



BOARD OF SELECTMEN

TOWN HALL
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Andrew N. Deslaurier, *Chairman*
Edward J. Giroux, *Vice Chairman*
Kimberly J. Conway, *Secretary*
George J. Simolaris, Jr., *Member*
Michael S. Rosa, *Member*

BOARD OF SELECTMEN MEETING MINUTES June 19, 2017

A regular meeting of the Board of Selectmen was held on Monday June 19, 2017 at 7:00 p.m. in the Conway Hearing Room. Present were Selectman Andrew Deslaurier, Chairman, Selectman, Edward Giroux, Vice Chairman, Selectman Kim Conway, Secretary, Selectman Michael Rosa, Member, Selectman, George Simolaris Member, Town Manager, John Curran and Assistant Town Manager, Cathleen O'Dea.

CALL TO ORDER:

Chairman Andrew Deslaurier called the meeting to order at 7:00 p.m.

OPEN MICROPHONE:

No one signed up for open mic

ANNOUNCEMENTS:

VACANCIES ON BOARDS AND COMMITTEES

Board of Selectmen Appointments
Board of Appeal, Alternate member
Arts Council
Cabot Land Use Committee
Open space and Recreation
Scholarship Foundation Committee
Water Sewer Oversight Board

One (1) member
One (1) member
Five (5) members
One (1) member
Seven (7) members
Five (5) members

Selectman Kim Conway stated all other announcements may be viewed on the Town of Billerica website, Selectmen's page.

Proclamation for Steve Depoian from Jim's Barber Shop

Chairman Deslaurier called Steve Depoian up to the podium, then had Secretary Kim Conway read a proclamation to Steve regarding his (and his fathers) many years of service within the Town of Billerica. Jim's Barber Shop has been a staple in the center of town for over 70 years. Steve will be greatly missed and we hope he enjoys his retirement.

MINUTES:

April 24, 2017 (Regular Meeting)

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to approve the minutes of April 24, 2017 regular meeting as amended by Selectman Rosa.

It was voted:

5 – In favor
0 – Opposed

May 22, 2017 (Regular Meeting)

Selectman Kim Conway, seconded by Selectman Michael Rosa made the motion to accept the minutes of May 22, 2017 regular meeting as amended by Selectman Rosa.

It was voted:

5 – In favor
0 – Opposed

NEW BUSINESS:

Mr. Lou Cornaro, RE: Billerica Lions Club Centennial Community Legacy Project; Permission to construct an English/Braille Storybook Trail for visually impaired youth and adults at Kohlraush Park, North Billerica

Selectman Kim Conway, seconded by Selectman Michael Rosa made the motion to grant Billerica Lions Club Centennial Community Legacy Project; Permission to construct an English/Braille Storybook Trail for visually impaired youth and adults at Kohlraush Park, North Billerica.

It was voted:

5 – In favor
0 – Opposed

OLD BUSINESS:

Town Mangers Report

Aggregate Energy – There is a hearing scheduled for July 3, 2017 at 2:00 pm in Boston at One South Station on the 5th floor. The town of Billerica will be represented by Colonial. This is one of the steps in the process to get to the bidding process so that we can select an outfit to provide a competitive rate. The town expects to have a rate to offer to the residents around December or January.

CPA – The Community Preservation Coalition conducted two (2) training classes for municipal officers and for CPC members on Tuesday June 13, 2017. I (John Curran) attended that afternoon session as well as other officials, the Assessor, the Conservation Director, the Asst. Town Manager, three (3) members of the CPC and the Economic Development Director. Informative, talked specifically about setting up a budget for the CPA that we anticipate at the Fall Town Meeting. The first year is a little unique; we would not receive a match in the first year, not until the second year. They are projecting a 10% match from the state but this was a banner year, about 14 communities that passed the CPA including the city of Boston so things could be a little different a year from now.

Appraisal Ch 61A – Parcel 37-5-1 Billerica, MA – The parcel on Nashua Road, we did get a quote for \$2,500 to do an appraisal on that site. We should have that on or before July 7, 2017. This should be plenty of time for the board to take any action regarding that property.

Neighborhood Meetings – The meetings were successful, the attendance was comparable to the past a little less than last year. The department heads will be debriefed next week to see if we can try to increase attendance next year. The issues were the same but there was a different format. It was a general overview of the town and general questions with stations of each department head where the residents were able to come up and speak directly to the department heads about their issues (usually neighborhood issues).

RFP Fire Assessment – Proposals are due by June 26, 2017 and the final report will be due by December 31, 2017. The scope of the evaluation will examine and evaluate the current management practices, facilities, training, staffing levels, equipment, policies and procedures with recommendation to improve efficiency. It will also include but not limited to an examination of current management reorganizational proposal and union recommendation, and evaluation of the impact of the 24 hour shift on the current culture of the station. The proposal shall include all findings and recommendations.

Vining School – There was a meeting with the Town Managers Office, the Superintendent, the Chair of the School Committee, the Chair of the Board of Selectmen, The chair of the Vining Reuse Committee, the Chair of the Finance Committee and the Asst. Town Manager to discuss the future reuse of the building. The sentiment seems to be that the building will eventually be turned over to the town but it needs to be discussed with the Reuse Committee. The town does have some immediate short term uses that the property could be used for

Financial Transfers – There is one before you today, the legal transfer for \$75,000. You should be aware of some of the other transfers coming up that only require the Finance Committees approval. Public Safety interdepartmental transfers for overtime in the public safety Depts. They are the Fire Dept. for \$60,000 and police and ambulance which are being worked on. Finally the Finance Committee Reserve Fund will be requesting a transfer to fund the special election to replace Senator Ken Donnelly; this appropriation is approximately \$25,000

Water / Sewer Rates Second Reading – The first reading was at the last meeting Doug Gardner from Pioneer Consulting Group - Mr. Gardner is the Town of Billerica Water and Sewer Rate Consultant and went over the second reading regarding the water and sewer rates for 2018. The amount of money from the General Fund will remain constant from year to year. For the water rates they are recommending a 3% increase and the General Fund contribution is just under \$1.8 million. The sewer rate would be a 24% increase for 2018 which is being driven by over \$14 million in new debt. The principal and interest on the 14 million is \$803,000 and the General Fund contribution is \$3,786,208. The Water/Sewer Rates presentation can be viewed at Billerica Access TV-Board of Selectmen Meeting June 19, 2017. The presentation shows the rate changes, the debt service schedule and future projects for water and sewer.

Mr. Gardner, the Town Manager and the board discussed the rates for residents and non-residents. The future projects coming on and old projects coming off. Selectman Rosa and Selectman Simolaris asked questions and gave opinions regarding the non-residents, people not connected to sewer and people on wells. Selectman Rosa questioned charging households per bedroom. See BATV for full discussion.

Mr. David Johnson of 113 Gray St. gave the board a handout and spoke about what the impact is by family size and what the impact is of the Enterprise System of the rates. Mr. Johnson said the Enterprise System has caused a 56% increase in sewer fees and 12% in water fees in the last 2.5 years. Town Manager, Mr. Curran stated that the sewer rates were increased by 2% in 2017, 24% in 2016, 2% in 2015 and 5% in 2014 which is not anywhere close to 56%.

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to propose the following water rates structure:

In town Proposed Rates		Out of Town Proposed Rates	
➤ 0 – 2,000 CF	\$2.85	0 – 2,000 CF	\$3.50
➤ 2,001 - 10,000 CF	\$3.44	2,001 - 10,000 CF	\$4.52
➤ Over 10,000 CF	\$4.23	Over 10,000 CF	\$5.45

It was voted: 5 – In favor
0 – Opposed

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to propose the following sewer rates structure:

In town Proposed Rates		Out of Town Proposed Rates	
➤ 0 – 2,000 CF	\$4.08	0 – 2,000 CF	\$4.43
➤ 2,001 - 10,000 CF	\$4.65	2,001 - 10,000 CF	\$8.62
➤ Over 10,000 CF	\$6.60	Over 10,000 CF	\$13.36

It was voted: 5 – In favor
0 – Opposed

Signing on the Predevelopment Loan with MassDevelopment –

John Curran, Town Manager and Rob Anderson, Economic Development Director – This is the MOA for the DPW site, the MassDevelopment MOA. It does not lock the town into anything it does allow the town to have an economic development assessment or study of this area and give some conceptual renderings of what is possible on the site. Also, it is a loan that the town does not have to pay back unless the town actually develops the site and if nothing happens with the site in 10 years we still don't have to pay back the loan. It does require the Board of Selectmen's endorsement.

Selectman Rosa had questions with regards to paying back the loan, why the boat launch is not mentioned, and he firmly believes in the town retaining all town owned properties and is against this study.

Selectman Conway noted that having the study done does not mean the town will sell off the property we are just getting ideas of what could be done with the property. Eventually the DPW will have to be moved from the site and if we can recoup some of that money by selling off the property or a portion of the property, then we should at least look into it. We should be fiscally responsible and we should know what can or cannot be done with the site once the DPW is no longer there.

Selectman Giroux wanted to know what the process would be once we got the results back from the study. Mr. Anderson went over what would need to be done, getting inputs from town departments etc. Selectman Giroux noted that the study would be providing data and we wouldn't be doing anything with any properties without data. Selectman Giroux also asked if the town was eligible for more than one study at a time. To which Mr. Anderson answered yes.

Selectman Simolaris stated that the state did come before the board in regards to a boat ramp on this property which he voted against because it was a million dollar project with something like 25 boat slips and he didn't want to see motor boats and lots of out of towners ruining our habitats. He is all for a small boat ramp for kayaks and canoers etc. As for the property in question, he would not like the town to let go of it. He would like to see it leased out and the big building on the site used as a movie theater or something. He would be against the town selling off any part of the property.

Chairman Deslaurier wanted to build upon what Selectman Rosa and Selectman Giroux was saying many of the decisions in the town were done in a poorly thought out fashion. He went over how this board is trying to correct those poorly thought out fashion decisions of the past. Agreeing with Selectman Giroux that data is helpful so we can make an informed decision and not just a "no" decision. A "no" decision would have a cost as well. Selectman Deslaurier asked the Town Manager about the boat ramp and as to whether we received any confirmation regarding the DPW and Fire Dept. concerns? The Town Manager was asked to follow up on that.

Selectman Rosa just wanted to clarify that the boat launch was a half million dollar project not a million with 20 slips for boats with trailers and another 12 to 15 spaces for car top type boats. Also, that he is advocating for preservation of town property, not selling it.

Selectman Simolaris is looking for clarification of this study and what could be sold off or used and what cannot be touched. He is concerned about tax rates trying to get revenue for the town but he also believes that this property should not ever be sold off and he is not in favor of this.

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion that we approve signing the memorandum of agreement between the Town of Billerica and the MassDevelopment finance agency for land located at 250 Boston Road Billerica, which will entail the predevelopment loan.

It was voted:

3 – In favor
2 – Opposed

Selectman Rosa requested clarification on Section 4 subsection C. Chairman Deslaurier said he would direct town council to provide the board with something on it.

NEW BUSINESS

Guilherme Domingues, DBA Bella Pizza, 113 Boston Road, Billerica, RE: Transfer of a Common Victualler License from Robert P. Donahue

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to transfer the Common Victualler License from Robert P. Donahue to Guilherme Domingues, DBA Bella Pizza, 113 Boston Road, Billerica contingent upon all the zoning board of appeals special conditions affecting the permit A through G as well as the hours of operation being weekdays 9 am to 10 pm, Saturday 9 am to 10 pm and Sunday 9 am to 8 pm.

It was voted:

5 – In favor
0 – Opposed

Nazzaro Enterprises, DBA Pini's Pizzeria, 749 Boston Road, Billerica, RE: Request for Common Victualler License

Selectman Kim Conway, seconded by Selectman Michael Rosa made the motion to issue a Common Victualler License to Nazzaro Enterprises, DBA Pini's Pizzeria, 749 Boston Road, Billerica with ZBA conditions A through H and operating hours are 11 am to 11 pm Sunday through Sunday.

It was voted:

5 – In favor
0 – Opposed

One Day Beer and Wine License Requests for KHD, Inc. DBA High Octane Harley Davidson, One Chelmsford Road (10 approved already on April 24, 2017 meeting; 12 in this request; leaving only 8 left for the year if approved)

Selectman Kim Conway, seconded by Selectman Michael Rosa made the motion approve a one day beer and wine license request for KHD, Inc. DBA High Octane Harley Davidson, One Chelmsford Road for:

- Saturday, July 1, 2017 11 am to 4 pm
- Thursday July 13, 2017 5 pm to 8:30 pm
- Saturday, July 15, 2017 11 am to 4 pm
- Thursday July 27, 2017 5 pm to 8:30 pm

It was voted:

5 – In favor
0 – Opposed

Chairman Deslaurier made note they would reach out to KHD, Inc. in regards to the other 8 dates listed.

Appointments – Board of Selectmen

Board of Appeals

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to appoint Eric Anable of 6 Woodbury Road to the Board of Appeals as alternate member.

It was voted:

5 – In favor
0 – Opposed

Discussion relative to the policy of eliminating health insurance for members of the Board of Selectmen due to terminate this fiscal year.

This item was added on the agenda by Selectman Simolaris; currently selectmen can collect health insurance. However the town is looking to discontinue this benefit for selectmen. Selectman Simolaris currently is on this plan and believes the town should continue the plan for selectmen. He puts in many hours for town duties and due to that is now only working part time in his painting business. He puts the town first and by taking this \$5,000 benefit away from a member of the executive branch of this government of Billerica shows that this board does not have much respect for the other members of the Board of Selectmen.

Discussion relative to fines and hearings for handicapped parking violations. Also, updating the board on the commission on disability meeting held on June 16, 2017.

Selectman Simolaris wants to know how the board feels about forgiving parking fines by the Town Manager and Asst. Town Manager. Asst. Town Manager Cathleen O’Dea stated that the Appeals Board is not the Town Manager; it is the Police Department’s Traffic and Safety Officer, which is currently Craig Grogan along with her, the Asst. Town Manager. Ms. O’Dea stated that almost 100% of the time if someone is ticketed for parking in a handicapped spot and they do not have a placard or handicap plate, they are assessed the \$300 fine.

Where they have given leeway on is (many times it is seniors) when the person does have a placard and maybe it had fallen between the seats or something like that and maybe they did not notice until they received a ticket.

Selectman Simolaris also wanted to know if our Building Dept. has a gauge that checks the pound pressure on doors to be sure they are handicapped compliant. People have complained to him regarding the doors at Kmart. The Town Manager, John Curran said he would check with the Building Dept. and get back to him and if they do they will go check the Kmart doors.

Financial Transfers

This is to transfer \$75,000 from Interest on Temporary Loans to Legal Expenses; this is a department to department transfer which requires the approval of both the Board of Selectmen and the Finance Committee. This is precipitated by several factors, one is the contract for KNP was renegotiated and there was an increase of about \$18,000 in the contingency and a \$25,000 a month increase for 40B submissions and zoning work that are no longer covered under the retaining's parcel of the portion of the contract. \$32,000 cost with the labor law associated with the cost of the Fire Dept.

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to transfer from anticipated surplus in the Temporary Interest Budget (71070-7130) the sum of \$75,000 to cover anticipated deficit in the Legal Budget (19370-7096).

It was voted:

5 – In favor
0 – Opposed

MEETING SCHEDULE:

Chairman Deslaurier wanted to address Selectman Rosa's suggestion of deleting a meeting in July. He suggested the July 24, 2017 meeting. The other selectmen were okay with this decision.

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to cancel the regularly scheduled meeting of the Board of Selectmen for July 24, 2017.

It was voted:

5 – In favor
0 – Opposed

The new meeting Schedule is:

July 10, 2017

August 14, 2017

ADJOURNMENT:

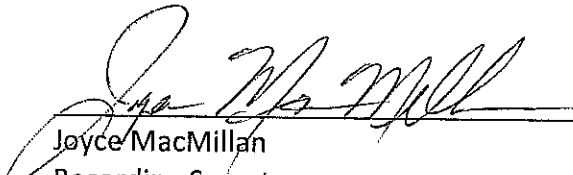
Selectman Mike Rosa, seconded by Selectman Edward Giroux made motion to adjourn.

It was voted:

5 – In favor
0 – Opposed

Chairman Andrew Deslaurier adjourned the meeting at 9:52 pm.

A True Copy Attest



Joyce MacMillan
Recording Secretary