

MEETING MINUTES

APRIL 26, 2021

Roll call attendance @ 7PM. Selectman Kimberly Conway, Vice Chairman Andrew Deslaurier, Selectman John Burrows, Secretary Michael Rosa, Chairman Daniel Burns, Town Manager John Curran, Asst Town Manager Cathy O'Dea, Zoom Administrator Clancy Main

OPEN MICROPHONE

Cheri Gaglianos called requesting that Select Board meetings and School Committee meetings NOT be held on the same night.

ANNOUNCEMENTS

Vacancies and Committees (see attached)

PRESENTATION

Crystal Thomas, President of Billerica Community Farmers Market. It begins June 21- October 25 on Mondays from 3-7PM at Billerica Senior Center lawn.

Secretary Theresa English comments they are organized as a 5034. There is a live website: BillericaCommunityFarmersMarket.org. They are 80% ready to open. They have 22 vendors presently and are hoping for more. They are looking for sponsorship and donations.

Selectman Rosa comments that he is glad this group has taken this on because the Billerica Farmers Market has always been a success. How much is a table? Ms. Thomas responds: \$20.00/week for a 10 x 10 space. Vendors can apply online. If vendors sign up for the entire season it is \$15.00/week.

Selectman Deslaurier asks what are the donations you need? Biggest cost will be insurance. It will be close to \$1,000. They need things for COVID regulations, i.e. trash bags, cleaning products, etc.

There is also the cost of joining the Farmers Market - they need to be a member.

Selectman Conway thanks previous Farmers Market personnel and to thank this new group taking over.

Selectman Burns thanks them for stepping forward to fill the void.

PUBLIC HEARING

Secretary Rosa makes a motion @ 7:14PM to open the Public Hearing for Chung King Mikes' Place 446 Boston Road-application for new liquor license, common victualer license and entertainment license.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote to open Public Meeting (5-0)

Allan Chen, Manager

Michael Liu, Owner

Adam LaGrasso, Lawyer in attendance.

This restaurant opening in previous Chung King "Ricks Place". Plan to open early September 2021. Allen and Michael presently owning/managing Jade Pacific and Stello's Restaurant in Billerica.

Secretary Rosa asks if theres anyone from the public wanting to speak? No one from the public wants to speak.

Secretary Rosa asks what is dba-Chung King "Mikes' Place" located at 446 Boston Rd. He also says Mr. Chen needs to be on premises a minimum of 52.5 hours – not 40.

Motion is contingent up Fire Dept. approval.

Chairman Burns asks if Mr. Chen is manager at Stellio's. Yes – he is a manager but not at Stellio's.

Secretary Rosa makes a motion to close public hearing for Chung King Restaurant. Secretary Rosa checked a second time to see if there was anyone to speak and no one wishing to speak.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Selectman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to Select Board grant Chung King Restaurant, Inc. dba Chung King Mike's Place 446 Boston Road Billerica, MA grants a liquor license Monday – Friday 10AM-1AM, Saturday 10AM-1AM and Sunday 10AM-1AM.

Manager on record is Allan Chen.

Seconded by Selectman Deslaurier.

Selectman Conway – abstain, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (4-0-1 abstention)

Secretary Rosa makes a motion that the Select Board grant a common victualors license to Chung King Restaurant dba Chung King Mike's Place 446 Boston Road Billerica, MA. Weekday hours of operation 10AM-1AM. Saturday 10AM-1AM and Sunday 10AM-1AM.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion the Select Board grants an entertainment license to Chung King Restaurant dba Chung King Mike's Place 446 Boston Rd Billerica, MA with Allan Chen Manager. Weekday operations hours 10AM-1AM, Saturday 10AM-1AM and Sunday 10AM-1AM.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to open Public Hearing (set for 7:10PM) for FiveONice Waterfront, Inc. 509 Middlesex Tpke. Unit 2 Billerica, MA manager Smiral Patel.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Atty. Steve Lentine present as well as Smiral Patel, Manager. Request beer and wine license and common victulars license for an outside restaurant. Restaurant proposing is outdoors, seating for 37 patrons at bar like area with table service as well. Trying to operate year round. Received special permit from zoning board. Went in front of Planning Board successfully. Received positive comments from Conservation Commission. Wants to serve breakfast. At all times when liquor is being served there will be 2 employees present and no alcohol comes from liquor store onto decking. Beer and wine only will be served.

Secretary Rosa comments say Fire Dept says subject to inspection prior to opening. Lt. Roche recommended hours be 11AM-10PM weekdays, Saturday 11AM-10PM and Sunday 10AM-10PM. License should state 2 employees present on outside deck during hours of alcohol sales. ZBA special conditions and no

alcohol be purchased in liquor store and be brought out onto deck for consumption.

Secretary Rosa asks if there is anyone from the public to speak. No one present from the public wishing to speak.

Secretary Rosa makes a motion to close Public Hearing on Five0Nine Waterfront, Inc.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectmen Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion the Select Board grants a Beer & Wine license to Five0Nine Waterfront, Inc. (Turnpike Market) 509 Middlesex Tpke Unit 2 Billerica, MA Manager of record is Smiral Patel. Hours of operation Monday thru Friday 10AM-10PM, Saturday 10AM – 10PM and Sunday 10AM-10PM. Contingent upon Fire Dept inspection prior to opening. Always be 2 employees on deck during alcohol hours. ZBA conditions 1-4 are followed. No alcohol be purchased at liquor store and brought out onto deck for consumption.

Selectman Deslaurier seconded.

Selectman Conway-Abstain, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (4-0-1 abstention)

Secretary Rosa makes a motion to grant a common victulars license to Five0Nine Waterfront, Inc. (Turnpike Market) 509 Middlesex Tpke Unit 2 Billerica, MA contingent to fire dept inspection prior to opening. Hours of operation are 6AM-11PM weekdays, Saturday 6AM-11PM and Sunday 6AM-11PM with Smiral Patel manager of record. Contingent upon ZBA 1-4 conditions are followed and no alcohol is to be brought to patio from liquor store.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Secretary Rosa makes a motion to open the Public Hearing (set for 7:15PM) time is 7:36PM for Steve's Pinehurst Tavern for an application for outdoor entertainment license including bad, dj and comedian. Owner/Manager Steve Scola on record.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Steve Scola would like live music outside. He would like to tuck the tent outback. A 20 x 20 tent will be installed Monday, May 3, 2021.

Carole Reardon from the public is speaking. She is calling in to support Steve and his business. Steve is an asset to Pinehurst and she supports him 100%.

Selectman Burrows is for this. He supports it all around.

Selectman Deslaurier comments asking about concerns with Lt. Roche and BOH doesn't support this. Mr. Scola says his will compromise and adhere to any suggestions. He will close by 7PM on Sunday nights. He intends on getting privacy fencing to quiet some of the noise. Selectman Deslaurier strongly urges Mr. Scola to be mindful of the surroundings.

Selectman Rosa said he spoke to Lt. Roche and Lt. Roche commented the hours during the week should be noon-8:30PM, Saturday noon to 8:30PM and Sunday

no hours at all. Selectman Rosa says there is not a diagram of plan showing where the tent/outdoor entertainment will be positioned.

Mr. Scola wants clarification....what type of music can I have? Mr. Scolas asks what if he kept it to acoustic guitars, bongo drums, keyboard and singer? Selectman Rosa says yes – that is a little different than a loud band. Mr. Scola agrees.

Selectman Conway abstains from voting. She wants both letters read into the records. (see attached)

Selectman Deslaurier isn't sure they can vote on this license tonight without the drawing.

Selectman Rosa says we can't treat this license any different than any other license.

Chairman Burns is concerned about the noise. Limiting no bands outside will help. Mr. Scola was asked to bring a drawing to Select Board office where everything will be located.

Secretary Rosa makes a motion to continue the license application for Steve's Pinehurst Tavern 786 Boston Rd Billerica, MA requesting an outdoor entertainment license until 7:05PM on May 10, 2021. Outdoor entertainment license includes band, dg and comedian.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Review final warrant and vote on Select Board articles

Mr. Curran says they need to approve these articles.

Secretary Rosa makes a motion to support and recommend Article 3 for Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 4 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa,-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 10 (less the public safety portion of the budget) to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 10 (the portion for public safety budget) to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-abstain, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (4-0-1 abstention)

Secretary Rosa makes a motion to support and recommend Article 11 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 12 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 14 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa goes on record to strike in the explanation “after its been replaced on Article 29”. Mr. Curran doesn’t think he can correct a Planning Board article. Its not Mr. Rosa’s article to correct.

Selectman Rosa asks for clarity, Mr. Curran are you saying this explanation was provided by the Planning Board or Planning Director? Mr. Curran says yes. Mr. Rosa disagrees.

Secretary Rosa makes a motion to support and recommend Article 15 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Rosa-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 17 to Town Meeting.

Seconded by Selectman Rosa.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 18 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 19 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 20 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 21 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 22 to Town Meeting.

Seconded by Selectman Burrows.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 23 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman-Aye.

Roll call vote (5-0)

Secretary makes a motion to support and recommend Article 24 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 25 to Town Meeting.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 26 to Town Meeting.

Seconded by Selectman Burrows.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (5-0)

Secretary Rosa makes a motion to support and recommend Article 27 to Town Meeting.

Seconded by Selectman Burrows.

Selectman Conway-NO, Selectman Burrows-Aye, Selectman Deslaurier-NO, Selectman Rosa-Aye, Chairman Burns-Aye
Roll call vote (3-2)

Secretary Rosa makes a motion to support and recommend Article 28 to Town Meeting. Submitted by Select Board on Page 47.

Seconded by Selectman Burrows.

Selectman Conway-NO, Selectman Deslaurier-NO, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye.

Roll call vote (3-2)

Town Manager Report (see attached)

Selectman Rosa wants to thank original founders of Farmers Market. On Ditson and Vining School – has anyone taken the chalkboards or any use for anything you would allow them to take it. Mr. Curran said a gentleman did come in and take the chalkboards and plans on doing something with them.

With regards to town meeting, people should be there at 9AM to caucus. If there are openings in their precenct. We need to get the word out. Good job on Mr. DeVito. Good news we are back in the YELLOW.

Selectman Burrows asks Mr. Curran if baseball will still have access to parking? Mr. Curran says that arrangements have already been made for parking. Grant money? How much Care Act money did we get? Mr. Curran says they give you

the entire amount and you have to justify the spending. Billerica has used quite a bit of money. This year will be roughly 8 million dollars. Next year we will receive another 4 million.

Selectman Deslaurier comments on Mr. DeVito and would like to send a letter to have it placed in his personnel file.

Seconded by Selectman Rosa.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Selectman Deslaurier asks about the Howe School. How many people bid? Are we still in an advantageous position as far as construction? Mr. Curran says we will find out when bids go out.

Selectman Conway focuses on Vining and Ditson. Citizens are just not sure what is happening there. Can we get the word out to our residents about what is happening? Mr. Curran says yes he will put something together on social media. She was impressed with town meeting when it was at high school. She wants to remind people that they have to wear a mask at town meeting. Level 1 drought...Billerica should post things online to remind people about the drought.

Selectman Burrows asks Mr. Curran how they can tell who votes for what at town meeting. Mr. Curran isn't sure how you can do that. H will look into that.

Chairman Burns reiterates what everyone has said.....

Acceptance of Deed for Boston and Maine Parcel A

Secretary Rosa makes a motion that the Select Board approves the acceptance of deed for Boston and Maine Parcel A. Property is located off Corcoran Street Billerica, MA. on this April 26, 2021.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Permission to place 4-18"x24" signs July 25-August 29 on Billerica Common for the Annual Elks Veterans Motorcycle Run to be held Sunday, August 29, 2021 @ Billerica Lodge of Elks

Secretary Rosa makes a motion that the Select Board grant permission to Billerica Elks to place 4-18" x 24" signs on Billerica Common July 25-August 29, 2021.

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Deslaurier-Aye, Selectman Burrows-Aye,
Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Cook Street and Alexander Road to refer to Traffic Committee

Parents reached out to Selectman Burrows about traffic at crossroad Alexander and Cook. Have traffic committee recommend a traffic guard. There is NO crossing guard there now.

Chief Rosa comments that he's received complaints that there is no crossing guard. He has told Sgt. Elmore to go down there to see what is going on and report back with his findings. Chief Rosa also wants to talk to the SVTHS Superintendent about the situation.

Selectman Deslaurier said someone from SVTHS needs to address this and find a solution.

Selectman Rosa comments something needs to be done.

Selectman Conway wants it addressed. See if the back gate on Alexander Road is open or closed.

Selectman Burrows got a text from SVTHS....there will not be a traffic officer for the rest of the year.

Secretary Rosa makes a motion to send this to the Traffic Committee

Seconded by Selectman Deslaurier.

Selectman Conway-Aye, Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye, Chairman Burns-Aye

Roll call vote (5-0)

Independent Investigation and Audit into the Billerica Police Dept

1. Financial-adherence to financial reporting, overtime, expenditures and payroll
2. Compliance-associated with compliance of financial requirements
3. Performance-associated with efficiency and effectiveness
4. Legal Residency requirements by Mass General Law
5. Review of inconsistency of accrued comp time-also as time owed allowed to carry over by year.

Selectman Burrows discusses police officers working two places at once. Supposedly, it was a clerical issue. Selectman Burrows would like this looked into.

Legal residency requirements – distance magically moved out to 35 miles from Billerica. Mass Civil Service states employees should live in the Commonwealth.

Some officers are taking too much time carried over. Selectman Burrows will look into the issue.

Chief Rosa speaks about the accusations. He says Selectman Burrows is harassing him and the department. Selectman Burrows is retaliating against the department. Chief Rosa says if Selectman Burrows has evidence of wrongdoing

he should submit the paperwork to the Town Manager and let Town Manager investigate. This is cloak and dagger stuff and has no basis.

Mr. Curran said he did investigate the information Selectman Burrows is talking about. There was no wrongdoing found. There is no conspiracy within the Billerica Police Dept.

Selectman Burrows comments he has submitted all information. Why doesn't everyone need a Mass drivers license? Or, is this overlooked for certain people?

Chairman Burns says this is not the way to handle these issues. The Town Manager should investigate and this isn't the way to do this. The chairman cannot support this investigation at this point.

Selectman Rosa asks to talk about #13 and #14 together. He thinks that Selectman Burrows has raised issues that have led to changes. Selectman Rosa says the Town Manager has the jurisdiction to review concerns about the Billerica Police Dept. and report back to the Select Board. The Town Manager may at any time inquire present or former police officers. Mr. Curran needs to look at contracts and report back to the board.

Selectman Burrows is going to reach out to the Attorney General to investigate.

Mr. Curran wants clarity from the board. Mr. Curran said he did investigate and there was no evidence of wrong doing of any kind. When Mr. Curran did an investigation there was nothing found. Mr. Curran says he will conduct a review in light of a new Chief being hired.

Chairman Burns instructs the board to give any concerns to Mr. Curran and he will investigate. Chairman Burns would like Mr. Curran to look at standards and procedures of the Billerica Police Dept.

Selectman Deslaurier says because this has been discussed in open session – every single document must be made available to the public. Because these items were on the agenda – they now have to be discussed in public.

Selectman Deslaurier asks if every town department will be investigated on the spur of the moment? Is there an organized process?

Chairman Burns says Mr. Curran will determine if there are policies that need to be updated. Chairman Burns hasn't seen the documents. No one has. They need to be shared. Selectman Deslaurier says the public deserves to see these documents. Chairman Burns wants the policies brought up to date.

Selectman Deslaurier says we cannot end this meeting the way the other one was conducted which was a meeting off the books and a statement was read. Chairman Burns says there was nothing wrong with that meeting. Selectman Deslaurier says that can not happen again.

Chief Rosa has no problem with reviewing policies and procedures.

Secretary Rosa disagrees with Selectman Deslaurier insinuating something suspicious went on in a secret meeting. Secretary Rosa continued there was no secret meeting. Secretary Rosa says when you look at mileage it used to be within 10 miles. Then it was changed through contracts.

Secretary Rosa says all departments policies and procedures should be reviewed periodically.

Mr. Curran wants Selectman Burrows to put what he wants in writing because Mr. Curran has no idea what Selectman Burrows is looking for. Selectman Burrows wants grant money used for its intended purpose.

Secretary Rosa makes a motion that the Select Board instruct the Town Manager to do a review of the Billerica Police Department.

Request the Town Manager to perform a review of the Billerica Police Department policies and update as required

Secretary Rosa makes a motion to request the town manager to perform a review of the Billerica Police Dept policies consistent with town charter and update as required.

Seconded by Selectman Deslaurier.

Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye,
Chairman Burns-Aye

Roll call vote (4-0-1 abstention) Selectman Conway abstaining from this discussion
and voting.

Chairman Burns asks Selectman Burrows if he wants to withdraw Article 13?

Selectman Burrows removes Article 13 after discussion.

Secretary Rosa states there is not a time posted on the May 8 meeting time....it is
9:30 (before Town Meeting) May 10 and May 24.

Secretary Rosa makes a motion to adjourn.

Seconded by Selectman Deslaurier.

Selectman Burrows-Aye, Selectman Deslaurier-Aye, Selectman Rosa-Aye,
Selectman Conway-Aye, Chairman Burns-Aye

Roll call vote (5-0)

A true attest copy

Patricia E. Battcock

VACANCIES ON BOARDS AND COMMITTEES

SELECT BOARD APPOINTMENTS

<u>POSITION</u>	<u>OPENINGS</u>	<u>TERM EXPIRES</u>
Fence Viewer	1	2022
Scholarship Foundation Committee	4	2023
	1	2022
	1	2021
Water/Sewer Oversight Board	1	2023
	2	2022
	2	2021
BillERICA Affordable Housing Trust		
1 – Attorney		



Town of Billerica Police Department

6 Good Street
Billerica, Ma 01821
(978) 671-0900 Fax (978) 663-2392
www.billericapolice.org

April 13, 2021

To: Billerica Board of Selectman through Chief Rosa
From: Lt. Gerald B. Roche, Jr.

Re: Steve's Pinehurst Tavern

Dear Board Member,

I received an application from Stephen Scola regarding adding outdoor entertainment to his business. The entertainment will consist of live bands, comedians, karaoke and a DJ and he plans on locating the entertainers adjacent to the tent which is located in front of his business.

While the police department supports our local businesses we also have to weigh the impact this could have on a neighborhood. We are also aware there have been noise complaints in the past concerning Steve's Pinehurst Tavern.

Having these things in mind we will be signing off on the application but we would like the board to consider some possible changes. The requested hours are the same as the business hours however Mr. Scola submitted a separate document to me indicating he would like the entertainment to end at 930pm weekdays and 7pm on Sundays. We would propose instead 830pm on weekdays. And if possible, can this license change be temporary? So perhaps if this negatively impacts the neighborhood we are in a better position to act.

Lt. Gerald B. Roche, Jr.
FBINA 264



Billerica Board of Health

Town Hall
365 Boston Road
Billerica, MA 01821
Phone: 978-671-0931 Fax: 978-671-0919
Web Site www.town.billerica.ma.us

RECEIVED
BOARD OF SELECTMEN

2021 MAR 26 P 1:58

Mike Grady, Chairman
Robert Reader, Vice Chairman
Sandra Giroux, Secretary
Marie O'Rourke
Elizabeth Villar, Ph.D.

Kristel Bennett, Director

TO: Board of Selectman
FROM: Kristel Bennett, Director of Public Health (KB)
DATE: March 25, 2021
RE: Outdoor Entertainment License – Steve's Pinehurst Tavern

During 2020 when outdoor dining and outdoor entertainment was allowed at this facility the Board of Health received a number of complaints from residents regarding the noise generated from Steve's Pinehurst Tavern. Steve's Pinehurst Tavern is located across the street from a residential neighborhood that was affected from the outdoor entertainment operation during 2020. The Board of Health addressed these complaints with Steve's Pinehurst Tavern and made suggestions to move the location of the outdoor dining to the rear of the building and limit the hours of the entertainment. Steve's Pinehurst Tavern made some modifications to hours of operation however, due to the location of the restaurant and the neighborhood the complaints continued. The Board of Health does not support this application for outdoor entertainment at Steve's Pinehurst Tavern.

If you have any questions regarding this matter, please contact me at 978-671-0931 or kbennett@town.billerica.ma.us.



MEMORANDUM

TO: Board of Selectmen

FROM: John C. Curran, Town Manager

CC: Cathy O'Dea, Clancy Main

SUBJECT: Town Manager's Report, April 26, 2021

DATE: April 23, 2021

Farmers Market

This office met with Crystal Thomas from the Farmers Market. They currently have a pending 501C4 and a bank account application. Once these are approved, they will be able to move forward with acquiring insurance. Jean Bushnell has drafted a MOU that will be shared with the farmers market later this week.

Fire Station

The Fire Station is continuing to make progress. Attached below are some progress pictures from late last week. The Town has run into a minor issue with the masonry sub-contractor. The Town has strong contractual language and hopes that this issue will be quickly resolved.

Vining & Ditson

Fencing has gone up at both sites and screening will follow shortly. A pre bid meeting will take place on April 27 for a General Contractor. At this time 11 firms have pulled the documents. It also has been approved by both the Board of Health and the Conservation Commission.

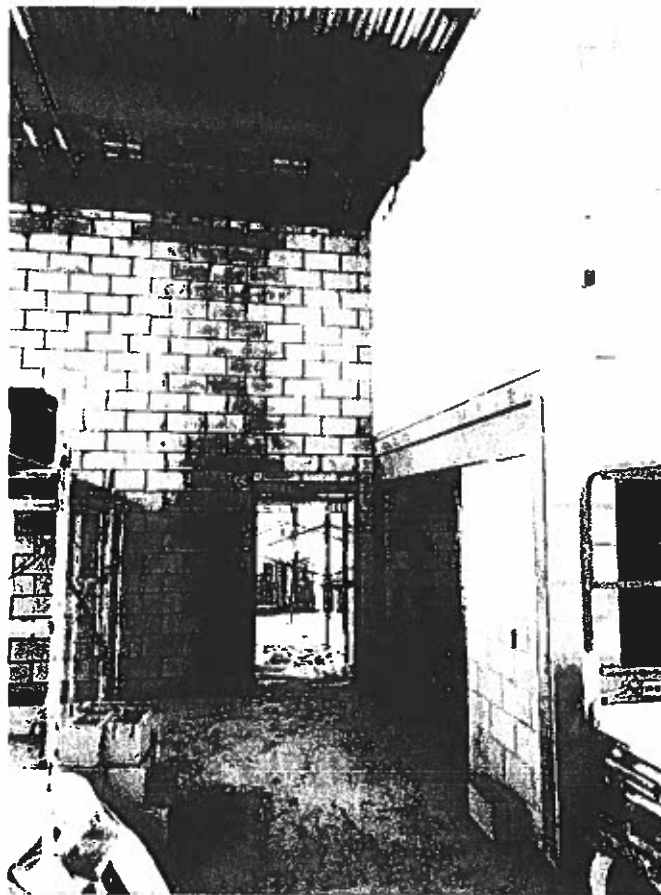


Photo 2. Installation of the interior CMU non-shear walls.

Howe School

The bids for general and sub contractors are currently being advertised. They are due back in the middle of May. Mark and Linda Lessard signed the settlement agreement and accepted the payment. Three stipulations of dismissals and a letter to DEP withdrawing the request for a superseding order of conditions have been sent to the Lessard's attorney. I am awaiting confirmation that the documents have been filed with the court and the DEP.

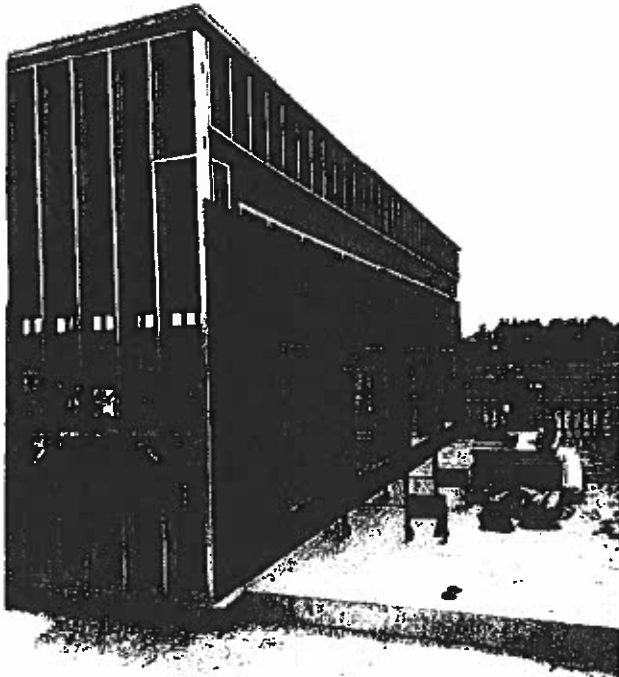


Photo 1. Installation of the gypsum wall and window blocking at the bunker room's façade

Town Meeting

Town Meeting will take place at the High School at 10AM on May 8th with caucuses starting at 9AM. Town Meeting will also take place in the same format as last session. We will not be using the auditorium this time. All precincts will be in classrooms. The Town will also continue to hold zoom info sessions the information is below.

Info Session

April 27th - 7:00PM - Non Zoning Articles
May 4th - 7:00PM - All Zoning Articles

Zoom Info for Both Info Sessions

You are invited to a Zoom webinar.
When: Apr 27 & May 4, 2021 07:00 PM Eastern Time (US and Canada)
Topic: Zoom Info Session

Please click the link below to join the webinar:
<https://us02web.zoom.us/j/88025958865>

Or Telephone:
US: +1 929 205 6099

Webinar ID: 880 2595 8865

Professional Recognition – Mike DeVito, Conservation Land Use Assistant

Mike DeVito was recently tasked with a difficult wetlands and construction project. Mike was able to help facilitate the process for the homeowners and make everything as simple as possible. The homeowners were extremely thankful for Mike's efforts and assistance with the project. I wanted to take a moment to recognize his hard work in front of the Board.

Assessors Department Move

The clerical staff and future director of the Assessor's office is being temporarily moved to the 2nd floor. The sound level generated by the air conditioner creating an unpleasant environment for the clerical staff. The Town is currently exploring the issue and installing a new chiller / condenser unit. Signs have been posted throughout Town Hall to alert residents of the change.

Level 1 Drought

Energy and Environmental Affairs Secretary Kathleen Theoharides declared a level 1 mild drought throughout the Northeast Region of Massachusetts due to below normal precipitation, streamflow, and groundwater. The State of Massachusetts limits water use to 65 gallons per person per day. Billerica

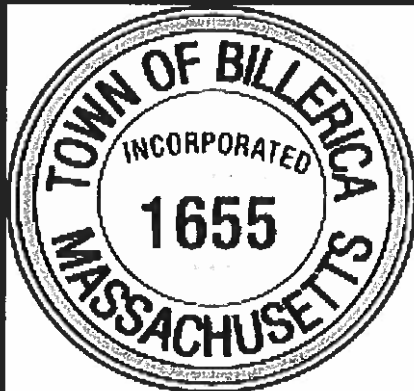
residents average about 59 gallons per day. Billerica is permitted to withdraw 1,949,100,000 gallons of water a year. In the past years Billerica has hundreds of millions of gallons to spare. The entire state of Massachusetts is in at least a level 1 drought except the island region. The Southeast Region is in a level 2 drought. These are state mandated actions.

Billerica EMS COVID-19 Grant

Last summer the EMS wrote and received a grant for helmets that were a combo face shield and an advanced respiratory protection system. These are also know as PAPR's and are widely used throughout the healthcare field. These will help protect the EMS against current and future airborne infections. The Town received 18 Max Air PAPR's and they each cost close to \$1,000 each.

COVID 19 Update

The Town is more on par with the county and the state than it was last week. Billerica is a yellow community again. The Easter spike seems to have passed. At least the Town is moving in the right direction again.

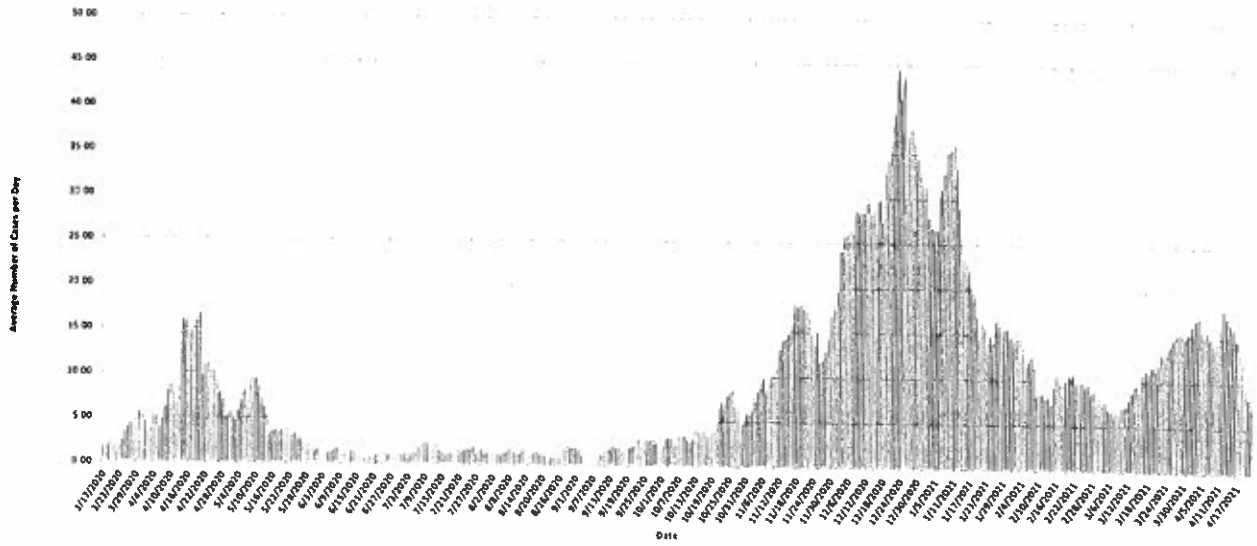


Long Term Care Facilites	117
Middlesex House of Corrections	90
Health Care Workers	117
Apartment Complexes	300
Deaths	35
Active Cases	119
Recovered Cases	3652
Total Cases to Date	3806
Cases per 100,000	21.67
Seven Day Case Averse	7.71
Number of Cases last 14 days	132
Positivity Rate	4.15
Billerica Status	██████████

Friday, April 23, 2021

Source: Billerica Board of Health

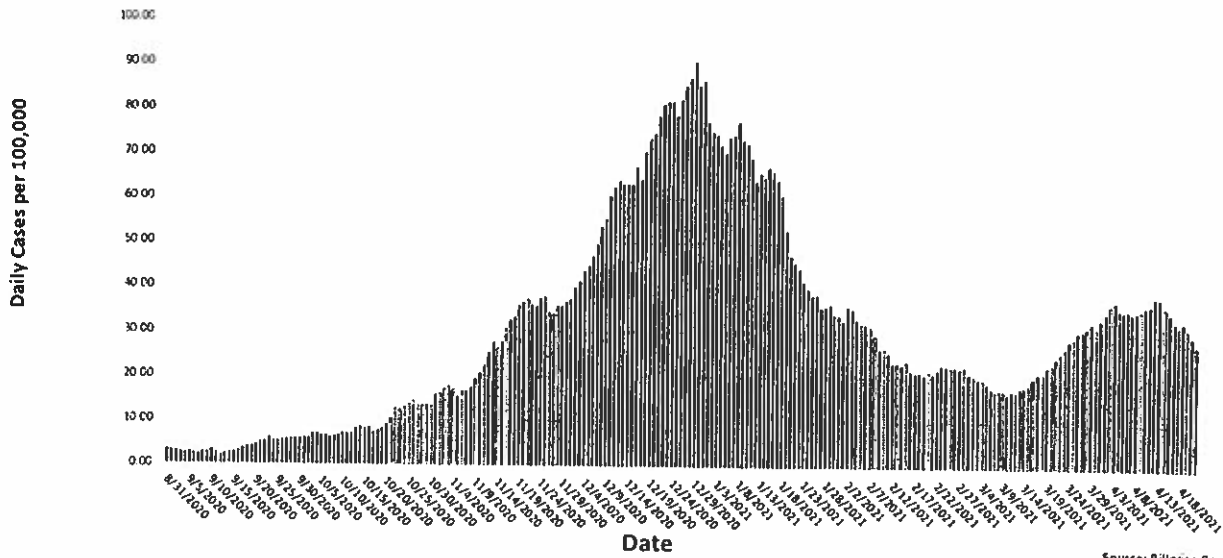
**Town of Billerica COVID 19 Cases
7 Day Average (As of April 21th)**



Source: Billerica Board of Health

**Town of Billerica
Average Daily Cases per 100,000 People**

Less than 10 cases per 100k per day = Green
Greater than 10 cases per 100k per day and less than
or equal to 5% positivity testing rate = Yellow
Billerica's positivity rate is 5.04%



Source: Billerica Board of Health