



BOARD OF SELECTMEN
TOWN HALL
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Edward J. Giroux, *Chairman*
Andrew N. Deslaurier, *Vice Chairman*
Kimberly J. Conway, *Secretary*
Michael S. Rosa, *Member*
Daniel L. Burns, *Member*

MEETING MINUTES

MAY 20, 2019

A regular meeting of the Board of Selectman was held on Monday, May 20, 2019 at 7:00 p.m. in the Conway Hearing Room. Present were Selectman Edward Giroux, Chairman, Selectman Andrew Deslaurier, Vice Chairman, Selectman Kimberly Conway, Secretary, Selectman Michael Rosa, Member, Selectman Daniel Burns, Member, Town Manager John Curran, and Assistant Town Manager Cathleen O'Dea.

Selectman Rosa stated that there were two agendas; one that was posted on May 16 @ 2:19 p.m. and met the 48 hours required, and the second that was posted on May 27 @ 11:37 p.m. and did not meeting the requirement.

Mr. Curran explained that this was the easement that was voted on by Town Meeting and there were issues and time constraints involved. He further stated it did not meet the 48 hour requirements, but that he did not see the harm in placing it on the agenda as it was not a contested issue.

Selectman Conway asked if this would fall under the "unforeseen" section of the Open Meeting Law.

Mr. Curran said that perhaps you could make the argument that we were unaware of the P & S issues involved with the property.

Selectman Rosa stated that in his opinion that the Board should not address Item 10 at this meeting. He has no issue with the Middlesex Turnpike easement and supports it. He stated he feels that the Board should go by the Open Meeting Law. Selectman Rosa asked if they were

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going to address the original agenda or the agenda with the 11th item? Selectman Rosa stated that you could not address the second agenda because nothing on it had been posted within the 48 hour time frame.

Mr. Curran stated that the call to be made is should that one agenda item be allowed, not the whole agenda based on the argument that there are issues with the P&S that the Town is trying to accommodate. This item has no outside interest. It is the Board's decision.

Chairman Giroux asked if any other Board members would like to weigh in. Selectman Giroux stated that he believes that there is a provision in the Open Meeting Law that allows for "unforeseen". He stated he believes that this is "unforeseen", and the Board will go ahead with the revised agenda.

CALL TO ORDER

Open Microphone

Cady Em, 4 Letchworth Avenue, came to the podium in support of the LGBT Pride Proclamation.

Chris Tribou, 13 Bridle Road, came to the podium in support of the LGBT Pride Proclamation.

Announcements

Selectman Conway stated that all announcements may be viewed on the Town of Billerica Website, Selectmen's Page.

Selectman Conway also took the opportunity to remind everyone about the Memorial Day Parade on May 27th, starting at 10:00 a.m.

Selectman Rosa stated that the placement of the flags on Veterans Graves will be on Sunday starting at 9:00 a.m. If anyone would like to help with that, it would be most appreciated.

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PRESENTATIONS

LGBT Pride and Civil Rights Month; A Proclamation, and also request to display Flag on Town property.

Mr. Trek Reef came to the podium and made a presentation on the 50th Anniversary of the Stonewall Riots, LGBT Pride Month and a flag to be placed on Town property.

Selectman Deslaurier stated that everyone in this Community is welcome; and everyone can be who they are. Selectman Deslaurier stated he has always been proud to sign and support this and will continue to do so. He further stated that it is incumbent upon the community to make everyone feel welcome and safe.

Selectman Deslaurier stated he is asking for 2 votes tonight; one for the proclamation and one for the flag.

Selectman Conway stated she has supported this in the past and will be proud to support both the flag and the proclamation.

Selectman Burns stated he looks back in history over the last 50 years to see the inroads made bringing us together as one people. Selectman Burns referenced the first 3 words of the Constitution; "we the people". There is no delineation. Selectman Burns further stated he is proud to support this.

Selectman Rosa stated that it is sad that in 2019 we still need something like this. This is a step to move things forward to ensure that everyone is treated equally and fairly.

Chairman Giroux stated that this is about human rights. There has been a lot of progress in the last 50 years, but there is still work to be done. Chairman Giroux stated that he agrees with everything that has been said tonight. He further stated that he wants Billerica to be a welcoming community, and that he is proud to sign and endorse both motions.

Selectman Deslaurier, seconded by Selectman Rosa, made a motion to adopt the following

Proclamation:

**A PROCLAMATION RECOGNIZING
LGBTQ PRIDE & CIVIL RIGHTS MONTH**

WHEREAS, OUR NATION was founded on the principle that all are equal under the rule of law, but the fulfillment of this promise has been long in coming for many Americans; and

WHEREAS SOME OF the most inspiring moments in our history have arisen from the various civil rights movements that have brought one group after another from the margins to the mainstream of American society in pursuit of life, liberty, and happiness; and

WHEREAS, THE MOVEMENT toward full equality for and respect of the civil rights of lesbian, gay, bisexual and transgender (LGBT) people reached a historic turning point at the Stonewall Inn in New York City in June of 1969 with the onset of what would become known as the Stonewall Uprising; and

WHEREAS, DURING THESE protests, LGBT citizens rose up and fought back against the severe beatings, brutal harassment, and discriminatory criminal laws that have all since been declared as immoral and unconstitutional; and

WHEREAS, TODAY LGBT people, as well as their families, friends and allies, celebrate the anniversary of the Stonewall Uprising every June in America as LGBT Pride Month; and

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WHEREAS, THIS JUNE marks the **50th Anniversary of the Stonewall Uprising**, which set in motion the modern LGBT civil rights movement; and

WHEREAS, EVERYONE SHOULD be able to live in the Town of Billerica without fear of prejudice, discrimination, and/or violence and hatred based on race, religion, gender identity and/or sexual orientation;

THEREFORE, BE IT RESOLVED that, in recognition of the 50th Anniversary of the Stonewall Uprising, the Board of Selectmen of the Town of Billerica, Massachusetts, America’s Yankee Doodle Town, hereby **PROCLAIMS** the month of June as ‘Lesbian, Gay, Bisexual, and Transgender (LGBT) Pride & Civil Rights Month’ in the Town of Billerica, encouraging the work of advocates who dedicate their time and efforts to the equality and understanding of all persons and calling on all individuals to celebrate the great diversity of the American people as we strive to eliminate prejudice everywhere it exists.

It was voted:

5 – In Favor

0 – Opposed

Selectman Deslaurier, seconded by Selectman Rosa, made a motion that the Board of Selectmen approve the raising of the Pride Flag on Town property, suggesting the Library Flagpole.

It was voted:

5 – In Favor

0 – Opposed

MINUTES

April 8, 2019

Selectman Rosa stated there were 3 votes where Selectman Conway’s was “voted” as “abstention” where it should have read “absent”; on pages 6 and 10.

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Selectman Conway, seconded by Selectman Rosa, made a motion to accept the minutes of April 8, 2019 as amended.

It was voted:

5 – In Favor

0 – Opposed

April 22, 2019

On page 15, under Article 40, Selectman Rosa stated he had said “the house” would give 3 contiguous parcels. He would like this amended.

Selectman Conway, seconded by Selectman Rosa, made a motion to accept the minutes of April 22, 2019 as amended.

It was voted:

5 – In Favor

0 – Opposed

PUBLIC HEARINGS

7:10 P.M. National Grid/Verizon Billerica Avenue, Plan #24160406- National Grid to relocate 37 poles on Billerica Avenue to 18” from roadway edge per town request. Only 30 pole relocations on attached drawing are moving more than 36” and therefore Require a new town permit.

Selectman Conway, seconded by Selectman Rosa, made a motion to open the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

No one was present from National Grid.

Mr. Philip Newfell from 145 High Street came to the podium and asked questions on this item; specifically what the end result of the project would be.

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Mr. Curran explained that the DPW would like these poles moved off the right of way so if and when sidewalks are installed, they will not be in the middle of the street. This is a request from the Town to National Grid to move the poles back.

Selectman Rosa stated he believes the law is they are moving the pole more than 36" from current location, not 18" from roadway.

Selectman Rosa stated these hearing would be probably be continued. He would like National Grid to provide legitimate plans so they can be better read. These plans are just too small for both petitions.

Mr. Curran asked that the Board not to continue these hearings, but to act on them tonight. This was a request to National Grid from the Town, which could be why they are not present this evening. Mr. Curran further stated he is not pleased that they are not here tonight, but that it would be bad form to continue the hearings when it was something the Town requested.

Selectman Rosa stated the information provided is unreadable.

Mr. Curran stated the grid shows how far back on the street the poles will be moved.

Selectman Giroux asked if any other abutters were in the audience and wished to speak.

Ms. Anne Marie Hamill, 43 Billerica Avenue and Mr. Ernie Linek, 55 Billerica Avenue, came to the podium and voiced their concerns and questions relative to the petitions.

Mr. Curran stated that in light of these questions and concerns, he would like to retract his statements relative to the petitions.

Chairman Giroux stated it would probably be better to continue the hearings.

Selectman Rosa pointed out on Billerica Avenue there is a line that says 13'. Selectman Rosa

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says he is interpreting that to mean they are moving the pole 13' back and then from the numbers spacing from pole to pole. You have no idea where that falls without better plans.

Selectman Burns stated that perhaps we should request National Grid for more legible plans. Selectman Burns stated that he is interpreting that the 13' is from the center of the road and the other numbers is the current spacing between the poles.

Selectman Conway, seconded by Selectman Rosa, made a motion to continue the National Grid Public Hearing, Plan Number 24160406 to June 3, 2019 at 7:10 p.m.

It was voted: 5 – In Favor
0 – Opposed

7:15 P.M. National Grid Plan 24160406-UG-Billerica Avenue-National Grid is to Install 2-5" conduits and one manhole from existing pole 25 to existing pole 31.

Selectman Conway, seconded by Selectman Rosa, made a motion to open the Public Hearing.

It was voted: 5 –In Favor
0 – Opposed

No one from National Grid was present for this item.

Selectman Conway, seconded by Selectman Rosa, made a motion to continue the National Grid Public Hearing, Plan #24160406-UG to June 3, 2019 at 7:15 p.m.

It was voted: 5 – In Favor
0 – Opposed

Selectman Rosa asked to make sure the recommended DPW site walk has been done.

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OLD BUSINESS

Town Manager's Report

-Fiscal Efficiency

-Professional Recognition

Mr. Curran highlighted items on his Town Manager's Report; Sidewalk Management Plan Pavement Management System Update, Lexington Road/Glad Valley Drive Intersection Project, Water Main Replacement – Baldwin Road, Traffic Signal Installation Whipple/ Andover, Allen Road Phase 1 and 2, Annual Paving Program Road List, Crack Sealing Road List, Middlesex Turnpike Phase 3 Night Work, Cable Ascertainment Process, Adult Use Marijuana, PHR Section 3, Howe School, BPD Liquor License Compliance Check, Water And Sewer Rates

Selectman Deslaurier stated he gets a lot of phone calls relative to the Allen Road state project. He asked why this project is taking so long. He commented on the length of time projects administered by the state, where projects administered by the Town are done much more expediently.

Selectman Deslaurier encouraged residents to attend the Cable Ascertainment process. He stated it was especially important that people attend relative to cable access.

In regards to the OPM, Selectman Deslaurier asked if they would be overseeing all 3 projects.

Mr. Curran stated yes. They are smaller projects and it is not uncommon for this to be done.

Selectman Rosa stated he was under the impression that the deadline for Phase I of the Allen Road project was slated for completion in October of 2018. Selectman Rosa stated he is in complete agreement with Selectman Deslaurier about holding the state accountable, he feels the contractor should be held to account as well. This was a project that was ahead of

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schedule then went to being barely completed when the contractor disappeared from the project for a vast amount of time. Selectman Rosa commented on a resident who lives at the intersection of Boston and Allen where a retention pond was put in. The resident had been promised plantings which has not been done as of yet. He was not sure if it was connected to Phase I or Phase II of the project. Selectman Rosa stated that potential penalties should be looked at and imposing them if possible.

Mr. Curran stated that was to have been a part of Phase I.

Selectman Rosa asked what the delay was in getting Phase II up and running and is there a way to compel the state to get this going.

Mr. Curran stated that the contractor is Tropeano. That is the same contractor that was used for the center project without the same issues. Mr. Curran stated he will look into the delay.

Selectman Rosa asked Mr. Curran for an update relative to penalties and the punch list.

In regards to the Sidewalk Management Plan, Selectman Rosa asked that when evaluating Sidewalks to make sure to identify mailboxes that have been placed in barrels in the middle Of the sidewalks separately so the resident or Town can move it out of the sidewalk,

Mr. Curran stated we can address that.

Selectman Rosa asked for an update on monies other than Chapter 90 monies being spent on the pavement program.

Selectman Rosa asked about the completion of the automatic water meters.

Mr. Curran stated about 95% of residential has been completed. He stated that everything else is being read once every four months on the same day. He further stated we are still in the

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same billing cycle. He would like to have one solid year of data before changing the structure. This will be talked about at the hearing on the rates.

Selectman Rosa asked for figures on the return and investment on the residential meters as well. It is important to the discussion if you are going to raise the rates.

In regards to Allen Road, Selectman Conway asked if we should ask our State Senator and State Representative to work on our behalf with the DOT.

Selectman Conway asked if it were possible to get the paving program and crack sealing program up on Social Media.

Selectman Conway encouraged residents to attend the Community Outreach meeting on June 5th for the Adult Use Marijuana. It will be held in the Auditorium from 6:00 p.m. to 9:00 p.m. Present will be 3 potential establishments to answer any questions that residents have.

Selectman Burns stated he was very glad to see the pavement management program on the Town Manager's Report. He stated a lot of roads have been paved over the last 10 years. In getting this assessment out, it is significant to show how much progress has been made. This is another good tool for the Complete Streets program.

Selectman Burns asked for clarification on the date for the Glad Valley project.

Mr. Curran stated the Fall 2019 deadline is for the design phase.

In regards to the Cable Ascertainment, Selectman Burns stated it is important for people to come out and have their voices heard.

Selectman Burns asked Mr. Curran for an update on the Neighborhood Meetings for 2019. Selectman Burns stated he had seen it on the town website. He stated it is important to let people know where and when the meetings are. He encouraged residents to attend.

Selectman Burns congratulated Liquor Licensees on passing compliance checks.

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Chairman Giroux stated he is pleased to see that the two most dangerous intersections in Town are being address; Whipple and Andover and Glad Valley and Boston.

Chairman Giroux stated he is pleased to see the paving program progressing.

Chairman Giroux encouraged residents to come out and have their voices heard at the various upcoming public meetings.

In regards to the liquor license compliance checks, Selectman Giroux stated he is hopes this good outcome is a result of the Board's actions in the past regarding violations.

NEW BUSINESS

Permission to place four (4) Lawns Signs on the Town Common for the MA Elks Veterans Motorcycle Run from July 28th until August 26, 2019 to be held on Sunday, August 25, 2019

Ms. Deborah Carver appeared before the Board for this item.

Selectman Conway, seconded by Selectman Rosa, made a motion that the Board of Selectmen approve the placement of (4) Lawn Signs on the Town Common for the MA Elks Veterans Motorcycle Run from July 28th until August 26, 2019 to be held on Sunday, August 25, 2019.

It was voted:

5 – In Favor

0 – Opposed

Approval of Easement for 464 Middlesex Turnpike

Mr. Curran reviewed the item for the Board.

Selectman Rosa stated he supports this item, but does not know if this rises to the 48 hour Specification.

Selectman Rosa stated he supports this item, but will be abstaining from the vote due to the 48 hour requirement and the emergency statute is not satisfied.

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Selectman Conway clarified with Mr. Curran that we are just taking the sidewalk and the Kiosk will be the homeowner's responsibility.

Mr. Curran stated that he believes that the kiosk will be taken down. It is no longer used by the School Department.

Selectman Conway asked because of the time sensitivity of this issue, is there a pending sale involved.

Mr. Curran stated he is not sure, but this needs to be expedited for whatever the homeowner needs to get done. He stated he does not have a copy of the P&S.

Selectman Conway, seconded by Selectman Deslaurier, made a motion that the Board of Selectman approve the easement for 464 Middlesex Turnpike.

It was voted:

- 4 – In Favor
- 0 – Opposed
- 1 – Abstention (Selectman Rosa)

KHD, Inc., d/b/a High Octane Harley Davidson, 1 Chelmsford Road, N. Billerica,

Re: One Day Beer and Wine Licenses for the following dates:

- **Saturday, June 29, 2019 from 11:00 a.m. to 4:00 p.m.**
- **Thursday, July 11, 2019 from 5:00 p.m. to 8:30 p.m.**
- **Thursday, July 25, 2019 from 5:00 p.m. to 8:30 p.m.**
- **Thursday, August 8, 2019 from 5:00 p.m. to 8:30 p.m.**
- **Saturday, August 10, 2019 from 11:00 a.m. to 4:00 p.m.**
- **Thursday, August 22, 2019 from 5:00 p.m. to 8:30 p.m.**
- **Thursday, September 5, 2019 from 5:00 p.m. to 8:30 p.m.**
- **Saturday, September 7, 2019 from 11:00 a.m. to 4:00 p.m.**
- **Thursday, September 19, 2019 from 5:00 p.m. to 8:30 p.m.**

Selectman Conway asked if we could get an update on how many licenses have been granted thus far for 2019.

Selectman Burns stated he is fully supportive of this, but that KHD should make sure that the Throttle Down signs are up and to consider the neighbors.

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Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a one Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Saturday June 29, 2019 from 11:00 a.m. to 4:00 p.m.

It was voted:

5 – In Favor

0 – Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday July 11, 2019 from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor

0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday, July 25, 2019 from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor

0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday, August 8, 2019 from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor

0 - Opposed

Selectman Conway, seconded by Selectman Rosa that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Saturday, August 10, 2019 from 11:00 a.m. to 4:00 p.m.

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It was voted:

5 – In Favor
0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday, August 22, 2019, from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor
0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday, September 5, 2019, from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor
0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Saturday, September 7, 2019, from 11:00 a.m. to 4:00 p.m.

It was voted:

5 – In Favor
0 - Opposed

Selectman Conway, seconded by Selectman Rosa made a motion that the Board of Selectman approve a One Day Beer and Wine License to KHD, Inc., d/b/a High Octane Harley Davidson for Thursday, September 19, 2019, from 5:00 p.m. to 8:30 p.m.

It was voted:

5 – In Favor
0 - Opposed

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Selectman Rosa encouraged residents to come out this Memorial Day and show their support and respect for Veterans and their families.

ADJOURNMENT

Selectman Conway, seconded by Selectman Rosa, made a motion to adjourn.

It was voted:

5 – In Favor


0 – Opposed

Chairman Giroux adjourned the meeting at 8:25 p.m.

MEETING SCHEDULE

June 3 and 17, 2019

A TRUE COPY ATTEST



Sue Aker, Recording Secretary