



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MARCH 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. All votes will be taken by roll call since Secretary Conway is remote.

Call to Order 7:00 PM

Chair Deslaurier called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Kelley Sardina of 95 Gray Street – Ms. Sardina congratulated Mr. Curran on his contract. It is nothing personal but it is a lot of money and things are tight. Ms. Sardina stated that the Town should hold off on the renovation of the Buck Auditorium and bank the ARPA money that is being used because things are tight. The Town has 5 years to spend the ARPA money. As far as the Article 19, the Zoning review was presented in November. In the Town Manager’s report on February 22nd, it said that the audit should be complete in a couple of weeks but the Planning Board has not had a meeting to discuss it.

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

Proclamations

4. Earth Day 2023 – April 22, 2023

MOTION - Secretary Conway made a motion to approve the Proclamation of Earth Day 2023 as April 22, 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.

Public Hearing

5. Lincoln Liquors – Transfer of an Off-Premises All Alcohol Retail License \$15 from Mall Liquors, Inc. DBA Lincoln Liquors to Six Brothers Lincoln, LLC DBA Lincoln Liquors at the Premises Located at 199 Boston Road, Units 7 & 8, Billerica, MA 01862

MOTION - Secretary Conway made a motion to open the public hearing for the transfer of a liquor license for Lincoln Liquors at 7:08 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.

Attorney John Mooradian appeared representing Six Brothers Lincoln, LLC. They are in the process of buying four locations across the state. There are no changes to the footprint and they are proposing using ID POS scanner and the manager is TIPS certified.



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Member Rosa asked if the manager has read the Alcohol rules and regulations and signed our form. Attorney Mooradian replied yes and he thought they had provided it. Member Rosa stated that we can condition the approval on receiving it.

There were no questions from the audience in person or online.

MOTION - Secretary Conway made a motion to close the public hearing for Lincoln Liquors. 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 Transfer of an Off-Premises All Alcohol Retail License §15 from Mall Liquors, Inc. DBA Lincoln Liquors to Six Brothers Lincoln, LLC DBA Lincoln Liquors at the Premises Located at 199 Boston Road, Units 7 & 8, Billerica, MA 01862 subject to receipt of the rules and regulations acknowledgment form. 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.

Old Business

6. Town Manager's Report

Mr. Curran presented his report.

• **Women Leading Government**

Mr. Curran stated that the 3rd Annual Women Leading Government Conference was held on March 2nd and five our women leaders attended.

Secretary Conway stated that she is glad we had good representation at this conference.

• **New DPW Facility**

Mr. Curran stated that the schematic design phase will be coming to a close by the end of April and a cost estimate will be anticipated. This is hopefully going to the Fall Town Meeting for funding.

• **Farmers Market – Old Ditson**

Mr. Curran stated that the information session was held on February 28th. Those who spoke were in favor of moving to the Old Ditson site for 2023.

Vice Chair Riley asked if we had input from the safety officer. Mr. Curran replied yes, he was at the meeting. They will send the traffic down Grove Street.

• **Vining Field**

Mr. Curran stated that his office met with Warner Larson, the landscape architect and they will be enlarging one of the fields, both fields will be ADA compliant, bleachers will be installed, as well as lights. They will be using 1.2 million between CPA funds and free cash.

Member Burrows stated that there will be bleachers at the Vining. Mr. Curran replied yes and they will be ADA compliant.

Secretary Conway asked if the Town has worked with the Little League on these changes. Mr. Curran replied yes.

Chair Deslaurier stated that we have made a large investment in the Vining.

• **Pond Street Update**

Mr. Curran stated that the sign has been installed as per the conditions of the Planning Board.



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Member Burrows stated that the signs work for the business but that doesn't address the other trucks coming out of Eveready Circle. There should be a sign at Rt. 129/Pond Street saying no truck traffic.

- **Masonic Site Visit**

Mr. Curran stated that they met on March 2nd with the CPC at the Masonic Hall. Hopefully they will approve it during their March 23rd CPC meeting.

Secretary Conway wanted to thank the CPC for all the work they do and taking their responsibility so seriously.

- **February Bromate Results**

Mr. Curran stated the February results for Bromate had a safe level.

Member Rosa stated that he is glad that they have figured out what the issue was and that the Bromate is in check.

- **Auditorium**

Mr. Curran stated that the Board voted to move unassigned ARPA money to complete the project. Construction will start after the spring Town Meeting.

- **Select Board Request – Public Safety Budget**

Mr. Curran stated the Secretary Conway asked how Billerica compares to other communities on public safety, so a chart has been provided.

Member Rosa stated that the percentages are interesting but the dollars are more important. Andover is the only community listed that spends more money on public safety and schools.

Vice Chair Riley stated that he would like to see communities that are similar in size and total budget of us for comparisons.

Member Burrows stated that Andover has 5,500 students, which is different from us and it doesn't include shared cost. The Governor just passed a law to get transportation money back. Mr. Curran stated that the shared cost is not embedded in ours or their numbers and does not include Regional Technical High Schools.

Secretary Conway asked if the enterprise funds have been taken out of the bottom line in our budget. Mr. Curran stated that the percentage is general budget. Mr. Maynard stated that the other communities do not include enterprise funds. Secretary Conway stated that the percentage is important not the dollars. Secretary Conway stated that this shows fiscal responsibility.

Chair Deslaurier stated that he agrees that the size of the community is important.

7. Town Manager/Select Board Goals

Mr. Curran stated that he took all the goals submitted, grouped and organized them. He requested that the Board look at them and report back if they captured everything and let him know if any have been missed.

Secretary Conway stated that if all the goals were included, we need to boil it down and asked what the next steps should be. We should schedule a working session and the goals that were selected by the majority of the Board should be looked at. Chair Deslaurier stated that a working session is not a bad suggestion. Mr. Curran asked that Board members send their comments on what goals they agree with and which ones they don't agree with before the working session so they can get a working document together.

Member Rosa stated that some of the goals are carry overs from previous years and it would be helpful to know when it first started. It would also be useful to figure out whose comments they were.

Chair Deslaurier stated that all members should submit their comments to the Town Manager and a working session be scheduled.



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MOTION - Secretary Conway made a motion to recommend the FY2024 budget to Town Meeting. The motion was seconded by Member Rosa and unanimously voted 5-0.

New Business

8. Chapter 269 of the Acts of 2022 – One-time Retiree COLA for FY23 – Middlesex County Retirement Board – Request for Acceptance

Secretary Conway stated that she is going to recuse herself.

Mr. Curran stated that the COLA increase is for FY23 for the retirees and will increase from 3% to 5%.

Member Rosa stated that this is in conjunction with the Acts of 2016. Mr. Curran stated that we need to adopt statute in order for the COLA to be given to Billerica retirees. Member Rosa asked if this will be community specific and how many communities have accepted. Mr. Curran stated that is correct and he is not sure how many communities have accepted.

MOTION - Vice Chair Riley made a motion to accept Chapter 269 of the Acts of 2022 (“the Act”), a local option which allows a one-time increase the COLA granted to retirees in FY2023 from 3% to 5% of the System’s \$16,000 COLA base. The motion was seconded by Member Rosa and voted 4-0-1. On a roll call vote: On a roll call vote: Secretary Conway abstained from voting, Member Rosa voted Aye, Vice Chair Riley voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.

9. Warrant Articles

Chair Deslaurier stated that we are not voting on the final warrant tonight.

Mr. Curran presented the warrant articles included in the index and added that there are 3 additional articles that were given by Mr. Watson. The three additional articles are to rescind old debt, the annual PEG article and the appropriation of opioid funds.

Member Rosa stated that it’s hard to discuss the article without the actual articles. Article #19 is for \$65,000 for the recodification of zoning. Town Meeting approved previous funding for the cleanup of zoning but we have not seen anything important and now they want \$65,000 more. Why do we need a consultant when we now have two professional staff in the Community Development Department? What are they doing? Mr. Curran stated that the staff does the day to day and they brought in a consultant for a one-time issue. Member Rosa stated that public input is important and we should have a public meeting. On Article #20, why are we spending \$50,000 on a vehicle? We used to use old police cruisers and this is a lot of money. Mr. Curran stated that he will speak with the Assessor. Article #22 asked if this involves both tanks because wasn’t the one at the mall just done. Mr. Curran replied it was 15 years ago. Member Rosa stated that there were conditions in the ZBA decisions that the cell carriers were responsible for the maintenance. Mr. Curran replied he will check into this. Member Rosa asked why Article #23 is \$100,000 for a flushing program? Mr. Curran stated that this is a study of the whole system. Member Rosa stated that we already had a flushing program on the system that works so why is another one needed. Mr. Curran stated that he will look into it. Member Rosa asked what the intention of Article #27 is. Mr. Curran stated that this is from Kelley Conway and it’s the standard article to accept streets for Town Meeting. Member Rosa stated that Article #33 impacts non-union employees and they should know how this impacts them. Mr. Curran stated that he thinks that they have time to get employees’ comments. Member Rosa stated in Articles 31 & 32, in Section 6.4, you still need the permission of owners. Mr. Curran replied that was correct.



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Secretary Conway stated to clarify, Article #19 is a clean up article, there are no new zoning bylaws proposed. Mr. Curran replied yes. Mr. Main stated that the zoning audit that we already paid for showed that the zoning needed to be cleaned up. Mr. Curran stated that the recodification is the actual clean-up. Secretary Conway stated that Barrett Group already pointed out what needs to be cleaned up and this is now the clean-up. Mr. Curran replied that he will get clarification. Chair Deslaurier stated that Ms. Barrett should be here to explain. Secretary Conway stated that Article #33 is for non-union employees. Mr. Curran replied that was correct.

Vice Chair Riley stated that Barrett Group came before the Planning Board and introduced themselves and provided some information. Mr. Curran stated that this is a preliminary study and initial clean-up from the audit. Secretary Conway stated that for clarification, a recodification is the clean up not updates. Mr. Curran replied that was correct.

MOTION - Secretary Conway made a motion to vote to authorize the preliminary warrant as presented with the three additional articles as discussed by the Town Manager to include: (1) rescind old debt, (2) the annual PEG article and (3) the appropriation of opioid funds. The motion was seconded by Vice Chair Riley 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. 2023 Community Funds Grant Recipients

Chair Deslaurier stated that the six organizations listed on the memo were selected by EMD Serono. EMD Serono is part of the TIF program but EInk donated money as a good neighbor. This Board needs to voted on the EMD Serono recipients.

Member Rosa stated that this list actually includes both EMD Serono and EInk. Chair Deslaurier replied that is correct. The Select Board regulations require a subcommittee of the Select Board, not just one person. There is also an issue where the Chair has a close family members on one of the applications event though they did not receive any funding. Chair Deslaurier stated that is an insult to challenge his integrity and demands an apology. He had no input to the selection of the recipients but I made myself available if they had questions. Member Rosa stated so the Town had no representation on how our fifty thousand dollars was to be allocated. EInk can select who they want but EMD Serono is required to give the Town \$50,000 under the TIF agreement which they benefit from. A subcommittee is two people and the companies can have input but the Town should make the decision. EMD Serono gave \$35,000 to one group when this money could have supported many organizations, not just one. Chair Deslaurier asked if you want to redo it. Member Rosa replied yes. Secretary Conway stated that is one member's opinion and everyone should be heard. Member Rosa stated that there are items listed in the Community Caregivers application that should not be supported such as a website. They are a good organization but \$35,000 is too much. There was no input from the people who control the money, the Select Board.

Secretary Conway stated that she is ok with the decision. When this first started it became political so removing the Select Board influence allows it to be non-political. She has confidence in the process. Every company has their own culture and what they want to support. We should perhaps look at changing the policy.

Members Burrows stated that all of the groups are great and perhaps they could have spread out the money of more of the groups and it doesn't have to be political.

Vice Chair Riley stated that the process was fair and he agrees with the process.

Member Rosa stated that the Select Board members can help the companies with input that they may not know. It doesn't have to be political. Community Caregivers is a great program and I have helped them out on multiple occasions but the amounts include volunteerism which adds to their totals. Volunteerism is not a budgeted cost; it has a value but it is not an expense as stated in the application.

MOTION - Secretary Conway made a motion to award the 2023 Community Grants as presented. The motion was seconded by Vice Chair Riley and voted 3-2. On a roll call vote: Secretary Conway voted Aye, Member Rosa voted No, Vice Chair Riley voted Aye, Member Burrows voted No and Chair Deslaurier voted Aye.



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Meeting Schedule –March 20, 2022, March 27, 2023 (Financial Working Session) and April 3, 2022

MOTION - Secretary Conway made a motion to adjourn the March 6, 2023 Select Board meeting at 8:55 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*



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Exhibits for the Select Board Meeting – March 6, 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

Proclamations

4. **Earth Day 2023 – April 22, 2023**- Proclamation

Fiscal Efficiency and Public Recognition

Public Hearing

5. **Lincoln Liquors – Transfer of an Off-Premises All Alcohol Retail License §15 from Mall Liquors, Inc. DBA Lincoln Liquors to Six Brothers Lincoln, LLC DBA Lincoln Liquors at the Premises Located at 199 Boston Road, Units 7 & 8, Billerica, MA 01862** – Billerica Application, ABCC Application, Memo from S. Coffey dated 02/14/23, Public Hearing Notice

Old Business

Approval of Minutes

Appointments

Old Business

6. **Town Manager’s Report** – Town Manager’s Report dated 03/03/23
7. **Town Manager/Select Board Goals** – Town of Billerica Select Board Final Goals Calendar Year 2023

New Business

8. **Chapter 269 of the Acts of 2022 – One-time Retiree COLA for FY23 – Middlesex County Retirement Board – Request for Acceptance** – Memo from MCRB dated 02/13/23
9. **Warrant Articles – Preliminary Discussion** – Preliminary Warrant, Affordable Housing Disposition Article, School Budget By-Law Article, Permit Fees Article, Storm Water Public Hearing Rules and Regulations Article, Storm Water Management Bylaw Article, Illicit Discharge Bylaw Article
10. **2023 Community Funds Grant Recipients** – Memo from D. McDowell dated 03/02/23, Applications from Billerica Public Library, Billerica Yankee Doodle Homecoming Inc, The Billerica Playground Project – Kennedy PTO, The Billerica Community Farmer’s Market, Boys & Girls Club of Greater Billerica and Community Caregivers

Meeting Schedule

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Approved On: March 20, 2023