



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
MAY 1, 2023**

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

**Members Absent:** Secretary Andrew Deslaurier

**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.

**1. Open Microphone**

*Kelley Sardina of 95 Gray Street* – Ms. Sardina stated that at the last meeting she spoke about Article 32 and she would like to clarify two things the Town Manager said. There are grants available for recodification and we should hold off on this until the Fall Town Meeting to see if we can get funding and the Planning Board did not have any part in the audit. Mr. Curran stated that most of the grants mentioned were Community Development Block Grants which Billerica is not eligible for.

*Joe Ferreira from Local 2747* – Mr. Ferreira stated that he requests that the AARP projects be made public. They are part of the school facilities and food service workers that worked during COVID and did not receive any premium pay. Mr. Ferreira stated that a petition was sent last year and the Town has not addressed it. The school facilities and food service workers were deemed essential and we would like the same premium pay that other essential workers received. Chair Riley asked if the petition could be forwarded to the office again so they may look at it.

**Announcements**

**2. Vacancies on Boards and Committee**

Vice Chair Conway read the list of vacancies of boards and committees.

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

**Old Business**

**6. Final Warrant Articles – Discussion and Possible Votes**

**Article 37 & 38** – Chair Riley stated that he wanted to bring this back to discuss the Storm Water Bylaw. He would like to hear from the public hearing first. Member Rosa replied that he agrees and that is one of the reasons he voted against it. This bylaw would have a considerable impact to residents. Vice Chair Conway asked if we were talking about Article 37 or 38. Chair Riley replied 38. Mr. Curran stated that they shouldn't split the articles. Vice Chair Conway agrees that there is a lot here that needs to be looked at but perhaps voting against the article, we could just withdraw it. Chair Riley requested that it be withdrawn for this Town Meeting. Member Burrows agreed. The biggest issue was that the public hearing was being removed. Mr. Curran stated that we are 24 hours out from Town Meeting and the Departments have been working on this for a over a year with six public hearings. The main result of this article was to move jurisdiction from the Board of Health to the DPW where the expertise is. There has been no oversight in the regulations for small developments and with this bylaw, that oversight has been fixed. The builders don't like this but this protects the residents who are affected by development. It also streamlines the process, which helps the businesses. Chair Riley stated that he is concerned with the residents. Member Rosa stated that we are looking out for the residents and this will impact a resident who wants to put in a driveway. He has a lot of comments and suggestions to make things better for the residents so we can update this article and bring it back in the Fall. Member Rosa stated that we should dismiss the articles and bring them back once they are ready. Mr. Curran replied



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that you have to wait for Town Meeting since it's on the final warrant. Member Rosa disagreed, these are our articles and we can dismiss them now.

**MOTION** - Member Rosa made a motion to dismiss Article 37. The motion was seconded by Member Burrows and unanimously voted 4-0-0.

**MOTION** - Member Rosa made a motion to dismiss Article 38. The motion was seconded by Member Burrows and unanimously voted 4-0-0.

**Article 7** – Mr. Curran stated that that is the Paramedics contract for 3 years. There is no COLA increase, but the wage scale has been reworked. This will cost \$179,000 from free cash. There were changes in the sick leave bank and FMLA language and the Town is now allowed to hire new employees up to a Step 6 starting.

**Article 8** – Mr. Curran stated that this is the DPW contract for 3 years. The COLA will be 4%, 3%, and 3%. They also changed the wage scale and removed step 9. The over impact is 12% over the contract. The cost will be \$275,000 retro and \$253,000 for the remaining contract

**Article 10** – Mr. Curran stated that this is the BPAA for 3 years. The COLA will be 4%, 3%, 3% with an additional 1% in January of the last year. There were changes in the contract on vacation buyback, sick leave and 4 positions were reclassified. The cost will be \$120,350.

**Article 12** – Mr. Curran stated that this is the Firefighters contract. The COLA is 3%, 3%, 3% with an additional 1.5%, 1.5%, 1.5% for EMT/paramedics and 1%, 1%, 1% for EMTs. There are 4 firefighters that will qualify for this extra stipend. The cost will be \$287,186.

Member Burrows asked what the EMTs don't get Juneteenth as a holiday when the rest of the Town does. Mr. Curran stated that it was not put on the table by the union as a bargaining item. He has no objections, but it has to be put on the table to be bargained. Member Burrows stated that they should get it.

**MOTION** - Member Rosa made a motion to recommend Article 7 for the Spring Town Meeting. The motion was seconded by Member Burrows and voted 3-0-1. Member Rosa, Member Burrows and Chair Riley voting in favor and Vice Chair Conway abstaining.

**MOTION** - Vice Chair Conway made a motion to recommend Article 8 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**MOTION** - Vice Chair Conway made a motion to recommend Article 10 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**MOTION** - Vice Chair Conway made a motion to recommend Article 12 for the Spring Town Meeting. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

### **Public Hearing**

4. **Continued 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** - Vice Chair Conway made a motion to continue the National Grid petition #30733173 until May 15, 2023 at 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

### **Approval of Minutes**

### **Appointments**



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**New Business**

7. **KHD, Inc d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for a 1-Day Entertainment Licenses - 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) (8 TOTAL)**

Cody from High Octane Harley Davidson appeared for the 1-Day Entertainment Licenses for eight different dates.

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Saturday, May 06, 2023 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Friday, May 12, 2023 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Friday, May 26, 2023 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Saturday, June 10, 2023 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Friday, June 16, 2023 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Friday, June 30, 2023 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Saturday, July 08, 2023 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

**MOTION** - Vice Chair Conway made a motion to issue a 1-Day Entertainment License for High Octane Harley Davidson on Friday, July 14, 2023 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0

8. **Transfer of Common Victualler’s License – M & B, Inc. to Chicken Bites, Inc. d/b/a Augusta’s Subs and Salads located at 599 Boston Road**

Ryan Rosa appeared for the transfer of Common Victualler’s License at 599 Boston Road. Mr. Rosa thanked the current owners for all their years.

Vice Chair Conway asked if the menu will be kept the same. Mr. Rosa replied yes.

Member Rosa stated that the hours of the original permit are more than what you are requesting on the application. He would suggest you keep the original hours in case you want to expand. Mr. Rosa stated that is a great idea and thanked Member Rosa.



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**MOTION** - Vice Chair Conway made a motion to approve the transfer of Common Victualler's License from M & B, Inc. to Chicken Bites, Inc. d/b/a Augusta's Subs and Salads located at 599 Boston Road with the hours of Monday-Saturday 8:00 AM to 10:00 PM and Sunday, 8:00 AM to 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**9. Fiesta Shows Representing the Billerica Lions Club – Application for an additional week for the Carnival including Weekday and Sunday Entertainment for Amusement Rides, Food, Games and Raffle to be Conducted During the Carnival – Located at 600 Technology Park Drive – May 25<sup>th</sup> to May 29<sup>th</sup>, Hours of Operation, Thursday, May 25<sup>th</sup> & Friday, May 26<sup>th</sup> 5:00 PM – 11:00 PM, Saturday, May 27<sup>th</sup> 1:00 PM to 11:00 PM, Sunday, May 28<sup>th</sup> 1:00 PM to 11:00 PM and Monday, May 29<sup>th</sup> 1:00 PM to 11:00 PM**

Gil Moreira of 1 William Road appeared for the Lion's Club to request approval for the Lions Carnival. We received approval on March 20<sup>th</sup> for the weekend of June 1<sup>st</sup> – June 4<sup>th</sup>. Fiesta Shows had a cancellation so they asked if we wanted it for the weekend before which would be Memorial Day weekend. The additional days are May 25<sup>th</sup> through May 29<sup>th</sup>.

Member Rosa asked why is the carnival closed on May 30<sup>th</sup> and 31<sup>st</sup>? John Flynn from Fiesta Shows stated that those are the slowest days of the carnival and they don't have the staff.

There were no questions from the audience.

**MOTION** - Vice Chair Conway made a motion to approve the application for the Lions Club for a carnival including Entertainment of amusement rides, games, food and raffles and Sunday Entertainment located at 600 Technology Park Drive, run by Fiesta Carnival from May 25<sup>th</sup> through May 29<sup>th</sup> with the hours of operation Thursday & Friday 5:00 PM to 11:00 PM, Saturday 1:00 PM to 11:00 PM, Sunday 1:00 PM to 11:00 PM and Monday from 1:00 PM to 11:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**MOTION** - Vice Chair Conway made a motion to allow the signs previously approved to be installed starting on May 10, 2023. The motion was seconded by Member Rosa and unanimously voted 4-0-0.

**Old Business**

**5. Town Manager's Report**

Mr. Curran presented his report.

• **Union Contracts**

Mr. Curran stated that only Police Patrolman, Police Superior and Fire Alarm Operators contracts will be unsettled. The Town settled with the clerical union, but it will not be ratified until the Fall Town Meeting.

• **Tax Work Off Program**

Mr. Curran stated the COA has been working to recruit senior workers but has over 60 openings. Seniors can enroll up to August 31<sup>st</sup>.

Member Rosa stated that 60 openings is a lot. He was concerned when they voted on this that the assets need to be increased. Seniors see that asset maximum and they don't apply. We need to look at expanding the assets for single and couples. Chair Riley stated that they are working on that right now and Jean Bushnell will bring that back before the Board. Member Rosa stated that we should look at a direct mailing using census information to target seniors. Mr. Curran stated that they can look at that.

Vice Chair Conway stated that Member Rosa brings up a good point, the assets seem very low but she will leave that to Ms. Bushnell. We need to come up with a better way to reach this demographic perhaps putting the information in the tax bill. Vice Chair Conway stated that seniors that don't qualify can also work and donate their hours to someone in need. Mr. Curran replied that was correct.



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Chair Riley stated that we are going to be looking at tax bills and the Director will see what she can do to recruit more seniors.

- **Yankee Doodle Bike Path**

Mr. Curran stated that the NOI is under review with Conservation. Peer reviews are in progress.

- **Water Restrictions**

Mr. Curran stated water restrictions begin May 1<sup>st</sup> through September 30<sup>th</sup> for nonessential outdoor water use from 9:00 AM to 5:00 PM daily.

Member Rosa stated that this policy was done a long time ago and we should look at updating the process.

Vice Chair Conway stated that there have been a couple of notifications sent to residents that gave wrong information including the water restriction information and some notices from the Town Clerk's office regarding Town Meeting. We need to make sure that the information coming from the Town is correct. Mr. Curran stated that the Town Clerk does not report to his office and statutorily, we can't tell them what to do. Vice Chair Conway asked that the Town Manager request that all notifications from the Town Clerk be reviewed just to make sure there are no errors. Mr. Curran replied he can ask.

- **Boston Road North**

Mr. Curran stated that National Grid will start energizing the new primary and swapping over services next week. Outages will last 15-20 minutes.

Vice Chair Conway asked how were residents contacted about the power outage. Mr. Curran replied that National Grid reached out the them but he is not sure of the process.

- **Capital Facilities Committee**

Mr. Curran stated there will be further options and recommendations being presented on May 3<sup>rd</sup>.

Member Rosa stated that he is concerned that the Capital Facility Committee is looking to take a vote, but we have not even had a chance to comment. He prefers the intergenerational center but they seem to be pushing separate COA and Recreation Centers.

Member Burrows stated that he is at PHR at least three times a week. There are no parking space lines and people can't park, so there is less parking. Mr. Curran stated that they still need to do the finish coat and then they will stripe 48 parking spaces by the tennis courts. Member Burrows suggested adding no parking signs along the sidewalks on Glad Valley. Member Burrows asked if there was any maintenance personnel down at PHR on the weekends. Mr. Curran stated that they are working on getting summer help for the weekends. Member Burrows stated that we should look at porta-potties for the weekends if the facilities are not open because the fields are being used. The Town should also look at pop-up tents for the softball fields.

Vice Chair Conway stated that the Capital Facilities Committee will make their recommendation to the Board. Chair Riley replied that was correct.

Chair Riley stated that this committee has done a lot of work and they will be taking a vote and then bring the recommendation to the entire Select Board.

- **Aggregate Energy**

Mr. Curran stated that the Town's rate will be expiring December 2023/January 2024. Our current rate is .09 cents a kwh. We will continue to water the rates and find the best time to go out to bid.



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Member Rosa stated that the new aggregate rate is not much of a difference from the lower National Grid rate. Can we relock the .09 cents? Mr. Curran replied that they will try and continue to monitor when the best time will be to lock in our rates.

Vice Chair Conway stated that this is great thing and we should continue to offer this to our residents.

Member Burrows asked if the Town gets involved with negotiations for home heating oil. Mr. Curran replied no, there is a State program for that.

- **Billerica Economic Development Branding**

Mr. Curran stated the Billerica Economic Development has been working on a branding logo.

Member Rosa stated that he likes the logo but it should be a “Billerica” green.

- **Economic Development Newsletter**

Mr. Curran stated the Economic Development Department will be creating a newsletters and the link to the mailing list has been provided.

**Meeting Schedule –May 15, 2023 and June 5, 2023**

Member Rosa stated that we used to schedule meetings during Town Meeting in case an emergency happens. We should schedule Select Board meetings for May 4<sup>th</sup>, May 9<sup>th</sup> and May 11<sup>th</sup> if necessary.

**MOTION** - Vice Chair Conway made a motion to adjourn the May 1, 2023 Select Board meeting at 8:25 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 – May 1, 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

**Public Hearing**

4. **Continued 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. – No new information

**Presentation**

**Approval of Minutes**

**Appointments**

**Old Business**

5. **Town Manager’s Report** – Town Manager’s Report dated 04/27/23
6. **Final Warrant Articles – Discussion and Possible Vote** – Final Warrant, Article 7, Article 8, Article 10 and Article 12

**New Business**

7. **KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road** – Applications for a 1-Day Entertainment License for 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), (8 TOTAL) – 8 Billerica Applications dated 04/15/23, Memo from Lt. Coffey dated 04/14/23
8. **Transfer of Common Victualler’s License – M & B Inc. to Chicken Bites, Inc. d/b/a Augusta’s Subs and Salads located at 599 Boston Road** – Application dated 04/25/23, Current 2023 License, Email from M. LaLumiere dated 04/26/23
9. **Fiesta Shows Representing the Billerica Lions Club** – Application for an additional week for the Carnival including Weekday and Sunday Entertainment for Amusement Rides, Food, Games and Raffle to be Conducted During the Carnival – Located at 600 Technology Park Drive – May 25<sup>th</sup> to May 29<sup>th</sup>, Hours of Operation, Thursday, May 25<sup>th</sup> & Friday, May 26<sup>th</sup> 5:00 PM – 11:00 PM, Saturday, May 27<sup>th</sup> 1:00 PM to 11:00 PM, Sunday, May 28<sup>th</sup> 1:00 PM to 11:00 PM and Monday, May 29<sup>th</sup> 1:00 PM to 11:00 PM – Email from N. Courtemache dated 04/18/23 – Application dated 04/27/23, Memo from Billerica Lions Club dated 04/24/23, 2023 Agreement between Lions and Fiesta Shows, Memo from KS Partners dated 04/26/23, Workers Comp Affidavit, Insurance Binder, License to Operate, License, Site Plan, 183A Application and Sunday Entertainment License, Public Notice for Outside Entertainment.

**Meeting Schedule**

**May 15, 2023 and June 05, 2023**

**Approved On:                 June 26, 2023**