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# BOARD OF SELECTMEN

TOWN HALL  
365 BOSTON ROAD  
BILLERICA, MASSACHUSETTS 01821  
978-671-0939  
FAX: 978-671-0947

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 25, 2017

A regular Meeting of the Board of Selectmen was held on Monday, September 25, 2017 at 7:00 p.m. in the Conway Hearing Room. Present were Selectman 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 called for a moment of silence in honor of former Police Chief John Baretto.

### OPEN MICROPHONE

Matthew Mixon, 14 Miller's Farm Road came to the podium and expressed his opinion on River clean ups and the Bay Circuit Trail

### ANNOUNCEMENTS

Selectman Conway stated there were three openings on the Scholarship Foundation Committee and 1 opening on the Traffic Management Committee. She further stated all other announcements may be viewed on the Town of Billerica Website, Selectmen's Page.

Selectman Conway recognized Billerica Access Television on the occasion of their 30<sup>th</sup> Anniversary and read a proclamation in their honor.

Chairman Deslaurier congratulated BATV and thanked them for all that they do.

*America's Yankee Doodle Town*

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**PRESENTATIONS**

**LRTA TRANSPORTATION UPDATE**

Al Ramos came to the podium and addressed the Board relative to the Road Runner and how it works for citizens with disabilities. He also clarified some issues and complaints involved with this. Mr. Ramos then clarified an agreement with the LRTA and UMass Lowell.

Jean Bushnell, Director of Billerica's Council on Aging came to the podium and explained how the Transportation System at the Council on Aging operates.

Steve Strykowski from Billerica's Commission on Disability came to the podium and addressed the Board on this subject as well as ADA compliance for Veterans and Seniors.

The Board thanked all present for this presentation

Selectman Rosa asked about the possibility of getting another bus for the COA.

Mr. Curran stated that was something that could be looked at in the upcoming budget cycle.

Chairman Deslaurier thanked all involved for the presentation and all of their efforts for the citizens of Billerica.

Selectman Conway stated that the Town was very fortunate in having Mr. Ramos, Mrs. Bushnell, and Mr. Strykowski involved with these matters.

**MINUTES**  
**September 11, 2017**

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to approve the minutes of September 11, 2017 with the amendment on page 14 on the motion to approve a

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temporary four way stop sign at the intersection of Whipple and Andover Road to add "to also change the yellow flashing light to a 4-way red flashing light.

It was voted:

4 – In Favor

0 – Opposed

1 – Abstention (Selectman Conway)

**OLD BUSINESS**

**TOWN MANAGER REPORT**

Town Manager John Curran updated the Board on items from his Town Manager's Report; such as Whipple/Andover Road, the Dog Park, Bike Path Proposal for High School site, the Mass Works Project, Sewer Contract 35, Town School Fields Merger, and Alpine Village Project status.

In regards to the Alpine Village Project status, Mr. Curran stated that there would only be one access, emergency or otherwise, and that will be via Boston Road.

Relative to the Mass Works project, Selectman Rosa commented that the weed beds had not been cleaned up yet. Also; the loaming and seeding had not been done yet.

Selectman Rosa stated his concerns about the decrease in the budget appropriation for the Dog Park as well as the significant changes in the Rules and Regulations from the Dog Park Committee.

Selectman Conway asked for clarification on voting on the Dog Park Rules and Regulations.

Selectman Conway asked about the schedule for the MassWorks project; and if it would be done before the end of this construction season.

Mr. Curran explained what was left to do.

Selectman Conway stated the field merger was overdue. She asked if the sports organizations in town were on board with this plan.

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Mr. Curran stated that the sports groups have maintained their respective fields up to this point. They are somewhat hesitant to this change. Mr. Curran further stated that he would like to phase this change in gradually for all concerned. He does not want to impact fees for youth sports organization participants.

Selectman Giroux stated he was pleased with the field merger. In regards to the Dog Park, he does not feel that there is a way to police out of town dogs going to the park. He is in favor with that change in the rules and regulations.

Selectman Simolaris stated his various concerns on the Town/School Field merger; i.e., hiring employees to maintain the fields. He asked if employees would have to come in on overtime if a field needed to be prepped again due to inclement weather the previous evening.

Mr. Curran responded that if it rained the night before a game, there is a probability that the field would be closed down the next day.

Selectman Simolaris asked about sub-contracting out the field maintenance.

Mr. Curran stated it was considered but it was not the direction they were moving in.

Selectman Simolaris stated he is against hiring employees for this. He also asked about who makes the determination for the merger and what the costs would be annually after this plan was fully implemented and completely phased in.

Mr. Curran stated that he and the Board of Selectmen make the determination. He stated that the costs would be approximately between \$300,000.00 and \$500,000.00.

Selectman Conway clarified for residents that neither the Superintendent nor the School Department ever said that they did not want to maintain their fields. She further stated that this was one of the goals set for the Town Manager to implement this merger.

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Chairman Deslaurier stated that he was pleased with the sidewalk for Lowell Street in relation to Alpine Village .

Chairman Deslaurier also commended the High School Building Committee and the Bike Path Committee on their efforts for this project for the Bike Path proposal for the High School site.

**OPEN MICROPHONE POLICY – SECOND READING**

Selectman Michael Rosa reiterated his position and what he said at the First Reading of this policy. He stated he felt there were enough policies in place for control and that he is opposed to this amendment.

Selectman Edward Giroux stated that he did not disagree with Selectman Rosa, but there is still the potential for an Open Meeting Law violation by having a Selectman speak about something that was not on the Agenda. Also, Selectman Giroux stated that this took time away from residents who wished to speak.

Selectman Simolaris stated that in addition to being a Selectman he is also a resident which is what Open Microphone was designed for. Selectman Simolaris gave reasons why he had addressed the meeting at Open Mic on several occasions. He stated that this was a violation of First Amendment Rights, and if implemented, he would fight to have it rescinded.

Selectman Rosa responded to Selectmen Giroux's opinions on this amendment in regards to the Open Meeting Law. He further stated the Chairman can prohibit a Board member from speaking on a matter outside of the Agenda.

Selectman Conway spoke in favor of this policy change and encouraged Board members to support it. She also encouraged Board members to read the Open Meeting Law and what it means. Selectman Conway stressed that this was the epitome of free speech to reserve Open Mic time for citizens who wished to discuss a matter.

Chairman Deslaurier spoke in favor of this amendment to the policy. It is a reminder of who the policy is intended for; the residents to address their government. Chairman Deslaurier stated

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there are rights that are given up when an individual holds this office to better serve the citizens of this Town.

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion that the Board of Selectmen change policy 8.8 to read:

The open microphone portion of the meeting is intended to encourage and allow residents to address the Board of Selectmen on any topic. It is not intended to create or provide an opportunity for Selectmen to introduce or speak on topics not included in the posted meeting agenda. Therefore in order to provide residents with sufficient time to address the Board, and to ensure compliance with any applicable provisions of the Open Meeting Law, sitting Selectmen are prohibited from addressing the remainder of the Board of Selectmen during the open microphone portion of the meeting.

It was voted:

3 – In Favor  
2 – Opposed (Selectmen Rosa  
And Simolaris)

**WARRANT ARTICLES**

Mr. Curran announced to the Board that Free Cash totaled \$8.1 million which was 4.97% of the total budget for the Town. It is between the 3%-5% recommended by the DOR.

Mr. Curran reviewed for the Board all remaining pertinent Warrant Articles

**Article 14 – To Fund FY2018 Town Capital Budget**

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to support Article 14 to fund FY2018 Town Capital Budget with Free Cash as outlined by the Town Manager.

It was voted:

5 – In Favor  
0 – Opposed



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Selectman Rosa asked if Article 33 could come back for reconsideration. Selectman Rosa stated he would like to change his opposition vote after doing research on the Article.

Selectman Michael Rosa, seconded by Selectman Edward Giroux made a motion to reconsider Article 33.

It was voted: 5 – In Favor  
0 – Opposed

Selectman George Simolaris, seconded by Selectman Edward Giroux made a motion to support Article 33 to amend the General By-Laws in respect to acceptance of public ways.

It was voted: 5 – In Favor  
0 – Opposed

**Article 10 – FY 2018 Budget Amendment**

Mr. Curran explained this article relative to budget changes for FY2018. The total budget amendment is \$269,856 increasing the budget from; from \$141,340,354 to \$141,610,210.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to recommend Article 10, FY2018 Budget Amendment.

It was voted: 4 – In Favor  
1 – Opposed (Selectman Simolaris)

Mr. Curran asked the Board to endorse the Free Cash Article slate recommended for Town Meeting.

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to endorse the Free Cash articles for Fall Town Meeting 2017 as the Board of Selectmen slate.

It was voted: 5 – In Favor  
0 - Opposed



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**NEW BUSINESS**

**Article 36 –Fiscal Year 2018 Community Preservation Budget**

Marlise Henderson and Mary Leach came to the podium for a review and vote on this Warrant Article.

Ms. Henderson gave an overview of this Article for the Board.

Chairman Deslaurier clarified that the Board was voting on the language of the article as it appeared in the Preliminary Warrant. He advised Ms. Henderson that there were Board of Selectmen meetings scheduled before Town Meeting should there be any issues.

Questions and discussion ensued from Board members

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to recommend supporting Article 36.

It was voted:

5 – In Favor

0 – Opposed

**Tilted Kilt, Request for Extension of Hours Until 2:00 a.m. for Sporting Events on October 7, 2017, November 4, 2017, December 2, 2017 and December 30, 2017.**

Chairman Deslaurier stated there was no one representing the Tilted Kilt this evening due to a family emergency for a member of the managerial staff in Puerto Rico due to the hurricane. If the other Manager attended the meeting it would leave no Manager at the Restaurant.

Selectman George Simolaris, seconded by Selectman Michael Rosa, made a motion to grant the Tilted Kilt's request for an extension of hours until 2:00 a.m. for Sporting Events on October 7, November 4, December 2, and December 30, 2017.

It was voted

5 – In Favor

0 – Opposed

**Take Action on the Recommendation From the Traffic Management Committee Regarding Dudley Road**

Selectman Rosa expressed his disappointment on the recommendations of the Traffic Management Committee. Selectman Rosa stated that while he appreciated all of the work the Traffic Management Committee does, he did not feel it addressed the concerns that Mr. Steve Wetzel from Dudley Road had.

Mr. Curran reviewed the items that were agreed to for Dudley Road including the installation of a Convex Mirror.

Selectman Simolaris stated he would like to know when the mirror would be installed in conjunction with the road being tarred.

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to accept and implement the following recommendations from the Traffic Management Committee on Dudley Road:

- Trim vegetation (at the discretion and expertise of DPW and BPD)
- Consult Tree Warden regarding a tree at the Dudley-Concord Road intersection
- After application of the shim coat the BPD will perform another informal traffic Radar study
- After the sewer projects are completed, traffic calming measures can be considered

It was voted:

5 – In Favor

0 – Opposed

**Billerica Public Library Foundation /Family Friends Regarding Permission to Host the 2<sup>nd</sup> Annual Reader Run 5K to be Held on May 20, 2018**

Lisa Botte came to the podium on behalf of the Reader 5K Run

Selectman Kimberly Conway, seconded by Selectman Edward Giroux made a motion to grant the Billerica Public Library Foundation/Family Friends Permission to hold the second annual Reader 5K Run to be held on May 20, 2018 contingent upon approval from the Traffic Safety Officer.

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It was voted: 5 – In Favor  
0 – Opposed

**BillERICA Public Library Foundation, Request for One (1) Day All Alcohol License for the 21<sup>st</sup> Annual Wine Tasting on October 27, 2017 from 7:00 p.m. to 9:00 p.m.**

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion that the Board of Selectmen grant a One Day All Alcohol License for the 21<sup>st</sup> Annual Wine Tasting on October 27, 2017 from 7:00 p.m. to 9:00 p.m. and waive the fee.

It was voted: 5 – In Favor  
0 - Opposed

**Substance Abuse Prevention Re: Permission to hold Vigil on the Town Common on Sunday, October 15, 2017 at 6:30 p.m.**

Selectman Kimberly Conway, seconded by Selectman Michael Rosa made a motion to approve the Vigil on the Town Common on Sunday, October 15, 2017 at 6:30 p.m.

It was voted: 5 – In Favor  
0 – Opposed

**Mailboxes Within Sidewalks – Safety Concerns Discussion**

Selectman Simolaris expressed concerns on mailboxes in the middle of sidewalks. Selectman Simolaris felt it was a safety concern for pedestrians, wheel chairs, bikes and strollers. He was wondering if there was a by-law pertaining to this.

Mr. Curran stated there had to be a 22" right of way, and a mailbox could not impede that.

Steve Strykowski, from the Commission on Disability stated that it had to be 48" for ADA compliance.







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Chairman Andrew Deslaurier adjourned the meeting at 10:00 p.m.

**A TRUE COPY ATTEST**

  
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Sue Aker, Recording Secretary