



SELECT BOARD
TOWN HALL
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2023 FEB 23 P 3:34

Andrew N. Deslaurier, *Chair*
Michael A. Riley, *Vice Chair*
Kimberly J. Conway, *Secretary*
Michael S. Rosa, *Member*
John J. Burrows, *Member*

TOWN OF BILLERICA

<https://us02web.zoom.us/j/83477138002>

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webinar id: 834 7713 8002

**BILLERICA SELECT BOARD AGENDA
FEBRUARY 27, 2023 @ 7:00 PM
THOMAS CONWAY HEARING ROOM, 205 AND HYBRID VIA ZOOM**

Call to order 7:00 PM

1. Open Microphone

Announcements

2. Vacancies on Boards and Committees
3. All other announcements may be viewed on the Town of Billerica website

Fiscal Efficiency and Public Recognition

Public Hearing

Approval of Meeting Minutes

4. January 23, 2023
5. February 06, 2023

Appointments

6. Billerica Youth Advisory Committee (BYAC)
 - Paulia Kirik

Old Business

7. Town Manager's Contract – Discussion and Vote
8. Town Managers Report
9. FY24 Final Budget Presentation
10. 2nd Reading Permanent Outdoor Seating Regulations
11. Update and Discussion on Dedication of a Town Parcel for the Snowden/Finnegan Family (Voted on June 6, 2022) – Requested by Member Burrows

New Business

12. Auditorium Renovation Discussion (ARPA)

Meeting Schedule

March 6, 2022 and March 20, 2022

Executive Session

13. Pursuant to G.L. c. 30A, §21 (3) To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the Chair so declares.

VACANCIES ON BOARDS AND COMMITTEES

SELECT BOARD APPOINTMENTS

| COMMITTEE | OPENINGS | TERM EXPIRES |
|-------------------------------------------------|-----------------------------|---------------------|
| Billerica Youth Advisory Committee | 1 – Billerica High School | 2023 |
| | 2 – Shawsheen Tech | 2023 |
| | 1 – Alternate High School | 2023 |
| | 2 – Alternates (Any School) | 2023 |
| Cabot Land Re-Use Committee | 1 – Member | 2025 |
| Council On Aging | 1 – Alternate Member | 2025 |
| Cultural Council | 3 – Members | 2023 |
| | 1 - Member | 2024 |
| Diversity, Equity and Inclusion (DEI) Committee | 1 – Select Board Appointee | 2026 |
| | 1 – Town Manager Appointee | 2026 |
| Financial & Compliance Audit | 1 - Member | 2024 |
| | 1 - Member | 2025 |
| Historical Commission | 1 - Member | 2023 |
| | 1 - Member | 2025 |
| Historical District Commission | 1 – Alternate Member | 2024 |
| Middlesex Canal Commission | 2 - Members | 2023 |
| Municipal Affordable Housing Trust | 1 – Member (Attorney) | 2023 |
| Scholarship Committee | 2 - Members | 2023 |
| | 3 – Members | 2024 |
| | 2 – Members | 2025 |
| Water/Sewer Oversight Board | 2 – Members | 2025 |



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

Members Present: Chair Andrew Deslaurier, Vice Chair Michael Riley, Secretary Kimberly Conway, Member Michael Rosa, and Member John Burrows

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Deslaurier stated that the meeting is a hybrid meeting with a Zoom option. All members are present.

Call to Order 7:00 PM

Chair Deslaurier called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Kelly Sardina of 95 Gray Street – Ms. Sardina stated that the MBTA documents and there are a few errors that should be corrected. On page 4, the town of Framingham is listed and the meeting on Affordable Housing was on November 22, 2022 not December 2022.

Announcements

2. Vacancies on Boards and Committees

Secretary Conway read the list of vacancies of boards and committees.

3. All Other Announcements may be Viewed on the Town of Billerica Website

Presentation

6. Diversity, Equity and Inclusion (DEI) Presentation – HR Director, Michele Rivera

Michele Rivera joined the meeting and gave a presentation on DEI. The Select Board instructed the Town Manager to create a commission on DEI. This is the first presentation of who should be on the committee and what the committee should focus on.

Vice Chair Riley stated that we see diversity in the schools: kids, teachers, coaches and we need to bring that on the Town side. We want to get all people involved and should shadow what the school has already done. We need to take initiatives on celebrations like Martin Luther King Day and Juneteenth.

Member Rosa stated that he supports fairness and inclusion and asked if we are being asked to create the committee. Ms. Rivera replied no, the Town Manager is creating the committee. The school has their own DEI commission so why are we asking them to be part of the commission? Ms. Rivera stated that the schools have a broader community. Mr. Curran stated that we want to interface with the school since they have already taken a lot of steps and they have resources that we want to tap in regards to DEI demographics. Member Rosa stated that the schools have their own HR person and they should be the person on this committee. Mr. Curran agreed and will speak with the Superintendent. Member Rosa asked if this would be an advisory committee. Mr. Curran replied yes. There will be training, diversity awareness on job postings and once the committee is established, we will get an audit done. In the future, we may look towards a regional DEI commission. Member Rosa asked how much a consultant would be for the audit. Ms. Rivera replied she has heard between \$6,000 to \$20,000 depending on the scope. Member Rosa stated that Mr. Curran has always hired the best qualified applicant regardless of race. Member Rosa added that the school is not very good with disabled people because some of the schools are not ADA compliant for physically disabled people. Mr. Curran stated that they should definitely look at access.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

Member Burrows stated that we should institute using Google translate to help people with different languages. He is concerned there are no residents on the committee because the residents should be involved. He also believes that sexuality should not be in the workplace.

Secretary Conway stated that typically people like to work with people like them. We are not diverse and we need to think outside of the box. What is the time frame for this? Ms. Rivera replied that she would like to start in February since it is Black History Month. She would like to start with a round table of the members. The members should be diverse and it should be in an informal setting. Secretary Conway stated that people aren't applying here because we are not diverse and we should look at expanding the pool.

Chair Deslaurier stated that we have Diversity and Equity but not Inclusion. In his kids' school, there are 20 different native languages. We have taken steps but we need to do more. The schools have done an excellent job and we need to join them. The committee should meet and come up with goals. His job has now taken last names and schools off the resumes to be more unbiased.

Mr. Curran stated that the members should be from different backgrounds.

Member Rosa stated that this a town committee should be subject to Open Meeting Laws and agenda and meeting minutes being posted. Mr. Curran replied yes, it would have to meet all Open Meeting Laws.

Vice Chair Riley stated that we need to stay involved in this committee.

8. MBTA Communities Update

Erika Jerram, Community Development Director and Jenny Raitt, Director of NMCOG joined the meeting to discuss an update on the MBTA Communities. Ms. Jerram stated that no action is required by the Select Board at this time.

Mr. Curran stated that this is a document that will check a box at the State. There are no consequences to the Town if this is submitted. The State is requiring that all zoning be in place by December 2024.

Member Rosa asked why Framingham was referenced. Ms. Jerram stated that she worked in Framingham for 15 years, it was a mistake. Member Rosa stated that there are some multi-families that are not referenced such as the duplex for the Housing Authority. If we are submitting this to the State, then it should include everything that has been approved and permitted. It should also be mentioned that we have met the 10% affordability. Member Rosa stated that in Section 2.2, you are proposing an inclusionary bylaw. Ms. Jerram replied we could and everything is on the table. Member Rosa stated that it is ridiculous that the State will force 2000+ units with no affordability requirement. This will push the Town out of compliance with the 10% of 40B. Member Rosa added that 30% of our housing is high density multi-family. Member Rosa also stated that the bylaw that is referenced in this document does not match the actual bylaw. The actual Zoning Bylaw needs to be referenced correctly. Ms. Jerram stated that this needs to be submitted on Friday and if it's not exact it doesn't change anything. DHCD knows we have a plan. Chair Deslaurier stated that this is the first step. Member Rosa stated that he understands but our zoning bylaw references should be accurate. Ms. Raitt stated that the language was taken from the Housing Production Plan. The information is helpful and they will try to be as accurate as possible and this will reflect the changes. If this is not filed on time, the Town will not be compliant and it could affect funding for the Housing Authority and other this. Ms. Raitt stated that the proposed plan can include affordability in the inclusionary zoning. We can update the existing zoning or create a 40R zone which includes affordability.

Secretary Conway asked if they think the timing will stay on track or will it slip. Ms. Raitt believes that will stay on track and we must have zoning in place by December 2024. Mr. Curran stated that the new Governor spoke at the MMA conference and her first priority is to hire a Housing Secretary so this will stay on track. Secretary Conway asked what happens if Town Meeting votes against the zoning. Ms. Jerram stated that is why we are targeting the Spring Town Meeting and if it falls, come back in the Fall.



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Member Burrows asked how much funding we would lose if we don't move forward with the zoning. Mr. Curran stated that the Housing Authority would lose about 10% and the biggest hit is we wouldn't be able to apply for Mass Work Grants and the State has more money now for Towns. Member Burrows stated that if build 2300 apartments, we are going to potential add over 1,000 kids into the school system. Member Burrows asked if this has anything to do with the AG reaching out to us and saying our bylaw had errors in it from the last Town Meeting. Mr. Curran replied no.

Vice Chair Riley stated that this is a huge issue and asked if Stoneham is a community that already has inclusionary zoning. Mr. Raitt replied she doesn't believe any community has proven they meet the requirement and only has submitted action plans. Vice Chair Riley asked if DHCD is still taking input from communities. Ms. Jerram stated that DHCD took the comments from the Towns and did update the requirement that the housing could be put elsewhere, not necessarily at the train station. They are not taking any more formal comments. Vice Chair Riley asked if any Towns filed suit against this regulation. Ms. Raitt stated that Rockport did and they are now in non-compliance. Ms. Raitt added that this is about zoning, it doesn't mean the units will be built and she would advise against any injunctions.

Chair Deslaurier stated that there are only two communities in NMCOG not affected by this. Can this be a regional effort strategy? Ms. Raitt stated that would be a separate train of thought from this issue but we could look at this. Chair Deslaurier stated that the last administration failed at this and stopped at Rt. 128 and he hopes this administration has a better perspective for communities past Rt. 128.

10. Affordable Housing Update

Erika Jerram, Community Development Director and Jenny Raitt, Director of NMCOG continued with an affordable housing update.

Mr. Curran stated that they are looking at town owned property and would like to have project that has around five affordable units.

Member Rosa asked why Vice Chair Riley was included. Mr. Curran stated that he had come into the office and it was an informal discussion. Member Rosa stated that Kat came to our last Open Space meeting and there should be a list of town owned parcels that we should review. We should also look at partnering with Shawsheen Tech to build affordable housing. We need to look at all types of housing because we have a lot of apartments.

Secretary Conway asked if the ARPA funds that we put aside for down payment assistance were included. Mr. Curran replied no, but we could build five units and use the ARPA money for the down payment.

Member Burrows stated that we need to look at design standards for 40R. Ms. Jerram stated that we can look at creating design standards. Ms. Raitt stated that 40R addresses smart growth, what we need to do is adopt an overlay.

Vice Chair Riley stated that he agrees we should look at parcels that would accommodate affordable houses and we should move quickly.

Chair Deslaurier thanked staff for the update. A previous agenda item was DEI and affordable housing is a strategy that is included to help us achieve DEI in Billerica.

13. 1st Reading of the Permanent Outdoor Seating Regulations

Erika Jerram, Community Development Director continued with the 1st reading of the Permanent Outdoor Seating Regulations. When COVID hit, we had emergency outdoor seating policies to provide social distancing. Some of the businesses want to continue and we need to provide regulations to address it.



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Chair Deslaurier asked why would this not be covered under the Common Victualler process. Mr. Curran stated that that this sets the process and gives guidelines that clarifies what can and cannot be done. The more streamlined the better. He would suggest waiving the fee since they already pay a fee for their license. They would also have to comply with zoning.

Member Rosa stated that if a business has a ZBA decision to open, then they should have to go back to the ZBA. If a business has a liquor license, then they have to abide by the ABCC regulations. All references to Selectmen should be changed to Select Board. In Article I Section 1, we should not allow tables to be set up in the street. In Section 3, umbrellas, heaters, etc. need to be properly secured. In Section 5, the Fire Department should also be involved. He would also agree that the fee should be waived. In Article II, Section 3, is \$500,000 liability enough? That should be looked at. In Section 4, any outdoor seating should require a public hearing, so the neighbors are notified of what is going on. Chair Deslaurier replied that the section says may, not shall. Article III, this section should be the exact language provided in Article 28.0 of the Select Board Rules and Regulations.

Secretary Conway stated that she agrees it should say may require a public hearing. The establishments that have always had outdoor seating like the Emerald Rose had to comply with zoning such as enough parking and enough bathrooms. Secretary Conway asked if a restaurant has 200 occupancy and they add 40 seats outside, can they remove seats inside to stay at 200 or do they go for an occupancy of 240? Ms. Jerram replied either. Secretary Conway stated that she doesn't believe that they should be allowed to cook outside and the Board of Health should be consulted.

Member Burrows asked if hours of operation for outside will be addressed? What if they want to do igloos during the winter? Ms. Jerram replied that would need to get a building permit and would require a review. Member Burrows stated that we have waived a lot of fees for businesses and we should look at taking care of the residents.

Member Rosa asked if there should be a segregation clause. Ms. Jerram replied that she would check with Town Counsel.

Appointments

5. Billerica Youth Advisory Committee

5a. Joshua Rodriguez Ortiz

5b. Shreya Stanley

Chair Deslaurier stated that neither applicant is here tonight.

MOTION - Secretary Conway made a motion to appoint Joshua Rodriguez Ortiz as a regular member of the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0.

MOTION - Secretary Conway made a motion to appoint Shreya Stanley as an alternate member of the Billerica Youth Advisory Committee. The motion was seconded by Member Rosa and unanimously voted 5-0.

Approval of Meeting Minutes

4. January 09, 2023

Member Rosa stated that he had made some minor corrections prior to the meeting and they were incorporated into the minutes that were in the package.

MOTION - Secretary Conway made a motion to approve the January 9, 2023 Select Board minutes as amended by Member Rosa prior to the meeting. The motion was seconded by Member Rosa and unanimously voted 5-0.

Old Business

7. Town Manager's Report

Mr. Curran presented his report.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

- **Budget Meetings**

Mr. Curran stated that budget meetings are completed and the town has maintained increases of 2% or under except the DPW which is primarily because of the Waste Management contract increase.

Member Burrows stated that that he thinks that we should still add members to the facilities department. Mr. Curran stated that he would like to but he has put on a hiring freeze.

- **Iron Horse Park**

Mr. Curran stated that the EPA is undergoing a 5-year review process. This review is to make sure that the remedial action performed is still working.

Vice Chair Riley asked if we could bring the EPA in for a briefing on this project.

Member Rosa stated that this review is to make sure that no chemicals could leak into the Concord River but could they do an analysis if the dam is removed and the water goes down 6” would there be an impact to the Concord River. Mr. Curran stated that they can look at it.

- **Pollard Field**

Mr. Curran stated that the contractor has been onsite to excavate the foundation locations of the light poles.

- **Stormwater Bylaw**

Mr. Curran stated that the Board of Health currently handles storm water but that is transitioning to the Engineering Department. The DPW has been reviewing the current bylaw and if there are any changes, they will be presented at the Spring Town Meeting.

Member Rosa asked why this is changing. Mr. Curran stated that with the Board of Health, this could result in requiring two hearings and the DPW has the expertise in stormwater. It still could result in two public hearings with Conservation and DPW, but the second would be more abbreviated. Member Rosa stated that residents should know what is going on. If there are two hearings so, be it.

- **Flags**

Mr. Curran stated Donnie Jarvis was notified of the bad condition of the flags at Talbot Oval and Town Center. He has ordered new flag.

- **Community Funds**

Mr. Curran stated that the deadline for the Community Funds has been extended to February 1st at 4:00 PM.

Member Rosa stated that since the Community Funds now include a TIFF project, the Select Board should be involved with who gets the grant.

- **Billerica DPW**

Mr. Curran stated his office sat down with abutters for the new DPW facility on January 11th. They will work with the design team to address their concerns. There will be a public information session on Wednesday, February 8th.

Vice Chair Riley asked how the neighbors were notified. Mr. Curran replied that letters were sent. They are trying to be proactive and bring in the abutters at the beginning of the process. They could also do a Code Red.

Member Rosa stated that it was a great job with the notification of the abutters at such an early stage.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

- **Zoning Audit**

Mr. Curran stated the on January 30th, there will be a listening session on the Zoning Audit. This was a Select Board goal in FY 2021.

Member Burrows stated that the AG had an issue with some of the articles from Town Meeting. Is the Zoning Audit a result of this? Mr. Curran replied no, the AG issue was that there was a problem with the advertising for one hearing, and Town Counsel has responded.

Member Rosa asked what articles were affected. Mr. Curran replied that they were the housing keeping zoning articles from the fall Town Meeting.

- **Cabot Meeting**

Mr. Curran stated that his team met with Conor Powers from MIIA to go over renewal issues. The rate is increasing next year by 10% and the Town will need to have security software on every desktop by July 1, 2024.

- **Parkway Avenue**

Mr. Curran stated the Kevin Fusco from Habitat for Humanity came in to review the Parkway Ave site. They are confident this parcel will support a multi-family structure.

Member Rosa stated that this is a good opportunity to work with Shawsheen Tech.

- **Recreation & COA Feasibility Study**

Mr. Curran stated his office, Left Field and Vice Chair Riley interviewed three architects for the feasibility study. The group chose Abacus Architects. The Town will have a kickoff meeting with the architect this week.

Member Rosa asked if this is being looked at as one or two buildings. Mr. Curran replied both. Vice Chair Riley added that all firms interviewed liked one intergenerational building idea.

- **BMHS Receives Another Award**

Mr. Curran stated the Boston Society of Architects awarded the BMHS an award for Design Excellence.

9. Update on Pond Street Truck Traffic – Requested by Member Burrows

Mr. Curran stated that there are Planning Board conditions and as stated in Sgt. Magnan email should address the issues. Vice Chair Riley stated that he spoke with Sgt. Magnan. Sgt. Magnan spoke with the owner of the building and he is going to install the signs as soon as possible. Vice Chair Riley stated that there were a few complaints at the start of constructions but the Planning Board brought the owner in and they were corrected.

Member Burrows stated that there are no signs installed yet and they aren't following the conditions.

Vice Chair Riley stated that there was a lengthy hearing process and they do not have an occupancy permit, so there is no problem yet.

Chair Deslaurier stated that we should get an update on when the signs will be installed.

Member Rosa stated that we are the Road Commissioners so to make the signs enforceable we should take a vote to approve the signs. Chair Deslaurier stated that these are directional signs and did the Board take a vote on Alpine or High Street. Mr. Curran replied he was not sure. Member Rosa stated that we should ask Town Counsel and put it on a future agenda. Chair Deslaurier stated that if we approved the High Street signs, then we could approve these ones.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

New Business

11. 2023 Goals

Chair Deslaurier stated that we presented our goals and now the Town Manager will go through them and update them. Mr. Curran stated that if there are conflicts between the members, he will highlight them.

Secretary Conway stated that they should be prioritized if there are several members with similar comments.

7. Town Manager's Review

Chair Deslaurier stated that all members have submitted the Town Manager's review. He has taken all the ratings and summarized them with the average score being 4.1. Each Board member summarized their review and pointed out the strengths and weaknesses they thought were important.

Secretary Conway stated that some strengths are: professionalism, communication with the community i.e., newsletter, Facebook postings, visible leader, ability to delegate, great hiring skills and great financial management. Some areas of improvement are: focus on employees other than department heads since Personnel Management was the lowest score from most of the board, communication with the Select Board, takes too long to make decisions on personnel issues, attract more businesses and look to make more automation and innovation.

Member Burrows stated that some strengths are: has years of institutional knowledge and he has good response time to his questions. Some areas of improvement are: need to attract businesses and we need to separate Town and School items at Town Meeting.

Member Rosa stated that some strengths are: improved communications with residents, knowledgeable of the job, community outreach such as Facebook and newsletter, office staff is doing a great job taking weight of his shoulders, very prepared for meetings, visible at town events and have become more approachable, and reorganizing town departments. Some areas of improvement are: zoning issues, better communication with the Board and employees other than Department Heads, preserve town properties, bring commercial business to Billerica, there are some staff members that you still do some hand holding which takes away time from other duties, try to bridge the gap with all employees and up moral, concern with budget items and impacts to residents, response to emails quicker.

Vice Chair Riley stated that some strengths are: hiring top level staff and a great financial awareness. Some areas of improvement are: boosting morale of employees from top to bottom and response time for questions.

Chair Deslaurier stated that we are in a completely different place from where we were a year ago and he is happy with this. Some strengths are: building services, people want to come here, financial planning is huge and we have the lowest tax rate around. Some areas of improvement are: delegation and communication.

Chair Deslaurier stated that we need to work on redesigning the form going forward and asked that Mr. Main and HR work on improving this form.

Mr. Curran stated that he appreciates that feedback the Board has given him and will focus on the areas needing improvement such as personnel policies. He stated that he couldn't do the work he does without the staff in his office.

14. Early Voting for Municipal Elections

Mr. Curran stated that the Town Clerk has submitted the early voting hours for the municipal election.

MOTION - Secretary Conway made a motion to approve the early voting for the 2023 municipal elections as Monday and Tuesday March 27th and 28th from 8:30 AM to 4:00 PM and Wednesday, March 29th from 8:30 AM to 7:00 PM at the Town Hall auditorium. The motion was seconded by Vice Chair Riley and unanimously voted 5-0.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

15. Proprietary Bid – Musco Light Poles – Vining School

Mr. Curran stated that this is a house cleaning item. This needs to be approved since it is proprietary bid. Member Rosa asked if this was already done. Mr. Curran stated that it needs to be done on every project.

MOTION - Secretary Conway made a motion to recommend to include Musco Sports Lighting as a proprietary bid for the lighting at the Vining School due to the fact that these are the same product that has been used on other fields and Billerica Recreation has Musco Sports Lighting as their preferred vendor and the maintenance employees are familiar with the operation of this system. The motion was seconded by Member Rosa and unanimously voted 5-0.

16. Discussion on “15 Minute” Parking Spaces in Front of Town Hall – Requested by Member Burrows

Member Burrows stated that he received a complaint that there were no parking spaces out front for residents to use to run in and do business at Town Hall. He would suggest that 4 “15 Minute” parking spaces be put out front, two on each side closest to the building. Mr. Curran stated that he can instruct employees not to park in the spaces closest to the building. This is usually only a problem with the auditorium being used because there is not enough parking.

Secretary Conway suggested adding 2 spaces to see if they will be used. Member Rosa agreed with 2 spaces to start. Mr. Curran stated that he will get those two spaces marked within the next week or two. No vote was taken.

Meeting Schedule – February 6, 2023 and February 27, 2023

MOTION - Secretary Conway made a motion to adjourn the January 23, 2023 Select Board meeting at 11:10 PM. The motion was seconded by Member Rosa and unanimously voted 5-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 23, 2023**

Exhibits for the Select Board Meeting – January 23, 2023

Call to order 7:00 PM

1. **Open Microphone**– No Exhibits

Announcements

2. **Vacancies on Boards and Committees**- Vacancies list
3. **All other announcements may be viewed on the Town of Billerica website** – No Exhibits

Fiscal Efficiency and Public Recognition

Approval of Meeting Minutes

4. **January 9, 2023** – Minutes

Appointments

5. **Billerica Youth Advisory Committee**
 - a. **Joshua Rodrigues Ortiz** – Application dated December 16, 2022
 - b. **Shreya Stanley** – Application dated January 08, 2023

Presentation

6. **Diversity, Equity and Inclusion (DEI) Presentation** – **HR Director, Michele Rivera** – Presentation dated January 23, 2023

Old Business

7. **Town Managers Report** – Town Manager’s Report dated January 18, 2023
8. **MBTA Communities Update** – Memo from E. Jerram dated January 19, 2023
9. **Update on Pond Street Truck Traffic** – **Requested by Member Burrows** – Email from Sgt. Magnan dated January 18, 2023, Recorded Decision dated July 20, 2021, Book/Page 36021/131
10. **Affordable Housing Update** – Presentation dated January 23, 2023,

New Business

11. **2023 Goals** – 2023 Goals and Objectives
12. **Town Manager’s Review** – Reviews from all Select Board members and a summary sheet
13. **1st Reading of the Permanent Outdoor Seating Regulations** –Memo from Planning and Community Development Staff dated January 20, 2023, Presentation Billerica Outdoor Dining dated January 23, 2023
14. **Early Voting for Municipal Elections** – Email from Clancy Main dated January 9, 2023, Memo from S. Schult dated January 23, 2023
15. **Proprietary Bid – Musco Light Poles – Vining School** – Memo from Left Filed dated January 6, 2023
16. **Discussion on “15 Minute” Parking Spaces at Town Hall** – **Requested by Member Burrows** – Picture of Town Hall front parking lot

Meeting Schedule

February 6, 2023 and February 27, 2023

Approved On: _____



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

Members Present: Chair Andrew Deslaurier, Vice Chair Michael Riley, Secretary Kimberly Conway (Remote), Member Michael Rosa, and Member John Burrows

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Deslaurier stated that the meeting is a hybrid meeting with a Zoom option. Secretary Conway is remote, so all votes will be taken by roll call.

Call to Order 7:00 PM

Chair Deslaurier called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Chris Tribou of 13 Bridle Road – Mr. Tribou appeared to thank Mr. Maynard for all his help. He called in to get some information on the sewer project and he was able to get all the information.

Kelly Sardina of 95 Gray Street – Ms. Sardina stated that the Board of Health is meeting at the same time as this meeting and asked when there are two meetings at the same time, that the public comment be adjusted so it's not at the same time. Ms. Sardina stated that she is concerned that the budget just went online today and hopes it will be reviewed thoroughly and this will not be the only meeting. This just reinforces how important a recording policy is so residents can stay informed. Mr. Curran stated that for the record, the budget is not online. The only thing that has been presented is a summary preview. As soon as the budget is available, it will be presented to the Select Board and will be given to the Finance Committee and be put online.

Announcements

2. Vacancies on Boards and Committees

Secretary Conway read the list of vacancies of boards and committees.

3. All Other Announcements may be Viewed on the Town of Billerica Website

Public Hearing

4. National Grid/Verizon - #30677444 – National Grid to install (1) JO Pole 104-50 on Salem Road Pole 105 Salem Road approximately 64' north from existing pole #105 Salem Road in order to accommodate electric service upgrade to 4 Captain Gookin Ave. and request permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways.

MOTION - Secretary Conway made a motion to open the public hearing for National Grid/Verizon, Petition #30677444 at 7:06 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

Vaz Eang from National Grid appeared via Zoom. Mr. Eang stated that these two petitions are to install two poles in the public way. The current conduit is underground and goes across the public way. If there was a problem with the conduit, they would have to rip up the road so by adding these two poles, they wouldn't have to disturb the roadway.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

Dave Ferry of 3 Captain Gookin Ave – Mr. Ferry stated that he has lived at his house for 28 years and has always had underground utilities. Why would it be changed to overhead now? Mr. Eang stated that we want to add the poles in case something happens to the conduit. Mr. Ferry’s service will remain the same. Mr. Curran stated that this situation is true of all underground conduits. It’s not fair to the residents that have always had underground conduit to now have poles. We are working to get all utilities underground, not the other way around.

Mark LaLumiere, Building Commissioner joined the meeting. Mr. LaLumiere stated that he agrees with the Town Manager. He also added that there could be conditions of the subdivision that the utilities be underground.

Vice Chair Riley agreed with the Town Manager.

Member Rosa stated that this is counterintuitive. There are neighborhoods all over town that have underground utilities. The problems usually occur with overhead services when tree limbs fall on them, not underground. It also appears that this application and the next one are essentially the same. They have the same work number and both poles are shown on the same plan. Chair Deslaurier stated that he is finding that these two applications are the same, and it will be handled under one application.

Chair Deslaurier stated that this is contrary to what the neighbors want. We can vote on this tonight or we can continue it and allow National Grid to talk with the neighbors.

Member Burrows stated that there are two options for utilities: underground or on poles. Underground is the way things are moving to.

MOTION - Secretary Conway made a motion to close the public hearing. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the National Grid/Verizon pole petition for #30677444. The motion was seconded by member Rosa and unanimously voted 0-5. On a roll call vote: Secretary Conway voted No, Member Rosa voted No, Vice Chair Riley voted No, Member Burrows voted No and Chair Deslaurier voted No. The motion did not pass.

5. **National Grid/Verizon - #30677444 – National Grid to install (1) JO Pole 104-51 beginning at a point approximately 130’ northeast from proposed pole 104-50 Salem Road in order to accommodate electric service upgrade to 4 Captain Gookin Ave and request permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways.**

Chair Deslaurier stated that item #5 is a duplicate petition of agenda item #4.

New Business

11. **BMHS Blast Celebration – Request (4) 18 1/4” x 24 1/4” Signs on the Common from February 7, 2023 to March 10, 2023 for a Fundraiser on March 10th from 7:00 PM to 10:00 PM at the Billerica Elks – Requested by Maureen Xavier**

Maureen Xavier appeared and requested 4 signs in the common for a fundraiser to support Billerica Blast, which is an all night long celebration for Billerica graduating seniors.

MOTION - Secretary Conway made a motion to approve four (4) 18 ¼” x 24 ¼” signs on the common from February 7, 2023 to March 10, 2023 for a fundraiser on March 10th from 7:00 PM to 10:00 PM at the Billerica Elks to support Billerica Blast. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

Old Business

7. Senior Tax Work Off Program – Clarification of Maximum Assets for a Married Couple to be set at \$75,000 – Requested by Vice Chair Riley

Vice Chair Riley stated that when voted on the maximum assets for the senior tax work off program we did not specify the amount for a married couple. It was determined that this amount should be \$75,000.

Member Rosa asked if we could make it more. He thinks \$100,000 is more reasonable for assets for a married couple. Member Rosa stated that he spoke with a lot of residents when the tax bills came out and he suggested they sign up for this program but they didn't think they qualified because the amount of assets are so low.

Chair Deslaurier asked who determined the amount. Vice Chair Riley replied the Director of the COA and the Assessor. There could be a qualifying amount, he is unsure.

Member Burrows asked if there was any documentation to back up this amount and is it in line with surrounding communities. Mr. Curran replied no, the people who run this program have suggested \$75,000. He would suggest that the Board vote on that and we can investigate increasing it to \$100,000 if the program does not fill up.

Secretary Conway stated that this amount is not statutory and is at the will of the Town. There are a certain number of spots available for this program and by increasing the amount we are allowing more people. We could vote \$75,000 and come back with a higher number if it is deemed necessary.

Vice Chair Riley stated that we should see how the program runs with \$75,000. Member Rosa stated that \$100,000 in total assets is not a lot.

Chair Deslaurier stated that we did not supply this number, it was requested by the people who run the program and published on our agenda as \$75,000.

MOTION - Member Rosa made a motion to approve the maximum assets for a couple as \$100,000 for the Senior Tax Work Off Program. The motion was not seconded.

MOTION - Vice Chair Riley made a motion to approve the maximum assets for a couple as \$75,000 for the Senior Tax Work Off Program. The motion was seconded by Member Rosa and voted 4-0-1. On a roll call vote: On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows abstained from voting and Chair Deslaurier voted Aye.

New Business (Continued)

9. VFW Post 2597 – Request Permission to Conduct a Poppy Drive at the Market Basket stores located at 199 and 700 Boston Road and O'Connor's Hardware at 446 Boston Road on Friday, May 19, 2023 and Saturday, May 20, 2023.

MOTION - Secretary Conway made a motion to approve the request to conduct a poppy drive at the Market Basket stores located at 199 and 700 Boston Road and O'Connor's Hardware at 446 Boston Road on Friday, May 19, 2023 and Saturday, May 20, 2023. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

10. Town Manager's Contract Sub-Committee – Requested by Chair Deslaurier

Chair Deslaurier stated that he and Vice Chair Riley will serve on the subcommittee for the Town Manager's contract.



**TOWN OF BILLERICA
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8 FY24 Initial Budget Presentation

Mr. Curran stated that tonight is just a preliminary budget summary. They are still missing the Shawsheen Tech budget. The Town has stayed for the most part under 2%. There will be no new positions and this will be a level service budget. The DPW has increased due to the Waste Management contract. The schools have increased 3.78% at an increase of \$2,779,793. This is majority due to the contracts that were settled. The shared costs between the Town and School increased 2.13% or \$1,016,554. This is building insurance, OPEd and pension costs. The Water Enterprise fund increased 3.66% or \$267,960. This is due to increased chemical costs and sludge removal. The Wastewater Enterprise fund has decreased 7.36% or \$682,355 due to the removal of debt service. There are still unsettled contracts and if they are not settled in time, then they will be a separate article for Town Meeting. The levy is \$4.1 million compared to last year when it was \$7 million.

Chair Deslaurier asked when the school budget will be done. Mr. Curran stated that the School Committee will meet at a special meeting on February 21st to discuss the budget.

Member Rosa asked if any part of the new DPW is included in this budget. Mr. Curran replied no. Member Rosa why is the public safety budget going down but the library and recreation is going up. Mr. Curran stated that there are state statues about how much money is required to buy books. You need to look at the amount and not the percentage. The public safety budget is so much larger than the library. The decrease in the public safety budget is mostly due to retirements. Member Rosa stated in the Human Services line item, we get 75% reimbursement for the veterans. Is that considered? Mr. Curran replied no, we are only looking at expenditures, not revenue. Member Rosa stated that we will have to see what the education budget comes in with. Member Rosa asked where the \$800,000 in free cash from last year will be used. Mr. Curran stated that it will be used for retro pay when the contracts are signed. Member Rosa stated that he appreciates the summary but he wants to see the real numbers.

Member Burrows stated that the school budget has increased \$8 million with only 25 extra kids since 2020 and removal of the responsibility of the fields. It doesn't add up. He would encourage everyone to go the School Committee meeting.

Secretary Conway asked when will the public hearing be held for the budget. Mr. Curran stated that the Finance Committee will hold the public hearing, so he is not sure yet. It will be sometime in March and want to make sure there are no big surprises.

Chair Deslaurier stated that percentage is confusing. What percentage of the public safety decrease is due to retirement. Mr. Curran replied about \$213,000 in Police and \$21,000 in Fire. Chair Deslaurier stated that does not add up to what is listed so the numbers should be looked at. Chair Deslaurier stated that the decrease in human services is due to retirement not a reduction in services. Mr. Curran replied that was correct. Chair Deslaurier stated that if the contracts are settled before February 27th will the numbers go up. Mr. Curran replied yes.

Old Business (Continued)

7. Town Manager's Report

Mr. Curran presented his report.

• **Town Center**

Mr. Curran stated that the office has met with BETA, Verizon, Comcast and National Grid to discuss utility coordination with the Town Center project. A site walk will occur in March.

Secretary Conway asked if there is an overall schedule. Mr. Curran replied there is no final schedule due to the need to finalize funding but he can get a design schedule out to the Board. Secretary Conway stated that there needs to be a lot of public discussion on this project. Mr. Curran agreed and he has been contacted by some residents who were opposed to the project in the past now like the idea.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
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Member Rosa stated that looking at the original proposal and what was proposed a few months ago, there are only two significant changes; cutting large trees in front of O'Connor's parcel to provide more parking and the exit out of the Senior Center. He can't believe that those minor changes would be \$1 million. Mr. Curran stated that the original plans were not 100% design. The \$1 million will bring this up to bid documents. Member Rosa stated that this will be a large public hearing process so we are way off from going to bid in his opinion.

- **Post-Audit BMHS Project Summary**

Mr. Curran stated that the final meeting was held on January 26th via Zoom. The total MSBA reimbursement was \$70,698,309 and the total cost to Billerica was \$99,998,677 which is under budget. The committee voted to recommend that Town Meeting dissolve the committee.

Secretary Conway stated that the committee did a great job with this project.

Member Burrows asked if the post audit discussed the roof leaks and the IT issues. Mr. Curran replied that these are warranty issues.

- **One Stop Grant Application**

Mr. Curran stated that the State has consolidated many of its development related grants into One Stop for Growth application. The Planning staff will be submitting two Expression of Interest applications due on March 17th. One for the Town Center redevelopment and one for revitalization of the technology park.

Member Rosa stated that he would absolutely oppose PUD IP zoning for the technology park. Mr. Curran stated that they are not trying to change zoning, they are trying to fill the space.

Vice Chair Riley asked if we could use the One Stop to look at getting senior housing.

Member Burrows asked if we were looking at affordable housing or an intergenerational building on Cider Farm. Mr. Curran stated that nothing has been ruled out.

- **Marketing Update**

Mr. Curran stated that Seven Letter will be working on the first step of the marketing plan, which will be a community-wide survey.

Secretary Conway stated that she would like to see drafts of the plan as soon as they are available.

Member Burrows stated that we are lacking commercial components and that is all they should be focusing on.

- **Farmer's Market**

Mr. Curran stated that the Farmer's Market is looking to operate at the old Ditson site for this season due to the constraints of the COA lawn.

Secretary Conway asked if there is enough parking at the Ditson and is this only a temporary location until the Town Center is redesigned. Mr. Curran replied there should be enough parking and they would like to move back to the center when it's complete.

Vice Chair Riley stated that there may be issues with parking at the Ditson. We'll have to see.

Chair Deslaurier stated that the COA location is a great location because it has the walkability component and hopefully they still have a few in this location.

- **Kohlrausch Park**

Mr. Curran stated that the Recreation Department has submitted an application to the CPC for the redesign of Kohlrausch Park. There will be a public information session on February 15th at 7:00 PM.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

Member Rosa stated that he is concerned with creating these tennis courts when we don't even know if we are taking four out of PHR. Mr. Curran stated that the Rec Department has said there is a need in North Billerica. Member Rosa stated that there is nothing in Pinehurst either.

- **Schools Facility Study**

Mr. Curran stated the School Department may be looking for a Letter of Intent for the MSBA in April for a Middle School.

Secretary Conway stated that she is concerned with going to voters with another new school when we desperately need affordable housing, especially for seniors. We are also looking at a new DPW, COA and Rec Center so this is a lot to put on residents.

Member Rosa agreed with Secretary Conway. It's ironic that the school budget goes up but the Town has taken over their playgrounds. Maintenance of buildings is so important and they do not do a good job. He also agrees that senior housing is more important. Mr. Curran stated that debt service is huge on the town side. Member Rosa agreed, but those are town services like water and sewer which also supplies the schools.

Chair Deslaurier stated that the study shown to us a few months ago stated that seniors and millennials are the fastest growing demographic in Billerica. All facilities serve the residents.

- **Peggy Hannon Rizza Recreation Complex**

Mr. Curran stated the project is close to being completed. The snack shack is moving along. The control panel for power is still on back order. The goal is to have the ribbon cutting prior to March 31st.

- **Financial Work Session**

Mr. Curran stated that he would like to have a working session in March to understand all the tax impacts of the upcoming projects.

Secretary Conway stated that she will fight tooth and nail if someone is against the rest of the town getting sewer. It's not right for those residents that have been patiently waiting their turn.

- **Recreation & COA Feasibility Study**

Mr. Curran stated that the Capital Facilities Committee will meet on February 13th at 5:30 PM. This will be a kickoff meeting with the architect Abacus. The timeline was presented.

Member Rosa asked if it has been decided if there will be one building or two separate buildings. Mr. Curran stated that they are looking at all options.

Vice Chair Riley stated that we need to take the time to make sure that we come up with the best option for Billerica.

- **Retirees Breakfast**

Mr. Curran stated there will be a retirement breakfast on February 9th at 9:00 AM at the Police Station to honor Lt. Opland, Lt. Elmore, Office Smith, and Lt. Conway.

- **21 Canterbury Street**

Mr. Curran stated the Select Board voted on October 17, 2022 to declare 21 Canterbury Street as a public nuisance. The Building Commissioner was in the process of removing the structure but the property has been purchased and the owner will be tearing it down.

Member Rosa stated that he thought there were multiple owners of this property. Mr. Curran stated that a contractor bought enough shares to be in control. Member Rosa asked if this was in tax title. Mr. Curran replied that he believes that there is a lien that will be taken care of.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

- **New DPW Building**

Mr. Curran stated a diagram has been presented for the new DPW building. The Town will be holding a public information session on this project at the Howe School. They took comments from the neighbors that were incorporated into the new diagram.

Member Rosa stated that it is great to get the neighbors involved at an early stage. That goes a long way.

Chair Deslaurier asked if we had a timeframe for the DPW. Mr. Curran stated that they are looking at Fall Town Meeting for the budget. Then go out to bid, start construction in Spring 2024 and it will be an 18 month schedule so it will complete in 2025. Chair Deslaurier stated that we could redevelop the existing DPW site for commercial or housing.

- **January Bromate Update**

Mr. Curran stated the January Bromate numbers were received and it is good news. The average level was 0.0017 mg/L which is within the EPA guidelines.

- **Billerica Mobile Apps**

Mr. Curran stated the DPW has contracted with Connected Bits to develop an app for residents to report issues.

Secretary Conway loves the idea of an app. It's what everyone is using.

Member Rosa asked what the cost of the app is. Mr. Curran stated that he was not sure but would get the price.

Chair Deslaurier stated that the mobile app is meeting the needs of the majority of users.

- **Bike Path**

Mr. Curran stated that due to a significant increase in construction costs from \$9 million to \$18.6 million, the project had to be resubmitted to the Project Review Committee. The environmental process has started with Conservation.

Secretary Conway stated that if this is approved, when will it start. Mr. Curran replied spring 2024.

Vice Chair Riley stated that he would like to get quarterly updates.

- **Boston Road**

Mr. Curran stated the contractor is in process of finding a laydown area for material and equipment storage. The winter work includes installing new drainage structures and pipes. Mass DOT anticipates new utility pole installation to start in February.

Member Rosa stated that the construction on Middlesex Turnpike has been a disaster and there should be fines assessed if they violate construction hours. Mr. Curran stated that we can do that now and be proactive.

Member Burrows stated that there is an area near the Marshall School near the train tracks that could be used for material storage.

Meeting Schedule –February 27, 2023 and March 6, 2023

MOTION - Secretary Conway made a motion to adjourn the February 6, 2023 Select Board meeting at 9:10 PM. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 06, 2023**

Exhibits for the Select Board Meeting – February 06, 2023

Call to order 7:00 PM

1. **Open Microphone**– No Exhibits

Announcements

2. **Vacancies on Boards and Committees**- Vacancies list
3. **All other announcements may be viewed on the Town of Billerica website** – No Exhibits

Fiscal Efficiency and Public Recognition

Public Hearing

4. **National Grid/Verizon- #30677444 – National Grid to install (1) JO Pole 104-50 on Salem Road Pole 105 Salem Road approximately 64’ north from existing pole #105 Salem Road in order to accommodate electric service upgrade to 4 Captain Gookin Ave. and request permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways** – Application from NG dated 1/13/23, Contractors Acknowledgement Form dated 1/17/23, Engineering Comments dated 1/17/23, Electrical Inspector Comments dated 1/20/23, Police Comments dated 1/20/23, Abutters List, Public Hearing Notice
5. **National Grid/Verizon - #30677444 – National Grid to install (1) JO Pole 104-51 beginning at a point approximately 130’ northeast from proposed pole 104-50 Salem Road in order to accommodate electric service upgrade to 4 Captain Gookin Ave and request permission to lay and maintain underground laterals, cables and wires in the above or intersection public ways** – Application from NG dated 1/13/23, Contractors Acknowledgement Form dated 1/17/23, Engineering Comments dated 1/17/23, Electrical Inspector Comments dated 1/20/23, Police Comments dated 1/20/23, Abutters List, Public Hearing Notice

Old Business

6. **Town Managers Report** – Town Manager’s Report dated February 2, 2023
7. **Senior Tax Work Off Program – Clarification of Maximum Assets for a Married Couple to be set at \$75,000** – Requested by Vice Chair Riley – Email from M. Riley dated 1/27/23

New Business

8. **FY24 Initial Budge Presentation** – Fiscal Year 2024 Budget Summary
9. **VFW Post 2597 - Request Permission to Conduct a Poppy Drive at the Market Basket stores located at 199 and 700 Boston Road and O’Connor’s Hardware at 446 Boston Road on Friday, May 19, 2023 and Saturday, May 20, 2023** – Memo from W. Magnan dated 1/16/2023
10. **Town Manager’s Contract Sub-Committee** – Requested by Chair Deslaurier – No Exhibits
11. **BMHS Blast Celebration – Request (4) 18 1/4” x 24 1/4” Signs on the Common from February 7, 2023 to March 10, 2023 for a Fundraiser on March 10th from 7:00 PM to 10:00 PM at the Billerica Elks** – Requested by Maureen Xavier– Email from M. Xavier dated 2/1/23, Sign Depiction

Meeting Schedule

February 27, 2023 and March 6, 2023

Approved On: _____

Dawn McDowell

From: noreply@civicplus.com
Sent: Friday, February 3, 2023 10:28 PM
To: Clancy Main; Dawn McDowell
Subject: Online Form Submittal: Billerica Youth Advisory Committee

Billerica Youth Advisory Committee

Billerica Youth Advisory Committee Application

Applying For: Will Accept Either

Personal Information

Age 17

School Billerica Memorial High School

First Name Paulina

Last Name Kirik


Address 

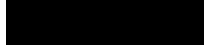
Unit/Apt # *Field not completed.*

City Billerica

State MA

Zip 01821

Home Phone Number 

Cell Phone Number 

Business Phone *Field not completed.*

Email Address 

Interest / Occupation / Company I am a student at BMHS, and I work at the Boys and Girls Club.

Education and Training I am a high school junior at BMHS.

Organization Membership Information

| | |
|------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Are you currently serving on other Boards, Commissions, or Committees? | No |
| If yes, which | <i>Field not completed.</i> |
| Have you served on a Board, Commission, or Committee before? | No |
| If yes, which | <i>Field not completed.</i> |
| Please list organization memberships and positions held | Boys and Girls Club of Greater Billerica: Swim Instructor and Lifeguard National Honor Society: Member Spanish National Honor Society: Member Science National Honor Society: Member |
| Reason For Applying | I want to be an active member of my community while advancing youth involvement and education on local government. |
| Resume | Resume.pdf |
| Cover Letter | <i>Field not completed.</i> |

Email not displaying correctly? [View it in your browser.](#)



BILLERICA PLANNING and COMMUNITY DEVELOPMENT

Town Hall
365 Boston Road Billerica, MA 01821
978-671-0962

MEMORANDUM

To: Billerica Select Board
From: Planning and Community Development Staff
Date: February 22, 2023
Re: Recommendations for Permanent Outdoor Dining License post-COVID -
Second Reading
Attachments: **Proposed Policy**
Marked Up of Policy Presented on January 23, 2023

The attached document shows the changes requested at the first reading of this policy on January 23, 2023. They include:

- 1) Changing “Board of Selectmen” to “Select Board” throughout.
- 2) Removing all references to fees.
- 3) Deleting the section entitled “ARTICLE III-AMENDMENTS” as it was determined to be covered under the regular Selectboard policies.
- 4) In “ARTICLE II – SUBMISSION AND APPROVAL OF APPLICATIONS”,
 - a. The beginning of the second paragraph now includes a new clause: “including securing equipment in case of inclement weather.”
 - b. the last sentence of the second paragraph was changed from “...the Select Board will approve.” to “...the Select Board may approve.”

**TOWN OF BILLERICA
OUTDOOR DINING
RULES AND REGULATIONS**

ARTICLE I – GENERAL

Section 1 - Purpose and Scope

During the 2020 COVID-19 pandemic, the Billerica Select Board enacted a temporary outdoor dining regulation to help restaurants mitigate the economic impacts. Due to the popularity of that policy, this regulation is intended to replace the temporary outdoor dining regulation with a permanent outdoor dining policy and regulations. This will allow local restaurants to establish outdoor seating on sidewalks, parking lots, on street parking spaces, or landscaped yard areas around their restaurants to provide desirable outdoor seating space for seating their patrons. Temporary Seasonal Outdoor dining license applications will be reviewed annually by the ~~Board of Selectmen~~Select Board, as described, and regulated below. In addition, all Outdoor Dining installations must comply with existing building and zoning codes, and licensing required for food service and service of alcoholic beverages, if any. Use of public space and/or Town property, such as public streets, sidewalks, and parking lots, may require an additional license from the public authority charged with the care, custody, and control of those spaces.

Section 2 - Eligible Businesses

Eligible Businesses include restaurants, cafes, coffee shops, and other similar places of public accommodation currently offering food, beverages, or alcoholic beverages for on-premises consumption.

Section 3 - Design and Appearance

Outdoor dining areas must be distinguished from their surroundings by some form of perimeter fence or barrier. Appropriate perimeter materials include but are not limited to demountable wrought-iron fences, bollards and chains, or individual planters of wood, masonry, or terra cotta. The public sidewalk or street may not be damaged by the installation of any perimeter treatment. Cafe umbrellas are allowed; umbrellas and furniture should be of a design appropriate to the character of the building. Trash receptacles should be integrated in the design and materials with other outdoor cafe elements. Site improvements or structural alterations are subject to building permit, site plan, and/or special permit processes.

Section 4 - Pedestrian and Wheelchair Passage

These regulations allow the restaurant operator to place outdoor dining tables and chairs, umbrellas, lighting, service equipment, perimeter fences or barriers to a portion of sidewalk while still providing safe, adequate circulation for patrons and pedestrians. All seating areas must comply with all applicable federal, state, and local laws and regulations, including the Americans with Disabilities Act.

Section 5 - Food Preparation

Outdoor food preparation is not allowed unless specifically authorized by the Board of Health.

Section 6 - Hours of Operation

Outdoor seating authorized under this regulation must close by 10PM on Sundays - Thursdays and by 11PM on Fridays and Saturdays. Any noise emanating from outdoor dining must comply with Noise Ordinance regulations, Section XXIII of the Town's general bylaws.

Section 7- Alcoholic Beverages

Approval of an outdoor dining area license shall not be construed as an approval for the alteration or extension of premises where alcoholic beverages are served. An Eligible Business must obtain such licenses as may be required to serve alcoholic beverages.

Section 8 - Temporary Seating & Parking

Due to the seasonal and temporary nature of an outdoor dining area, the seating within an outdoor dining area will not be interpreted as an increase in the number of seats serving a restaurant or eating establishment as it pertains to minimum off-street parking requirements or other permanent site improvements. The increased seating capacity will still be subject to performance standards, such as Health and Accessibility standards, and the Zoning Bylaws.

ARTICLE II - SUBMISSION AND APPROVAL OF APPLICATIONS

Section 1 - Application Procedure

Applications for outdoor dining licenses shall be submitted to the ~~Board of Selectmen~~ Select Board who will review the application and plan for outdoor seating and will consult with the Health, Building, Fire, Police and Planning Departments. Applications shall include application form, private property owner consent (including where proposed outdoor seating area is on private property or expands along the frontage of an adjacent storefront area), a site map, ~~application fee~~, and copy of insurance, as detailed below.

Outdoor seating permits may include conditions of approval such as design or operation, including securing equipment in case of inclement weather. If additional information is needed or a revision to the seating plan is required, the ~~Board of Selectmen~~ Select Board or designee will contact the applicant. The Town of Billerica will waive the license fee for this use. If the outdoor seating plan is acceptable, Town Departments have provided comments, and application is complete, the ~~Board of Selectmen~~ Select Board will ~~may~~ approve.

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Section 2 - Plan Requirements

A site map with clear dimensional information will be submitted depicting the precise area of the proposed outdoor dining area, the arrangement of outdoor dining furniture, perimeter fencing, cafe umbrellas, outdoor heaters, and any other equipment. Temporary tents are considered "structures" and ~~requires~~ require approval of the Building Commissioner. Any areas designated for takeout orders and curbside pickup shall also be shown on the plan.

Section 3 - Insurance

The Restaurant Owner shall ensure that their Comprehensive Public Liability and Property Damage Liability Insurance will cover the outdoor dining area. Upon application, Proof of liability insurance for the period covered by the license in at least the amount of \$500,000 combined limit for bodily injury and property damage.

Section 4 - Approval by the ~~Board of Selectmen~~ Select Board

Following receipt of a favorable review from other departments, the ~~Board of Selectmen~~ Select Board may approve an outdoor dining license. The Board shall make a determination that the design and location of an outdoor dining area is suitable to its environs, and that all other requirements (insurance, maintenance, litter control, etc.) of the license have been met. The Board may require a public hearing as it sees fit where liquor licensing or other standards are being affected.

~~ARTICLE III - AMENDMENTS~~

~~These rules may be amended by a majority vote of the members of the Select Board provided such amendment is presented in writing at a regular meeting and action taken thereof at a subsequent regular meeting.~~

ARTICLE IV - EFFECTIVE DATE

These rules were adopted at a regular meeting of the Select Board on _____ and became effective as of that date.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 06, 2022**

Rosa stated that we need to look at the building fees. The school charges the Town when we use the schools for elections or Town Meeting, but they use our auditorium all the time and they don't get charged even though it's town staff that deals with it.

12. Request for Permission to Connect Existing Trail Sections with a Stream Crossing on Town Owned Land West of the Fox Hill Cemetery

Mr. Curran stated that there are still some issues with this project, and they will come back once his office meets with them.

13. Update of School Department Field Fees – Discussion on Track and Field Name Changes at the Marshall School

Member Burrows stated that he has been working on this since he was on the School Committee. He started with this in February and now the Town controls the fields, and he is requesting that the track and field at the Marshall Field be renamed Snowden/Finnegan field. This family was the first black family to purchase land in Billerica. It is a real cool story.

Chair Deslaurier asked if there is a process for renaming fields. Mr. Curran replied not that he is aware of. Member Burrows stated that there's a policy for town squares. Member Rosa stated that Tom Glavin Way was done by us being Road Commissioners. The naming of the Haines Room was voted on the Select Board.

Secretary Conway stated that this is already a named field and not a new site. We should look at editing our existing policy 39.0 and broaden it to include fields, rooms and buildings. We should come up with policy before naming this field. Member Burrows stated that he has been trying for 5 years and this is not rushing the process. She doesn't like setting a precedent of removing one name and replacing with another. There are other fields and places around Town that are not named and perhaps one of those could be looked at.

Member Rosa stated that he would like to take a stab at. Vice Chair Riley stated that he would like to work on it.

Vice Chair Riley stated that he was impressed with the story and the family but there are a lot of deserving Billerica people and agrees that the policy should be in place, and we should get the community involved.

Member Burrows stated that this has been going on for a long time and he won't go into why the Marshall Field should be renamed.

Chair Deslaurier stated that he would ask that Member Rosa and Vice Chair Riley to work on the policy.

Jeanne Snowden Wilson – Ms. Wilson stated that the family has been here for 100 years and should get recognition. This is political and it's a mess.

Member Rosa stated that we could vote on this tonight and create the policy later.

MOTION - Member Burrows made a motion to rename the Marshall field and track to the Snowden/Finnegan Stadium. The motion was seconded by Member Rosa and voted 2-3. On a roll call, Secretary Conway voted No, Member Burrows voted Aye, Vice Chair Riley voted No, Member Rosa vote Aye and Chair Deslaurier voted No. The motion failed.

MOTION - Vice Chair Riley made a motion that the Select Board, Town Manager and the Snowden family work on an area in Town to dedicate a piece of property for the Snowden/Finnegan family and in parallel Member Rosa and Vice Chair Riley work swiftly on updating Policy 39 to address naming of fields, buildings, rooms. The motion was seconded by Secretary Conway and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.