



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 SEPTEMBER 11, 2017

A regular meeting of the Board of Selectmen was held on Monday, September 11, 2017 at 7:00 p.m. in the Conway Hearing Room. Present were Selectmen Andrew Deslaurier, Chairman, Selectman Edward Giroux, Vice Chairman, Selectman George Simolaris, Member, Selectman Michael Rosa, Member, Town Manager John Curran, and Assistant Town Manager Cathleen O'Dea. Absent was Selectman Kimberly Conway, Secretary (Participating by phone)

CALL TO ORDER

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

Chairman Deslaurier stated that Selectman Kimberly Conway was participating in the meeting remotely

MOMENT OF SILENCE FOR KAY MULLEN AND SEPTEMBER 11TH VICTIMS

Chairman Andrew Deslaurier called for a moment of silence for Kay Mullen. He also asked for a moment of silence for the victims of September 11, 2001.

OPEN MICROPHONE

Steve Wetzel, 19 Dudley Road, came to the podium to discuss the traffic issues on Dudley Road.

George Dailey, Alpine Street, came to the podium and expressed opinions on the traffic issues at the intersection of Brick Kiln Road and Route 129 and a traffic study that was done some years back.

America's Yankee Doodle Town

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Town Manager John Curran stated that this perhaps could be referred to the Traffic Management Committee as a first step.

Selectman Michael Rosa suggested that it might be beneficial to try and locate the original study that was done.

Sarah Marino, 12 Sullivan Parkway in Tewksbury came to the podium regarding Agenda #18, regarding signals at Whipple Road and Andover Road.

Chairman Deslaurier stated that as it was an Agenda item, it will be discussed when the item came up.

Christopher Tribou, 13 Bridle Road came to the podium and expressed opinions relative to the Paris Accord and Water Meters.

VACANCIES ON BOARDS AND COMMITTEES

Board of Selectmen Appointments

Arts Council	One (1) Member
Scholarship Foundation Committee	Four (4) Members
Traffic Management Committee	One (1) Member

MINUTES

August 14, 2017 (Regular Meeting)

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve the minutes of August 14, 2017.

It was voted:

5 – In Favor
0 - Opposed

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August 18, 2017 (Special Meeting)

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve the minutes of August 18, 2017.

It was voted:

3 – In Favor
0 – Opposed
2 – Abstentions (Selectmen Rosa &
Simolaris)

OLD BUSINESS

TOWN MANAGER REPORT

Town Manager John Curran reviewed items on his Town Manager's Report such as Aggregate Energy, Fuel System Programs Report, Mass Works Project, Syncarpha (Formerly Urban Green Technologies) Solar, the DPW Feasibility Assessment, the ZBA Office being moved to the Building Department and good Samaritan Xavier Aquino.

Mr. Curran elaborated on the Syncarpha Solar item. He stated that the Town has not been happy with the way the project has gone, such as permit conditions and not knowing the project had changed hands. Syncarpha has submitted proposals to resolve the concerns and they are currently under review. The Town is looking at legal action up to and including the revocation of their power permit with the state if this project is not done to the Town's satisfaction.

To start off, Selectman Michael Rosa, seconded by Selectman George Simolaris made a motion the Board send a letter of thanks to Mr. Xavier Aquino for his good Samaritan deeds.

It was voted:

4 – In Favor
0 – Opposed
1 - Absent (Selectman Conway)

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In regards to the DPW Feasibility Assessment, Selectman Rosa expressed his concern on getting conservation restrictions lifted that were put on by the State to develop that property. This is in addition to identifying the wetland areas.

Mr. Curran stated his agreement with Selectman Rosa. He stated that by first identifying the wetlands that would allow the design and after that he would reach out to Senator Friedman on lifting the other restrictions.

Selectman Rosa asked if it were possible to begin the process of revoking Sycarpha's license just to let them know that the Town was serious.

Mr. Curran stated he had already contacted Representative Lombardo who is reaching out to the DPU.

In regards to the Aggregate Energy item on the Town Manager's Report, Selectman Rosa asked if it were possible to get the timeline moved up from December/January to November so residents who wished to take advantage of it could do so for the winter months.

Mr. Curran stated that the timeline was always December/January.

Selectman Edward Giroux asked about the time frame of the Solar Project in getting that area cleaned up.

Mr. Curran responded that it could take a while if it ended up in court.

Selectman Giroux asked about the possibility of using Social Media to advertise the Whipple and Andover Road intersection issues.

Mr. Curran stated that could be done.

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Selectman George Simolaris commented on the Solar Project on Pond Street. He expressed his displeasure on the project as a whole and hoped Mr. Curran would do everything possible to rectify the situation.

Selectman Simolaris commented on the Mass Works project and other road projects in Town. He asked about the possibility of putting large metal plates or filling in the bumps with tar in the driveways on Boston Road.

Selectman Simolaris asked about perhaps using incentives or disincentives with contractors for some of these projects in Town. He is also concerned about the debris on Boston Road in regards to the upcoming Yankee Doodle Weekend.

Selectman Simolaris remarked on the timing of the reseeding and loaming on the Mass Works project, and the bumps on Allen Road.

Mr. Curran responded to Selectman Simolaris' concerns on these issues.

He stated that there would be some clean up on Boston Road in time for Yankee Doodle.

In regards to seeding and loaming this is absolutely the right time for that.

In regards to the incentives for the Allen Road project, Mr. Curran stated that this was a state project, so the Town could not lay out incentives. For the Mass Works Project, you can't put incentives on it because a large piece of that project is controlled by utilities. The Utility companies are out doing what they need to do now. The contractor has done everything they can do up to this point. The finish work cannot be done until after the utility work is completed. Mr. Curran stated this was stated at the beginning of the project.

Mr. Curran responded to Selectman Simolaris on filling in the bumps with tar. He stated this would ruin the new sidewalks that have already been installed.

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Chairman Deslaurier commented on the Mass Works project. He stated he had been approached by a property owner who said the contractor had been very accommodating.

Chairman Deslaurier also stated that the move of the ZBA office to the Building Department is a good one as it will help streamline the process for residents.

WARRANT ARTICLES

Town Manager John Curran stated there are some articles on the warrant that cannot be acted on until the meeting of September 25th, but there are some that can be acted on this evening.

ARTICLE 11 – FY 2018 BUDGET/SEWER ENTERPRISE DEBT AMENDMENT

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to recommend Article 11.

It was voted:

5 – In Favor

0 - Opposed

ARTICLE 12 – FY2018 BUDGET SCHOOL DEBT AMENDMENT

Mr. Curran explained this Article in detail.

Selectman Simolaris asked when residents may begin to see this increase reflected in their tax bills.

Mr. Curran stated it would be in the December bill.

Selectman Giroux clarified that the increase was \$200.00 Annually for both the Parker School and the High School.

Chairman Deslaurier explained the Article to residents who are watching this meeting on television.

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Selectman George Simolaris stated he would support the Article.

Selectman Edward Giroux stated he would support the Article.

Selectman Edward Giroux, seconded by Selectman Kimberly Conway made a motion to recommend Article 33.

It was voted:

3- In Favor
1 – Opposed (Selectman Rosa)
1 – Abstention (Selectman Simolaris)

ARTICLE 43 – TO GRANT AN EASEMENT TO MASSACHUSETTS ELECTRIC COMPANY FOR PROPERTY AT 35 RIVER STREET (NEW HIGH SCHOOL)

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to recommend Article 43.

It was voted:

5 – In Favor
0 - Opposed

Selectman Conway left the meeting at 8:05 p.m.

DISCUSSION REGARDING FREE AIR AT SELF-SERVE GAS STATIONS

Selectman Rosa place this item on the Agenda because there are some self-serve gas stations that are not in compliance with the By-Law regarding free air.

Building Commissioner Mark LaLumiere came to the podium and updated the Board on this issue.

Discussion took place among Board members, such as gas stations getting into compliance with the By-Law, and sending them a letter to either get into compliance or be shut down.

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Town Manager John Curran passed out a draft of a letter that will go to the gas stations that are not in compliance.

Selectman Rosa suggested giving these stations a definitive time line to get into compliance.

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to send a letter drafted by the Town Manager and signed by the Chairman notifying gas stations that they need to be in compliance with the Free Air By-Law on or before October 30, 2017.

It was voted: 4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

Dan Burns, 12 Nolte Road came to the podium and expressed his opinion on this matter.

NEW BUSINESS

NINETY-NINE RESTAURANT, 672, BOSTON ROAD, BILLERICA, MA, CHANGE OF OFFICER AND DIRECTOR

Timothy Perry, representing the 99 Restaurants came to the podium to request approval for this change. For the record, Chairman Deslaurier made a note of a discrepancy in the form letter from the ABCC.

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve Charles Noyes and Gregory Hayes as Officer and Director of the Ninety-Nine Restaurant at 672 Boston Road.

It was voted: 4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

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NINETY NINE RESTAURANT, 160 LEXINGTON ROAD, BILLERICA, MA CHANGE OF OFFICER AND DIRECTOR

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve Charles Noyes and Gregory Hayes as Officer and Director of the Ninety-Nine Restaurant at 160 Lexington Road.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

APPOINTMENTS

Board of Selectmen

Bonded Constable

Selectman Edward Giroux, seconded by Selectman Michael Rosa, made a motion to appoint John Pelletier as a Bonded Constable for the Town of Billerica.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

Scholarship Foundation

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to appoint Meredith Lovell as a regular member to the Scholarship Foundation.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

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Arts Council

Selectman Edward Giroux, seconded by Selectman Michael Rosa, made a motion to appoint Angela LoGuidice as a regular member of the Arts Council.

It was voted:

- 4 – In Favor
- 0 – Opposed
- 1 – Absent (Selectman Conway)

BILLERICA LIONS CLUB, PICNIC IN THE BRAILLE TRAIL DEDICATION, REQUEST TO CLOSE DOWN A PORTION OF COLSON STREET FROM NOON TO 4:00 P.M. ON SUNDAY, SEPTEMBER 24, 2017.

Lou Cornaro from the Billerica Lions Club came to podium for this Agenda item.

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve the closing of Colson Street from noon to 4:00 p.m. on Sunday, September 24, 2017.

It was voted:

- 4 – In Favor
- 0 – Opposed
- 1 – Absent (Selectman Conway)

TOWN MANAGER GOALS AND OBJECTIVES

Mr. Curran reviewed with the Board his goals and objectives.

He asked the Board to have a work session for the goals and encouraged Board members to send along their comments.

VFW POST (SOLOMON) 8819, 12 PHINNEY ST, BILLERICA, MA 01821, RE: CHANGE OF MANAGER

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Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve Karen MacInnis as the new manager of VFW Post 8819, (Solomon), 12 Phinney Street.

It was voted:

4 – In Favor

0 – Opposed

1 – Absent (Selectman Conway)

SIGNALS AT THE INTERSECTION OF WHIPPLE AND ANDOVER ROAD, OPTION TO REFER TO TRAFFIC MANAGEMENT COMMITTEE

Town Manager John Curran stated his agreement with the problems at this intersection. The Town realizes this is a serious issue that needs to be addressed. He further stated this item will most probably be sent to the Traffic Safety Committee.

Selectman Rosa suggested that Mr. Curran go directly to the Engineering Department since it will probably mean the redesign of that intersection instead of referring to the Traffic Management Committee first.

Chairman Deslaurier stated that he agreed with that perspective, but felt it was important to have as many residents who wished to express their opinions and concerns do so.

Mr. Curran said that preliminary action on this issue is already in the works.

Residents from the Whipple and Andover Road areas came to the podium and expressed their concerns on the traffic situation at that intersection.

Anthony Saccari from 375 Andover Road came to the podium. He stated that he has had a wall and fence hit twice. He spoke about motorists going down Andover Road and not slowing down at the blinking yellow light. He also expressed concerns about the light people think is a 4 way stop. If someone inches out they could be hit.

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Mr. Saccari also expressed concerns about Tractor Trailer trucks travelling there. He would like to see a sign placed there that prohibits trucks traffic.

Sarah Marino, 12 Sullivan Parkway, Tewksbury came to the podium. She stated her concerns about the speed of motorists coming from Andover Road and Shawsheen; also about the speed of motorists by the crosswalk near her home.

Tammi Gott from Brookside Drive stated that the vegetation needs to be cut back. The four way stop sign is needed, but it is just a band aid. Traffic signals are needed there.

Ms. Gott also noted that there is a Shawsheen Tech bus stop there.

Mr. Curran explained the process involved in order to get signals there; i.e., the study, design process, and appropriation process from Town Meeting.

Lauren McAveaney, 1628 Whipple Road suggested a blinking light indicating that there is an intersection ahead. She stated a 4 way blinking light is a necessity. She also commented about the Town of Tewksbury increasing their speed there.

Selectman Simolaris stated that Billerica should reach out to Tewksbury to decrease the speed in their section.

Dan Burns, 12 Nolte Road came to the podium and expressed his opinion on this traffic situation. Mr. Burns travels that way daily on his way to work. He stated a four way stop sign should just be temporary, and that intersection needs a light.

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve a temporary four way stop sign at the intersection of Whipple Road and Andover Road.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

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Chairman Deslaurier asked how long it would take to install the sign.

Mr. Curran stated it would probably take a couple of days.

Selectman Rosa suggested having a police presence at that intersection. He also suggested reaching out to Tewksbury to see if something could be done on their end. He further suggested trimming back the brush to make the sign more visible.

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to send the intersection of Whipple Road and Andover Road to the Traffic Management Committee and ask them to expedite the process.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

Mr. Curran stated that there might be some education for the public to inform them of the dynamic of that intersection.

A resident expressed concern about the blinking yellow lights and the 4 way stop sign. He said it would cause confusion. He also said the yellow light should be changed to red.

ROSARY ON THE COMMON, SUNDAY, OCTOBER 15, 2017 @3:00 P.M.

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve the Rosary on the Common on Sunday, October 15, 2017 at 3:00 p.m.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

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ASCERTAINMENT PROCESS FOR CABLE LICENSE

Town Manager John Curran provided letters to be mailed out to Verizon and Comcast relative to the commencement of the renewal process.

Chairman Deslaurier stated for the record, that both he and Selectman Simolaris would remain on the Cable Advisory Committee as the Board's representatives.

Selectman Edward Giroux, seconded by Selectman Michael Rosa made a motion to approve the letters to be sent to Comcast and Verizon.

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

MEETING SCHEDULE

September 25, 2017

October 2 and October 30, 2017 (moved from October 16th)

October 3, October 5, October 10, October 12, October 17 and October 19 (prior to Town Meeting if necessary)

ADJOURNMENT

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

It was voted:

4 – In Favor
0 – Opposed
1 – Absent (Selectman Conway)

Chairman Deslaurier adjourned the meeting at 9:33 p.m.

A TRUE COPY ATTEST



Sue Aker, Recording Secretary