



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 12, 2022**

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

Members Absent: None

Staff Present: Town Manager John Curran and Director of Administrative Services Robert Maynard

Chair Deslaurier stated that the meeting is a hybrid meeting with a Zoom option. Two members are remote so all votes will be taken by roll call.

Call to Order 7:00 PM

Chair Deslaurier called the meeting to order.

The Pledge of Allegiance was recited.

1. Moment of Silence – Remembrance for September 11, 2001

Chair Deslaurier called for a moment of silence in remembrance of all the lives lost on September 11, 2001 and the lives lost fighting for freedom.

2. Open Microphone

George Simolaris of 38 Andover Road – Mr. Simolaris stated that he is glad that the Town is reaching out to the businesses that would be affected with the center reorganization. This plan is similar to the plan that was presented in 2011 and voted down by the residents but he questioned why the Town wants to ruin the center. The zoning has changed, but little else. If it becomes two-way traffic, it will not preserve the town feel. This should be a town wide vote.

Carol Reardon via Zoom – Ms. Reardon stated in regards to Griggs Farm, Select Board members have gone on social media to chastise a resident. They should take responsibility for the damage they do. In regard to the CPC, this committee doesn't hoard money. The Select Board has put forth 7 projects requesting use of the CPA funds and 6 out of the 7 have been approved. In regards to the Housing Authority, something needs to be done about the Executive Director. He belittles, disrespects and threatens residents that their housing will be removed. These residents can't get to the grocery store. He needs to be investigated.

Mary Leach – Ms. Leach thanked Chair Deslaurier for listening to her and putting on the agenda to discuss the water restrictions. We are in a level 3 droughts and the Town should encourage residents to conserve water. We need to get more PSA out there with information. The Town should also lead by example.

Chris Tribou of 13 Bridle Road – Mr. Tribou stated that he would like to talk about Griggs Farm. The social media post by the Town should be a calming message and not calling someone out. It doesn't help. He also hopes that the Town takes comments from the residents before anything is approved.

John Marshall of 1 Concord Road – Mr. Marshall stated that he met with the Town Manager and others to discuss the Town Center. He was given assurances that he would have access to his driveway and a potential access on River Street. He is not in favor of the Town Center redesign but if it does go forward, he would want to maintain his access.

Larry Libby – He believes that the marijuana business should keep its closing at 9:00 PM. He would also like the Board to look at rolling back the liquor stores closing to 9:00 PM.

John LaFauci of 4 Catherine Ave – Mr. LaFauci stated that the new design for the center is important. Boston Road should be 2-way traffic. Mr. LaFauci also asked if the Town was selling water to Burlington during this drought. If so, it should stop because we should keep the water for us.



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Announcements

3. Vacancies on Boards and Committees

Secretary Conway read the list of vacancies of boards and committees.

4. All Other Announcements may be Viewed on the Town of Billerica Website

Professional Recognition

5. Sargent Mark Tsoukalas, Officer Koles, Officer Bandouveres and Officer Casey – Letter of Commendations

Police Chief Roy Frost and Deputy Chief Roche spoke of the incident that the officers were involved with and how proud they are for their reactions which if handled differently could have resulted in a loss of life.

MOTION - Secretary Conway made a motion to place a copy of the letter of commendation in the personal file for Sargent Mark Tsoukalas, Officer Koles, Officer Bandouveres and Officer Casey. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

6. Water Department – Letter of Commendation

Mr. Curran stated that the DPW does not typically received the recognition that Police and Fire get but they keep our water, sewer and roads in working order. They also take on projects internally that save the Town money.

Fred Russell, DPW Director joined the meeting. This letter of commendation was for the French Street culvert replacement. This project involved every division of the DPW and Conservation. The work that the employees in the memo accomplished saved the Town hundreds of thousands of dollars for this project.

Member Rosa asked that the names of the employees involved be read into the record. Mr. Russell read the names to include: Ed McLaughlin, Chris Zuchner, Dan Donovan, Mike Haines, Alan Danehy, David Crusco, Matt Casey, James Michilini, Richard Lembo, Chris Etter, Mike McCaughey, William Powderly, Kelley Conway, Antonio Fernandes, Joe Giuliano, Pablo Noguera, and Christina Papadopoulos.

Member Rosa asked that Fiscal Efficiency and Public Recognition be added as agenda item on every agenda. This will allow department heads to put forward employees who have done outstanding work on a regular basis.

MOTION - Secretary Conway made a motion to place a copy of the letter of commendation in the personal file for Ed McLaughlin, Chris Zuchner, Dan Donovan, Mike Haines, Alan Danehy, David Crusco, Matt Casey, James Michilini, Richard Lembo, Chris Etter, Mike McCaughey, William Powderly, Kelley Conway, Antonio Fernandes, Joe Giuliano, Pablo Noguera, and Christina Papadopoulos. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Introductions

7. Michele Rivera – Human Resources Director

Mr. Curran introduced Michele Rivera. She has over 20 years of HR experience and most recently comes from the Tewksbury School Department.

Ms. Rivera thanked the Board and she is excited to be here. She is working on DEI and working on exploring job posting sites to get more diverse employees. She is also reviewing the Personnel Bylaw which she will be proposing updates and she is working on scheduling employee training.



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8. Donnie Jarvis – Director of Veteran’s Services

Mr. Curran introduced Donnie Jarvis. He is a veteran and most recently comes from the Veterans of New England Outreach Center. He is a veteran’s advocate. He was enlisted in the reserves from 2006-2013 and had numerous citations.

Mr. Jarvis stated that he was a combat engineer who injured in Afghanistan when an explosive hit his vehicle. He has worked with veterans with addictions and mental health issues and had 8 veterans commit suicide when he was at the outreach center, so he needed to take a break. He believes in being available to veterans 24/7 and will go where they are.

Presentations

9. Town Center Presentation and Discussion

Mr. Curran explained the process of how we got to this point. The Town Center project was approved at Town Meeting but then appealed and partially rejected. The modifications to Boston Road in front of the mall with including the underground utilities was part of the original design. The Town has been working with Stantec, DHCD and BETA. They received a technical assistance grant, where they engaged Stantec, and this was scheduled for the Select Board meeting in March 2002, but then COVID hit and it was put on the shelf.

Jason Schrieber from Stantec provided a PowerPoint presentation to the Board. Darshan Jhaveri from BETA presented the design concept and was there to answer questions.

Mr. Curran stated that the question to the Board is do you agree with the 2-way concept. If you do, then he will move forward with funding and design.

Member Rosa asked on the crash data slide, is property damage to the vehicle and what is unknown. Mr. Schrieber replied yes that is vehicle damage and the unknown is added because the police report did not have sufficient data to classify it. Member Rosa stated that the B/B, B/F, etc. are level of service for the intersections. Mr. Schrieber replied that was correct, it indicates AM and PM peak. Member Rosa stated that it was commented that the municipal buildings don’t have on street parking but there is off street parking behind the buildings.

Mr. Curran stated that they met with stakeholders to discuss the proposal. The residential property on the corner is getting more green space and moving the street further away from their house. All the other owners were positive with the proposal. There will be dedicated turn lanes into O’Connor’s. Mr. Curran stated that on the south side, they will add a connection to the municipal buildings and they may be able to expand the parking for the COA. The owners of Mangia Mangia were initially concerned but when they saw how the Town handled the project in front of the mall and how we took care of the businesses, they were less worried.

Secretary Conway stated that there has been discussion on an intergenerational building with COA and Recreation, but so she wouldn’t put a lot of effort for additional parking for the COA. There seems like there is a lot of trees and shrubs, which is great. She also believes that underground utilities are important. Has it been determined how many trees will be taken down. Mr. Curran replied not yet, but there will be more trees than there is now. Secretary Conway stated that there seems to be more green space than what is there now, she just wants to make sure that pedestrians are protected when crossing 4 lanes of traffic.

Member Burrows stated that he likes the plan would like to see the 1-way traffic in front of the library go the other way. He would also like to see how this affect Glad Valley Drive. Mr. Schrieber stated that Glad Valley Drive is another project.

Member Rosa stated that the plan does not show a right turn lane into O’Connors. Mr. Jhaveri replied you are correct, the plan shows to straight lanes but the right should be straight and right turn. Member Rosa stated that there will be additional parking spaces in front of Walgreens. There are 7 trees there now that will have to come down. Mr. Jhaveri replied that was correct, but they will be adding more. They will also be adding a retaining wall, and sitting areas.



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Member Rosa stated that the only way into these parking spaces will be through O'Connor's. Mr. Jhaveri replied that was correct. Mr. Curran added that they will need an easement and they have already spoken with the owners. Member Rosa asked if the COA will be extended. Mr. Curran replied it may be but it would not go any closer than the box that is shown on the plan. Member Rosa stated that at the Capital Needs Committee it seems like there are people who want a separate COA and Recreation buildings instead of the intergenerational center. The COA needs to double their square footage and require additional parking. He also spoke with two business owners on the list and they are not thrilled with the concept and are very concerned about the drop off in business during construction. We need to make sure if this goes forward that these businesses should be easily accessible to customers with minimal impacts. Member Rosa stated that most traffic going through the center is trying to get to Rt. 3. We should also look at making Charnstaffe Lane a two-way street. Mr. Jhaveri stated that we did look at this and there are environmental impacts and TD Bank has a very large retaining wall that would have to be addressed. Member Rosa stated that projects deal with environmental impacts all the time. This is a very large project and everything surrounding it should be looked at. Mr. Jhaveri stated that we did a study and it is not enough of a benefit to move forward. The proposed project is more efficient. Member Rosa stated that it is worth taking a look at especially in conjunction with the mall project.

Vice Chair Riley stated that the traffic study for the mall takes into account Charnstaffe Lane. The consultants should coordinate with the consultants from the Mall project. There is a lot of history and we should want to bring the community to the center, not keep people away and this proposal will do that. Vice Chair Riley asked if we will be calling for public input. Chair Deslaurier replied not yet. This is not the final design and when we do have it we will have public hearings.

Chair Deslaurier stated that we should work towards getting Boston Road a place where you don't need your car to go to different places. This design has natural stops for safety especially at the walkways. This insulates the people from the traffic at Town buildings and expands green space. Vice Chair Riley stated that there are some people in the audience that may want to speak on this. Chair Deslaurier state that this is the first step and if we decide to move forward there will be multiple chances for public input.

Member Rosa stated that this item should have the maximum public input possible and for the record, there will be a preliminary design presented, the public will comment and have input and then a final design will be presented. Mr. Curran replied that was correct.

Mr. Curran stated that if the Board would like to move forward, they should vote to instruct him to move forward with a design and funding plan that will include public hearing sessions like we did last time. It will also include public forums, continued meetings with the stakeholders and mapping out the process. This would be a capital article at Town Meeting. The preliminary numbers are estimated at \$18 Million with \$1 Million in design and \$17 Million in construction. He will be applying for a Mass Works Grant, infrastructure bill grants, and will probably use local money over a two year period.

MOTION - Secretary Conway made a motion to direct the Town Manager to move forward with the design and funding plan to move forward the preliminary Town Center project which will include a public hearing and public input process. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Proclamation

10. Childhood Cancer Awareness Month – September 2022

Secretary Conway read the Childhood Cancer Awareness proclamation

MOTION - Secretary Conway made a motion to approve the Childhood Cancer Awareness Month proclamation. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: 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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Approval of Meeting Minutes

11. August 15, 2022

MOTION - Secretary Conway made a motion to approve the August 15, 2022 Select Board minutes as submitted. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Appointments

12. Historic District Commission – 3 Applicants – Tina Pesirdis, David Gagliardi, Dan Valentine

Tina Pesirdis was not present.

David Gagliardi – Mr. Gagliardi stated that he has been an alternate member of the Historic District Commission for 6 years. He knows that this spot is supposed to be for an architect but it's been empty for a long time.

Vice Chair Riley asked what your attendance record is. Mr. Gagliardi replied 100% and he has had to vote on issues. Vice Chair Riley stated that he sat on the Finance Committee with Mr. Gagliardi and he is the go-to guy.

Member Rosa stated that he has come before you as a resident before the Finance Committee and you have not been warm or welcoming. In his opinion, you have taken a political approach on your decisions and not what is best for the Town such as derailing the bike path project and dog park. He believes that you should continue as an alternate.

Mr. Gagliardi stated that we are on two different political parties. He was not against the bike path but he didn't want to approve it in 2011 when funding wasn't available until 2019 and now its 2023. It was timing. We were told that the dog park would not cost the Town money but is always costs the Town.

Member Burrows stated that he spoke at the Historic District Commission meeting regarding the vinyl fence project that a resident tried to install and you tried to enforce things that are in the bylaw. As Chair of the Bylaw Review Committee, you put a newly passed bylaw from the spring Town Meeting under review because I presented it and then you contacted my place of work.

Secretary Conway stated that we have 28 openings for committees and sometimes they are political but it's a shame we are doing this to a resident in public. If you don't like the person, just vote no.

Member Burrows stated that sometimes we are asked why we vote yes or no. Mr. Burrows asked Mr. Gagliardi asked what committees he is currently on. Mr. Gagliardi replied Finance Committee, Historic District Committee and Cabot Land Reuse.

Dan Valentine – Mr. Valentine stated he has been a resident of Billerica since 2013 when he purchased the Oliver Farmer house built in 1903. The house he grew up in was over 200 years old, so he enjoys the historic aspects of fixing up old houses.

Vice Chair Riley stated that you went before the Historic District Committee and they were very impressed.

Member Rosa asked how would you handle the bylaw versus interaction with the public. Mr. Valentine state that it is a balancing act, homeowner vs. bylaw but there is always a level of compromise.

MOTION - Secretary Conway made a motion to appoint David Gagliardi as regular member of the Historic District Commission with a term expiring June 30, 2023. The motion was seconded by Vice Chair Riley and voted 3-2. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted No, Member Burrows voted No and Chair Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to appoint Dan Valentine as an alternate member of the Historic District Commission with a term expiring June 30, 2025. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: 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 appoint Tina Pesiridis as an alternate member of the Historic District Commission with a term expiring June 30, 2025. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

13. Billerica Youth Advisory Committee – 4 Applicants – Grace Carter, John LaFauci, Miranda Hodgkins, James Mahoney

MOTION - Secretary Conway made a motion to appoint Grace Carter as a regular member of the Billerica Youth Advisory Committee with a term expiring August 1, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: 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 appoint John LaFauci as a regular member of the Billerica Youth Advisory Committee with a term expiring August 1, 2023. The motion was seconded by Vice Chair Riley and unanimously voted 5-0. On a roll call vote: 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 appoint Miranda Hodgkins as a regular member of the Billerica Youth Advisory Committee with a term expiring August 1, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: 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 appoint James Mahoney as a regular member of the Billerica Youth Advisory Committee with a term expiring August 1, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Old Business

14. Town Managers Report

Mr. Curran presented his report. Mr. Curran stated that Assistant Town Manager Clancy Main's wife had a baby boy on September 8th. Everyone is doing great.

• **PHR Complex**

Mr. Curran presented a video of the status of PHR complex.

Member Rosa stated that the drone pictures and video are awesome.

Member Burrows asked if there were plants ripped up at PHR. Mr. Curran replied yes, and the Town is working with the Police Department.

• **Howe School**

Mr. Curran stated that we are at the finish line and the completion date is September 30th.

Member Rosa stated he would like to tour the Howe before BATV moves in.

Secretary Conway stated that the Howe is on schedule and is one of only a few projects that went over budget in the last 5-6 years.



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- **Masonic Hall**

Mr. Curran stated that Food Pantry has asked to add refrigeration but that will add a significant cost to design and construction.

Member Rosa stated that we should look at using CPA funds and asked what the lease will be for the Food Pantry. Mr. Curran stated that he has it drafted for a 15 year lease.

- **Playgrounds**

Mr. Curran stated that facilities and parks have worked tirelessly the last two weeks to get the playgrounds ready for school.

- **National Grid – Fleet Advisory Service Program**

Mr. Curran stated that National Grid is looking at our fleet and will make recommendations on what can be electric.

Member Rosa asked if this was to replace vehicles. Mr. Curran replied yes, it would most likely be for inspectors cars and not DPW and heavy equipment. Member Rosa stated we need to factor in the costs of the batteries.

Secretary Conway stated that she will be interested in the results and it is a worthwhile effort.

Chair Deslaurier asked if charging stations would be added at Town Hall. Mr. Curran replied yes and in other areas. They are also looking at adding solar panels to PHR and charging stations.

- **Public Safety Communications Update Meeting**

Mr. Curran stated that All-Comm Technologies met to go over the new radio system for Police, Fire and DPW.

Member Rosa asked if there will be enough radios for the details as well regular employees. Mr. Curran replied yes.

Secretary Conway asked if an RFQ was sent out for this project. Mr. Curran stated that that they are on the State contract list, so the State does the bidding.

- **Yankee Doodle Weekend**

Mr. Curran stated that Yankee Doodle Weekend is on Saturday, September 17th.

- **Boston Road Paving - Pinehurst**

Mr. Curran stated that the Town met with Mass DOT. They are looking to update Boston Road from Burlington to the Shawsheen River. We wanted to make sure that sidewalks were included.

Member Rosa asked what can we do to get the bridge replaced. Mr. Curran stated that is a different project in the future and is outside of the scope of this project. Member Rosa asked what is the duration of this project. Mr. Curran replied 1 year.

Secretary Conway stated that in the documents, it says that Boston Road is one lane on each side in Burlington and asked when this project will be starting. Mr. Curran replied he also heard it will be a designated 1 lane in Burlington and it should start in about 2-3 months.

Vice Chair Riley asked if DOT could come before the Town to have an information session. Mr. Curran stated that he can inquire.

- **Griggs Farm Meeting**

Mr. Curran stated they met with Mr. Griggs and his attorney. They gave him options but he said you could not sustain the payment plan. They are looking for infusion of cash.



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Member Rosa stated that the Town should not be weaponizing social media against our residents as was done with Griggs Farms. This went beyond getting the facts out. He is glad that the Town has sat down with him to try to work things out.

Secretary Conway stated that we all want this to be agricultural land. She is glad that Rep. Lombardo will be reaching out to other organizations to see if they can help. It would be great if he could sublet the property to another farmer.

Vice Chair Riley stated that the Lowell Sun article put the Town in a bad light and we should get our side of the story out. He thanked Dina Favereau for doing some research.

Mr. Burrows stated that perhaps they could reach out to Essex Agricultural High School.

• **Mattresses**

Mr. Curran stated that Mass DEP is adding mattresses and box springs to the waste ban effective November 1, 2022. This is not in our budget so there will most likely be a fee.

Member Rosa stated that we should include this fee in the future trash contracts so if there is a fee, it should be a short term fee.

Member Burrows stated that he's already seen a lot of mattresses around town and hopes it doesn't increase.

15. Town of Billerica Recording Policy for Public Meetings – 2nd Reading – Presented by Member Burrows

Secretary Conway stated that this will be discussed at the next meeting.

16. Proposed Changes to Section 46.0 of the Select Board Policies and Procedures – Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers – 2nd Reading

Secretary Conway stated that this is the second reading and there have been no changes. This will change the closing time in the regulations to 11:00 PM

MOTION - Secretary Conway made a motion to approve the change in Section 46.0 of the Select Board Policies and Procedures to allow for applicants to close at 11:00 PM, 7 days a week. The motion was seconded by Member Burrows and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

17. Appointment to the Billerica Residents Employment Monitoring Committee – Article XX, Section 4 – Requested by Member Burrows

Mr. Burrows reached out to the State Ethics and they saw no issues with his appointment and suggested he fill out the Disclosure of Appearance of Conflict of Interest as Required by G.L. c. 268A, §(b)(3) form, which he has.

Secretary Conway thanked Mr. Burrows for reaching out to the State Ethics and it's the appearance of impropriety that we need to avoid and asked if we have to create this committee and then appoint. Chair Deslaurier stated that this committee was created by the Town Meeting article, so we just have to appoint. Secretary Conway cautioned that the names and addresses are not public information and should not leave the committee.

MOTION - Secretary Conway made a motion to appoint John Burrows as the Select Board designee on the Billerica Residents Employment Monitoring Committee. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

18. Preliminary Warrant

Mr. Curran stated that this will be discussed at the next meeting when free cash is certified.



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19. Collective Premium Cannabis located at 4 Republic Road – Request for Change of Hours of Operation to 9:00 AM to 11:00 PM – David Giannetta

David Giannetta appeared to requested that the hours of operation be changed so he can close at 11:00 PM, 7 days a week. Mr. Giannetta stated that he appreciates being in front of the Board and it's been 3 years since he first appeared. His store has been open for about 6 months and is going great.

Secretary Conway thanked Mr. Giannetta for being a good business partner. She was initially against a marijuana facility but she is now happy to have them here.

Vice Chair Riley agreed and asked during the Planning Board hearing, he asked that literature be available in the store regarding addiction. Mr. Giannetta replied that he does remember that and will take this a reminder to make sure it is in place.

Member Rosa stated that you could reach out to the BSAAC and they may have the literature you need. Mr. Giannetta replied that he has worked with Mike Higgins in the past and will reach out to him again.

Member Burrows stated that he has visited the store and the staff is welcoming and well educated.

MOTION - Secretary Conway made a motion to approve the change in closing time for Collective Premium Cannabis to 11:00 PM, 7 days a week. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

20. Review Proposed Changes to Select Board Policy, Section 13.0 – Town Manager's Review – Proposal to Change Review Period from July 1st to June 30th to January 1st to December 31st (Aligning It to the Calendar Year Instead of Fiscal Year) – 1st Reading – Requested by Secretary Conway

Secretary Conway stated that she would like to change the review cycle for the Town Manager from fiscal year to calendar year. This would allow new members to work with the Town Manager for about 6 months before trying to give him a review.

Member Rosa stated that one of the reason it was fiscal was to incorporate any salary increases into the budget. Perhaps a newly elected member's review would be done but it wouldn't count. He is also concerned with the holidays in December. Secretary Conway stated that the salary is tied to his contract, not his review.

Member Burrows stated that he doesn't have a strong opinion on this. He agrees that having more time to work with the Town Manager is valuable in making a decision.

Mr. Curran stated that there is an opportunity for budget changes in spring or fall. He would agree that the proposed timeline makes more sense.

Vice Chair Riley appreciates that as a new member, he would have more time to work with the Town Manager. He would like December and as a new member would want his opinion to count

Chair Deslaurier stated that this is a good idea. He would not want to red shirt a new member. This is a natural shift.

21. Discussion of Providing an Interim Review of Town Manager if Above Policy is Approved or Wait Until the End of December 2022 (One Year Adjustment Due to Policy Change)

Secretary Conway stated that since it seems the change to December would be acceptable, what should be do this year. Should we just make it an 18 month review instead of 12 months.

Member Rosa stated that we have already missed the June 30th date, so we should just move forward with December.

Mr. Curran stated that the goals go hand and hand with the review and the goals should be started ahead of this process. Chair Deslaurier asked that the Town Manager present an update on the goals.



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22. Approved ARPA Spending and Request for Update on Implementation – Requested by Secretary Conway

Mr. Curran presented a spreadsheet with the ARPA spendings.

Secretary Conway stated that not a lot of money has been spent but a lot of the money that is airmarked for projects would have had to come from the taxpayers.

Member Burrows asked if the lighting at the Vining was covered by ARPA funds. Mr. Curran stated that the lighting is covered by ARPA but the field project was not covered. We may need to use some free cash to finish. Mr. Curran added that parking is awful down at the Vining so they will probably add parking stops.

Member Rosa asked how much money from our State legislatures is being used for the auditorium. Mr. Curran stated that \$30,000 from Rep. Lombardo will be used for paint. \$110,000 from Senator Friedman will also be used. There is also \$400,000 in the bond bill but that is not secured. They may have to use free cash or CPA funds to fill in the delta. Member Rosa stated that the delta is \$460,000.

23. Update of Select Board Policies and Procedures – 1st Reading – Submitted by the Executive Confidential Secretary

Dawn McDowell joined the meeting via Zoom to discuss the update to the Select Board Policies and Procedures. This update is to incorporate all policies into a cohesive document with table of contents and change pages. This has been formatted so all sections are the same. The references to Selectmen, Chairman, etc. have been updated. There were 4 updates as noted in the memo dated August 26, 2022 that changed hyperlinks and references that were out of date. There was also a change to Attachment E on the number of copies that are required, but after speaking with Member Rosa, that could be changed back to 10. There were also a few policies that were approved by the Board but never incorporated into the policy book. This is the first step of cleaning up the policies and the content should be reviewed by the members for any updates.

Member Rosa stated that he had a few items to update. Chair Deslaurier stated that this is the first reading, so he asked that they be submitted to Ms. McDowell.

24. Town Watering Policy Review – Requested by Chair Deslaurier

Chair Deslaurier stated that due to climate change, we have been experiencing a tremendous drought and it is worthy of discussion of the water policy. We need to be consistent. Fields are ok to water because of safety concerns of participants but watering the common or the area in front of Town Hall maybe shouldn't be.

Mr. Curran stated that bylaw allows for watering of municipal fields. The common hosts concerts and there are seniors who walk on it. Would it be disrespectful to not maintain the safety memorial in front of Town Hall? The Howe was being watered because there was a new lawn. He will have discussions with Woodard & Curran. He will also research if Burlington is taking water from the Shawsheen River. We need redundancy our water supply.

Member Rosa stated that we need to get the information to the residents. It's frustrating that their lawn is brown but the Town is watering the common. We should take a look at the regulations. It says you can pay for a car wash, but can't use your own water to wash your car.

Member Burrows asked that the Town Manager look at a grant for rain barrels. Mr. Curran stated that we used to have a program and he will look into it.

Chair Deslaurier asked that the Town Manager look at this policy for possible revision and get back to us because he believes that this is not a one time situation.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 12, 2022**

Meeting Schedule – September 26, 2022 and October 3, 2022

MOTION - Secretary Conway made a motion to adjourn the September 12, 2022 Select Board meeting at 11:20 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: 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
SEPTEMBER 12, 2022**

Exhibits for the Select Board Meeting – September 12, 2022

Call to order 7:00 PM

1. **Moment of Silence – Remembrance for September 11, 2001** – No Exhibits
2. **Open Microphone**– No Exhibits

Announcements

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

Professional Recognition

5. **Sargent Mark Tsoukalas, Officer Koles, Officer Bandouveres, and Officer Casey – Letter of Commendations** – Letters of Commendations
6. **Water Department – Letter of Commendation** – Letter of Commendation, Memo dated 09/12/22 from C. Papadopoulos

Introductions

7. **Michele Rivera – Human Resources Director**– No Exhibits
8. **Donald Jarvis – Director of Veteran’s Services**– No Exhibits

Presentations

9. **Town Center Presentation and Discussion** – Memo dated 09/06/22 from J. Curran, Town of Billerica
Downtown Mobility and Traffic Analysis Presentation from BETA, Town Center Conceptual Design dated 07/19/22 from BETA, Town Center Updated Conceptual Design dated August 2022 from BETA

Proclamations

10. **Childhood Cancer Awareness Month – September 2022**– Proclamation

Approval of Meeting Minutes

11. **August 15, 2022** - Minutes

Appointments

12. **Historic District Commission – 3 Applicants (1 Regular Member Architect, 3 Alternate Vacancies expiring 2025)**
 - Tina Pesiridis - Application
 - David Gagliardi - Application
 - Dan Valentine - Application
13. **Billerica Youth Advisory Committee**
 - Grace Carter - Application
 - John LaFauci - Application
 - Miranda Hodgkins - Application
 - James Mahoney - Application

Old Business

14. **Town Managers Report** – Town Manager’s Report dated -09/09/22
15. **Town of Billerica Recording Policy for Public Meetings – 2nd Reading – Presented by Member Burrows** - POSTPONED
16. **Proposed changes to Section 46.0 of the Select Board Policies and Procedures – Adult Use Marijuana Establishments and Medical Marijuana Treatment Centers – 2nd Reading** – Memo from John Curran dated 08/12/22
17. **Appointment to the Billerica Residents Employment Monitoring Committee – Article XX, Section 4 – Requested by Member Burrows** – Article XX of General Bylaw, Disclosure of Appearance of Conflict of Interest by Member Burrows dated 08/31/22



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 12, 2022**

18. Preliminary Warrant – Preliminary Warrant

New Business

- 19. Collective Premium Cannabis located at 4 Republic Road - Request for changes to Hours of Operation to 9:00 AM to 11:00 PM – David Giannetta – Application dated 07/13/22 from D. Giannetta, Email from C. Main dated 06/29/22**
- 20. Review Proposed Changes to Select Board Policy, Section 13.0 – Town Manager’s Review – Proposal to change review period from July 1st to June 30th to January 1st to December 31st (aligning it to the calendar year instead of fiscal year) – 1st Reading – Requested by Secretary Conway – Draft Bylaw**
- 21. Discussion of Providing an Interim Review of Town Manager if above policy is approved or wait until the end of December 2022 (One Year Adjustment Due to Policy Change) – No Exhibits**
- 22. Approved ARPA Spending and Request for Update on Implementation – Requested by Secretary Conway – Spreadsheet dated 09/01/22**
- 23. Update of Select Board Policies and Procedures – 1st Reading – Submitted by the Executive Confidential Secretary – Memo from D. McDowell dated 08/26/22, Proposed Updated Policies and Procedures dated 09/12/22**
- 24. Town Watering Policy Review – Requested by Chair Deslaurier – General Bylaw Water Conservation, 2022 Water Restriction Memo**

Meeting Schedule

September 26, 2022 and October 3, 2022) – No Exhibits

Approved On: September 26, 2022