



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 06, 2022**

Members Present: Andrew Deslaurier, Michael Riley, Kimberly Conway (Remote), Michael Rosa, and John Burrows (Remote)

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main

Call to Order 7:00 PM at 365 Boston Road, Thomas Conway Hearing Room and Zoom

The video was not turned on until 7:12 PM.

Chair Deslaurier stated that since not all members are in person, all votes will be taken by roll call.

The Pledge of Allegiance was recited.

1. Moment of Silence for the victims of the tragedies in Buffalo, New York and Uvalde, Texas

A moment of silence was held.

2. Open Microphone

Joan DiOrio and Gil Moreira of the Lions Club – Mr. Moreira gave a summary of the Lion’s Club carnival.

3. Vacancies on Boards and Committees

Secretary Conway read the current vacancies for boards and committees.

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

Professional Recognition

5. Officer Gregory Micalizzi – Letter of Commendation

6. Officer Phillip O’Loughlin – Letter of Commendation

Mr. Curran stated that Officers Micalizzi and O’Loughlin responded to an incident where a man had self-inflicted injuries and their actions resulted in him getting the help he needed and saved his life.

Deputy Chief Roche stated that the department is proud and grateful of these two officers, and they did their duty with respect. Deputy Roche added that Dispatcher Matthew Leone also was able to direct and assist the officers to this incident while handling multiple additional 911 calls.

Secretary Conway read the letter of commendations.

MOTION - Member Rosa made a motion that the Select Board send a letter of commendations to Officer Gregory Micalizzi, Officer Phillip O’Loughlin and Dispatcher Matthew Leone for the professionalism in this matter. The motion was seconded by Vice Chair Riley and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Proclamation

7. Juneteenth Proclamation – June 19, 2022

Secretary Conway read the Juneteenth Proclamation.

Mr. Curran stated that moving forward, the Town of Billerica municipal buildings will be closed for the Juneteenth holiday and he will work on creating the Diversity, Equity and Inclusion commission. Mr. Main has been doing some research and in the 1600s a slave was freed at the Billerica Selectmen meeting.



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Secretary Conway stated that it is a great idea to create a Diversity, Equity and Inclusion commission and asked that the new Human Resources Director be involved in this.

Chairman Deslaurier stated that we need to keep this in the forefront. A proclamation is nice, but we need to make effective changes.

Member Rosa stated that it is fair to close the town buildings because the schools have closed their offices for the last few years.

Presentation

Chair Deslaurier welcomes Dean LaMothe and Trisha Varallo from EInk. The requirement for the Community Funds has lapsed but EInk is being a good corporate neighbor and is still awarding funds to deserving organizations.

8. Community Funds – Distribution of Award Checks

- Billerica Public Library – Joseph St. Germain - \$3,000
- Boys & Girls Club of Greater Billerica – Michelle Vichot - \$5,000
- Billerica Council on Aging – Jean Bushnell - \$5,000
- Billerica Adventure Series Group – Brenda Komarinski - \$1,850
- Community Caregivers – Deb McDevitt - \$2,800
- Hajjar School Parents Association, Inc. – Robyn Foti - \$5,000
- Beautify Billerica – Michael Parker, Mary Leach and Lance Kelly - \$500
- Billerica' Community Farmer's Market – Clarinda Massengill - \$1,850

Mr. LaMothe stated that they are thrilled to be part of this, and they are going to connect with the Town Manager to pledge funds for the next 3 years.

9. Approval of Meeting Minutes –January 10, 2022 (Revised), January 24, 2022 (Revised), February 14, 2022 (Revised), February 28, 2022 (Revised), March 7, 2022 (Revised), March 21, 2022, April 25, 2022, and May 9, 2022

Member Rosa stated that on January 10, 2022, there is a correction on page 3, MSPA, should be MSBA in two places.

MOTION - Secretary Conway made a motion to approve the revised Select Board meeting minutes of January 10, 2022 as amended by Member Rosa. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the revised Select Board meeting minutes of January 24, 2022. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the revised Select Board meeting minutes of February 14, 2022. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the revised Select Board meeting minutes of February 28, 2022. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



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Member Rosa stated that in the motions under item #3 that deal with ARPA Funds, the motions say "...the Select Board appoint...", these should all say "...the Select Board approve...".

MOTION - Secretary Conway made a motion to approve the revised Select Board meeting minutes of March 7, 2022 as amended by Member Rosa. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Member Rosa stated that under Item #2, it says Secretary Conway, but it should say Secretary Rosa. On page 4, Item #11, 3rd paragraph change "We need to do things to prevent ..." to "We need to do things to extend ...".

MOTION - Secretary Conway made a motion to approve the Select Board meeting minutes of March 21, 2022 as amended by Member Rosa. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Member Rosa stated that under Item #9, the continued public hearing did not have a continue date. This date should be the May 9, 2022 Select Board meeting.

MOTION - Secretary Conway made a motion to approve the Select Board meeting minutes of April 25, 2022 as amended by Member Rosa. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Select Board meeting minutes of May 9, 2022. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Public Hearings

10. The Home Depot USA, Inc. – Install and Store 10,870 Gallons of Liquid Hydrogen on the Premises of 495 Billerica Ave

MOTION - Secretary Conway made a motion to open the public hearing for The Home Depot USA, Inc. to install and store 10,870 gallons of liquid hydrogen on the premises of 495 Billerica Ave at 7:41 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

John Hennessy representing Home Depot, Jim Watson is the Project Manager and Deputy Fire Chief Steve Kennedy appeared for the public hearing for Home Depot. Mr. Watson stated that the storage of fuel onsite is for forklifts. They will be using green hydrogen fuel cells.

Deputy Kennedy stated that this is a new facility, and it meets or exceeds safety standards. He would request that the approval is with the conditions outlined in his memo.

There were no questions from the public in the room or on Zoom.

MOTION - Secretary Conway made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to grant the application for Home Depot USA, Inc. to install and store 10,780 gallons of liquid hydrogen on the premises at 495 Billerica Ave subject to the conditions listed in the letter from Deputy Fire Chief Stephen Kennedy dated May 24, 2022. The motion was seconded by Vice Chair Riley and unanimously approved 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Old Business

11. Town Manager's Report

Mr. Curran presented the report.

- Economic Development Projects. Several projects are entering the permitting process including 101 Billerica Ave, 279 Boston Road and 300 Concord Road. These include mixed use and life sciences.

Member Burrows stated that these are all good things, and he is interested to see what 279 Boston Road comes back with.

Member Rosa thanked Mr. Curran for the update. He did not agree with the original development on 279 Boston Road so he will see what the new development will be.

Vice Chair Riley stated that the Planning Board has been great with bringing in community-based business. There is also 70,000 SF development in Technology Park.

Chair Deslaurier stated that it is good we are expanding our industrial projects but need to work on the retail business. Mr. Curran stated that Market Basket is also looking to expand in the Town Plaza and create a butcher shop, expanded produce center and café. His office gets notified on large projects coming to town.

- North Billerica Fire Station. There are concerns with the structural integrity of the North Street Fire Station. It has been inspected by Sal A. Capobianco for an initial assessment and will be doing a more formal assessment.
- Lights in Town Hall Parking Lot. The lot lights and flagpole lights in the front parking lot are not working. We are having an electrician assess the situation.

Member Rosa stated that he drew a map of the electrical conduit when they did the memorial up front, so that may help.

- ARPA Grant Application/Town Center. There is a Safe Streets and Roads for All (SS4A) Grant program due to ARPA funds. This is not the same as the ARPA funds given for COVID. Applications are due on September 15th and the Chair requested that a grant be pursued to fund the Town Center project. There has been previous work done that would be invaluable. They had met with the State back in March 2020 but then COVID hit.

Member Rosa stated that the ARPA grant is only \$15,000. Mr. Curran stated that the \$15,000 was for the MDI grant. We don't know how much we will get with this grant. Member Rosa stated that we should look at a town wide plan for sidewalks, cross walks, removing poles in the middle of sidewalks that are not ADA compliant. Mr. Curran stated that a lot of the groundwork has been done with real costs with the center with the MDI grant in 2012 and this grant is due by September so that does not give a lot of time. Member Rosa replied that he doesn't believe it would take a lot of time to collect the data.

Member Burrows stated that anything that makes getting through the center better is a positive.

Secretary Conway stated that the improvements to the center are long overdue.



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- Peggy Hannon Rizza Complex. The blending of soil is progressing, and lights have been installed. One more successful blending of 500 years and they will start to move soil around the site.

Secretary Conway asked that Mr. Curran explain what soil blending is. Mr. Curran explained that they take different soil types so that it gives the grass the best chance to hold.

- Neighborhood Meetings. The Town will be holding neighborhood meetings on June 14th at the Hajjar, June 15th at Town Hall and June 16th at the Ditson at 7:00 PM. There will also be one done at the COA at noontime.

Secretary Conway stated that using the Town Hall for the neighborhood meetings is a great idea and asked if Zoom could also be used. Mr. Curran stated that they can definitely use it for the meeting at Town Hall but will investigate for the ones at the schools.

Vice Chair Riley asked how the word is getting out on the neighborhood meetings. Mr. Curran stated that they are using Code Red and social media. Vice Chair Riley stated that we need to get the information out to the residents more efficiently.

- Professional Recognition. The clerical staff has reached out to Middlesex Community College and will be doing training on the Microsoft Office Suite. 17 of the clerical staff has signed up.
- Town Meeting Wrap Up. The items summarized from Town Meeting are Land Conveyances, DPW, COA/Rec Feasibility Study, Field Lights, Rangeway Road Betterment and CPC Nuttings Lake. The RFP for the land conveyances should be going out in early July. Robert Maynard started today as Director of Administrative Services. The feasibility study will be part of Capital Improvement discussions. The lights at the Vining field need to be coordinated. The Rangeway project is ongoing. The CPC signed the contract so they can start removal of the Japanese knot weed in Nuttings Lake.

Member Burrows asked if some of the fence will be removed, and the grass mowed at the Vining Field before the lights are replaced. Mr. Curran replied yes, that will be part of the project. Member Burrows stated that it looks like part of Rangeway Road is sinking near the pump station at Hawthorne. Fred Russell, DPW Director stated that the sewer line has settled. They have already contacted the contractor and bond company to fix the road.

Secretary Conway stated that she likes the Town Meeting Wrap Up and hopes this continues. Secretary Conway welcomed Robert Maynard back to Billerica.

Member Rosa asked if the Housing Authority is eligible to bid on the RFPs if they have funding through the Housing Trust. Mr. Curran stated that a requirement is to be financially solvent, and any units built would count towards our inventory. Member Rosa asked if they would be sealed bids. Mr. Curran replied yes. Member Rosa stated that the Japanese knot weed is land evasive species and did the article cover land and water species. Mr. Curran replied yes. They will be dredging areas of the lake also.

- Field Fees. Billerica Youth Lacrosse is currently be charged \$45/hour to use both fields at the High School. Their season is coming to an end, and they will move to the PHR field for next season.

Member Burrows stated when the High School was being built, they said that they wouldn't pass the fees to the youth sports and that is exactly what they did. The School Department uses Town Hall for retreats and other things, and they don't pay a building rental fee. It's not right.

Member Rosa stated that the school should not charge the Recreation Department because we don't charge them. Mr. Curran stated that there is not a lot we can do. The Town has chosen not to charge the youth sports, but the School Department has. The Town does charge the school \$4,500 a year for use of the tennis courts. The School Department would need to increase their budget if they didn't charge for the custodians. Member



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Rosa stated that we need to look at the building fees. The school charges the Town when we use the schools for elections or Town Meeting, but they use our auditorium all the time and they don't get charged even though it's town staff that deals with it.

12. Request for Permission to Connect Existing Trail Sections with a Stream Crossing on Town Owned Land West of the Fox Hill Cemetery

Mr. Curran stated that there are still some issues with this project, and they will come back once his office meets with them.

13. Update of School Department Field Fees – Discussion on Track and Field Name Changes at the Marshall School

Member Burrows stated that he has been working on this since he was on the School Committee. He started with this in February and now the Town controls the fields, and he is requesting that the track and field at the Marshall Field be renamed Snowden/Finnegan field. This family was the first black family to purchase land in Billerica. It is a real cool story.

Chair Deslaurier asked if there is a process for renaming fields. Mr. Curran replied not that he is aware of. Member Burrows stated that there's a policy for town squares. Member Rosa stated that Tom Glavin Way was done by us being Road Commissioners. The naming of the Haines Room was voted on the Select Board.

Secretary Conway stated that this is already a named field and not a new site. We should look at editing our existing policy 39.0 and broaden it to include fields, rooms and buildings. We should come up with policy before naming this field. Member Burrows stated that he has been trying for 5 years and this is not rushing the process. She doesn't like setting a precedent of removing one name and replacing with another. There are other fields and places around Town that are not named and perhaps one of those could be looked at.

Member Rosa stated that he would like to take a stab at. Vice Chair Riley stated that he would like to work on it.

Vice Chair Riley stated that he was impressed with the story and the family but there are a lot of deserving Billerica people and agrees that the policy should be in place, and we should get the community involved.

Member Burrows stated that this has been going on for a long time and he won't go into why the Marshall Field should be renamed.

Chair Deslaurier stated that he would ask that Member Rosa and Vice Chair Riley to work on the policy.

Jeanne Snowden Wilson – Ms. Wilson stated that the family has been here for 100 years and should get recognition. This is political and it's a mess.

Member Rosa stated that we could vote on this tonight and create the policy later.

MOTION - Member Burrows made a motion to rename the Marshall field and track to the Snowden/Finnegan Stadium. The motion was seconded by Member Rosa and voted 2-3. On a roll call, Secretary Conway voted No, Member Burrows voted Aye, Vice Chair Riley voted No, Member Rosa vote Aye and Chair Deslaurier voted No. The motion failed.

MOTION - Vice Chair Riley made a motion that the Select Board, Town Manager and the Snowden family work on an area in Town to dedicate a piece of property for the Snowden/Finnegan family and in parallel Member Rosa and Vice Chair Riley work swiftly on updating Policy 39 to address naming of fields, buildings, rooms. The motion was seconded by Secretary Conway and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



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14. Discussion on Chairman Appointments

Member Rosa stated that he was stripped of all his committees except the Kent Scholarship and Sign Bylaw Committee. The Sign Bylaw Committee should be removed from the list because a final report was issued. He was told elections have consequences, but he did not remove the Chair from any committees when he was Chair. There are some appointments that are for 3 years, and he shouldn't just be removed. He does not think this is right and this is abuse of power and asked for reconsideration. He has been on the Affordable Housing Trust and has been reappointed by them and he has been on the Council on Aging for 20 years. Member Rosa listed many more of his achievements are part of these committees.

MOTION - Member Rosa made a motion to appoint himself to the Affordable Housing Trust. The motion was seconded by Member Burrows for discussion that followed. On a roll call, Vice Chair Riley voted No, Secretary Conway voted No, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted No. The vote was 2-3, the motion fails.

Chair Deslaurier stated that he is ruling this out of order.

Member Rosa stated that he has done the research and according to MGL, Article 31 the Select Board appoints to the Affordable Housing Trust, not just the Chair.

Secretary Conway asked why this was not brought up with the previous two Chairs. Member Rosa stated that when he was Chair, he was being consistent with the past practice. It wasn't until he did research and found that the entire Board appoints.

Member Burrows stated that he doesn't need to be a member of the committee, all meetings are public, and he will go and speak if he wants to. If other members want to take his appointments, they can.

Vice Chair Riley stated that he was appointed, and he would like to serve on the committees he was appointed too and since it's been the past practice of the Chair appointing members, he would continue with that.

New Business

17. Temporary Alteration of Liquor License and Common Victualler's License – Casa Blanca Restaurant – 99 Chelmsford Road, Unit #1 – Request to Add Outdoor Table Seating – 12 tables, 48 seats using 7 or 8 parking spaces in front of the unit. Approval will expire on December 31, 2022.

Milly Polanco appeared to request that Casa Blanca be allowed to add outside seating for the season. This would be for their common victualler and liquor license.

MOTION - Secretary Conway made a motion to grant the extension of the liquor license for Casa Blanca at 99 Chelmsford Road, Unit #1 for outdoor table seating with 12 tables, 48 seats using 7 or 8 parking spaces in front of the unit. This will be allowed until December 31, 2022. The motion was seconded by Member Rosa and voted 4-0-1. On a roll call, Vice Chair Riley voted Aye, Secretary Conway abstained from voting, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to grant the extension of the common victualler license for Casa Blanca at 99 Chelmsford Road, Unit #1 for outdoor table seating with 12 tables, 48 seats using 7 or 8 parking spaces in front of the unit. This will be allowed until December 31, 2022. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



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18. KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for 1 Day Special Beer & Wine License and Corresponding Entertainment License for the following dates: 07/15/22 (5-8:30 PM), 07/23/22 (11:00 AM-4:00 PM), 07/31/22 (6-9:00 PM), 08/12/22 (5-8:30 PM), 08/20/22 (11:00 AM-4:00 PM), 08/31/22 (6-9:00 PM), 09/09/22 (5-8:30 PM), 09/17/22 (11:00 AM-4:00 PM), 09/23/22(5-8:30 PM), 09/30/22 (6-9:00 PM)

Jayne Gac, Event Coordinator for KHD, Inc. appeared for several one-day beer and wine and entertainment licenses.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for July 15, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for July 23, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for July 31, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for August 12, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for August 20, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for August 31, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for September 9, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for September 17, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for September 23, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine and corresponding Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road for September 30, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

19. DAV, Billerica Chapter 47 – Request Permission to Conduct a Forget-Me-Not Fund Raiser Drive on Friday, September 9th and Saturday, September 10th, 2022 at O’Connor’s Hardware and the 3 Market Basket Locations

MOTION - Secretary Conway made a motion to approve the request of the DAB, Billerica Chapter 47 to conduct a Forget-Me-Not Fund Raiser Drive on Friday September 9th and Saturday, September 10th at O’Connor’s Hardware and the 2 Market Basket locations. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

15. Water and Sewer Rates – First Reading Presentation

Doug Gardner appeared to present the FY2023 water and sewer rates. In order to maintain current GF contributions totals, it requires an increase. In Water, there will be no new debt and a 3% increase. In Sewer, there is no new debt this year and a 7% increase due to the future project costs.

Member Rosa asked if the projected projects include costs for the Rangeway Road project. Mr. Curran replied no, it is not included because it is not impacting rates. Member Rosa stated that it is not an official policy to increase rates by 3%. From 2014-2020, there was 28% of unaccounted for water. There are thousands of meters that failed which caused estimated bills. These items should be corrected before asking us to increase the rates.

DPW Director Fred Russell – Mr. Russell stated that we now have a better handle on the meter failures and most have been fixed. In 2021, the unaccounted for water is under 10% which is acceptable. Member Rosa stated that we gained 18% so it should be level funded. Mr. Russell stated that 2020 numbers were not accurate. The EPA and DEP set the standard for unaccounted for water. The acceptable standard is 10%. We have also replaced one meter at the Water Treatment Plant and the other one will be replaced. We are not metering the fire hydrants and the meters don’t always read 100% accurate. We also have people stealing water from hydrants and we need to do a better job in the recreation areas. Mr. Curran stated that we are basing the rate on performance of projecting consumptions. In the last 5-7 years we have been using 3% and 7% as an estimate policy for capital improvements. Member Rosa stated that with the failed meters, new meters required at the Water Treatment Plant, unaccounted for water, inflation costs, we should give the residents a break and not increase the water by 3%.



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Member Rosa asked what percentage of the Town has sewer. Mr. Curran replied about 89% and after contract 37 it will be 91-92%. Member Rosa stated that out of town users should pay more. Mr. Curran stated that the out-of-town users are the trailer park, and they should pay the same. Mr. Gardner stated that the trailer park actually pays 17% higher. Member Rosa asked if the rate would be the same with houses that only have sewer and not town water. Mr. Gardner replied yes.

Chair Deslaurier asked what happens if we choose not to do the gradual increase next year. Mr. Gardner stated that the water would most likely go up to 6% but the sewer has a lot of upcoming debt. If the 7% sewer increase is not approved, there is a \$13 Million debt coming up next year. The percentage would most likely be doubled.

Member Rosa stated that on the future projects, it says \$14 Million for the force main but that amount should be reduced due to the ARPA money.

Secretary Conway stated that the Town voted to accelerate the sewer project and that is why there are big jumps instead of little steps. The Town should look at getting the unaccounted water at a lower percentage. Mr. Russell stated that the new meters will help and there are things that we can't account for such as fire hydrant use, water main breaks and people that steal water. All of these things go against our unaccounted water percentage.

16. Vote on Authority to File for the Billerica Stormwater Asset Management Plan CWSRF-7198

Mr. Curran stated that this would delegate the authority to the Town Manager to execute the agreement.

MOTION - Secretary Conway made a motion to grant authority to the Town Manager to file for the Billerica Stormwater Asset Management Plan CWSRF-7198. The motion was seconded by Vice Chair Riley and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

20. Discussion on the Closing of Municipal Buildings on Monday, June 20, 2022 in Observance of the Juneteenth Federal Holiday

This was discussed during the Juneteenth proclamation.

Meeting Schedule – June 13, 2022 and June 21, 2022 (Zoom Only)

MOTION - Vice Chair Riley made a motion to adjourn the June 6, 2022 Select Board meeting at 10:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 06, 2022**

Exhibits for the Select Board Meeting – June 06, 2022

1. *Moment of Silence for the victims of the tragedies in Buffalo, New York and Uvalde, Texas* – No Exhibits
2. *Open Microphone* – No Exhibits

Announcements

3. *Vacancies on Boards and Committees* – List of Vacancies
4. *All other announcements may be viewed on the Town of Billerica Website* – No Exhibits

Professional Recognition

5. *Officer Gregory Micalizzi* – Letter of Commendation
6. *Officer Phillip O’Loughlin* – Letter of Commendation

Proclamation

7. *Juneteenth Proclamation* – Proclamation

Presentation

8. *Community Funds – Distribution of Award Checks* – Checks, Memo to Paul Watson dated 5/10/22

Approval of Meeting Minutes

9. *January 10, 2022 (Revised), January 24, 2022 (Revised), February 14, 2022 (Revised) February 28, 2022 (Revised), March 7, 2022 (Revised), March 21, 2022, April 25, 2022, and May 9, 2022* – Meeting Minutes

Public Hearings

10. *The Home Depot USA, Inc. – Install and Store 10,870 gallons of liquid hydrogen on the premises at 495 Billerica Ave* – Billerica Application dated 4/21/22, Application for License FP-002A dated 5/17/22, Memo from Deputy Kennedy dated 5/24/22, Site Plan from VHB, Workers Compensation Affidavit dated 5/16/22, Certificate of Liability Insurance, Authorization Form Legal Ad, Abutter List, Hazardous Material Application for Permit Form dated 2/28/22, Public Notice

Old Business

11. *Town Manager’s Report* - Town Manager’s Report dated 06/02/22
12. *Request for permission to connect existing trail sections with a stream crossing on Town owned land west of the Fox Hill Cemetery* – Memo from Ellen Rawlings, Marlies Henderson dated 6/2/22
13. *Update on School Department Field Fees – Discussion on track and field name changes at the Marshall School* – Article By Rick Sobey “A black family’s pride strong as roots are long” dated 2/10/18, Obituary Virginia R. Snowden
14. *Discussion on Chairman Appointments* – No exhibits

New Business

15. *Water and Sewer Rates.* – FY2023 Billerica Water and Sewer Rates Presentation dated 06/06/22
16. *Vote on Authority to File for the Billerica Stormwater Asset Management Plan CWSRF-7198* – Certifying Authority to File



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 06, 2022**

- 17. *Temporary Alteration of Liquor License and Common Victualler's License – Casa Blanca Restaurant – 99 Chelmsford Road, Unit #1 – Request to add outdoor table seating – 12 tables, 48 seats using 7 or 8 parking spaces in front of unit. Approval will expire on December 31, 2022.–***
Billerica Application dated 5/10/22, outside layout, 2022 current application, license agreement for patio seating
- 18. *KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for 1 Day Special Beer and Wine License and Corresponding Entertainment License for the following dates: 07/15/22 (5-8:30 PM), 07/23/22 (11:00 AM-4:00 PM), 07/31/22 (6-9:00 PM), 08/12/22 (5-8:30 PM), 08/20/22 (11:00 AM-4:00 PM), 08/31/22 (6-9:00 PM), 09/09/22 (5-8:30 PM), 09/17/22 (11:00 AM-4:00 PM), 09/23/22(5-8:30 PM), 09/30/22 (6-9:00 PM)–*** Memo from Lt. Coffey dated 5/25/22, Billerica Applications, CORI Form, Site Plan, Certificate of Liability Insurance
- 19. *DAV, Billerica Chapter 47 – Request permission to conduct a Forget-Me-Not Fund Raiser Drive on Friday, September 9th and Saturday, September 10th, 2022 at O'Connor's Hardware and the 3 Market Basket locations –*** Letter from DAV dated May 20, 2022
- 20. *Discussion on the Closing of Municipal Buildings on Monday, June 20, 2022 in Observance of the Juneteenth Federal Holiday –*** No Exhibits

Meeting Schedule – No Exhibits

Approved On: July 18, 2022