burrows and unanimously voted 5-0.

13. Relocation of School Department Offices – Discussion and Possible Vote

Member Burrows stated that he has been contacted by several residents. All of our neighboring towns, do not have their School Administration offices in Town Hall. They are using Town resources for school administration clean up, meeting setup, etc. They are not paying for utilities, staff, etc. We have Town departments in the basement and in small closet spaces. We hopefully will have an HR Director coming in and we have storage in the auditorium.

Secretary Conway asked if any department has brought up these issues to the Town Manager. Mr. Curran replied no. Mr. Curran added that we do not typically offer office space to committees, so the Disability Commission has a space out of courtesy. He is a volunteer. He has not received any requests for departments to move, but we can look at other spaces if needed. They will have some space when the Assessor's space is complete, and we can look at other options if needed. Secretary Conway stated that we are one Town and if we have the School Administration move, it could take money away from the students. She has never heard any complaints about the School Administration being in Town Hall.

Member Rosa stated that Scholarship Committee stores their material at the Fire Department. When the Recreation Department uses school gyms, we have to pay for school custodians. It should go both ways.

Vice Chair Riley stated that he did some investigating about how the School Administration end up at Town Hall. The Town Hall was empty, and the School Administration was at the Howe School so they moved to Town Hall. What is the Disability office used for? Mr. Curran stated that he does a lot of work but has the availability to use one of the many conference rooms. Vice Chair Riley asked if he has come in as asked for a different office. He also stated that a dingy basement is ok for recovering addicts.

Chair Deslaurier stated that we should wait until the Assessor's are back in their space and revisit. This discussion is a little premature.



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14. Permission to allow Beautify Billerica to place signs on the Common from April 15th to April 23rd for Billerica Clean Up Green Up Day being held on April 23rd from 10:00 AM to 12:00 PM

Michael Parker and Mary Leech appeared for the Beautify Billerica. The Clean Up Green Up will be April 23rd from 10:00 AM to Noon. The premises this year is to have everyone clean up their favorite spot whenever they can. They have coordinated with the Fire Chief to have pickup bags and buckets at the Fire Stations for a week. They are requesting four 18" x 24" signs in the common. Mr. Parker thanked the Recreation Department, DPW and Fire Chief.

Member Rosa asked who picks up the bags. Ms. Leech stated that they just need to let us know where the bags are and we will collect them. We have also reached out to Waste Management and asked if they will allow people to put the yellow bags at the residence and have them picked up on their regular trash pickup.

MOTION - Secretary Conway made a motion to approve the installation of (4) 18" x 24" on the common for Billerica Clean Up Green Up Day from April 15th to April 23rd. The motion was seconded by Member Rosa and unanimously voted 5-0.

Vice Chair Riley stated that he is on 16 years of sobriety and spent many years in meetings in the basement. He did not want any comments he made to be misunderstood. If anyone took offense, he apologized.

Meeting Schedule – April 25, 2022

MOTION - Secretary Conway made a motion to adjourn the April 4, 2022 Select Board meeting at 8:55 PM. The motion was seconded by Member Rosa and unanimously voted 5-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*

Approved On: _____



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Exhibits for the Select Board Meeting – April 4, 2022

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

Announcements

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

Proclamation

- 5A. *Arbor Day* - Proclamation
- 5B. *Autism Awareness* - Proclamation

Public Hearings

6. *Fuel Storage – 8 Federal Street, Rhino Billerica Investors, LLC Installation of (4) four 1,000 gallon liquified petroleum gas tanks* – Application dated 3/2/22, FP-2A Form dated 3/7/22, Propane Storage Layout and Plans, Authorization, Memo from Billerica Fire Department dated 3/10/22, Legal Ad
7. *Class II – 6 Executive Park Drive, Vroom Car, LLC – One-Story building ~45,000 sf parcel. Vehicles to be parked behind building along rear of property. Hours of Operation: Monday-Friday 9:00 AM to 5:00 PM.* – Application dated 2/17/22, Memo from Shea, Dangora & Nelson, PC dated 3/7/22, Class II Application, Recorded ZBA Decision 2021-62, CORI dated 2/17/22, Certificate of Repair Facility, Bond, Legal Ad, Billing Authorization Form, Worker's Comp

Approval of Meeting Minutes

8. December 20, 2021, January 4, 2022 and February 7, 2022

Old Business

9. *Designation of the Billerica Bay Circuit Trail Path from the Bedford, MA trailhead through to the Cider Mill Property – Discussion and Vote* – Proposed motion and GIS Map dated 3/31/22
10. *Town Manager's Report* - Town Manager's Report dated 3/31/22, Memo MBTA Zoning Communities from McClure Planning, LLC dated 2/25/22
11. Preliminary Warrant

New Business

12. *Billerica Little League – Application and Invitation for Opening Day Parade – April 23, 2022 starting at 8:00 AM from the Billerica Town Hall to Pollard Field* – Application dated 3/31/22, Memo from Billerica Little League dated 3/10/22, Email from Lt. Steve Elmore dated 4/4/22
13. *Relocation of School Department Offices – Discussion and Possible Vote* – Email from J. Burrows dated 3/29/22
14. *Permission to allow Beautiful Billerica to place signs on the common from April 15th to April 23rd for Billerica Clean Up Green Up Day being held on April 23rd from 10:00 to 12:00 PM* – No Exhibits

Meeting Schedule – No Exhibits