



BOARD OF SELECTMEN

TOWN HALL
365 BOSTON ROAD
BILLERICA, MASSACHUSETTS 01821
978-671-0939
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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 July 10, 2017

A regular meeting of the Board of Selectmen was held on Monday July 10, 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:

George Simolaris, 38 Andover Road – Selectman Simolaris directed his comments to Town Manager John Curran, reading from his letter he wrote to the Lowell Sun, stating that the decision and action from Town Manager John Curran asks more questions than it answers. Simolaris went on about the Fire Dept. scandal, how it was handled and the punishments handed down. According to Simolaris the town should switch to a city type form of government with an elected Mayor so there will be more transparency. Simolaris believes Mr. Curran used the scandal for his own political gain.

The Town Manager John Curran tried to respond to Simolaris. He was able to get out that this situation could have happened in any city or town, the form of government would not have mattered. He also was able to state that in any city or town you cannot suspend anyone without pay because if you are wrong then you have to pay triple the damages. That was about all Mr. Curran was able to get out. Selectman Simolaris kept interrupting and not allowing Mr. Curran to respond to any of Simolaris' accusations.

Chairman Deslaurier put an end to the banter and asked both parties to stand down.

America's Yankee Doodle Town

Steve Wetzel, 19 Dudley Road – Mr. Wetzel is bringing forth his concerns regarding the paving project. He would like to see a couple of Blind Driveway signs and a couple of mirrors on poles and a speed hump to help slow the traffic down. The Town Manager did say that they would place the Blind Driveway signs and the mirrors up. However, Mr. Wetzel said this was not enough and is not budging on the speed hump.

ANNOUNCEMENTS:

VACANCIES ON BOARDS AND COMMITTEES

Board of Selectmen Appointments

Arts Council	One (1) member
Cabot Land Use Committee	Five (5) members
Open space and Recreation	One (1) member
Scholarship Foundation Committee	Seven (7) members
Water Sewer Oversight Board	Five (5) members

Notice to all Registered Voters in Billerica – There will be a Special Election on Tuesday July 25, 2017 to fill a vacancy in the office of Senator in General Court. The polls will be open from 7:00 am until 8:00 pm. Absentee ballots for this Special State Election are now available in the Town Clerk's Office. Anyone unable to get to the polls on Election Day can vote by absentee ballot until 12:00 noon on Monday July 24, 2017. For more information, contact the Town Clerk's Office at 978-671-0924.

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

MINUTES:

June 5, 2017

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to approve the minutes of June 5, 2017.

It was voted:

4 – In favor
0 – Opposed
1 – Abstained

PUBLIC HEARING:

7:15 pm – National Grid and Verizon RE: Clermore Street – National Grid proposes new pole 7 to feed new homes at 3 and 5 Clermore Street. Location approximately as shown on plan attached. (Abutters notified by Selectmen's Office)

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to open the public hearing.

It was voted:

5 – In favor
0 – Opposed

Paul LaSafler, a National Grid Engineer was available for any questions. Selectman Rosa would like to have Mr. LaSafler let his bosses know that the double poles in town need to be taken care of and also the vegetation that is growing up the poles. Selectman Simolaris would like National Grid and Verizon to move the poles from the middle of the sidewalks and also have the help with the cost of these moves.

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to close the public hearing.

It was voted:

5 – In favor
0 – Opposed

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to approve National Grid and Verizon RE: Clermore Street – National Grid proposes new pole 7 to feed new homes at 3 and 5 Clermore Street. Location approximately as shown on plan #24135180 attached. (Abutters notified by Selectmen’s Office).

It was voted:

5 – In favor
0 – Opposed

**7:20 pm – Robert C. Delaney, DBA JJR Classic Car, 98 Billerica Ave, Billerica, MA 01862
Request for Class II License**

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to open the public hearing.

It was voted:

5 – In favor
0 – Opposed

Robert Delaney was on hand for questions, he would like to continue a license that he has had for 26 years but at a different location. He is limited to 6 vehicle and has already gone before the zoning board of appeals

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to close the public hearing.

It was voted:

5 – In favor
0 – Opposed

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to grant a class II license to Robert C Delaney, DBA JJR Classic Car, 98 Billerica Ave, Billerica, MA 01862 with ZBA special permits, special conditions, A B and C.

It was voted:

5 – In favor
0 – Opposed

OLD BUSINESS:

Town Mangers Report

Appraisal Ch 61A – Parcel 37-5-1 Billerica, MA – The parcel on Nashua Road, it was sent out today and there is a copy from the Assessor. The asking price for the property was \$425,000, the appraisal the town did showed the property being worth \$440,000. If the town were to purchase this property, we would get for the \$425 and if not the appraisal will be useful for the Assessor’s Office for tax purposes. The Town Manager’s Office feels it is in the best interest of the town not to purchase this property.

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion for the Board of Selectmen to have a Special Meeting for August 2, 2017 to utilize our first right of refusal to purchase the parcel identified by the Town of Billerica as Map 37, Block 5, Parcel 1 1A Nashua Road.

It was voted:

0 – In favor
5 – Opposed

Financial Transfers – The legal transfer for \$75,000 was approved by the Finance Committee last week.

Zoning By-Law Review – The Zoning By-Law Committee is looking at some zoning issues, specifically at some Zoning Map clarification. It looks like things were enacted but don’t appear to be recorded the way they were actually voted. One of them is Concord Road and the multifamily uses. It requires some legal research; they are doing some research on that. Mr. Curran wanted to bring this to the Boards attention because it is not covered under the retainer and it does come with a cost.

Selectman Simolaris wanted to know what the discrepancies were for the multi families on Concord Rd. Mr. Curran stated there was a non-conformal use of the barn transformed into housing. There was some question about the zoning overlay on that site was multi family or not, whether it was zoned the way it was voted.

Accepted Ways – There are a couple of neighborhoods that have approached the Managers Office about the process. Town Counsel gave us an updated waiver form to provide to petitioners for the waiver of damages. Another item being reviewed by Town Counsel is a review of General By-Laws 5.2 – 5.5 for requirements for an Accepted Way. Looking at what action does the planning board need to take? Is the action already taken constitute there approval? Other issues are what condition does the road need to be in? We've asked town council to review these items. We are trying to clarify and streamline this process. First, how can we work within the By-Laws we already have and can we make that easier? Second is, do we need to change the By-Law in anyway? We have an issue where residents have to waive their rights to damages on the property. They will discuss if this waiver is necessary, the town is pretty well protected through Case Law.

Selectman Rosa finds it interesting that Town Council is looking at the General By-Laws 5.2 – 5.5 because those are the ones he brought up at Town Meeting when we were trying to approve a map that you couldn't even read the streets on. He raised a concern about it and they had a legal opinion that they would be prepared to defend if Town Meeting passed it.

Also there are the documents the abutters sign over their fee interest to the road. And that is the very issue he brought up at the last meeting relative to the pumping station for Oak Street, it being on a paper street. That anyone in a subdivision has the right to pass and repass over any road that is in that subdivision. He wanted to make sure this is included in the discussion.

Selectman Deslaurier stated he was in favor of what we are doing with the Accepted Ways. It gives people more of what they are paying for through their taxes and because our Accepted Ways process has been executed over that last few decades it disproportionately favors new and some less dense neighborhoods over historic and more dense neighborhoods.

Fall Town Meeting Warrant –The Articles are due by August 14, 2017 and the Preliminary Warrant needs to be posted by August 24, 2017. The list the board will receive on the 14th will be a list of the article they have and the board will probably be interested in approving the preliminary warrant prior to its posting.

One day beer and wine license requests for KHD, Inc. DBA High Octane Harley Davidson, One Chelmsford Road (10 approved on April 24, 2017, four approved on June 19, 2017, Eight in this request, eight left for calendar year if approved) –

- Thursday, August 10, 2017, 5:00 pm to 8:30 pm
- Saturday, August 12, 2017, 11:00 am to 4:00 pm
- Thursday, August 24, 2017, 5:00 pm to 8:30 pm
- Saturday, August 26, 2017, 11:00 am to 4:00 pm
- Thursday, September 7, 2017, 5:00 pm to 8:30 pm
- Saturday, September 9, 2017, 11:00 am to 4:00 pm
- Thursday, September 21, 2017, 5:00 pm to 8:30 pm
- Saturday, September 23, 2017, 11:00 am to 4:00 pm

Selectman Kim Conway, seconded by Selectman Mike 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:

- Thursday, August 10, 2017, 5:00 pm to 8:30 pm
- Saturday, August 12, 2017, 11:00 am to 4:00 pm
- Thursday, August 24, 2017, 5:00 pm to 8:30 pm
- Saturday, August 26, 2017, 11:00 am to 4:00 pm
- Thursday, September 7, 2017, 5:00 pm to 8:30 pm
- Saturday, September 9, 2017, 11:00 am to 4:00 pm
- Thursday, September 21, 2017, 5:00 pm to 8:30 pm
- Saturday, September 23, 2017, 11:00 am to 4:00 pm

It was voted:

5 – In favor
0 – Opposed

NEW BUSINESS

Appointments – Board of Selectmen

Board of Appeals

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to appoint Sandra Giroux of 21 Horman Road to the Cabot Land Use Committee.

It was voted:

4 – In favor
0 – Opposed
1 - Abstained

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to appoint Donna Fitzgerald to the Cabot Land Use Committee as a regular member contingent upon receiving the financial disclosure form.

It was voted:

5 – In favor
0 – Opposed

DAV Billerica Chapter 47, RE: Permission to conduct a Forget-Me-Not Drive on Friday and Saturday, September 8 and 9, 2017

Selectman Kim Conway, seconded by Selectman Edward Giroux made the motion to approve the DAV Billerica Chapter 47, RE: Permission to conduct a Forget-Me-Not Drive on Friday and Saturday, September 8 and 9, 2017, at O'Connor's Hardware, all 3 Market Baskets and Kmart.

It was voted:

5 – In favor
0 – Opposed

The Tilted Kilt, 15 Middlesex Turnpike, RE: Extension of hours until 2:00 am for the Following dates:

- **Saturday July 29, 2017**
- **Saturday August 26, 2017**
- **Saturday September 30, 2017**

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to grant The Tilted Kilt, 15 Middlesex Turnpike an extension of hours until 2:00 am for the Following dates:

- **Saturday July 29, 2017**
- **Saturday August 26, 2017**
- **Saturday September 30, 2017**

With a police detail

It was voted:

4 – In favor
0 – Opposed
1 - Abstained

Family Friends of the Billerica Public Library, RE: Permission to place four (4) 15 X 22 signs on the Billerica Town Common to promote the Yankee Doodle Book Sale for the period August 14, 2017 through September 17, 2017.

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to grant permission to the Family Friends of the Billerica Public Library, RE: Permission to place four (4) 15 X 22 signs on the Billerica Town Common to promote the Yankee Doodle Book Sale for the period August 14, 2017 through September 15, 2017.

It was voted:

5 – In favor
0 – Opposed

D & D Burgers, LLC DBA Mooyah Burgers and Fries, 199 Boston Road, Unit #8, request for Common Victualler License

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to grant a Common Victualler License to D & D Burgers, LLC DBA Mooyah Burgers and Fries, 199 Boston Road, Unit #8 with the special conditions as identified by the ZBA, condition A, B, C, D, E, F and G operating hours from 11:00 am to 9:00 pm.

It was voted:

5 – In favor
0 – Opposed

Ninety Nine Restaurant, 672 Boston Road, RE: Request for a one (1) day weekend entertainment license for Thursday, July 20, 2017 from 4:30 pm to 7:30 pm, guitar music

Selectman Kim Conway, seconded by Selectman Mike Rosa made the motion to grant the Ninety Nine Restaurant, 672 Boston Road, RE: Request for a one (1) day weekend entertainment license for Thursday, July 20, 2017 from 4:30 pm to 7:30 pm.

It was voted:

5 – In favor
0 – Opposed

MEETING SCHEDULE:

The meeting Schedule is:

August 14, 2017

September 11 and 25, 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 8:22 pm.

A True Copy Attest


Joyce MacMillan
Recording Secretary