



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 11, 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.

Call to Order 7:00 PM

Chair Riley called the meeting to order.

The Pledge of Allegiance was recited.

A moment of silence was held in remembrance of 9/11 victims.

1. Open Microphone

William Forbes of 22 Tower Farm Road – Mr. Forbes stated that with the Town Center funding using ARPA money he is concerned with those funds be earmarked for something else will not be done.

George Simolaris of 38 Andover Road – Mr. Simolaris stated that the Town was given 18 acres of open space at the Locke School sand pits. We accepted it but then there was a title issue. Now it is going to be an 18-lot subdivision. The Town needs to fight for open space. Town Meeting has so many empty seats that we should look at an open Town Meeting. The manhole covers are sinking at the Kmart shopping center.

Ron Stocker of 5 River Street – Mr. Stocker stated that there is 40+ illegal immigrants staying in Billerica and asked why we were not notified. Are our students safe if they go to school. Does they pose a threat and have they been through a vetting process. We have military veterans waiting for housing and to see illegal immigrants get housing is a disgrace.

Grace Tucci of 7 Carson Street – Ms. Tucci stated that the Town Center project is unnecessary spending along with the MBTA zoning. There are more important things to spend money on in the next two years.

Alicia Lankowski of 12 Broad Street – Ms. Lankowski stated that you cannot object to a flag based on your beliefs. A vote against it would be hypocritical. The Board has set a precedent. If you voted for the Pride flag but against the Pro-Life flag then you are against Diversity, Equity and Inclusion and is a violation of the 1st Amendment.

Chris Musker of 12 Fawn Lane – Ms. Musker stated she agrees that if denied it would be a violation of the 1st Amendment. The Chair has already said that there will be a 3-2 vote to deny the flag and that is a clear violation of open meeting law. This is a democracy not a dictatorship. How many boards are appointed. Mr. Curran replied many. Board members should know what infectious invalidity is if they are serving on a board. As far as the Town Center, 20 years ago we told you we didn't want the Town Center and now its being brought back again.

Michael King of Mass Family Institute – Mr. King stated that the Pro-Life flag is not controversial. This Board has allowed outside groups in the past. If the Town wants to create a flag policy, that is find but you can't treat Pro-Life differently. The request should be granted unless there is apparent prejudice.

Hal Shurtleff (On Zoom) – Mr. Shurtleff filed a suit against the City of Boston regarding their denial of a Christian flag request and the Supreme Court issued a decision 9-0 that you can prejudice flying certain flags unless there is a defined policy. If you deny the Pro-Life flag, it could be very costly in legal fees.

Member Rosa stated that a point of order, Section 13 of our policies allow for residents to speak on a properly posted agenda item but you told a resident he couldn't speak on the ARPA discussion. Chair Riley stated that we will discuss this later and there are new laws regarding opening to public comment.



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2. Vacancies on Boards and Committees

Secretary Deslaurier read the openings on Boards and Committees.

3. All Other Announcements May be Viewed on the Town of Billerica Website

Proclamation

4. National Recovery Month – September 2023 – Requested by Dina Favreau

Secretary Deslaurier read the National Recovery Month proclamation.

MOTION - Secretary Deslaurier made a motion to approve the National Recovery Month – September 2023 proclamation. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Public Hearing

5. Hearing for National Grid System Grant of Easement– Install a New Private Property Solely Owned Pole 4-1 with Anchor ~85’ across street from Existing Pole 4 in Order to Accommodate Electric Service Upgrade at 11 Concord Road for the Masonic Hall

MOTION - Secretary Deslaurier made a motion to open the public hearing for National Grid Grant of Easement for 11 Concord Road at 7:26 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Member Rosa stated that easements are granted by Town Meeting, not us and he has concerns with the language. The language on these requests is boiler plate and we are giving our rights away to have them come back before us if there is a change. The Town Meeting should approve this. Member Rosa read Town Counsel’s email.

Mr. Curran stated that there seems to be two issues: language and authority. Town Counsel Mark Reich joined the discussion. Chapter 166, Section 22, which are grants of location are limited circumstance where the Select Board can reject them. An easement is a permanent right and Member Rosa is correct, the Select Board cannot issue an easement. The Town can negotiate the license while awaiting Town Meeting approval for the easement. Attorney Reich stated that you could grant the right of location if it is proper. Member Rosa stated that this is a grant of easement and the language needs to be updated because it gives them the right of modification in perpetuity. Attorney Reich stated that the license can be issued as a temporary license and a license does not require a public hearing.

MOTION - Secretary Deslaurier made a motion to close the public hearing for the National Grid Grant of Easement for 11 Concord Road and take no action. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Approval of Minutes

6. August 8, 2023

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of August 8, 2023 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Appointments

7. Billerica Youth Advisory Committee – Terms Expire on August 30, 2024

- **Daniel Darris-O’Connor**- Application dated 8/11/23
- **John LaFauci**- Application dated 8/11/23
- **Paulina Kirik** – Application dated 8/11/23

MOTION - Secretary Deslaurier made a motion to appoint Daniel Darris-O’Connor to the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to appoint John LaFauci to the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0.



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MOTION - Secretary Deslaurier made a motion to appoint Paulina Kirik to the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

New Business

11. Discussion and Vote to Approve the Issuance of a Bond Anticipation Note (BAN) Rollover and new Money BAN Not to Exceed (\$4,500,000) plus Interest for the new DPW Facility and General Obligation Bonds Not to Exceed (\$19,500,000) plus Interest formerly BAN – Requested by Elaine Russo, Treasurer

Elaine Russo appeared for the BAN discussion.

Member Rosa stated that these Bonds are at 5%. If we use the \$3.1 million from the ARPA funds and use towards this instead of the Town Center and this will cover the first 5 years in interest. Mr. Curran stated that this has already gone out on the street so it's too late. The percentage is not 5%, it is 3.49% when you add the premium back in. The rate always includes the premium and the Town is in a strong position so that is why we have a lower rate.

Paul Watson joined the meeting. The coupon rate is displayed but the actual percentage is 3.49%. Mr. Watson explained what a coupon rate was.

MOTION - Secretary Deslaurier made a motion that the Select Board vote to approve the issuance of General Obligation Bonds (GOB) for not to exceed \$19,000,000 plus interest for the following Municipal purposes: High School \$4,000,000; Howe School \$7,000,000 and Peggy Hannon Rizza for \$8,000,000 for a total of \$19,000,000 and vote to approve the issuance of new money Bond Anticipation Notes (BAN) for a not to exceed amount of \$4,500,000 plus interest for the following purpose: Public Works Facility \$4,500,000 as presented. The motion was seconded by Member Rosa and voted 4-1-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Vice Chair Conway voted Aye, Member Burrows voted No, and Chair Riley voted Aye.

18. Release of Restriction with Grant of Restriction for April 29 from the 2022 Spring Town Meeting – Email from S. Lentine dated 8/31/23, Release of Restriction, Grant of Restrictions, Article 29 of 2022 Annual Spring Town Meeting

Attorney Stephen Lentine stated that he is requesting that the restriction be swapped between the pieces of property. This is Article 29 from the 2022 Spring Town Meeting. Both restrictions will be recorded simultaneously.

Member Rosa asked if Town Counsel has approved this because it's not in the package. Chair Riley replied yes. Member Rosa says that this type of restriction usually says not for human habitation but this says human occupancy. Attorney Reich stated that this language is essentially the same. Member Rosa asked if this was annexed or part of. Attorney Lentine replied that it is owned individually and the language is the same language that was previously used.

MOTION - Secretary Deslaurier made a motion that pursuant to the power granted to the Select Board by Article 29 from the 2022 Annual Spring Town Meeting hereby releases to Jamie W. Habeline, individually of 23 Lakeview Drive, Billerica, MA 01821, and his successors in title to the below described real estate, all restrictions imposed on said real estate on behalf of and for the benefit of the Town of Billerica as set forth in a certain deed from the Town of Billerica to William J. Hoy, dated October 1, 1985 and recorded with the Middlesex North Registry of Deeds, Book 3209, Page 165. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

27. Request to Add (2) Signs on the Gazebo in the Common from September 13th through September 23rd for Conversations Billerica

Jean Bushnell appeared for the request to add (4) 18" x 24" signs on the common from September 13th through the 24th to promote Conversations Billerica. The original request was for banners on the gazebo but is being changed to signs.

Member Burrows stated that in your poster, there is a guy wearing a pot leaf, so you may want to change that. Ms. Bushnell thanked Member Burrows and said it would be fixed but that picture is not on the requested signs.



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MOTION - Secretary Deslaurier made a motion to approve (4) 18” x 24” signs in the common for Conversations Billerica from September 13 – 23, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Old Business

8. Town Managers Report

• **New Employees**

Mr. Curran welcomed new employees: Wastewater Superintendent Nick Evans, Associate Planner Jane Merrill, Lt. Glen Magnan was promoted from Sergeant and Electrical Inspector Mike Ballou.

Member Rosa welcomed all the new employees.

Secretary Deslaurier also welcomed all the new employees.

• **Professional Recognition**

Mr. Curran thanked the Water and Sewer Department and Facilities for all their hard work over the last month.

Member Rosa stated that our water and sewer crews are incredible and do a great job. Mr. Curran added that they assisted in Tewksbury also.

Secretary Deslaurier stated that our water and sewer division always goes above and beyond.

Vice Chair Conway stated that we have the best employees and want them to know that we appreciate them.

Member Burrows stated that we have the best water department employees.

• **Brown Water**

Mr. Curran stated that there have been a lot of social media posts about brown water. There was a break over Labor Day which caused a disruption. If a water tank is filled during the break, the brown water will remain in the tank until it is empty. If people have problems, they should call the Water Department.

Member Rosa stated that Mr. Russell was tracking the brown water complaints and asked if he still was. Mr. Curran replied he will check but encouraged residents to call the water department. Member Rosa stated that the DPW has a Rust Out product if people wash whites in brown water. It's important that the hot water tanks get flushed out.

Secretary Deslaurier asked what is the age of the development that the pipes are breaking in, 50-60 years old. Mr. Curran stated that there is not enough data. The unidirectional flushing program will hopefully solve some of these issues. Secretary Deslaurier stated that if there is a private line that has a problem, we should give the residents the help they need.

Vice Chair Conway stated that this is out of control. She is requesting the Mr. Russell come to the next meeting and come up with a schedule of this flushing program.

Chair Riley asked if we could notify residents if there is a water break. Mr. Curran replied we can look at it.

• **Vining Field Project**

Mr. Curran stated that the project is moving along and site demolition is ongoing.

• **Auditorium**

Mr. Curran stated that the auditorium is taking shape and should be on track to complete for the Fall Town Meeting.

Secretary Deslaurier stated that the auditorium still looks like a lot of construction.



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- **North Billerica Fire Station**

Mr. Curran stated that the Kaestle Boos Associates are working on the layout for the North Billerica Fire Station. The site is tough but it is the optimal location for call responses. They will continue to work on the process. There is a separate process with structural repairs that will be done prior to the winter.

Member Rosa stated that he wants to make sure that the needs of the Fire Fighters are met. Mr. Curran will provide a preliminary blueprint to the Board. Member Rosa asked what will be done temporarily when the renovation is occurring. Mr. Curran replied it's still early in the process to decide that. Member Rosa asked if the basement is still flooding. Mr. Curran replied he believes so but they are still looking at options.

Secretary Deslaurier asked if we could move the Fire Station to a new location. Mr. Curran replied we could, but that would incur more expenses.

Member Burrows stated that he provided information on Triumph modular buildings as a possible use for this station. They were used in Chelmsford and they look great.

Chair Riley stated that he would like to look at the plans and the house Captain should be involved. He remembers Member Burrows giving the information on the modulars and it should be looked at.

- **MEMA**

Mr. Curran stated that the Town joined in a letter with partnering communities to urge the State and MEMA to declare the flooding from August a disaster. He does not believe MEMA will declare this event a disaster and he will keep the Board informed.

Member Rosa asked if there is anything we can do for the residents affected. Mr. Curran stated that there is no funding unless MEMA declares it a natural disaster. There is a form on the Town's website for residents to fill out.

Vice Chair Conway stated that we need to do something for these people. It's being either unreported or over exaggerated, which I think is the first thing. Mr. Curran stated that he will check with other communities. Vice Chair Conway asked if we have cleared out where the water has gone. Mr. Curran replied that we are still working on it. The DPW has found things that we need to fix but he will have Mr. Russell get a timeline for this also.

Chair Riley asked what the number is we need. Mr. Curran replied it's not a certain number. We need to figure out how to help them. The Town needs to step in and help. Chair Riley asked where we were with the mall. Mr. Curran stated that the catch basins are supposed to be elevated, grass needs to be planted on the soil. He will check with engineering tomorrow and get an update. Amazon Fresh is getting the keys turned over to them tomorrow and Starbuck is looking for permits.

- **Food Pantry**

Mr. Curran stated that the Town has been working closely with the Food Pantry to find a temporary home. It's agreed that they will use Building 4 at Alexander Road for a period of six months.

Member Rosa asked if distribution was going to be done from this site. Mr. Curran replied yes. Member Rosa stated that the No Trespassing signs should be removed then. Mr. Curran agreed.

- **Flooding Issues**

Mr. Curran stated that over the past month we have been dealing with the aftermath of the flooding from August 8th and August 18th. DPW crews have been clearing out culverts and catch basins on both private and public property. The residents have been informed it's their responsibility to clean the culvert. It was also discovered that the green flood plain layer on GIS is exactly where the flooding occurred.



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Member Rosa stated that residents don't always have the resources or knowledge to take care of culverts. The Town approved these culverts going in and should be maintained by the Town because they are part of the Town's drainage system. Mr. Curran stated that he has one at his house that he is responsible for. The residents should make every effort to keep them clean but if there is a case of a resident being elderly or unable, they should contact the DPW. The Town has identified all the culverts. Member Rosa stated that it only takes one culvert to back up everything. The mall has been a problem since the beginning. They shouldn't store material on site when it runs into our streets. We need this to stop. They have not been good partners for years. We need to hold their feet to the fire. The contractors on site are leaving the project.

Member Burrows stated that the mall project is awful. He spoke with Masterton and there are 6" of asphalt on Tower Farm Road. The first runoff issue with the mall was back in 2022. The ARPA money should be used to fix these culverts. The sand on Bear Hill Road is from the mall. The mall is pitching all the water and sediment down our streets. Their permit should be pulled because they are in constant violation.

• **Migrants Update**

Mr. Curran stated that additional refugee families are in Billerica and it is now 83 individuals. On September 6th, 15 refugee children started school. Through the State, a stipend of \$1,000 for each student is being provided. Currently, the Superintendent is not expecting to hire additional staff.

Member Rosa stated that he is tired of the State doing things that affect us and not providing assistance such as 40B, MBTA zoning with 2300 units near the train station and now migrants. The paramedics responded to the hotel for a fight and stabbing and I am sure that they don't have insurance so will the State reimburse us. Mr. Curran stated that he doesn't know the details of that incident and if they were transported but he assumes that the migrants will eventually be on Mass Health. Member Rosa stated that there will be a cost. The night of the stabbing; police, fire and paramedics probably showed up and that is cost to the taxpayers. He finds it hard that if the children don't speak English, that no additional staff in the schools will be needed. Mr. Curran stated that the schools know how to handle children that don't speak English. There were three domestic calls that night and not all of them were migrants.

Secretary Deslaurier stated that the Federal government needs to find a quick way that would allow them to work.

Vice Chair Conway stated that she shares the concerns with not enough housing for our seniors and veterans but the State put these people here.

Member Burrows stated that there was a migrant who had a warrant from Homeland Security so how were they vetted.

Chair Riley stated that the migrants are not illegal. Mr. Curran stated that is correct. They came here and have been vetted although this process needs to be improved and wrap around the services needed.

• **Cabot Road**

Mr. Curran stated that residents have contacted the Town about concern over tree cutting. The Conservation Director has been in contact with them and they were reminded that their special permit restricted them from using Concord Road for access and cannot have any access on Richardson Street. It is likely they will have to amend their special permit for work they've already done.

Member Burrows asked if there is still a reuse committee. Mr. Curran replied that is a different property.

Old Business

8. Preliminary Warrant Articles – Discussion and Possible Vote

Chair Riley stated that discussion of the preliminary warrant articles will be tabled until the next meeting.



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10. ARPA Discussion/Reallocation of Funds Discussion and Vote

Mr. Curran stated that the Select Board has earmarked \$3,137,698 for sewer work through ARPA funds. The interest rates are shifting and there are State Revolving Fund (SRF) Loans available, he suggested putting this money towards the Town Center project. It could save \$500,000 - \$700,000 depending on the bond.

Member Rosa asked if 4% is really 4%. Mr. Curran replied he doesn't know. They won't know until they actually go out to bid. Member Rosa stated that he will not support using ARPA money for the Town Center. There are a lot of issues with the Town Center which was raised at the last meeting. We could use this ARPA money to do good work for the neighborhoods with crack sealing, potholes, overlays, sidewalks, etc. or to help lower the costs of the new DPW facility. We have gone to great lengths to put money into the roads. The 1978 TOPICS Center report said a similar design was unsafe and this was when there were a lot less cars. There are a lot of improvements that can be made to the center without costing \$20 million. Bonding requires a 2/3 vote and grants are not guaranteed. You are proposing to use free cash for 3 years, which takes away from other items that can be bought using free cash. There is usually nothing left at the end of the year. If you use Chapter 90 funds then you are taking \$1 million away for 2 years from other roads for 100 yards in the center. It is not acceptable. We just signed the BAN that included the DPW which he agrees with. We should use the ARPA money for culvert replacements, drainage repairs or for additional funding of the DPW facility. He agrees that a left turn out of River Street would help and some small changes could be made to improve the center. Mr. Curran stated that he is trying to come up with the funding piece of the Town Center project and he understands that Member Rosa is not in favor of the project. The decision of this Board tonight is if this is the right way to fund the Town Center project for the final warrant. He is trying to bring the amount down so the taxpayers won't be impacted. On the free cash question, we typically have \$2 million and it goes into one big project, the Town Center would be the project. Other road work will still happen. Member Rosa asked what is in the overlay account that is not encumbered. Mr. Curran replied about \$4 million.

Secretary Deslaurier stated that Congresswoman Trahan just presented a \$9.2 million for Boston Road. There is also a Mass Works grant for \$2.3 million for Boston Road. If this fails at Town Meeting, what happens then. Mr. Curran stated that the money could be shifted back. Secretary Deslaurier stated that we should support this because it would have less of a financial impact on the residents.

MOTION - Member Burrows made a motion to allocate \$3,137,698 to Category 4 for sewer work of the ARPA requirements. The motion was seconded by Member Rosa and voted 2-3-0. Vice Chair Conway, Secretary Deslaurier and Chair Riley voted against. The motion failed.

Mr. Curran stated that is not specific enough and the deadline to appropriate the ARPA funds by 2024.

Chair Riley stated that if we don't provide funding, it would make it harder to approve at Town Meeting. This was the goal of the Select Board. Chair Riley asked if the SRF loan will still be used for the sewer/water improvements. Mr. Curran replied yes, it is fully bonded by Town Meeting. If the Town Center project fails, they could use the money for other projects.

Member Rosa stated that \$3 million could be used on a lot of good on projects other than the Town Center. It would benefit more residents in their neighborhoods. The project may be the will of the Board, but it wasn't his choice and was not unanimous, it was by majority. Vice Chair Conway asked for clarification, can ARPA money be used for private homes. Attorney Reich replied no, it cannot be used for repair on private homes.

MOTION - Secretary Deslaurier made a motion to reappropriate \$3,137,698 of ARPA funds for use in sewer and water to help fund the Town Center project. The motion was seconded by Vice Chair Conway and voted 3-2-0. Member Rosa and Member Burrows voted against. The motion passed.



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12. Discussion on Opioid Settlement Funds

Mr. Curran stated that the Town has appropriated \$20,000 a year since 2014 to the BSAPC line item. There is concern that these funds are not being encumbered and expended properly. The Town has received \$191,000 from the opioid settlement and will continue to receive additional funds. We have delayed creating a stabilization fund because there is legislation directly related to this issue that would eliminate the need for a stabilization fund. The funds have been kept in a separate fund, so they are not in the general fund.

Attorney Reich stated that DOR and AG have said that any money from the opioid settlement would go into the General Fund but this settlement agreement has specific uses to spend it on. There should be a restriction on the General Fund money to use as a tracking mechanism. There is no sense of urgency if the funds are being tracked.

Mr. Curran stated that DPH is having a kickoff meeting on September 28th to discuss this.

Member Burrows read the information from the MAHB package that Ms. Favreau submitted to the Board. Attorney Reich replied that is not from the AG or DOR. The money goes into the General Fund and allows it to be updated and carried over each year if not used. Mr. Curran stated that it is a Special Revenue Account and the Town Accountant does track it.

Dina Favreau joined the meeting. Ms. Favreau stated that Mr. Curran's memo is a mischaracteristic of what the money was spent on. Those funds were not part of the Opioid Abatement Policy and Per the DOR, this money should not be used against the levy. It was supposed to be appropriated at the Spring Town Meeting but it was pulled. This has been an ongoing discussion with the Town Manager's office and they have failed to follow through on a timely appropriation process. The FY23 payment required an amendment to the budget to include the total payments received and that has not been done. The draft articles that were submitted were provided by the DOR and AGs office. We need to follow protocols provided in oversight since April 2022. There is not \$75,000 available. She requests a vote to open a Special Town Meeting to put forward the appropriate stabilization fund article to handle the Opioid Settlement funds.

Chair Riley asked if we were in violation if we don't act on this now. Attorney Reich replied no, he has met with the AGs office and the money is not lost. It is certified out annually and reverts to the General Fund and recertified. Town Meeting will always appropriate the funds and it is being tracked.

Member Rosa stated that if it is not spent, then it goes into free cash. Attorney Reich replied free cash is listed as a separate account. Mr. Curran stated that it is not included with free cash. It's a special revenue account. Member Rosa asked why it was not set up as a special stabilization fund. Attorney Reich replied it is being tracked. Member Rosa asked why there wasn't an article at the Annual Town Meeting. Attorney Reich stated that they hoped that the legislation would take care of it. Member Rosa asked why it wasn't done now. Mr. Curran stated that we need to vet it out. Member Rosa asked if Attorney Reich has drafted language for other Towns dealing with this issue. Attorney Reich replied yes. No purpose is needed for special fund, there are parameters to spend it later.

Secretary Deslaurier stated that it is overdue for figuring out what the money is spent on. Attorney Reich stated that the stabilization fund allows money to automatically go into the fund and will not require Town Meeting action each year. Secretary Deslaurier stated that he doesn't see the harm in doing this now.

Mr. Curran stated that there is no purpose stated and this will cause debate on Town Meeting floor and he does not see the justification for opening a Special Town Meeting now, we should wait for the spring.

Vice Chair Conway stated that Ms. Favreau has been a great advocate for this issue. We should do it in the spring and do it right and say what is being used.

Chair Riley stated that he wishes Ms. Favreau had come in earlier. People are very impressed with what we do to help substance awareness and we need to get on the same page to help everyone involved.



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Member Rosa stated that we can have a Special Town Meeting now and create the fund that way an article can be submitted in the spring for using the money.

Attorney Reich stated that he spoke with the Town Manager about this a while ago and we were waiting on the legislation hoping they would pass something to address this issue but they haven't.

MOTION - Member Rosa made a motion to set a Special Town Meeting within the Annual Fall Town Meeting to be held on October 5th to address articles on the warrant to create an article to address the special stabilization fund for the Opioid Settlement Fund. The motion was seconded by Member Burrows and voted 4-1-0. Vice Chair Conway voted against. The motion passed.

13. Discussion on Retirement Policy for Town Employees – 1st Reading

Chair Riley stated that discussion of the retirement policy for Town Employees will be tabled until the next meeting.

14. Town of Billerica Flag Policy – 1st Reading – Draft Flag Policy

Chair Riley stated that this is the first step to create a flag policy.

Member Rosa stated that this would be the first reading.

Secretary Deslaurier asked if there was a previous version. Attorney Reich replied no. Secretary Deslaurier asked if there was any other flag discussed. Attorney Reich replied that there was discussion of the Pride flag, but it was not added. This is a basic list and it would be a policy decision to add any additional flags.

Secretary Deslaurier asked if the Pride flag was removed. Attorney Reich replied no, this is the basic list. Some towns have added the Pride flag to this list, but theirs are a more comprehensive policy. Secretary Deslaurier asked why not list the flags that have already been approved. Attorney Reich stated that is a policy decision. If we use the flagpole as government speech, then you cannot discriminate against the content.

Vice Chair Conway stated that this is extremely political. We need to take politics out of it. There is nothing to stop an organization like the KKK for putting up their flag. We all have certain beliefs and we don't want to put the Town in a position it can be sued.

Member Rosa stated that the Italian flag was approved in 2001, but now people are saying that Columbus is bad. He agrees that it shouldn't be political but he would think that Police and Fire flags should be included. Attorney Reich stated that a complex policy adds inflection points. More towns want to keep it restricted because it keeps politics out of it.

Member Burrows agrees that it shouldn't be politic.

Chair Riley stated that this is a basic policy to depoliticize it.

15. Request to Fly the Respect Life/Pro-Life Month for the Month of October at the Billerica Library – Requested by Member Burrows, DeeDee Dorrington, Kelley Sardina, Christina O'Shea, Tina MacIntosh, Cathy DeCoursey – Email from D. Dorrington dated 8/20/23, Flag Rendering

DeeDee Dorrington appeared for the request to fly the Respect Life/Pro-Life flag for the month of October. This is to bring positive recognition for the pro-life movement. They had requested a proclamation in 2018 but withdrew it due to controversy. They had also submitted an article for Town Meeting in 2019 to affirm life, but again withdrew it. They are now here requesting to fly a pro-life flag. There is no request that the Town support it, but it is a 1st Amendment issue. We had requested the entire month of October but noticed that the Italian Heritage Flag was also requesting to be flown, so they will change their request for the later half of the month so the Italian flag can fly through Columbus Day.

Member Rosa stated that in 2002 we had the first request for the Italian flag for the week of Columbus Day in perpetuity but its typically flown the entire month. The request this year was to formalize the entire month of October.



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The Pro-Life flag is not relevant to October and asked if be pushed off. Ms. Dorrington stated that the first request for the week of Columbus Day.

Vice Chair Conway stated that she would be ok with 2 weeks each. Vice Chair Conway stated that Ms. Dorrington has changed her mind. She is Pro-Choice but she remembers when the Pride flag request did not receive a unanimous vote and how they felt, so she agrees that all should be supported regardless of her personal beliefs. The two board members who voted against the Pride flag this year are the ones that are being supported by this group.

Member Burrows stated that the Catholic Church has stated that October is Pro-Life. He has supported the Pride flag in the past but did not agree with the Proclamation they included this year. This is only fair and he will support this request.

Secretary Deslaurier asked what Pro-Life is. Ms. Dorrington explained the movement.

Chair Riley stated that we have been discussing a flag policy prior to your flag request.

Chair Riley stated that if we do for one, we must do for all. We can't say no because it will be discrimination.

Attorney Reich stated that it can be discussed at the same time. There is no case law on the timing of the policy with an open application. There are now two applications during the policy discussions.

MOTION - Member Burrows made a motion to approve the flying of the Pro-Lift Flag from October 16 - October 31, 2023. The motion was seconded by Vice Chair Conway and voted 4-1-0. Secretary Deslaurier voted against.

Member Rosa stated that this is only the first reading of the policy. It is not adopted tonight so should these votes be subject to any policy. Attorney Reich stated that if we add the year to the approval, they should be fine. Any others will have been filed with a policy pending.

16. Request to Fly the Italian Heritage Flag the Entire Month of October (Currently Flown the Week of Columbus Day) – Email from M. Rosa dated 8/29/23, Memo from R. Correnti dated 8/9/01, Excerpts of Select Board minutes of 9/4/01, 9/30/02, 10/18/21

MOTION - Member Rosa made a motion to approve the flying of the Italian Heritage Flag from October 1 – October 15, 2023. The motion was seconded by Vice Chair Conway and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to adjourn the Select Board meeting of September 11, 2023 @ 11:30 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
SEPTEMBER 11, 2023**

Exhibits for the Select Board Meeting – September 11, 2023

Call to order 7:00 PM

1. Open Microphone - No Exhibits

Announcements

2. Vacancies on Boards and Committees- Vacancy List
3. All other announcements may be viewed on the Town of Billerica website - No Exhibits

Proclamation

4. National Recovery Month – September 2023 - Proclamation

Fiscal Efficiency and Public Recognition

Public Hearing

5. Public Hearing for National Grid System Grant of Easement– Install a New Private Property Solely Owned Pole 4-1 with Anchor ~85’ across street from Existing Pole 4 in Order to Accommodate Electric Service Upgrade at 11 Concord Road for the Masonic Hall- Grant of Easement, DPW Comments dated 8/29/23, Electrical Inspector Comments dated 8/28/23, Safety Officer Comments dated 8/29/23, Contractor Acknowledgement dated 9/5/23, Lowell Sun Publication dated 8/21/23

Presentation

Approval of Meeting Minutes

6. August 8, 2023- Minutes

Appointments

7. Billerica Youth Advisory Committee – Terms Expire on August 30, 2024
 - Daniel Darris-O’Connor- Application dated 8/11/23
 - John LaFauci- Application dated 8/11/23
 - Paulina Kirik – Application dated 8/11/23

Old Business

8. Town Managers Report- Town Manager’s Report dated 8/11/23
9. Preliminary Warrant Articles – Discussion and Possible Vote – Preliminary Warrant, Legal Opinions, Article 3 revision
10. ARPA Discussion/Reallocation of Funds Discussion and Vote – Memo from J. Curran dated 04/20/23

New Business

11. Discussion and Vote to Approve the Issuance of a Bond Anticipation Note (BAN) Rollover and new Money BAN Not to Exceed (\$4,500,000) plus Interest for the new DPW Facility and General Obligation Bonds Not to Exceed (\$19,500,000) plus Interest formerly BAN – Requested by Elaine Russo, Treasurer- Memo from E. Russo dated 9/7/23
12. Discussion on Opioid Settlement Funds – MAHB Memo Appropriation of Opioid Settlement Funds dated 1/23/23, Memo from J. Curran dated 9/8/23
13. Discussion on Retirement Policy for Town Employees – 1st Reading- Email from M. Rosa dated 8/10/23
14. Town of Billerica Flag Policy – 1st Reading – Draft Flag Policy
15. Request to Fly the Respect Life/Pro-Life Month for the Month of October at the Billerica Library – Requested by Member Burrows, DeeDee Dorrington, Kelley Sardina, Christina O’Shea, Tina MacIntosh, Cathy DeCoursey – Email from D. Dorrington dated 8/20/23, Flag Rendering



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 11, 2023**

- 16. Request to Fly the Italian Heritage Flag the Entire Month of October (Currently Flown the Week of Columbus Day)** – Email from M. Rosa dated 8/29/23, Memo from R. Correnti dated 8/9/01, Excerpts of Select Board minutes of 9/4/01, 9/30/02, 10/18/21
- 17. Request to Add (2) Signs on the Gazebo in the Common from September 13th through September 23rd for Conversations Billerica** – Email from J. Bushnell dated 8/29/23, Flyer and Conversations Billerica 2023
- 18. Release of Restriction with Grant of Restriction for April 29 from the 2022 Spring Town Meeting** – Email from S. Lentine dated 8/31/23, Release of Restriction, Grant of Restrictions, Article 29 of 2022 Annual Spring Town Meeting

Meeting Schedule

September 25, 2023 and October 2, 2023

Approved On: November 6, 2023