



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 24, 2023**

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

Members Absent: None

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

Chair Riley stated that the meeting is a hybrid meeting with a Zoom option.

Call to Order 7:00 PM

Member Riley called the meeting to order.

The Pledge of Allegiance was recited.

Chair Riley asked for a moment of silence for former Select Board member Arthur Doyle.

1. Open Microphone

Craig Gardner of 17 Eskimo Way – Mr. Gardner presented pictures of water in his yard. The Town came to try to fix it twice but it's gotten worse. He spent \$14,000 to fix this issue and is asking that the Town reimburse him and add a drain and pipe to alleviate the water.

Kelley Sardina of 95 Gray Street – Ms. Sardina stated that at the last meeting she spoke about Article 32 and that there is grant money available for the recodification and we should try to secure grant money and not spend taxpayers' money. The Towns of Andover and Arlington received grant money. The Town Manager stated that there were no grants available. The Planning Board and residents were left out of the process of the audit and this should be delayed to the fall to allow review of the audit and to explore different funding options.

John Bartlett of 9 Edgar Road – Mr. Bartlett thanked the Board and the Town Manager for putting up the blue and orange lights in the common.

Announcements

2. Vacancies on Boards and Committee

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

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

4. Community Funds – Distribution of Award Checks

Chris Nesman from EMD Serono joined the Board to present the Community Funds checks to the recipients.

Member Rosa thanked Elnk who continues to participate even though they are not under any obligation to.

The Select Board presented the checks to the following recipients:

- Friends of Billerica Dog Park - \$2,125.00
- Wreaths Across America - \$5,000.00
- Billerica Historical Society - \$4,716.00
- BMHS – Performing Arts Department - \$8,000.00
- Billerica Veteran's Service - \$6,500.00
- Billerica Community Garden - \$3,000.00
- Shawsheen Valley Tech PAC - \$2,000.00
- Hajjar Parents Association (HPA) - \$6,659.00
- Billerica Public Library - \$3,000.00
- Boys & Girls Club of Greater Billerica - \$5,000.00



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Billerica Yankee Doodle Homecoming Inc. - \$5,000.00
The Billerica Playground Project – Kennedy PTO - \$6,000.00
Billerica Community Farmers Market - \$8,000.00

Introduction

5. Town Clerk – Donna McCoy

Donna McCoy joined the meeting. There will be a preliminary Town Meeting prep session on Thursday, April 27th. She also sent out letters to Town Meeting members that had the wrong day of Town Meeting. It said Saturday, not Tuesday so this is her chance to correct it.

Old Business

17. Article 41 – Update and Possible Reconsideration Vote – Requested by Member Burrows

Member Burrows stated that this article is to promote public participation in town meetings. On September 10, 2013, the town enacted the remote participation policy. This article expands it. He would agree to striking the line regarding public comment to satisfy Vice Chair Conway’s concern from last meeting.

Secretary Deslaurier stated that he didn’t see the legal opinion and can the article be changed since it’s in the warrant. Mr. Curran stated that this was submitted by Member Burrows so it’s at the discretion of the Board to make a recommendation. Member Burrows stated that the legal opinion was submitted.

Vice Chair Conway stated that she didn’t see a legal opinion with the proposed changes. She has an issue with how the recordings will be stored and who will be responsible for the recording. She asked Member Burrows to withdraw it and come back with more details. If not, she will vote against it.

Vice Chair Riley stated that he is also looking for the legal opinion for this version because it contradicts Open Meeting Law. He does believe that Member Burrows is looking to do something good, but we need time to look at the changes. Secretary Deslaurier asked if this could be brought back prior to Town Meeting with the legal opinion.

Member Rosa stated that there was a legal opinion and Member Burrows removed the resident comment which is what Town Counsel had a problem with. Chair Riley stated that this contradicts Open Meeting Law. Member Burrows replied not with the amendment. Member Rosa stated that the legal opinion we received on the written article in the warrant. The 5-minute resident portion has been removed.

MOTION - Member Rosa made a motion to reconsider Article 41 as amended. The motion was seconded by Member Burrows and voted 2-3-0. The motion failed. On a roll call vote: Member Rosa voted Aye, Member Burrows voted Aye, Secretary Deslaurier voted No, Vice Chair Conway voted No, Chair Riley voted No.

18. Preliminary Warrant Articles – Discussion and Possible Votes

Article 17 - Member Rosa asked if a letter was sent to Shawsheen Tech regarding the excessive increase request and the late timing. Mr. Curran replied yes, and Finance Committee has delayed their vote until Thursday because the Excess & Deficiency (E & D) is still not certified. The Finance Committee is planning on voting less than what was requested. Vice Chair Conway stated that whoever presents at Town Meeting should make sure that the process is clear on what the timing requirement is.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 17 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 18 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 19 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0.



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Article 32 – Mr. Curran stated that for the record, Article 32 did go through the Planning Board. Member Rosa asked if we applied for grant money. Mr. Curran replied no. Member Rosa stated that the towns of Essex, Edgemont, Lenox, Pepperell, Swansea also received money for Community Planning Grants to work on their zoning, which is the exact purpose of this article. The Planning Department needs to start looking at grants. Mr. Curran stated that this was a goal of the Select Board. Member Rosa stated that he totally agrees that the zoning needs to be updated but we should look at additional funding sources to pay for it instead of just the taxpayers. Vice Chair Conway asked what exactly the grants were. Member Rosa read the descriptions of each application. Vice Chair Conway asked if the Planning Board took a formal vote on this article. Mr. Maynard replied that no formal vote was taken by the Planning Board. Vice Chair Conway asked why no vote was taken. Mr. Curran stated that it is not their article and there is not a zoning change. This article is to clean up the document to make it easier to read.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 32 for the Spring Town Meeting. The motion was seconded by Member Rosa and voted 3-2-0. Secretary Deslaurier, Vice Chair Conway and Chair Riley voted in favor and Member Rosa and Member Burrows voted opposed. The motion passes.

Article 34 – Mr. Curran stated that they made one change to the article to reword it to remove the parcel that has the easement for the Fire Department access. Member Rosa stated that the explanation of the article says two properties and it is clearly more than two so that should be fixed.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 34 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Article 35 – Mr. Curran stated that this article changes the approval of changing fees for the Building Department from Town Meeting to the Select Board or their designee and allows them to waive the fee for charitable organizations. Member Rosa stated that the original bylaw language was in the preliminary warrant but it has been removed from the final warrant. This should be added back in.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 35 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vice Chair Conway left the meeting at 7:55 PM.

*Note: Votes taken after Vice Chair Conway left the meeting were incorrect. The votes added an abstention vote for Vice Chair Conway, when it should just reflect the number of members present so the minutes were changed to reflect the correct vote minus all abstentions.

Article 36 – Mr. Curran stated that this will give the community a better understanding of the school budget process. Member Rosa stated that the town is already doing a good job to capture the budget process and now this will instruct the school to do the same. Member Burrows asked if Shawsheen Tech was covered in this. Mr. Curran stated that it is outside of the scope of the article but we should consider it. Chair Riley stated that he struggles with this because he heard the concern of the Superintendent and the number will change and it could mean projected cuts. Mr. Curran stated that they do make cuts now but the process is not transparent. This article will make their process more transparent. Chair Riley stated that he will support it but asked if the School Committee has voted on this. Mr. Curran replied no, he is going there on Tuesday and it's not their article.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 36 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Articles 37 & 38 – Mr. Curran stated that the public hearing process has changed to a public process with notification to abutters. Member Rosa

Member Rosa asked where that specifies that. Mr. Curran stated that in Article #38, #3. Member Rosa stated that the definition of impervious surface was in the preliminary warrant but not in the final warrant. Town Engineering Conway stated that if it was not used in the text, it would be stricken but she can clarify it.



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Member Rosa stated that he has a lot of issues with Article 38. Under the definition of land disturbance, this lists everything that residents do in the yard. Mr. Curran stated that this would only come into effect if they increased the runoff. Member Rosa stated that Section 1.1 states that if you add 500 sf you need a permit. This is a patio or a driveway. Mr. Curran stated that it would be administrative approval and it's these types of projects that create the problem with water going into their neighbors' yard and then the Town gets the phone calls. Member Rosa stated that Section 1.1 "and" should be an "or". Mr. Curran replied no, it's between. Member Rosa stated that in Section 2.4 there should be a step added between the DPW and Superior Court, perhaps going to another Board. Mr. Curran stated that there is no Board that is qualified to make this decision. Member Rosa asked in Section 5.3, if this is a public process why there are no waivers. Mr. Curran stated that Section 5.1 allows the DPW to have discretion for waivers and there is public notice. Member Rosa asked if Section 5.2 was new? Mr. Curran replied no. Member Rosa stated that he has many issues with this article and will not be supporting it.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 37 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to recommend adoption of Article 38 for the Spring Town Meeting. The motion was seconded by Chair Riley and voted 2-2-0. Secretary Deslaurier and Chair Riley voted in favor and Member Rosa and Member Burrows voted opposed. The motion failed.

Article 12 – Mr. Curran stated that this is the Fire Fighters contract. The Town is offering 3%, 3% and 3%. There are step ups for EMTs and Paramedics. Most Fire Fighters are EMTs and there are four that are also Paramedics. There is also an increase in the bonus for not using sick time, changes in the wording for sick time, requiring doctors' notes and added Christmas night as a holiday. This contract will cost ~\$287,000.

Article 7 – This is the EMT/Paramedics contract. There is no COLA increase but they re-wrote the wage scale and now the town can hire new personnel up to Grade 6.

Article 10 – This is the contract for the Managers. The Town is offering 4%, 3%, 3% and a 1% in January 2025. They have also reclassified four employees. There were some changes in the sick leave bank and sick leave buy back.

New Business

19. Hometown Heroes Banner Program Hosted by DAV 47 – Requested by Veteran's Agent Donnie Jarvis and Bob Kinsman, Commander of the DAV

Bob Kinsman and Donnie Jarvis appeared to discuss the Hometown Heroes Banner program. Mr. Kinsman explained the program and added that there are 36 banners available for sponsor. Mr. Jarvis stated that he wanted to thank the people working behind the scenes and he has done this in other towns.

Member Rosa thanked both Mr. Kinsman and Mr. Jarvis for getting the project started. He had spoken with Mr. Jarvis and the two preceding Veteran's Agents to get this project started so he is glad that they were able to get this program to Billerica and asked how long the banners will be displayed. Mr. Jarvis stated that they will be displayed for 6 months from Memorial Day to Veteran's Day and then given to the families.

21. Request for (4) 18" x 24" Signs on the Common from July 23rd through August 27th – 16th Annual MA Elks Veteran's Motorcycle Run, Sunday, August 27, 2023 – Billerica Lodge of Elks

Deb Carver appeared via Zoom. Ms. Carver stated that they are requesting 4 signs be on the common from July 23rd to August 27th for our 16th Annual Veteran Motorcycle Run on August 27, 2023 to honor gold star families. There will be four honorees.

MOTION - Secretary Deslaurier made a motion to approve the (4) 18" x 24" signs on the common for the 16th Annual MA Elks Veteran's Motorcycle Run from July 23, 2023 through August 27, 2023. The motion was seconded by Member Rosa and unanimously voted 4-0-0.



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Public Hearings

12. Sichuan Cooking, Inc – Transfer of an On-Premises Wine & Malt License §12 and Common Victualler’s License from Old Sichuan Inc. to Sichuan Cooking, Inc. DBA Sichuan Gourmet at the premises located at 498 Boston Road, Billerica, MA 01821

Attorney Hu and Jenny Yu appeared for the public hearing. Attorney Hu stated that Ms. Yu’s partner is retiring and she and her family will be taking over the business. There will be minor cosmetic changes but the hours of operation will remain the same.

There were no questions from the audience.

MOTION - Secretary Deslaurier made a motion to approve the transfer of the wine and malt license §12 for Sichuan Cooking DBA Sichuan Gourmet at 498 Boston Road. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the transfer of the Common Victualler’s license for Sichuan Cooking DBA Sichuan Gourmet at 498 Boston Road. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

New Business

20. 99 Restaurants – Change of Corporate Officers/Directors/LLC Managers – 160 Lexington Road and 672 Boston Road

Attorney Tyler Henseler appeared for the transfer of officers for the two 99 Restaurant locations in Billerica at 160 Lexington Road and 672 Boston Road. They have already applied to the State and there will be no changes to either establishment, hours of operation or local manager.

MOTION - Secretary Deslaurier made a motion to approve the change of corporate officers for 99 Restaurants located at 160 Lexington Road and 672 Boston Road. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Public Hearings

6. Continued Public Hearing for 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. (Continued from 04/03/23 Meeting)

David Boucher from National Grid appeared for the continued public hearing. The plan has been updated and there were no comments received from the abutters.

There were no questions from the public in person or online.

MOTION - Secretary Deslaurier made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the National Grid petition #30677444 as presented. The motion was seconded by Member Rosa and unanimously voted 4-0-0.



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7. **Public Hearing for National Grid/Verizon - #30733173 – National Grid to relocate (1) JO Pole on Friendship Street beginning at a point approximately 7’ westerly from existing Pole #22 location in order to correct aerial trespass to 24 Friendship Street. Relocate Pole #22 approximately 7’ closer to road in order to correct aerial trespass to 24 Friendship Street and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.**

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid petition #30733173 at 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

David Boucher from National Grid appeared for the public hearing for 24 Friendship Street.

Member Rosa asked if any abutters have reached out. Mr. Boucher replied no.

There were no questions from the public in person or online.

MOTION - Secretary Deslaurier made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the National Grid petition #30733173 as presented. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

8. **Public Hearing for National Grid/Verizon - #30733173 - National Grid to relocate (1) JO Pole on Country Lane beginning at a point approximately 5’ easterly from existing Pole #9 location per request from the Town of Billerica. Relocate Pole #9 Country Lane approximately 5’ back towards the property line per request of the Town of Billerica and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.**

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid petition #30733173 at 9:02 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

David Boucher from National Grid appeared for the public hearing for Country Lane. The pole will be moved back 5’ towards the property line.

Member Rosa asked if any abutters have reached out. Mr. Boucher replied no.

Ilya Shestophalov of 19 Ingersoll Road – Mr. Shestophalov stated that the pole is currently in my driveway and they now want to move it back. Joe from National Grid came to his property and he said that the pole location was not correct and the plan would have to be updated. The plan tonight is still not correct. The location is about 30’ off to the left. Mr. Boucher stated that the plans are not too scale but if it is that off, then the plans need to be redrawn.

MOTION - Secretary Deslaurier made a motion to continue the National Grid petition #30733173 until May 1, 2023 at 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

9. **Public Hearing for National Grid/Verizon - #30738838 - National Grid to install (1) JO Pole on Andover Road beginning at a point approximately 19’ northeast of the centerline of the intersection of Allen Road. Install to set a new Pole #33-50 which is 69’ between Pole #33 and Pole #34 and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.**

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid petition #30738838 at 9:07 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.



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David Boucher from National Grid appeared for the public hearing for Andover Road. The petition is to install a new pole.

Member Rosa asked if any abutters have reached out. Mr. Boucher replied no. Member Rosa stated that if they are removing any pole, the markings for the fire hydrant would have to be relocated onto the new pole. Mr. Boucher agreed. Member Rosa asked if there was any impact to the sidewalk. Mr. Boucher replied he was not sure.

There were no questions from the public in person or online.

MOTION - Secretary Deslaurier made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the National Grid petition #30738838 with the condition that any fire hydrant markings be relocated to the new pole. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

10. Public Hearing for National Grid/Verizon - #30656580 - National Grid to install (1) JO Pole on Salem Road beginning at a point approximately 16' north of the centerline of the intersection of Andover Road. Install new Pole #89-75 which is 58' between Pole #89-50 & Pole #90 and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid petition #30656580 at 9:12 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

David Boucher from National Grid appeared for the public hearing for Andover Road. At the last minute, the engineer for National Grid asked that it be updated to include two poles. He asked if this could be modified tonight. Member Rosa stated that this should be readvertised and abutters re-noticed.

There were no questions from the public in person or online.

MOTION - Secretary Deslaurier made a motion to close the public hearing and take no action. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

11. Public Hearing for National Grid - #30746493 - National Grid to relocate (1) SO Pole on Concord Road beginning at a point approximately 8' northerly of existing pole #57. Relocate Pole #57 Concord Road approximately 8' back away from the road in order to accommodate road widening per request from the Town of Billerica and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes.

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid petition #30746493 at 9:15 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

David Boucher from National Grid appeared for the public hearing for Andover Road. The petition is to install a new pole.

Member Rosa asked if any abutters have reached out. Mr. Boucher replied no. Member Rosa stated that they are removing Pole #56, so the markings for the fire hydrant would have to be relocated onto the new pole. Mr. Boucher agreed.

There were no questions from the public in person or online.

MOTION - Secretary Deslaurier made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 4-0-0.



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MOTION - Secretary Deslaurier made a motion to approve the National Grid petition #30746493 with the condition that any fire hydrant markings be relocated to the new pole. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

New Business

23. Approve and Adopt the Order of Taking for the Middlesex Turnpike Project – Requested by Kelley Conway, Town Engineer

Kelley Conway, Town Engineer appeared for the order of taking for the Middlesex Turnpike Project.

Member Rosa stated that this motion is to extend the period of time for the temporary easements for a term of 3 years. Ms. Conway replied that was correct, this action will bring the easements out to August 2024 with the completion of the project scheduled for December 2023.

MOTION - Secretary Deslaurier made a motion to adopt the Order of Taking presented to the Board on this date for the purpose of acquiring interests in lands abutting Middlesex Turnpike, Lexington Road and Manning Road as set forth in the order to allow the Town to continue to carry out the Middlesex Turnpike/Crosby Drive Phase 3 – Transportation Improvement Project, and to award damages for such taking in the amounts and to the persons as set forth in the Schedule A attached to the order. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Presentation

13. Town Center Project Update

Mr. Curran stated that the Town Center project has been moving forward. They met with the Historic District committee and were given feedback.

BETA representatives Scott Ridder, Justin Curewitz and Darshan Jhaveri. Mr. Ridder stated that traffic counts were done in October 2022 at four intersections around the center. Some improvements that they are looking at are: adding a light at River Street and a pedestrian push buttons. On Andover Road, it will go from 3 lanes to 2 and they will add an approach. They will also include a pedestrian phase. At Cummings Street, they will add southbound traffic, add protected northbound and southbound lanes, reduce 3 lanes to 2, remove left turn on red and add a pedestrian phase. Mr. Curewitz stated that future and current traffic counts were done and they included the known projects such as Amazon Fresh and the apartments in the mall area. They have also added the delay time charts.

Member Rosa stated that he has a ton of questions but we need to look at financial priorities and this is not one of them. This has a \$15 million dollar price tag.

Chair Riley stated that since it's late and we still have other business, he asked that the Board send all the questions to Mr. Curran and he asked that this be posted on the website also so residents can send in questions.

New Business

22. KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for a 1-Day Special Beer & Wine License for Friday 04/28/23 (5:00 PM-8:30 PM), Saturday 05/06/23 (11:00 AM-4:00 PM), Friday 05/12/23 (5:00 PM-8:30 PM), Friday 05/26/23 (5:00 PM-8:30 PM), Saturday 06/10/23 (11:00 AM-4:00 PM), Friday 06/16/23 (5:00 PM-8:30 PM), Friday 06/30/23 (5:00 PM-8:30 PM), Saturday 07/08/23 (11:00 AM-4:00 PM), Friday 07/14/23 (5:00 PM-8:30 PM), (9 TOTAL)

Cody from High Octane Harley Davidson appeared via Zoom. These are our first events of the season. We will have a police detail and veteran staff at each event.



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Secretary Deslaurier stated that the owner of Wu Loon Ming wrote a letter to the Board about their concern with patrons parking in their lot for your events. Cody replied that they will have a parking attendant at each event to make sure people are not parking on any abutting properties.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 04/28/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Saturday 05/06/23 from 11:00 AM to 4:00 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 05/12/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 05/26/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Saturday 06/10/23 from 11:00 AM to 4:00 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 06/16/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 06/30/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Saturday 07/08/23 from 11:00 AM to 4:00 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

MOTION - Secretary Deslaurier made a motion to approve the One-Day Special Wine & Malt License for Friday 07/14/23 from 5:00 PM to 8:30 PM. The motion was seconded by member Rosa and unanimously voted 4-0-0.

Secretary Deslaurier stated that the entertainment licenses will be heard at the next meeting so the first event on April 28th cannot have entertainment.

Approval of Meeting Minutes

5. April 3, 2023

Secretary Deslaurier stated that the minutes were amended by Member Rosa and sent to the Board.

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of April 3, 2023 as amended by Member Rosa. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Appointments

15. Select Board – Standing Committees – 2023 -2024

Chair Riley presented the Standing Committees. The majority of the appointments remain the same as last year.

Old Business

6. Town Manager’s Report

Mr. Curran presented his report.

Member Burrows asked for a list of the residency requirements on any construction projects. Mr. Curran stated that he will check and get back to him.



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- **Employee Recognition – Olivia Canario**

Mr. Curran stated that Olivia Canario has done an excellent job with reviewing the contracts and getting the correct retroactive pay for each member.

Member Rosa stated that we should recognize standout employees more regularly. Mr. Curran stated that we held our Employee Appreciation Day on Friday and it was a great success and a lot of fun. He's going to try to do this twice a year and include the other groups.

MOTION - Secretary Deslaurier made a motion to put a letter of recognition in Olivia Canario's employee file. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

Chair Riley thanked Ms. Canario for all her hard work.

- **Spring Town Meeting**

Mr. Curran stated that Spring Town Meeting starts on May 2nd. There are a number of vacancies in each precinct and he encourages residents to apply.

- **Talbot Mills Dam**

Mr. Curran stated that OARS has been presenting to local committees around town indicating that the Town is in agreement that the dam should be removed and there will be no effect on the drinking water. They have not sat down with the DPW or his office. We should consider what path we should take in executive session since it may include litigation.

Member Rosa stated that he asked a few meetings ago for the analysis on the impact of the dam removal and asked what the status is. Mr. Curran stated that it's been hard to quantify the impacts and we should talk in Executive Session. We need to have a second water source either on the Shawsheen River or a second on the Concord River.

- **Billerica Library Elevator**

Mr. Curran stated the library elevator has stopped working. This requires extensive repairs and may be out of service for a while. During this time, they are offering accommodations to make everything possible on the first floor.

Secretary Deslaurier asked what the age of the building is and is there a timeline to fix the elevator. Mr. Curran replied the building was built in 1998 and it all depends on how quickly we get the part.

- **Pollard Field**

Mr. Curran stated that the project is in the closeout phase.

Member Rosa stated that this is a great field.

- **Boston Road North**

Mr. Curran stated that there will be daily lane closures. The transfer of wires from old to new poles is continuing for the next few weeks and the old wiring should be removed the second week of May.

Member Rosa stated that we need to make sure that they stay on schedule. Mr. Curran stated that they are good at reporting their progress.

- **Energy Efficiency and Conservation Block Grant (EECBG)**

Mr. Curran stated the Billerica was awarded \$76,490 through the EECBG. This can be used to improve energy efficiency in streetlighting, park lighting, lamp posts, stadium lighting and parking lot lighting.

Member Rosa stated that he would like to be kept in the loop of what the grant is being used for. Mr. Curran replied that he would.



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Chair Riley asked how far will \$76,490 go. Mr. Curran replied not very far but they will make the best use of it.

- **DPW Facility**

Mr. Curran stated that Weston & Sampson is finalizing the floor plans for the admin portion of the building.

Member Rosa stated that before we get too far down the plans path, we need to make a decision on funding. Mr. Curran stated that they will bring it back before the Board.

- **Town Hall Chiller**

Mr. Curran stated the Town Hall Chiller project is ongoing and they hope the chiller will be delivered at the end of April.

- **PACT Act Town Hall**

Mr. Curran stated the Town hosted an event with the Bedford VA on April 15th and it was attended by 70 veterans.

Member Rosa stated that this shows why Donnie Jarvis is a great Veterans' Agent.

New Business

24. Request for (4) 18" x 24" Signs on the Common from April 29th through May 13th for the BMHS Baseball Fundraiser for the American Cancer Society – Event is 10:00 AM on Saturday, May 13th at the Marshall Middle School

MOTION - Secretary Deslaurier made a motion to approve the (4) 18" x 24" signs on the common from April 29th through May 13th for the BMHS Baseball Fundraiser on Saturday, May 13th. The motion was seconded by member Rosa and unanimously voted 4-0-0.

Meeting Schedule –May 1, 2023 and May 15, 2023

MOTION - Secretary Deslaurier made a motion to adjourn the April 24, 2023 Select Board meeting at 10:25 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – April 24, 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**

Presentation of Community Funds

4. **2023 Community Funds – Distribution of Award Checks – Memo from D. McDowell dated 04/24/23**

Introduction

5. **Town Clerk – Donna McCoy – No Exhibits**

Public Hearing

6. **Continued Public Hearing for 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. (*Continued from 04/03/23 Meeting*) – NG Memo & Application dated 3/20/23, DPW Comments dated 04/21/23, Safety Officer Comments dated 03/17/23, Electrical Inspector Comments dated 03/20/23, Abutters List, Public Hearing Notice**
7. **Public Hearing for National Grid/Verizon - #30733173 – National Grid to relocate (1) JO Pole on Friendship Street beginning at a point approximately 7’ westerly from existing Pole #22 location in order to correct aerial trespass to 24 Friendship Street. Relocate Pole #22 approximately 7’ closer to road in order to correct aerial trespass to 24 Friendship Street and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. - NG Memo & Application dated 3/20/23, DPW Comments dated 04/03/23, Safety Officer Comments dated 04/07/23, Electrical Inspector Comments dated 03/24/23, Abutters List, Public Hearing Notice**
8. **Public Hearing for National Grid/Verizon - #30733173 - National Grid to relocate (1) JO Pole on Country Lane beginning at a point approximately 5’ easterly from existing Pole #9 location per request from the Town of Billerica. Relocate Pole #9 Country Lane approximately 5’ back towards the property line per request of the Town of Billerica and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. – NG Memo & Application dated 3/20/23, DPW Comments dated 04/03/23, Safety Officer Comments dated 04/07/23, Electrical Inspector Comments dated 03/24/23, Abutters List, Public Hearing Notice**
9. **Public Hearing for National Grid/Verizon - #30738838 - National Grid to install (1) JO Pole on Andover Road beginning at a point approximately 19’ northeast of the centerline of the intersection of Allen Road. Install to set a new Pole #33-50 which is 69’ between Pole #33 and Pole #34 and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. – NG Memo & Application dated 3/20/23, DPW Comments dated 04/03/23, Safety Officer Comments dated 04/07/23, Electrical Inspector Comments dated 04/03/23, Abutters List, Public Hearing Notice**
10. **Public Hearing for National Grid/Verizon - #30656580 - National Grid to install (1) JO Pole on Salem Road beginning at a point approximately 16’ north of the centerline of the intersection of Andover Road. Install new Pole #89-75 which is 58’ between Pole #89-50 & Pole #90 and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. - NG Memo & Application dated 3/20/23, DPW Comments dated 04/03/23, Safety Officer Comments dated 04/07/23, Electrical Inspector Comments dated 04/03/23, Abutters List, Public Hearing Notice**



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- 11. Public Hearing for National Grid - #30746493 - National Grid to relocate (1) SO Pole on Concord Road beginning at a point approximately 8' northerly of existing pole #57. Relocate Pole #57 Concord Road approximately 8' back away from the road in order to accommodate road widening per request from the Town of Billerica and permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways for the purpose of making connections with such poles and buildings as each of said petitioners may desire for distributing purposes. - - NG Memo & Application dated 04/06/23, DPW Comments dated 04/07/23, Safety Officer Comments dated 04/18/23, Electrical Inspector Comments dated 04/18/23, Abutters List, Public Hearing Notice**
- 12. Sichuan Cooking, Inc – Transfer of an On-Premises Wine & Malt License §12 and Common Victualler's License from Old Sichuan Inc. to Sichuan Cooking, Inc. DBA Sichuan Gourmet at the premises located at 498 Boston Road, Billerica, MA 01862 – Billerica Application dated 03/10/23, Memo Lt. Coffey dated 04/12/23, Email from M. LaLumiere dated 04/11/23, ABCC Application dated 03/27/23, Public Hearing Notice**

Presentation

- 13. Town Center Project - Update – Town Center Improvements Landscaping Plan dated 04/24/23, Billerica Town Center Traffic, Roadway and Streetscape Improvements dated 04/24/23**

Approval of Minutes

- 14. April 3, 2023 – Select Board Minutes 04/03/23**

Appointments

- 15. Select Board – Standing Committees – Memo from Chair Riley dated 04/24/23**

Old Business

- 16. Town Manager's Report – Town Manager's Report dated 04/20/23**
- 17. Article 41 – Update and Possible Reconsideration Vote – Requested by John Burrows – Draft Article 41, Email from M. Reich dated 04/14/23, 940 CMR**
- 18. Preliminary Warrant Articles – Discussion and Possible Vote – Final Warrant, Memo from Planning Board dated 04/13/23**

New Business

- 19. Hometown Heroes Banner Program Hosted by DAV 47 – Requested by Veteran's Agent Donnie Jarvis and Bob Kinsman, Commander of the DAV – Email from B. Kinsman (DAV Billerica 47) dated 04/19/23**
- 20. 99 Restaurants – Change of Corporate Officers/Directors/LLC Managers – 160 Lexington Road and 672 Boston Road – Memo from Upton Connell & Devlin, LLP dated 04/10/23, Memo from ABCC dated 03/29/23, ABCC application dated 09/21/21**
- 21. Request for (4) 18" x 24" Signs on the Common from July 23rd through August 27th – 16th Annual MA Elks Veteran's Motorcycle Run, Sunday, August 27, 2023 – Billerica Lodge of Elks – Email from D. Carver dated 04/12/23**
- 22. KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for a 1-Day Special Beer & Wine License for Friday 04/28/23 (5:00 PM-8:30 PM), Saturday 05/06/23 (11:00 AM-4:00 PM), Friday 05/12/23 (5:00 PM-8:30 PM), Friday 05/26/23 (5:00 PM-8:30 PM), Saturday 06/10/23 (11:00 AM-4:00 PM), Friday 06/16/23 (5:00 PM-8:30 PM), Friday 06/30/23 (5:00 PM-8:30 PM), Saturday 07/08/23 (11:00 AM-4:00 PM), Friday 07/14/23 (5:00 PM-8:30 PM), (9 TOTAL) – 9 Billerica Applications dated 04/15/23, Memo from Lt. Coffey dated 04/14/23,**
- 23. Approve and Adopt the Order of Taking for the Middlesex Turnpike Project – Requested by Kelley Conway, Town Engineer – Memo from K. Conway, TE dated 04/24/23, Order of Takings w/associated maps**
- 24. Request for (4) 18" x 24" Signs on the Common from April 29th through May 13th for the BMHS Baseball Fundraiser for the American Cancer Society – Event is 10:00 AM on Saturday, May 13th at the Marshall Middle School – Email from N. Courtemache dated 04/18/23**



**TOWN OF BILLERICA
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Meeting Schedule

May 1, 2023 and May 15, 2023

TOWN MEETING – Starts May 2, 2023 @ 7:00 PM

Approved On: June 5, 2023