

**Select Board Meeting Minutes
January 10, 2022**

The meeting was called to order at 7:00 PM.

Present: Selectwoman Kim Conway, Selectman Mike Rosa, Selectman John Burrows, Vice Chair Andrew Deslaurier, Chairman Dan Burns, Town Manager John Curran, Asst Town Manager Clancy Main, Technical Support Andrew Levine

Open Microphone

No one has hand raised

Vacancies on Boards and Committees (see attached)

Public Hearing

Item 4 Secretary Rosa makes a motion to open the public hearing for Fill N Chill 653 Boston Rd change of manager. Seconded by Vice Chair Deslaurier. Selectman Rosa-AYE, Selectman Burrows-AYE, Selectwoman Conway-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Edgar Fayad, owner, is present.

Chairman Burns asks if there is anyone from the public wishing to speak.

Selectman Rosa makes a motion to close the public hearing. No one present. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Secretary Rosa makes a motion the select board approve the change of manager for Fill N Chill 653 Boston Rd to Jamal Denny. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 5 Meeting Minutes – September 27, 2021, November 8, 2021, and November 22, 2021

These minutes were continued to January 24, 2022.

Old Business

Item 6 Sewer Contract 38 – Dudley Road item – Kelley Conway and Fred Russell present. Kelley reviewed 4 options: no sewer on Dudley Rd West, Gravity to 141 Dudley Rd, Gravity to St. Paul Retreat and Low pressure to 80 Dudley Road.

Kelley recommended low pressure to #80. Selectman Rosa asked about the cost and does that include the pump or just installation? Kelley states the pump is included in the total cost.

Kelley Sardina asks a question about #77 Dudley Road – St. Paul Retreat. How many acres is that property? Kelley Conway has no idea. Kelley Sardina asks if it's in the flood plain. Kelley Conway doesn't know.

Peter Garish lives at #74 Dudley Road. He is not opposed to sewer. His question is with the pump – if he loses electricity – what happens? Kelley Conway says residents would need their own emergency generator to have continued use of the pump. Mr. Garish says that would be another cost to homeowners for a generator.

Marlies Henderson is very concerned about this project. It is a very important area to protect. Mills Brook is not in this map, and she thinks it should be. She thinks it's going to be an environmental disaster.

John Metigini speaking that this is directly in his back yard. He doesn't want to see a massive housing development going in. This entire area has a huge amount of wildlife as well as streams, wetlands, etc.

He will be making motions at town meeting to have the town purchase this land and put it into conservation.

John Savinski comments about the additional cost of sewerage – including the purchase of a generator.

Spack family #105 Dudley Road. Has questions about the future use of the property. He doesn't think this is about infrastructure. He thinks it's about development. He says the majority of people who live on Dudley Road are not in need of a sewer system. This is too costly for the residents. He is definitely opposed to this.

Ellen Joy is in the meeting. She agrees with the last 2 speakers. The majority of residents do not want sewerage. She is not in favor of sewerage on Dudley Road.

Christle Card is opposed to this. She has lived on Dudley Road since 1974. It is a special place in Billerica, and she believes this area should be preserved.

Dee Lane #103 Dudley Road doesn't want sewerage. (on the record)

Glenn Card reiterates he is opposed to sewerage.

Kelley Sardina hopes the board speaks with all residents of Dudley Road and doesn't vote on this tonight.

Selectwoman Conway comments this is not a rush to development. The entire project is 6.5 million. This is part of providing sewer for part of town who do not have sewerage. She is the one who demanded it be brought back so all residents can be heard. She will not be voting for any sewerage on Dudley Road. She thanks Kelley Conway about her due diligence. Selectwoman Conway asks what happens with sewerage on the other end of Dudley Road. Kelley Conway states this section is up for debate. No one else has come forward. Selectwoman says other areas will go forward with sewerage.

Selectman Burrows likes hearing from the residents. He took a drive and spoke with a resident on how good the soil is in this area. He can't support adding sewer to this area.

Selectman Rosa speaks about having a septic system on your property vs sewerage on a water way. He believes that you are better off having a septic system with a good leach field in sandy soil than to have sewer with an E1 pump. This area has good soils for septic systems. The E1 pumps are expensive, there are issues when the power goes out and other maintenance issues. This is a sensitive area and as such, a septic system is the way to go. He cannot support bringing sewerage to Dudley Road because it would have a negative effect on the area. He would not support option 4 but he may support option 1.

Vice Chair Deslaurier asks about neighboring developments and their request for sewerage. He thinks everyone should be able to get sewerage. It shouldn't matter the value of your home – everyone should get it. He is happy the rest of this project will go thru...

Chairman Burns adds that Dudley Road is considered a very scenic road with a lot of history. He asks Kelley Conway about option 1. Can we come back and do option 3 and 4 at a later date. A developer would have to front the cost. If the uses of the land changes in the next 30, 40 years – can a change to septic happen? Kelley says yes.

Vice Chair Deslaurier asks if we go with option 1, we are raising the sewer on Nashua Rd? Kelley states it would lower the cost and sewerage doesn't have to go so deep.

Secretary Rosa makes a motion the select board implement option 1 no sewer on Dudley Road West per the plan that was shown to the board this evening in this presentation. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 7 Town Manager Report

Standard and Poor Rating Agency Call

Vice Chair Deslaurier asked what our bond rating is. Mr. Curran replied it is AA. Selectman Burrows happy about our bond rating.

Selectman Rosa asks about the MSBA audit? Mr. Curran cannot control the timeline. Selectman Rosa wants Mr. Curran to stay on top of this. Can we help MSBA do our long-term bonding sooner?

ARPA Funding

Selectwoman Conway is confused by the 10 million in loss. Did the town lose 10 million? Mr. Curran says no. Why weren't select board advised on how money was spent? No money has been spent according to Mr. Curran. Selectwoman Conway doesn't like how money is being earmarked. Our health dept need help! We need better air filtration. Why aren't we testing our residents? Can we do weekly testing? She doesn't think we should be spending COVID money on Howe School. She would like a work session to discuss this.

Selectman Rosa says there are things on this list that we should not be spending ARPA money on. Billerica should have gotten free testing kits. We should have the ability to buy testing kits. We should run test clinics as well. We should also look at buying N95 masks and distributing them to our residents. We can do a lot of things with this money. We need to look at new technologies for air filtration systems for municipal buildings. He is looking forward to a work session to discuss this further.

Selectman Burrows asks about work being done on Howe School. Heating, ventilation and AC work to be done – is it done. He thinks first responders need to be reimbursed for the work they are doing during COVID. Mr. Curran says the Cares Act money expired 12/31/2021. He says the chiller was through Care Act money along with masks, etc.

Chairman Burns likes sitting down and discussing how to spend the money. We should be addressing COVID.

Other Post Employment Benefits (OPEB)

Selectman Rosa stated that this is good news and is moving in the right direction. He asks Mr. Curran when Town Meeting passed 0.5% meals tax, he thought that money is supposed to be used towards OPEB funding. Is that money going towards this? Mr. Curran stated that money from the meals tax goes into the general fund, but you are appropriating funds from the general fund to go into the OPEB.

Chairman Burns says this is good news.

PHR

Selectwoman Conway happy project is under budget but doesn't want things added just because we are under budget on this phase.

Selectman Rosa likes that this is under budget and won't have an additional impact to the residents.

Vice Chair Deslaurier asks about how much the delay cost the town. It came in as \$600,000 according to Mr. Curran.

Selectman Burrows as about money left over? \$800,000.? No answer from anyone. Chairman Burns says the project takes 0 dollars out of residents' pockets.

Howe School

Chairman Burns says this is taking shape.

Hybrid Setup Meeting

Selectman Rosa says the proposed date of the hybrid setup meeting is January 17th. This date will have to change because it is a holiday.

Vice Chair Deslaurier stated that a hybrid meeting invites people in and allows more residents to participate in government. People need to feel comfortable attending and his will be helpful on so many levels.

Masonic Hall

Vice Chair Deslaurier asks if this is in Capital Facilities – yes according to Mr. Curran

Capital Facilities Meeting

Vice Chair Deslaurier asked if they make a presentation to the Select Board? Mr. Curran says it's a public meeting.

COVID 19 Update

Selectman Rosa wants to do a work session about this as to where COVID money should go. How much do kits cost? How much to update our air filtration systems? Mr. Curran stated that to buy 5,000 tests its \$50,000 but each kit includes 2 tests.

Selectman Burrows asks how many people walking around Billerica have COVID.

Chairman Burns says we need to stay on task. It's not a surprise numbers are high – there is more testing going on.

Item 8 – update on economic development office – where do we stand with staffing on reorganized group?

Mr. Curran has advertised 3 times, but people fell through. Put an article on warrant to increase salary and put the job out again after holidays. He'd like to hire a consultant. (\$7,500.) He could pay for that out of his budget.

Selectwoman Conway says this has taken a long time. Why did people not take the job. Some of it was money, some were offered another job. Selectwoman Conway is shocked that a consultant is mentioned. Mr. Curran comments we have tried unsuccessfully 3 times to fill this position. Selectwoman Conway says the town is never proactive about hiring. She thinks we've missed the boat. Not having thriving businesses in town will hurt our taxpayers.

Selectman Burrows agrees with Selectwoman Conway. He'd like to get someone here doing HR. Selectman Rosa doesn't support paying \$7,500. A consultant is not the way to go. Vice Chair Deslaurier our mindset is not development. Billerica doesn't value development. The best way to advertise is to change the persona of Billerica. Billerica doesn't have the right mentality.

Selectman Burrows says Ms. Rufo has been doing a great job! He lists businesses that are growing in Billerica. There is always a need for more development.

Chairman Burns says we need to fill this position. Denise is working there now but we need another person. What type of growth do we need? Billerica has an opportunity. We've upped the ante. If this doesn't work – then we can look at a consultant.

Item 9 Update date on Salisbury Hill

Mr. Curran gave an overview of situation. He agrees with Selectman Burrows – this is a terrible situation. Town counsel Atty Reich gives a similar speech. Salisbury Hill filed for bankruptcy and left no other options for the town. The town hit a dead end.

Selectman Burrows says there is a problem with owing the town money but still being able to do business here.

Selectman Rosa says this is something near and dear to his heart. This should have never happened. The person responsible is still working in the Town of Billerica and he shouldn't be. Does the town have any recourse to go after his license? Atty Reich says unfortunately the case was dismissed. That case is dead. Selectman Rosa asks Mr. Curran to scrub this person from any town list. The town should do everything it can to keep this person from ever doing anything in this town.

Selectman Burrows asks how the town can debar this individual? Atty Reich says people can file complaints against this person.

Chairman Burns says this is very unfortunate. If there are ways to not recommend this person – that should be done.

Item 10 Transconnection II Corp to add 3 drivers to their license

Billerica Police Dept cleared all new drivers for this license. Hung Truong speaking to the issue that he has a lot of situations with drivers leaving because of COVID. He'd like to find a quicker situation. Selectman Rosa says unfortunately that is not possible. If a driver leaves notify the select board office and you'll be put on the next agenda.

Secretary Rosa makes a motion the select board approve license #37 and its 3 drivers for Transconnection II Corp as presented. (Hung Dan, Hung Truong and Jimmy Dang). Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 11 Street Acceptance

3 streets: Everett Farmer Road, Farmer Lane and Simmons Lane to be accepted.

Secretary Rosa makes a motion the select board approve and adopt the order of acceptance for above streets. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Selectwoman Conway-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 12 Middlesex Turnpike Project

Easements have expired in August 2021 and need to be extended according to Kelley Conway. Selectman Rosa asks if this is all of the easements? Kelley says she is going for all of the easements. Things still need to be done. The town will be reaching out to all abutters.

Secretary Rosa makes a motion to reinstitute Middlesex Turnpike Project to complete the project. His motion is to approve document of understanding. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectman Rosa-AYE, Selectwoman Conway-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 13 Community Funds

Mr. Curran thinks there is about \$25 or \$30,000. Available. He will check on that. Chairman Burns said he will let Clancy know to put it on the town website. Vice Chair Deslaurier commented March 4, 2022 is the deadline.

Item 14 5K Reader Run with additional 4 signs placed on the common.

Lisa Botte requesting approval from the board. Event is Sunday, May 1 @ 10AM @ Marshall School.

Secretary Rosa makes a motion the board approve the 5K annual Reader Run on May 1 @ 10AM @ Marshall Middle School. Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Vice Chair Deslaurier-AYE, Selectman Rosa-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Secretary Rosa makes a motion to have the board approve placement of 4 signs on town common to advertise the 5K Reader Run on Sunday, May 1 @ 10AM @ Marshall Middle School. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectwoman Conway-AYE, Selectman Rosa-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Item 15 Discussion on material and how it provided to residents

Selectman Burrows wants more items and back up paperwork put online to support the Select Board agendas.

Chairman Burns agrees that it's a good idea. The board has to look at what is put up. Selectman Burrows says everything is public information.

Selectman Rosa thinks it's a fairly easy thing to do. He thinks Mr. Curran could put the information on the town webpage. Mr. Curran is looking at Chelmsford, for example, and he thinks he could do that. Selectwoman Conway reiterates what others have said and added that she thinks Andrew Levine should be assigned to this.

Item 16 Discussion on premium pay to essential workers which would be provided by American Rescue Plan

Selectman Burrows talks about helping police, fire, EMT's, DPW workers – all could use the extra money. They deserve some type of stipend. He'd like this discussed during the working session.

Vice Chair Deslaurier asks if there are any restrictions? Selectman Burrows says no. Vice Chair Deslaurier thinks it's worth looking into. Mr. Curran thinks this should be discussed in the working session.

Selectman Burrows wants to invite Chief Frost and Cole to the work session.

Item 17 summary of state & federal money that town has or will have received for COVID 19-how it was used or is planned to be used

Selectwoman Conway stated that this item was addressed during the Town Manager's report, and we will continue this discussion during a working session.

Secretary Rosa makes a motion to adjourn. Seconded by Vice Chair Deslaurier. Selectman Burrows-AYE, Selectman Rosa-AYE, Selectwoman Conway-AYE, Vice Chair Deslaurier-AYE, Chairman Burns-AYE

Roll call vote (5-0)

Meeting Schedule

January 24, and February 14 and 28, 2022

Approved On: June 6, 2022