



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 AUGUST 14, 2017

A regular meeting of the Board of Selectmen was held on Monday, August 14, 2017 at 7:00 p.m. in the Conway Hearing Room. Present were Selectmen Andrew Deslaurier, Chairman, Selectman Edward Giroux, Vice Chairman, Selectman Kimberly Conway, Secretary, Selectman George Simolaris, Member, Selectman Michael Rosa, 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.

Chairman Deslaurier requested a moment of silence for the victims of the events over the past weekend in Charlottesville

OPEN MICROPHONE

David Johnson, 113 Gray Street, came to the podium and expressed his opinion on Medical Marijuana Facilities.

Christopher Tribou, 13 Bridle Road, came to the podium and expressed his appreciation to Board Members who attended the recent Boy Scout Court of Honor. He also expressed his opinion on Open Mic policies regarding the Board of Selectmen.

Matthew Mixon, 14 Miller's Farm Road, came to the podium and expressed his opinion on open space and the welfare of Town residents.

Anne Noel, 2 Locke Road, came to the podium and expressed her opinion on a potential Vigil of Solidarity.

America's Yankee Doodle Town

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Darlene Torre, 22 Deerfield Street came to the podium and expressed her opinion on the proposed Solidarity Vigil.

ANNOUNCEMENTS

VACANCIES ON BOARDS AND COMMITTEES

Board of Selectmen Appointments

Arts Council	One (1) member
Cabot Land Use Committee	Three (3) members
Open Space and Recreation	One (1) Member
Scholarship Foundation Committee	Six (6) Members
Water Sewer Oversight Board	Five (3) Members
Traffic Management Committee	One (1) Member

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

PRESENTATIONS

MASSACHUSETTS STATE SENATOR CINDY FRIEDMAN, FOURTH MIDDLESEX DISTRICT

Newly Elected Senator Cindy Friedman from the Fourth Middlesex District came to the podium and addressed the Board of Selectmen and those present.

The Board welcomed Senator Friedman and thanked her for coming.

SOCIAL MEDIA UPDATE

Clancy Main, Management Analyst for the Town of Billerica and Town Manager John Curran came to the podium and updated the Board on the progress of the Social Media Program for the Town.

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They reviewed items such as Facebook, live tweeting of Town Meeting, departmental information, events, posting of agendas, and customer service

Questions and discussion ensued from Board members including Selectmen's Rosa's suggestion to put on Facebook when sign requests are approved at Selectmen's Meetings, his concerns relative to people getting too much information on building projects. Other concerns Board members had were about monitoring Social Media content and political commentary. Also, Selectman Simolaris' suggestion on the possibility of putting bids for Town projects on Social Media.

The Board thanked Mr. Main and Mr. Curran and stated this was a great step in the interest of transparency.

MINUTES

June 19, 2017 (Regular Meeting)

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to approve the minutes of June 19, 2017.

It was voted:

5 – In Favor

0 – Opposed

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to approve the minutes of July 10, 2017.

It was voted:

5- In Favor

0- Opposed

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PUBLIC HEARING

7:15 p.m. – Azar Realty Trust, LLC: Re: An Increase of Flammable Liquids from 10,000 to 20,000 gallons at 741 Boston Road

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to open the Public Hearing.

It was voted:

5 – in Favor

0 – Opposed

Selectman Kimberly Conway stated that “before we begin the discussion on the Azar Public Hearing to increase fuel storage from 10,000 to 20,000 gallons. I wanted to make everyone aware that per Mass General Law c. 268A S 23(b) (3) – I have filed a disclosure of appearance of conflict of interest on this topic. I have no relationship, nor affiliation with the applicant. However, my brother-in-law is the Fire Chief. As part of the application process, the Fire Department (Deputy Fire Chief) reviews the license application and makes appropriate recommendations to the Selectmen. The review is based solely on the state fire code, DEP rules and regulations and other Billerica rules and by-laws. Thus, there is no perceived or actual financial benefit to me or my family. I will be fully participating in the discussion on this topic.”

Deputy Fire Chief Tom Ferraro came to the podium and gave the Board and overview about this License amendment request. Deputy Ferraro stated he had no real problem with this, but there were other Boards and Commissions involved who did.

Selectman Michael Rosa reminded the proponent of contingencies on this license from the Fire Department, Conservation and the Board of Health.

Selectman Kimberly Conway asked if the Board of Selectmen should delay their vote until after the Conservation Meeting on August 16th.

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The proponent addressed Selectmen's Conway's concerns regarding Conservation and stated there were time constraints involved. He further stated he hoped to get the Board of Selectmen's initial approval based on the Conservation Contingencies being met.

Selectman Edward Giroux and Selectman George Simolaris commented about the approval of this license request based on adherence to the Conservation Commission contingencies.

Chairman Andrew Deslaurier asked Deputy Ferraro if there was anything that could come up at the Conservation Commission meeting that would change his views.

Deputy Ferraro stated he would have no issues.

Selectman Michael Rosa asked for clarification about a ZBA ruling relative to a new canopy; wanting to make sure it had nothing to do with the tanks.

The proponent stated the canopy was for the structure of the building.

Chairman Deslaurier asked if anyone from the public wished to speak.

No one from the public was present to speak on this item.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to close the Public Hearing.

It was voted:

5 – In Favor

0 – Opposed

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion that the Billerica Board of Selectman grant the license application for Azar Realty, LLC, 741 Boston Road, to increase the Class I Flammable Liquids Storage from 10,000 gallons to 20,000 gallons, adhering to the following conditions from the Fire Department 527 CMR 1, the State Fire Code,

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all Massachusetts DEP rules and regulations, all Town of Billerica rules and by-laws and restrictions and/or conditions placed by other Town of Billerica Boards and Commissions. Additionally, contingent upon adhering to all of the Billerica Conservation Conditions and all the Billerica Board of Health Conditions.

It was voted

5 – In Favor

0 – Opposed

OLD BUSINESS

TOWN MANAGER REPORT

Town Manager John Curran highlighted articles on his Town Manager Report.

Town Manager John Curran stated that the Accepted Ways was an item that the Board may want to have a more detailed discussion on in the future. There will be a Warrant Article on the Fall Town Meeting Warrant to remove that section of the Public Ways that he will ask the Board to support. The removal of that section would make the Street Acceptance process easier.

Town Manager John Curran spoke about the wetlands restoration project that will take place between Partridge Road and Jef Road. The project will be conducted by the Central Massachusetts Mosquito Control Project. Mr. Curran stated there is no definite date for the commencement of the project, but will probably be between now and November.

Mr. Curran updated the Board on the progress of the Billerica Fuel System Project. He outlined what has been done thus far and the timeline for the remainder of the project.

Mr. Curran reviewed the progress of the Mass Works project. He stated there is one pole left to be removed. After that pole is removed paving and striping can commence. The goal is to have the work completed by Yankee Doodle weekend in September. There will be plantings done at the project that will be done to the Town's satisfaction on the linear strip. Mr. Curran

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further stated that they are keeping in touch with surrounding property owners on the maintenance of the linear strip.

Mr. Curran addressed the abandoned gas stations on Boston Road. The Mobil gas station is already cleaned up, and Community Development Director is involved in facilitating a project for that site.

The other property, the Hess Gas Station site has been rezoned to a Neighborhood Business Zone. Again Rob Anderson is working to get that parcel developed.

Mr. Curran updated the Board about the High School Building Committee and the progress of the High School project.

Mr. Curran stated for the Board that landscaper Ray Boulay, who has maintained the Center Island for quite some time now, has volunteered to beautify and to continue to maintain the island. There has been a rock wall constructed and several plantings.

Mr. Curran stated that he had a performance recognition for the Billerica Fire Department pertaining to a fuel leak on Hadley Street July 31st.

Because of the Fire Department's immediate response and their training and resources it minimized the risks to residents and reduced down time to neighborhood businesses.

Selectman Mike Rosa echoed Mr. Curran's comments on this matter. He stated that between the Fire Department, Police Department, and DPW it ran like a well- oiled machine.

Relative to the abandoned property where the Mobil Station was on Boston Road, Mr. Rosa cautioned about combining the Mac's II property and Mobil properties as it could make for a larger club with parking at the former Mobil station because of the Adult Entertainment Zoning.

Selectman Rosa asked Mr. Curran about the tar on the vehicles because of the Mass Works project.

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This was covered in Mr. Curran's Town Manager's Report, and he explained in detail the events of that. When asked by Selectman Conway if there was any cost to the Town for this, Mr. Curran explained there was no expense to the Town on the tar removal on the vehicles as the contractor's insurance paid for it.

On another question relative to informing residents about the progress of roadway work, Mr. Curran stated he would like to put together a "roadway primer" so residents will know each step that is going on in the process.

Selectman Simolaris gave his views on the tar situation and asked about why residents who sustained tar damage were not told of the process to have that damage corrected.

Mr. Curran responded to Selectman Simolaris' concerns. He further indicated it was not the Town's responsibility to inform residents of this. It was the responsibility of Mass DOT to inform the public.

In regard to other items on the Town Manager's report, Selectman Simolaris gave his views on the Boston Road Paving, loan for the Town Center project and removing the school as the custodian of the Town's fields.

In response, Mr. Curran stated that a plan is trying to be developed to make sure all issues are ironed out and to make sure fields are maintained in a consistent manner. Mr. Curran also stated that the Town has met with three other communities on fields and has also attended a meeting with the sports organizations in town.

In regards to the Town Manager's Report, Selectman Edward Giroux asked about the target completion date for the Mass Works project, the lip at the entrance to the Mall and the possibility of recognizing the contractor working on the Center Island project.

Mr. Curran responded on what was left to be done on the Mass Works project, and would get Selectman Giroux the final completion date. He also stated he would speak to DPW about the lip at the Mall entrance. Mr. Curran stated he believed that the recognition for the Center Island would be done at the completion of that project.

TOWN MANAGER REVIEW

Chairman Deslaurier explained for those present the Town Manager review process.

Chairman Deslaurier asked each Board member to hit on the highlights of their review and the reasons for their particular score.

Selectman Michael Rosa stated he has seen significant improvement in several of the categories such as dealing with adverse situations. Selectman Rosa stated that Mr. Curran is much more even keeled and professional in handling these matters.

Selectman Rosa stated that Mr. Curran's other strong suits is being well prepared for meetings and his knowledge of financial matters; such as keeping the budget under 2% and working with the Board to save tax payer's money.

Some of the goals Selectman Rosa is interested in is to continue to keep the budget under 2%, replacing the Pinehurst Fire Station and perhaps putting an ambulance bay there, funding loose end contracts for sewer, consolidating school grounds with Cemetery Parks and Trees, and plans for the Old Ditson School such as making it a Senior Center and/or a Recreation Center.

Selectmen Kimberly Conway stated that Mr. Curran's financial knowledge is outstanding. He is professional and level headed. He is also a seasoned municipal leader who adapts to change. His programs for Economic Development and Social Media are progressing very well.

Some of the goals Selectman Conway would like to see from Mr. Curran are streamlining the permitting process, delegating more to his leadership team, goals set for Department Heads and having them measured against them, also improving automation innovation.

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Also as a goal, Selectman Conway would like to maximize fiscal efficiencies and strengths, continuing to make this a better community for Seniors and Veterans, and decreasing the response time for returning phone calls and e-mails.

Selectman Edward Giroux echoed several of the comments of his colleagues.

He stated that Mr. Curran's financial knowledge, professionalism, and community leadership are outstanding. Selectman Giroux further stated that in Mr. Curran obtaining his MBA that it showed a true commitment to Municipal Government.

Some improvement that Selectman Giroux would like to see are a quicker response time in returning e-mails and phone calls, and additional appearances on BATV to get information out to residents.

Selectman Giroux's goals for the Town Manager are improving the DPW facility, developing a plan for the Old Ditson School, sidewalks, the Yankee Doodle Bike Path, and credit for water returned to the Concord River after treatment.

Selectman George Simolaris stated that even though the Town is in a good financial position, he has concerns about when debts come due. He also expressed his concerns about people being "priced out" of Billerica. He is hopeful that the Town can start doing projects "in-budget".

Selectman Simolaris further stated that although he has had issues with the way Mr. Curran has handled some issues, he hopes to work with him the best he can.

Selectman Simolaris' goals for the Town Manager are keeping the resources that we have, filling empty buildings in town, his concern about too many employees and the effect that the 90% portion of health insurance will have on residents. He would like to see roadwork that is already started be completed, maintenance of roads that have already been completed, and the maintenance of town buildings.

Chairman Andrew Deslaurier commented on the similar scores across the board regarding professionalism. The interactions with the board are highly positive

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Chairman Deslaurier also spoke about Mr. Curran's financial strategy, dramatically improved customer service, and getting information out to the public in a much quicker manner.

Some of the goals Chairman Deslaurier would like to see is succession planning for senior staff, expansion of training in basic human services, apply complete streets methodology to more of the residential streets.

Chairman Deslaurier thanked Mr. Curran for his service and looks forward to his continued service.

Town Manager John Curran thanked the Board for their comments. He stated that his goal is to make sure that he is effective as a Town Manager. He thanked the Board for all of the good things that they said, but that he is also appreciative of the comments for improvement.

Mr. Curran further commented on some of the Board's goals that are already in progress.

SPECIAL SPEED REGULATION – MARSHALL AND ELIOT STREETS

Police Chief Daniel Rosa came to the podium for this agenda item.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Billerica Board of Selectmen accept the Advisory Sign and Speed Regulation #7952 as recommended by Mass. DOT.

It was voted:

5 – In Favor

0 – Opposed

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Billerica Scholarship Foundation

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to appoint Thomas Considine to the Billerica Scholarship Foundation.

It was voted: 5 – In Favor
0 - Opposed

Open Space and Recreation Committee

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to appoint Patrick Burns to the Open Space and Recreation Committee.

It was voted: 5 – In Favor
0 – Opposed

Water Sewer Oversight Board

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to appoint Patrick Burns to the Water Sewer Oversight Board.

It was voted: 5 – In Favor
0 – Opposed

MASSACHUSETTS ELKS VETERANS MOTORCYCLE RUN, RE: PERMISSION TO PLACE FOUR (4) 18"X24" SIGNS ON THE TOWN COMMON FROM AUGUST 15 TO AUGUST 27, 2017

A representative from the Massachusetts Elks came to the podium for this Agenda item.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Billerica Board of Selectman approve the Massachusetts Elks Veterans Motorcycle Run to place four (4) 18"x24" signs on the Town Common from August 15 to August 27, 2017.

It was voted: 5 – In Favor
0 - Opposed

DUDLEY ROAD – REFERRAL TO TRAFFIC MANAGEMENT COMMITTEE AND TRAFFIC CALMING DISCUSSION.

The Board discussed the Dudley Road traffic situation including Selectman Rosa’s comments on line of sight and paving.

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion that the Billerica Board of Selectman refer the Dudley Road Traffic Situation to the Traffic Management Committee.

It was voted:

5 – In Favor
0 - Opposed

**DISCUSSION ON OPEN MICROPHONE POLICY
-OPEN MICROPHONE POLICY FIRST READING**

Selectman Kimberly Conway stressed that she felt that it was inappropriate for a Selectman to use Open Microphone. It takes away from citizen’s time. She stated that during her tenure on the Board Selectman Simolaris has spoken at Open Mic on several occasions She stated there was ample opportunity to put something on the Agenda for complete Board participation.

Selectman Edward Giroux spoke about Selectman Simolaris speaking at Open Microphone for several meetings on items that were not on the Agenda. The last time it created a hostile exchange between Selectman Simolaris and the Town Manager. Selectman Giroux further stated that this takes time away from citizens and could be a potential Open Meeting Law violation.

Selectman Giroux proposed an amendment to Section 8 (8.8) on the Open Microphone policy and asked to be placed on the next Agenda to be voted on.

Selectman Michael Rosa read from the Board of Selectmen Policies and Procedures, Section 8.8 which deal with the Open Microphone policy and Section 5.1 which deals with Conduct at

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Board Meetings. He felt that the proposed 8.8 was somewhat redundant to Section 8.6. Section 5.1 states that the presiding officer at the meetings has the right to have individuals removed who continue to be disorderly.

Selectman Simolaris responded to the comments made by his fellow Board members. He stated that he does not want to utilize open mic time to address issues, but if he puts them on the Agenda there is the possibility they could be removed. He also spoke about freedom of expression

Selectman Giroux stated he is still concerned with open meeting law violations and would like to see this go forward. He further spoke about the decorum of Selectmen and stated that you are Selectman whether at the desks or at the microphone.

HIDDEN OAKS CONSENT OF MUNICIPALITY FOR GRANT OF EASEMENT

Town Manager John Curran explained that this was an easement between Hidden Oaks and the Utility Company to perform electrical work. He further explained that the utility company requires that consent be given by the Town.

John Carroll, builder of the Hidden Oaks project came to the podium and addressed concerns on where the easement is and the reasons for it.

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion that the Billerica Board of Selectmen consent for grant of easement from Hidden Oaks, LLC, 1501 Main Street, Suite 15, Tewksbury, MA 01876 to Massachusetts Electric, Plan # 23724

It was voted:

5 – In Favor

0 – Opposed

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BILLERICA ORDER OF MOOSE, #2648, 104 BOSTON ROAD, BILLERICA, MA , CHANGE OF MANAGER

Michael Hoar and Arthur Montuori from the Billerica Moose Club came to the podium regarding this Agenda item for change of Manager to Michael Hoar.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Billerica Board of Selectmen grant the License application for the Change of Manager for the Billerica Moose Lodge, #2648, 104 Boston Road, Billerica, MA

It was voted:

5 – In Favor

0 – Opposed

THE SALVATION ARMY OF LOWELL BIKE EVENT, SEPTEMBER 9, 2017 TO BEGIN AND END AT THE MARRIOTT HOTEL ON CONCORD ROAD

Selectman Kimberly Conway, seconded by Selectman George Simolaris made a motion that the Billerica Board of Selectman grant permission for the Salvation Army of Lowell Bike Event to be held on September 9, 2017 to begin and end at the Marriott Hotel on Concord Road.

It was voted:

5 – In Favor

0 – Opposed

BILLERICA ACCESS TELEVISION, RE: USE OF THE TOWN COMMON ON SATURDAY, OCTOBER 14, 2017 FROM 10:00 A.M. TO 5:00 P. M FOR FAMILY FRIENDLY EVENT.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Billerica Board of Selectmen grant permission for Billerica Access Television to use the Town Common on Saturday, October 14, 2017 from 10:00 a.m. to 5:00 p.m. for Family Friendly Event.

It was voted:

5 – In Favor

0 – Opposed

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BILLERICA BLAST COMMITTEE, RE: REQUEST TO PLACE FOUR (4) SIGNS ON THE TOWN COMMON TO ADVERTISE THE COMEDY SHOW FUNDRAISER AT THE BILLERICA ELKS FROM SEPTEMBER 18, 2017 THRU SEPTEMBER 30, 2017

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion that the Billerica Board of Selectmen grant permission for the Billerica Blast Committee's request to place four (4) signs on the Town Common to advertise the Comedy Show Fundraiser at the Billerica Elks from September 18, 2017 thru September 30, 2017.

It was voted:

5 – In Favor
0 – Opposed

FOUR PAWS IN ACTION, RE: PERMISSION TO PLACE FOUR (4) LAWN SIGNS ON THE TOWN COMMON FROM SEPTEMBER 11, 2017 THRU SEPTEMBER 17, 2017 TO PROMOTE THEIR ACTIVITIES FOR YANKEE DOODLE WEEKEND.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Billerica Board of Selectman grant permission to Four Paws in Action to place four (4) Lawn Signs on the Town Common from September 11, 2017 thru September 17, 2017 to promote their activities for Yankee Doodle Weekend.

It was voted:

5 – In Favor
0 – Opposed

UPDATE ON BOSTON ROAD PAVING SITUATION

Selectman George Simolaris stated he put this on the Agenda. Selectman Simolaris suggested that DPW Director Abdul Alkhatib come to the next meeting for road updates on various other projects in Town.

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MBTA DISCUSSION RE: WIRLESS MONOPOLES

Selectman Kimberly Conway stated that the MBTA has withdrawn this proposal due to citizen complaints.

Town Manager John Curran suggested that the MBTA be invited to speak about this subject and give the Board an update on the four locations in Billerica.

The Board agreed and directed Mr. Curran to set it up.

DISCUSSION ON HIRING POLICY

Selectman George Simolaris asked about the possibility of Board input on certain hires for the Town.

Chairman Deslaurier explained the role of the Town Manager and the policy on hiring.

Mr. Curran explained about the constraints of Civil Service on the Town's hiring practices for Police and Fire positions.

Mr. Curran further stated that there have been occasions when he has set up hiring committees for bigger positions and there has been a Selectman on those Committees.

CPA APPLICATIONS

Town Manager John Curran stated that he has a draft letter for the Board to review and endorse relative to three potential projects: Howe School Design, Peggy Hannon Rizza Recreational Complex, and Yankee Doodle Bike Path Design.

Mr. Curran stated that basically these were placeholders for the Preliminary Warrant.

An extensive discussion took place between Marlise Henderson, Mary Leach, the Town Manager and Board members regarding these projects being premature as there was no application process in place yet.

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Selectman Conway suggested that the CPA Committee come back in about six months with an update on their progress.

No action was taken on this Agenda item.

PRELIMINARY WARRANT ARTICLES

Town Manager John Curran reviewed with Board members articles on the Preliminary Warrant for the 2017 Fall Town Meeting Warrant.

Selectman Michael Rosa wanted to make sure all Boards and Committees had voted to put nt articles pertinent to them on the Warrant. He asked the Town Manager to make sure.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to approve Board of Selectman/ Town Manager Articles to appear on the 2017 Fall Town Meeting Warrant.

It was voted:

5 – In Favor

0 – Opposed

MEETING SCHEDULE

September 11 and 25, 2017 and October 2 and 16, 2017

ADJOURNMENT

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to adjourn.

It was voted:

5 – In Favor

0 – Opposed

Chairman Andrew Deslaurier adjourned the meeting at 11:00 p.m.

A TRUE COPY ATTEST

Sue Aker

Recording Secretary

