



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 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. Chair Riley asked for a moment of silence for National Peace Officer's Memorial Day.

Call to Order 7:00 PM

Member Riley called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Chris Tribou of 13 Bridle Road – Mr. Tribou stated that there have been allegations that Town Meeting members from Precinct 8 do not live in Town. They were caucused in and I'm told is part of a company that will be submitting an RFP for the land for sale that was approved by Town Meeting. If this is true, something needs to be done. He has also notified the Town Clerk.

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

Proclamation

4. Juneteenth

Secretary Deslaurier read the Juneteenth proclamation.

Public Hearing

5. Public Hearing for 22 Commune Incorporated - A new On-Premises All Alcohol §12 Restaurant and Common Victualler License for 22 Commune Incorporated DBA 22 Commune at the premises located at 164 Middlesex Turnpike (Bottom Floor of the Val Apartment Complex), Billerica, MA

MOTION - Secretary Deslaurier made a motion to open the public hearing for 22 Commune Incorporated at 7:07 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Attorney Ian Hedges appeared in person and Smiral Patel attended via Zoom. Attorney Hedges stated that they are proposing a 100 seat Latin cuisine restaurant. The hours of operation would be 6:00 AM to 10:00 PM. They have submitted all the required paperwork; the only outstanding issue is the approval from the ZBA.

Member Rosa asked what variances were being requested at the ZBA. Attorney Hedges replied it is not a variance, it is a Special Permit. Member Rosa stated that he was told that there was an issue with parking. Attorney Hedges replied he wasn't aware of one. Member Rosa stated that he thought he read that one of the waivers requested was for parking and typically we hear the liquor license after it has been approved by the ZBA. Member Rosa asked if Attorney Hedges was representing the applicant in front of the ZBA. Attorney Hedges replied no.

Secretary Deslaurier agreed with Member Rosa, we should wait until the ZBA is finalized.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

Member Burrows also agreed. There is already an issue with parking and some people are parking on Lexington Road.

Vice Chair Conway agreed with Member Rosa about waiting for the ZBA and that parking is already an issue there. Vice Chair Conway stated there should be a condition either with us or with the ZBA that parking on Lexington Road is not allowed.

Eddie Bynum of 151 Lexington Road – Mr. Bynum stated that there is a problem with parking and a lot of cars are parking on Lexington Road and it's bad in the winter. He has no problem with the restaurant but he doesn't see why there needs to be a liquor license. He doesn't see the benefit of that.

Kelly Sardina of 95 Gray Street – Ms. Sardina asked if it was true that the Val charges the residents \$100 to park and if so, did the Select Board set that amount.

MOTION - Secretary Deslaurier made a motion to continue the public hearing for 22 Commune until June 5, 2023 @ 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

6. **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 - Secretary Deslaurier made a motion to continue the National Grid petition #30733173 until June 5, 2023 at 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

7. **Public Hearing for National Grid/Verizon - #30656580 - National Grid to install (2) JO Poles on Salem Road (242 & 244 Andover Road) beginning at a point approximately 16' north of the centerline of the intersection of Andover Road. Install new Poles #89-75 and #89-25 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 the National Grid petition #3065680 at 7:17 PM. The motion was seconded by Vice Chair Conway and unanimously voted 5-0-0.

David Boucher from National Grid appeared for the discussion on the pole petition for 242 and 244 Andover Road.

Member Rosa stated that on the application it says "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." Will this application be for underground conduit. Mr. Boucher stated that wording is included in all the applications because it is regulated by the State. In this case, that would not apply. Member Rosa stated that so you are asking for this but not utilizing it. Mr. Boucher replied yes. Mr. Curran stated that it makes sense to be on all the applications since the easement for the pole to the right of way is underground. If they had to open the sidewalk, then they would have to deal with the DPW. Member Rosa stated that for example, if there is a water line in the area and they don't have to come back, they may not check with the DPW about the location. Mr. Boucher stated that they have to get Dig Safe and they work with the DPW on every project. Member Rosa asked if any abutters have contacted NG. Mr. Boucher replied no.

Member Burrows asked why our office sends out the abutters notice and the Town pays for the postage. Mr. Boucher replied it is not our responsibility. In the 18 towns in Merrimack Valley, we do not notify the abutters, the Town's do. Member Burrows replied according to MGL it is the company's responsibility.

Vice Chair Conway asked why this project is proposed. Is there a traffic light planned? Mr. Boucher stated that this is a voltage regulator project and he would have to check if a traffic light is planned.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

Paul Botelho of 244 Andover Road – Mr. Botelho stated that the location of pole 90 is where his sewer line is. With this proposal there will now be 4 poles instead of 2. National Grid should clean up their mess. The last project they left stumps, cables, and anchors all over his property. There is a tree stump where pole 89-25 is plans. Mr. Botelho stated that there are a ton of accidents at this intersection. Mr. Boucher stated that the contractors are expected to clean up after themselves and as a general rule they do. Mr. Boucher stated that the designer’s name should go out on the public notice so if residents have any questions, they can contact the designer. Secretary Deslaurier stated that the designer’s name is not in our package. Mr. Botelho added that he is concerned that the high voltage they are planning will affect his health and asked that these transmitters not be located on his property.

Vice Chair Conway asked why National Grid cannot locate these regulators on the property where the high-tension transmission lines are. Mr. Boucher replied he is not sure but can take it back to check.

Thomas Fedorka of 242 Andover Road – Mr. Fedorka stated that he has similar questions and concerns as Mr. Botelho. He is also concerned with the distribution to the tree roots and the humming these regulators will have.

MOTION - Secretary Deslaurier made a motion to continue the NG hearing #3065680 until June 5, 2023 at 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Approval of Minutes

8. April 12, 2023

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of April 12, 2023 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

9. April 24, 2023 (Financial Working Session)

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of April 24, 2023 Financial Working Session as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Appointments

Old Business

10. Town Manager’s Report

Mr. Curran presented his report.

• **Employee Recognition – Kevin Caira, Parks and Trees Department**

Mr. Curran recognized Kevin Caira from the Parks and Trees Department. He has repeatedly done a great job.

Member Rosa stated that Mr. Caira does an impressive job mowing the fields.

Vice Chair Conway agreed Mr. Caira does a great job and we have great employees and asked that the Town Manager keep up with the recognitions.

Chair Riley agreed that the Parks and Trees Departments do a great job.

• **Town Meeting Wrap Up**

Mr. Curran wrapped up Town Meeting. The Opioid Settlement Funds were withdrawn but will be going on the Fall warrant. Town Counsel will be researching the deed for the Wildcrest Affordable Housing warrant article. The Board should adopt a policy to review building fees on a yearly basis. This could be done when sewer/water fees are reviewed. He has spoken with the DPW regarding the storm water bylaw. They are amending the draft and will present it to the Board during the summer in hopes of submitting it for the fall Town Meeting. A public process will be incorporated. The recording Public Meeting Policy must be approved by the AGs office. They have spoken with BATV and the Town Clerk and the Town Clerk will be responsible for facilitating this bylaw.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

Member Rosa stated that we should be reviewing the Building Fees every year. Mr. Curran replied yes, we can do it while you review water and sewer fees. There may be no changes, but the Board can still just review them. Member Rosa stated removing the Storm Water Bylaw was the right thing to do. He asked that they review the proposed bylaw early, so it can be ready to go for the Fall Town Meeting.

Member Burrows stated that we should definitely get to the bottom of the Wildcrest Town Meeting warrant issue.

- **Town Center and Public Information Gathering and Possible Meetings**

Mr. Curran stated that the office is working on a preliminary outreach plan for all affected stakeholders. A schedule has been presented.

Secretary Deslaurier agreed that it's a great idea to go to the invested committees and get their thoughts on the Town Center.

Member Burrows stated that the time saved to get around the center is not worth the money spent. He did ask that the time of the meetings be varied to provide more availability for residents to attend.

Vice Chair Conway stated that she's going to make a comment about the Storm Water bylaw, Town Center, and Neighborhood meetings. She doesn't think we get the word out to all the residents. We do a good job on social media but how do we capture the residents who don't use social media and how do we do a great job. We need to get out the accurate information on the Town Center out there and make sure we the false information is corrected. She also suggested that the neighborhood meetings should be available on Zoom. Mr. Curran stated that he can look at other options and have most of the neighborhood meetings as a hybrid option.

- **Capital Facilities Committee**

Mr. Curran stated the committee voted 9-0 to recommend razing and rebuilding the COA on its current site and to place the new Recreation Center at the tennis courts at PHR. Abacus will begin the cost estimate before coming to the Board for final recommendation.

Member Rosa stated that we had a financial workshop and there were many projects coming up like the DPW, COA, Recreation Center, Town Center, the sewer projects as well a North Billerica Fire Station and two new schools. We need to have another meeting to discuss wants versus needs and then prioritize them. In this report, all the projects are being discussed except for the sewer not moving forward. It will be up to the Select Board to determine if there will be separate COA and Rec Center but we need to get hard and real numbers. Mr. Curran stated that he understands the concerns and nothing is moving forward without the Select Board and/or Town Meeting approvals. They have already been approved by Town Meeting to spend \$4 million on the design of the DPW, \$1 million for the Town Center feasibility as well as the COA and Rec Center. Mr. Curran added that the separate COA and Rec Center were approved by the Capital Facilities Committee but the Select Board can decide not to move forward with everything.

Member Burrows stated that Abacus has already done drawings before we even approved it. Mr. Curran replied that the drawings are for planning purposes.

Vice Chair Conway stated that with a separate COA and Rec Center, she doesn't want the Town to bite off more than we can chew. We need to create a timeline for the projects and really look at the costs.

Chair Riley stated that we need to get back to the financial workshop and determine our wants versus needs. In the case of the COA and Rec Center, we shouldn't kick the can down the road. The Capital Facilities Committee has had 3 years of meetings and has voted on a plan that the Select Board will look at.

- **Bingo at the COA**

Mr. Curran stated that on May 25th, Clancy and himself will be calling Bingo at the COA.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

- **Neighborhood Meetings**

Mr. Curran stated the neighborhood meetings will be the week of June 12th. The locations will be the Hajjar School, the Library, PHR and Pinehurst Fire Station.

Secretary Deslaurier agrees with the revised format.

Member Burrows stated that we should try to get as many people involved as possible.

Chair Riley agreed that we need to do a better job getting the word out at these times of events.

- **Billerica DPW**

Mr. Curran stated the project continues to move forward. The budget is approximately \$50,000,000 but the number fluctuates. Tewksbury will be going out to bid during the summer for their DPW, so it will give a good indication.

Member Burrows stated that this is needed. The building is past its usefulness

Vice Chair Conway stated that she would like to look at the layout of the new DPW. Mr. Curran stated that we can put it on the next agenda.

- **Buck Auditorium**

Mr. Curran stated the mobilization will begin on Monday.

Member Rosa stated that this project is long overdue.

- **Water and Sewer Rates**

Mr. Curran stated the office is currently preparing the water and sewer rates for discussion for the Board. Our previous consultant passed away, but Fred Russell has experience creating rates when he worked in other Towns.

Member Rosa stated that there is value in hiring a consultant to look at the rates. He agrees that Mr. Russell is highly competent but the person responsible for spending the money should not be the one setting the rates.

Secretary Deslaurier agreed with Member Rosa to hire a consultant for the water and sewer rates.

Vice Chair Conway agrees with the other members because we should have an outside person look at the rates.

- **Citizens Petition ARPA Funds**

Mr. Curran stated that currently, ARPA funds are not available to put toward premium pay initiative. The town has paid out \$574,904 in premium pay to date. All other ARPA projects are still in progress. The petition from the school employees of AFSCME Local 2747 is a matter that should be addressed by the School Committee. The schools received more than \$5 Million in ESSER and Municipal Care money during COVID.

Member Burrows stated that we should give them a breakdown of what the schools received versus what the Town received. They did a great job.

Vice Chair Conway stated that we have hard working school employees but the School Committee should address their concerns. We didn't give additional funds for the clerks in the Town Hall either.

Chair Riley stated that the AFSCME members are essential workers but this should be addressed by the School Committee.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

New Business

11. Blisspoint Meadery, 1 Fox Run Road, Bedford, MA - Application for License by a Farmer Winery to Sell at the Billerica Farmer's Market on Mondays, June 19th to October 9th from 2:00 to 7:00 PM

Jeff Venuti appeared for an application for a License by a Farmer Winery to sell at the Billerica Farmer's Market. Mr. Venuti stated that he had a great season last year being there every other week and this year he plans on being at every Farmer's Market.

MOTION - Secretary Deslaurier made a motion to approve the application for Blisspoint Meadery License by a Farmer Winery to sell at the Billerica Farmer's Market on Mondays, June 19th to October 9th from 2:00 to 7:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

12. One-Day Wine and Malt License – Council on Aging – Volunteer Appreciation Night on June 6, 2023 at 25 Concord Road from 4:30 PM to 6:30 PM.

Jean Bushnell appeared for the one-day wine and malt license. Ms. Bushnell stated we have over 100 volunteers that are vital to our operations so she would like to host a volunteer appreciation night on June 6, 2023 from 4:30 PM to 6:30 PM and would like to serve wine.

Member Rosa stated that this is a great idea to thank the volunteers and show support for their efforts.

MOTION - Secretary Deslaurier made a motion to approve the one-day wine and malt license for the Council on Aging for a Volunteer Appreciation Night on June 6, 2023 at 25 Concord Road from 4:30 to 6:30 PM and to waive all fees. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

13. Discussion on Scheduling Meetings to Avoid Conflicts with Religious Holidays – Requested by Secretary Deslaurier

14. Discussion on Timing of Town Meeting – Requested by Secretary Deslaurier

Secretary Deslaurier stated that he would like to think that the Town welcomes people from all walks of life and sometimes are meetings conflict with major holidays for other religions or nationalities. We need to take cultural importance for example the Fall Town Meeting conflicts with a major Jewish holiday.

Donna McCoy, Town Clerk joined the meeting. The General Bylaw states that the Town Meeting members can vote to change a meeting date by a 2/3 vote. Secretary Deslaurier stated that so we would have to address the Fall Town Meeting dates in the Spring and the Spring Town Meeting in the Fall.

Mr. Curran stated that he, the Town Clerk and Town Moderator meet prior to Town Meeting. We could add an agenda item to discuss the next Town Meeting and see if there are any conflicts with religious holidays. If there is, then they could bring that as a item to vote on at Town Meeting.

Member Rosa stated that if it's in the General Bylaw, then he would agree it should be looked at the Town Meeting prior.

Member Burrows stated that there are over 20 religious' holidays throughout a year, so it would be impossible to avoid all of them. Secretary Deslaurier stated that we should do our best.

15. Request to Accept Donation of Land for Conservation Purposes – Off Cedarwood Road – Requested by Isabel Tourkantonis, Director of Environmental Affairs

Mr. Curran stated that this is a request to accept the land donation for Conservation purposes.

Member Rosa asked if this is an empty parcel without a parcel number is part of this request. Mr. Curran replied no, it is a different parcel.

Chair Riley asked if the Conservation has already accepted this. Mr. Curran replied yes.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

MOTION - Secretary Deslaurier made a motion that the Select Board of the Town of Billerica, acting in accordance with G.L. c.40, §8C, hereby approves the foregoing acceptance by the Conservation Commission of a deed of land on Cedarwood Road from St. Anne's Parish, North Billerica, Massachusetts parcel 40-150-0, for conservation and passive recreation. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye and Chair Riley voted Aye.

Meeting Schedule –May 22, 2023 (Town Center Discussion), June 5, 2023 and June 26, 2023

MOTION - Secretary Deslaurier made a motion to adjourn the May 15, 2023 Select Board meeting at 8:36 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

Exhibits for the Select Board Meeting – May 15, 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

Proclamation

4. **Juneteenth** – Proclamation

Public Hearing

5. **22 Commune Incorporated – A new On-Premises All Alcohol §12 Restaurant and Common Victualler License for 22 Commune Incorporated DBA 22 Commune at the premises located at 164 Middlesex Turnpike (Bottom Floor of the Val Apartment Complex), Billerica, MA** – Billerica Application dated 04/15/23, Memo from Lt. Coffey dated 04/13/23, ABCC Application dated 01/19/23, Proof of Certified Mailings, Public Hearing Notice Lowell Sun
6. **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
7. **Public Hearing for National Grid/Verizon - #30656580 National Grid to install (2) JO Poles on Salem Road (242 & 244 Andover Road) beginning at a point approximately 16’ north of the centerline of the intersection of Andover Road. Install new Poles #89-75 and #89-25 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 and application, DPW Comments dated 05/01/23, NG Acknowledgment dated 05/01/23, Safety Officer Comments dated 05/02/23, Electrical Inspector Comments dated 05/03/23, Abutters listed dated 04/27/23, Hearing Notice

Presentation

Approval of Minutes

8. **April 12, 2023** – Minutes
9. **April 24, 2023 (Financial Working Session)** – Minutes

Appointments

Old Business

10. **Town Manager’s Report** – Town Manager’s Report dated 04/27/23

New Business

11. **Blisspoint Meadery, 1 Fox Run Road, Bedford, MA – Application for License by a Farmer Winery to Sell at the Billerica Farmer’s Market on Mondays, June 19th to October 9th from 2:00 to 7:00 PM** – Billerica Application dated 04/27/23, Memo from Lt. Coffey dated 04/27/23, Application by a Farmer Winery for License to Sell at Farmer’s Market dated 03/29/23, Memo from MDAR dated 04/07/23, Memo from Billerica Farmers Market dated 03/29/2023



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 15, 2023**

- 12. One Day Wine and Malt License Council on Aging – Volunteer Appreciation Night on June 6, 2023 at 25 Concord Road from 4:30 PM to 6:30 PM.** – Billerica Application dated 04/28/23, Memo from Lt. Coffey dated 05/07/23, Flyer
- 13. Discussion on Scheduling Meetings to Avoid Conflicts with Religious Holidays – Requested by Secretary Deslaurier** – Email from A. Deslaurier dated 04/06/23
- 14. Discussion on Timing of Town Meeting – Requested by Secretary Deslaurier** – Email from A. Deslaurier dated 04/06/23
- 15. Request to Accept Donation of Land for Conservation Purposes – Off Cedarwood Road – Requested by Isabel Tourkantonis, Director of Environmental Affairs** – Memo from I. Tourkantonis dated 05/09/23, GIS Map, Quitclaim Deed

Meeting Schedule

May 22, 2023 (Town Center Discussion), June 05, 2023 and June 26, 2023

Approved On: June 26, 2023