



**TOWN OF BILLERICA
SELECT BOARD MINUTES
APRIL 25, 2022**

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

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main

Call to Order 7:00 PM at 365 Boston Road, Thomas Conway Hearing Room and Zoom

Chair Deslaurier stated that since not all members are in person, all votes will be by roll call.

The Pledge of Allegiance was recited.

1. Open Microphone

Mr. Guenther of 13 Parker Street – Mr. Guenther wanted to speak about how much we pay the Town Manager. Chair Deslaurier stated that was out of order.

Christopher Tribon of 13 Bridle Road – Mr. Tribon thanked Chari Deslaurier for attending the Eagle Scout ceremony and Vice Chair Riley for attending the Armenian Flag Ceremony. Mr. Tribon stated that there are a lot of people dealing with grief from COVID and asked that the Town look at setting up a COVID-19 memorial.

Kelley Sardina of 95 Gray Street – Ms. Sardina stated that she would like the townspeople to have a say on how COVID funds are being spent. There was only one working session, and the public had no involvement in. There are small businesses in Billerica that have not received money and COVID funds should be used to help with mental health issues.

Announcements

2. Vacancies on Boards and Committees

Secretary Conway read the current board and committee vacancies. Secretary Conway stated that there was a question on the number of vacancies of alternates on the Council of Aging and she will verify this.

3. All other announcements may be viewed on the Town of Billerica website

4. Financial Fraud Awareness and Prevention for Family Caregivers – Presented by the Dementia Friendly Billerica organization on Wednesday, April 27th at 5:30 PM at the COA

Secretary Conway read the announcement from the Council on Aging.

Proclamations

5. Eleanor Witmyer – 98th Birthday Proclamation

Secretary Conway read the proclamation for Eleanor Witmyer's 98th Birthday.

Public Hearings

6. National Grid/Verizon – 30434997 Campbell Road – National Grid to install (1) JO 6-50 Campbell Road beginning at a point approximately 25 feet southerly from existing pole 6 Campbell Road



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MOTION - Secretary Conway made a motion to open the public hearing for National Grid to install a utility pole on Campbell Road at 7:18 PM. The motion was seconded by Member Rosa 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.

Paulo Sathler from National Grid appeared for the public hearing. The new pole will be used to feed electricity for the new recreation field and future concession stand.

Member Rosa stated that the notice and plan have different plan #s and asked what was sent to abutters. Mr. Sathler stated that the plan number in the notice is the correct number and the Town sends out the notices to abutters. They have not received any phone calls. The sketch has a National Grid work order number. Member Rosa just wanted to make sure the abutters received the proper notice and requested that the markings for the hydrant be transferred to the new pole.

There were no questions from the audience.

MOTION - Secretary Conway made a motion to close the public hearing. The motion was seconded by Vice Chair Riley 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.

MOTION - Secretary Conway made a motion to approve the National Grid request to install one pole JO 6-50 on Campbell Road beginning at a point approximately 25' southerly from existing pole 6 subject to the DPW conditions dated March 25, 2022. The motion was seconded by Member Rosa 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.

7. National Grid/Verizon – 30434997 Campbell Road – National Grid to install approximately 5 feet 2-4” conduits from new Pole 6-50 Campbell Road to edge of private property in order to provide electric service to athletic field and concession stand at 1 Ed Hayes Way

MOTION - Secretary Conway made a motion to open the public hearing for a National Grid to install 5' 2-4" of conduit from new pole 6-50 Campbell Road at 7:27 PM. The motion was seconded by Member Rosa 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.

Paulo Sathler from National Grid appeared for the public hearing. This conduit is required for transferring the power from the new pole to the athletic field and future concession stand at 1 Ed Hayes Way.

Member Rosa stated that he has the same comments from the last hearing. Mr. Sathler stated that they have not received any calls from the abutters.

There were no questions from the audience.

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, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chair Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to approve the National Grid request to install 5' of 2-4" conduit from new pole 6-50 Campbell Road to edge of private property to provide service for the field and concession stand at 1 Ed Hayes Way subject to the DPW conditions dated March 25, 2022. The motion was seconded by Member Rosa 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.

8. TSP Group, Inc. d/b/a Bang Na Thai Kitchen located at 95 Boston Road, Unit #2 – Application for New Common Victualler’s License

MOTION - Secretary Conway made a motion to open the public hearing for TSP Group, Inc. d/b/a Bang Na Thai Kitchen for a new common victualler’s license at 7:29 PM. The motion was seconded by Member Rosa 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.

Saovaluck Lieu and AJ Lieu appeared for the common victualler’s license. Mr. Lieu stated that this will be their first restaurant. They will focus on Thai cuisine. The restaurant will have 20 seats. The hours will be 11:30 AM to 9:30 PM Monday through Saturday and 12:00 to 9:00 PM on Sunday.

There were no questions from the audience.

MOTION - Secretary Conway made a motion to close the public hearing. The motion was seconded by Member Burrows 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Common Victualler’s application for TSP Group, Inc. d/b/a Bang Na Thai Kitchen located at 95 Boston Road, Unit #2. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

9. Mall Liquors, Inc. d/b/a Lincoln Liquors located at 199 Boston Road – Application for Change of Manager – New Manager Jeffrey Michael Laster

MOTION - Secretary Conway made a motion to open the public hearing for a Change of Manager application for Mall Liquors, Inc. d/b/a Lincoln Liquors located at 199 Boston Road at 7:33 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

No one appeared for this public hearing.

MOTION - Secretary Conway made a motion to continue this public hearing to the May 9, 2022 Select Board meeting. The motion was seconded by Member Burrows 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 Chairman Deslaurier voted Aye.



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10. KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for 1 Day Special Beer and Wine Licenses for 04/30/22 (6-9 PM), 05/13/22 (5-8:30 PM), 05/21/22 (11 AM-4 PM), 05/27/22 (5-8:30 PM), 05/31/22 (6-9 PM), 06/10/22 (5-8:30 PM), 06/18/22 (11 AM-4 PM), 06/30/22 (5-8:30 PM), and update on Entertainment License DJ, Acoustic Band

MOTION - Secretary Conway made a motion to open the public hearing for One Day Special Beer and Wine and Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road at 7:34 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Jayne Gac, Event Coordinator for KHD, Inc. appeared for the one-day beer and wine and entertainment licenses.

Secretary Conway asked if the entertainment licenses are tied to the 8 events. Ms. Gac replied yes.

There were no comments from the audience.

MOTION - Secretary Conway made a motion to close the public hearing for eight One Day Special Beer and Wine and Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on April 30, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on April 30, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 13, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 13, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 21, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 21, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 27, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 27, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 31, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on May 31, 2022 from 6:00 PM to 9:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 10, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 10, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to approve the One Day Special Beer and Wine for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 18, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 18, 2022 from 11:00 AM to 4:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 30, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to approve the Entertainment Licenses for KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road on June 30, 2022 from 5:00 PM to 8:30 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

We are going to move Agenda Item #20 up on the agenda.

20. Lion's Club – Application for a Carnival including weekday and Sunday entertainment of amusement rides and games and allow for a raffle to be conducted during the carnival – Located at 600 Technology Park Drive – Carnival is run by Fiesta Carnival from May 12th through May 15th – Weekdays from 5:00 PM to 11:00 PM, Saturday from 1:00 PM to 11:00 PM and Sunday from 1:00 PM to 10:00 PM

Gil Moreau of 1 William Road, Joan D'Oroio, Dianne Cernard and Eugene Dean from Fiesta Carnival appeared for the agenda item. Mr. Moreau stated that they had originally had approval for 2020 but then COVID hit. He thanked Mr. Curran for all his help. On a side note, 2 weeks ago they facilitated eye tests for 200 kids and there were 15% of them that had issues that had to be looked at further.

Secretary Conway asked if the signs requested will be on Town property. Mr. Moreau stated that they are requesting 2 digital signs. Chair Deslaurier asked where will the signs be installed. Mr. Moreau replied wherever the Town tells them to put them. Mr. Curran stated that they should work with the DPW.

Vice Chair Riley asked if there will be a police detail. Mr. Moreau replied yes, there will be 2 police officers, and a member of the Fire Department and EMT for all hours the carnival is open.



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MOTION - Secretary Conway made a motion to approve the application for a carnival including entertainment of amusement rides and games and allow for a raffle for the Lion's Club located at 600 Technology Park Drive, run by Fiesta Carnival from May 12th and May 15th, weekdays from 5:00 PM to 11:00 PM, Saturday from 1:00 PM to 11:00 PM and Sunday from 1:00 PM to 10:00 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to allow signs to be installed in the common and (2) two digital signs with the location to be approved by the Town Manager and DPW Director. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Appointment

11. Constable – Sgt. Glen Magnan – Billerica Police Department – Requested by Town Manager's Office to Post Warrant

MOTION - Secretary Conway made a motion to appoint Sgt. Glen Magnan as a Constable for the Town of Billerica. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Presentations

12. MBTA Communities Draft Compliance Guidelines

Denise McLure and Erika Oliver Jerram appeared before the Board to give an update on the MBTA Communities. Ms. McLure stated that Billerica is designated as a bus community. The guidelines require a zoning district that allows MFD by right with 15 units/acre requirement and with over 50 acres that is a ½ mile of the commuter rail. This would need to include 20% of the housing stock. A letter was sent on behalf of the Town with our concerns. This is the first step. They provided a draft and we provided comments back to DHCD. The mandate is for all communities, and it doesn't work. We will have to wait for the final guidelines.

Member Rosa stated that he would not support this. If you had 50 acres, that mean there could be 3,097 additional housing units. Billerica is and has been in compliance with 40B regulations even with the 2020 Census. Ms. McLure stated that Billerica has MFD zoning and multi-use developments. They hope that the final guidelines have a tiered system. Member Rosa suggested reaching out to our representatives. Secretary Conway agreed and a letter should be drafted.

MOTION - Secretary Conway made a motion to draft a letter to Senator Friedmont and Representative Lombardo requesting their assistance to support Billerica in regards to the MBTA Communities compliance. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Member Burrows stated that we receive large grants and if we don't comply then we can lose these. We should get the community involved.



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Vice Chair Riley asked if we have received any comments back. Ms. McLure replied no, they will use the comments received from the communities to finalize the guidelines.

Chair Deslaurier asked if we are going to partner with other communities for consulting services. Ms. McLure stated that once they received the final guidelines, we will probably work with other communities. Chair Deslaurier stated that we do not have MBTA buses in our communities and asked if we can get it reclassified. Ms. McLure stated that has been a big comment for them. Chair Deslaurier stated that no one is against housing, but they are not offering any money to support this. This is a threat.

Member Rosa stated that it is very frustrating that they are using grant money as hostage to comply with unfunded regulations. If there is zoning, then developers can maximum development by right. This will affect 175 towns.

13. Introduction of New Department Heads – Ms. Erika Oliver Jerram, Director of Planning and Community Development and Veteran’s Director Melanie Mendel

Mr. Curran introduced Ms. Erika Oliver Jerram as Director of Planning and Community Development. Ms. Jerram stated that she is excited to be here. She wants to be proactive and utilize the website more. She has been reviewing the Zoning Bylaw and going out into the Town to get familiar with the layout.

Mr. Curran introduced Ms. Melanie Mendel as Veteran’s Director. Ms. Mendel stated that she has been here about 6 weeks. She is working on building a database of all the veterans they work with. She is sending a letter of introduction to all the veterans and to let them know what services are available. She went to the VFW tonight before the meeting to introduce herself and she is also working on the Memorial Day Ceremony. She would like to come up with way to get younger veterans involved. Member Rosa asked that the Welcome Home Certificates be reinstated.

Mr. Curran stated that Ms. Jerram and Ms. Mendel bring a high level of professionalism and he is impressed with them getting out into the community.

We are going to move Agenda Item #19 up on the agenda.

19. Petitioner Warrant Article 29 and sewer betterment – Rangeway Road Discussion AND presentation requested by Stephen J. Lentine, Esq for the property owners of 23 Lakeview Drive and 0 Marshall Street

Attorney Steve Lentine appeared for two items. In anticipation of Article #20 for acceptance of the sewer betterment for Swanson Meadows 1 & 2. This article allows the neighborhood to get bumped up in the schedule for sewer and the Town doesn’t pay for it, but the owners get the borrowing power of the Town. It’s a Town Manager/Select Board article on behalf of the 122 users. Mr. Curran stated that he has already prepared a slide to explain this article at Town Meeting. The borrowing will be for \$4.2 Million and they needed to get at least 51% of the owners to agree to a betterment to cover the cost of the borrowing. This will require a 2/3 voted at Town Meeting and only the affected taxpayers will pay for this sewer.

Secretary Conway thought that 75% of owners were required. Attorney Lentine replied that was if the cost would be split with the Town 50/50. Section 3.1-3.3 was a better way to address this and only requires the majority of the owners and there will be no cost to the Town. Secretary Conway asked if



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everyone in this area will be charged the betterment fee even if they don't want it. Mr. Curran replied yes. Secretary Conway asked if this affects the existing sewer schedule. Mr. Curran replied no, we made sure it was not impacted.

Vice Chair Riley asked what the timeline is if this was approved. Mr. Curran stated that if it passes, they will sit down with Woodard and Curran. It will be about 6 months to get out to bid so they should start next spring.

Member Rosa stated that this is a good idea. The residents in this area are in a time sensitive area and with this article we can avoid any scheduling setbacks.

Chair Deslaurier stated that it is a good idea, it doesn't jump ahead or slide the original schedule.

Member Burrows asked why they cannot connect to the existing force main. Mr. Curran stated that they can't tie into the force main, it is a dedicated pipe. Mr. Burrows stated that the residents deserve it but, in the future, nobody should be able to dig on our roads without a benefit to the residents.

MOTION - Secretary Conway made a motion to support article #20 for a betterment fee for Rangeway Road at Town Meeting. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Attorney Lentine stated that Article 29 is for 23 Lakeview Ave and 0 Marshall Street. There is a house on 23 Lakeview Ave currently and it is in rough shape. There is a restriction on 0 Marshall Street. They are proposing to tear down the house on 23 Lakeview Ave and build a new house on 0 Marshall Street. The restriction will be moved from 0 Marshall Street to 23 Lakeview Ave. The Finance Committee has approved this article.

Secretary Conway stated that the proposed house would be closer to 67 Marshall Street. Attorney Lentine stated that the lot is 14,000 SF and no variances are required. It larger than most lots in this area.

Member Rosa asked if the current owner would live in the new house. Attorney Lentine replied yes, he grew up in the existing house and plans on moving to the new house. Member Rosa stated that they only pay 20% of the assessed value with the special option restriction being placed on the deed.

MOTION - Secretary Conway made a motion to support article #29 for Town Meeting. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Old Business

14. Town Manager's Report

Mr. Curran presented his report.

- Howe School project is moving along. The masonry is completed on the new addition and the architectural windows have been installed.
- The DPW has instituted a Click and Fix program



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Member Burrows asked if this is a policy timeframe. Mr. Curran replied yes, there is a statute. They have 2 weeks to fix it when they are notified.

Secretary Conway stated that she would be interested in how the success of this program will be measured. Mr. Curran stated that they will collect the data but will get more details from the DPW Director.

- The Food Pantry is interested in a 15 years lease at the Masonic Hall. They are working on a layout for the first floor.
- There is nothing new to report on the Talbot Mills Dam. He received an email today, but it has not been read. He will keep the Board updated.

Member Burrows asked if the Eagle Scouts could look at installing a fish ladder.

Member Rosa asked where are we in the process? Mr. Curran replied that they have sent comments. Fred Russell did another review, and we will need to send that review report to NOAA. There has been resistance to a fish ladder and there are concerns with the underground floor and leeching of material

- The water bills have been sent out. There was about 1,600 pieces of defective equipment and about 800 have been replaced to date. The bills are billed at Tier I.

Member Rosa stated that he is glad that these bills have been set to Tier I.

Secretary Conway asked when the Town was made aware that the radio transmission units were not working on the water meters. Mr. Curran replied awhile ago. The Town notified the homeowners as soon as they found out to have them replaced, but if they didn't have them replaced, then they received an estimated bill. He will get the exact notification process from the DPW if required.

Vice Chair Riley stated that he was notified his meter was not transmitting. He ignored it because he thought the meter was new and he then received a \$700 bill, so the homeowners were notified.

- The IT audit is ongoing with the Police and Fire Departments.

Member Rosa asked if they are using ARPA funds for the IT audit. Mr. Curran stated that this audit is to see if there is compatibility with the ARMS database. This is different than what is planned for the ARPA funds.

- At the request of the Board, they looked at payments the Town has given to the school. This includes elections, Town Meeting, Recreation and the payment was ~\$25,000 a year.

Member Burrows stated that the Town charges \$3/hour for recreation at Town fields. The school charges \$130/hour. It is ridiculous. They shouldn't charge youth sports that fee. These field costs will make the fees go up for youth sports next year.

Member Rosa stated that this is an issue of fairness. The Town pays our custodians to handle the school's functions. There are no costs to them. They shouldn't in turn charge the Town. We need to have discussions with both sides.



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Secretary Conway stated that she is not sure where the anger is coming from towards the school. It is one bucket of money for the Town of Billerica. She doesn't support an attack on the school because it will take money away from the students.

Member Rosa agreed that the school administration does a great job educating children but the Town does a great job on the roads and emergency services, so the simple solution is not to charge for Town or School activities.

- The bids have been received for the Town Hall chiller and they are on budget
- The RFP for the auditorium has been sent out. There are five interested parties.
- He would like to set the Zoom information meeting for Town Meeting for April 26th.

Member Rosa asked when the ARPA funds would be distributed. Mr. Curran replied within the next 30 days.

New Business

16. Billerica's Community Farmer's Market (BCFM) – Application for Entertainment License – Mondays from June 13th to October 17th from 1:00 PM – 8:30 PM AND requesting permission to install up to (4) 18" x 24" signs on the Town Common on market days

Crystal Thomas, President of the Billerica Community Farmer's Market appeared for the discussion of the upcoming season. This will be the 2nd annual season and they are very excited. They have worked with the concerts on the common committee, and they will have some overlap with concerts. They have also set a schedule of themes for each market.

MOTION - Secretary Conway made a motion to approve the application for an entertainment license from June 13, 2022 to October 17, 2022 from 1:00 PM to 8:30 PM for the Billerica Community Farmer's Market app. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to allow the Billerica Community Farmer's Market install up to (4) 18" x 24" signs on the Town Common on market days. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

17. Acceptance of a municipal sign for Bartlett's Landing

Marlies Henderson appeared in regard to a request to install a municipal sign for Bartlett's Landing. Ms. Henderson stated that they have worked with the Conservation Commission and Riverhurst. The DPW has cleaned the parking lot and there were Brownie troops that came in and put down seed mix. They are planning to come back and install plants. They are requesting that the proposed sign be installed. The sign is manufactured by the same company that does all the National Parks.

Member Rosa thanked Ms. Henderson for all the hard work.



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MOTION - Secretary Conway made a motion to accept the municipal sign for Bartlett's Landing as presented. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

18. Request for permission for building a "stepping stone" stream crossing on Town owned land

Marlies Henderson appeared to request permission on building a stepping stone stream crossing on Town owned land. Ms. Henderson stated that this would be the next step on the Bay Circuit. This concept has gone through the Conservation Commission but they won't approve it until the Select Board does. They are also working with the DPW and Cemetery departments. They are planning on speaking with the Safety Officer on the Andover Street crossing which would be the next step.

Member Rosa stated that this has come before the Open Space and Recreation Committee and they supported the stepping stone to cross the stream.

Mr. Curran stated that he is concerned with approving this request. He has concerns about the liability and how people would cross Andover Street once they cross this stream. This option is not as safe as a bridge. We should get a legal opinion before proceeding.

Vice Chair Riley stated that he would want input from the Safety Officer. Is this ADA compliant? Have other Board approved this? Ms. Henderson stated that it does not have to be ADA compliant. She could provide a map. Vice Chair Riley asked why the Conservation Commission isn't here. Ms. Henderson stated that they are too busy.

Member Burrows is also concerned with getting people to Andover Street and have no way of crossing safely.

Chair Deslaurier asked Ms. Henderson to come back when she has additional information.

15. Discussion and vote of final warrant

Mr. Curran stated that the Board needs to vote on the final warrant articles.

MOTION - Secretary Conway made a motion to recommend approval of Articles 1, 2 and 3. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to recommend approval of Articles 15 and 17. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to recommend approval of Articles 9, 10, and 11. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to recommend approval of Article 18. The motion was seconded by Member Rosa and unanimously voted 5-0. On a roll call, Vice Chair Riley voted Aye,



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Secretary Conway voted Aye, Member Rosa voted Aye, Member Burrows voted Aye and Chairman Deslaurier voted Aye.

MOTION - Secretary Conway made a motion to recommend approval of Article 19. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Member Burrows stated that on Article #21, we know where the lights are going on the Vining/Pollard fields so why is the article so much. Mr. Curran stated that the \$1.4 million could be a little high but \$900,000 is for the light poles themselves. It could be less if the other article passes. Member Rosa stated that there is a lot of overhead costs in this article. Chair Deslaurier stated that we should wait before Town Meeting so we have the actual amounts.

Member Rosa stated that on Article #22, if the Housing Authority bids on them an RFP would be sent out. Mr. Curran replied that would be correct.

MOTION - Secretary Conway made a motion to recommend approval of Article 22. The motion was seconded by Vice Chair Riley 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 Chairman Deslaurier voted Aye.

Mr. Curran stated that Article 23 addresses Town owned property. There are only 2 marijuana licenses, and we have on retail establishment already. The sale of this land would lend it to cultivation which would be a high revenue use and would allow us to control the type of license that will be issued. Vice Chair Riley asked that the RFP process be explained. Mr. Curran explained the procurement process. It will be advertised with specifications and then the property will be marketed for sale. The highest and best offer can be accepted, or it can be thrown out.

Member Rosa stated that he is concerned that the maps on Article 37 from the 2016 Town Meeting from the Conservation Commission were that far off. He would recommend that that Select Board walk this land. The cul-de-sac shown on the map is not there is real life. The OSR sent a letter unanimously recommending that the parcel not be sold. It may be a lot of money but once the property is gone, it's gone. Member Rosa asked if the RFP could ask for revenue to help purchase open space. Mr. Curran stated that they can look at that.

Member Burrows stated that the Town owns 700 properties we do nothing with. We could get \$2 million for this, and work needs to be done that this money could help with.

Secretary Conway stated that any project would still need to go before Conservation and comply with the regulations.

Chair Deslaurier asked what the property is zoned as. Mr. Curran replied Industrial.

MOTION - Secretary Conway made a motion to recommend approval of Article 23. The motion was seconded by Vice Chair Riley and voted 4-1. On a roll call, Vice Chair Riley voted Aye, Secretary Conway voted Aye, Member Rosa voted No, Member Burrows voted Aye and Chairman Deslaurier voted Aye.



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MOTION - Secretary Conway made a motion to recommend approval of Article 24. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Member Burrows stated that Alumni Field is missing from the list of fields in Article 24. Mr. Curran stated that the school is still using it but he will get clarification.

MOTION - Secretary Conway made a motion to support Article 16. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

Member Burrows submitted Article 25. This deals with construction and would require that 25% of the trades be Billerica businesses

Secretary Conway asked if this is enforceable and if it is not enforceable, what can we do to add some teeth to it. She would like to get a formal review from Town Counsel.

Vice Chair Riley stated that a lot of communities have responsible employer ordinances.

Member Rosa stated that we should work on getting the apprenticeship program more widely used and this is a good first step.

MOTION - Secretary Conway made a motion to recommend approval of Article 25. The motion was seconded by Member Burrows 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 Chairman Deslaurier voted Aye.

Mr. Curran stated that Article 5 is not settled and most likely will be withdrawn.

Meeting Schedule – May 9, 2022 and May 16, 2022

MOTION - Secretary Conway made a motion to adjourn the April 25, 2022 Select Board meeting at 10:35 PM. The motion was seconded by Member Rosa 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 Chairman Deslaurier voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – April 25, 2022

1. ***Open Microphone*** – No Exhibits

Announcements

2. ***Vacancies on Boards and Committees*** – List of Vacancies
3. ***All other announcements may be viewed on the Town of Billerica Website*** – No Exhibits
4. ***Financial Fraud Awareness and Prevention for Family Caregivers – Presented by the Dementia Friendly Billerica organization on Wednesday, April 27th at 5:30 PM at the COA*** – Flyer for 4/27/22 presentation, Our Journey as the Dementia Friendly Billerica Movement dated September 2021

Proclamation

5. ***Eleanor Witmyer – 98th Birthday*** - Proclamation

Public Hearings

6. ***National Grid/Verizon – 30434997 Campbell Road – National Grid to install (1) JO 6-50 Campbell Road beginning at a point approximately 25 feet southerly from existing pole 6 Campbell Road*** – Public Hearing notice, Memo from National Grid dated 3/14/22, Petition for Joint or Identical Pole Locations dated 2/10/22, Drawing dated 1/18/22, DPW Comments dated 3/25/22, Safety Officer Comments dated 3/22/22, Electrical Inspectors Comments dated 3/21/22, Abutters List
7. ***National Grid – 30434997 Campbell Road – National Grid to install approximately 5 feet 2-4” conduits from new Pole 6-50 Campbell Road to edge of private property in order to provide electric service to athletic field and concession stand at 1 Ed Hayes Way*** – Public Hearing notice, Memo from National Grid dated 3/14/22, Petition for Electric Conduit location dated 2/10/22, Drawing dated 1/18/22, DPW Comments dated 3/25/22, Safety Officer Comments dated 3/22/22, Electrical Inspectors Comments dated 3/21/22, Abutters List
8. ***TSP Group, Inc d/b/a Bang Na Thai Kitchen located at 95 Boston Road, Unit #2 – Application for New Common Victualler’s License*** – Application dated 3/18/22, Workers Comp Affidavit dated 3/17/22 and binder, ZBA Decision 2021-72-SP, Floor Plan, Serve Safe Certificate,
9. ***Mall Liquors, Inc d/b/a Lincoln Liquors located at 199 Boston Road – Application for Change of Manager – New Manager Jeffrey Michael Laster*** – Application dated 3/11/22, ABCC Change of Manager application, Memo Lt. Coffey dated 11/19/21, I-9 Form, CORI Request Form, license, ss card, Workers Comp Affidavit dated 3/11/22 and binder, Certificate of Good Standing and/or Tax Compliance, TIPS cert, existing application.



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10. ***KHD, Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for 1 Day Special Beer & Wine License for 04/30/22 (6-9 PM), 05/13/22 (5-8:30 PM), 05/21/22 (11 AM-4 PM), 05/27/22 (5-8:30 PM), 05/31/22(6-9 PM), 06/10/22 (5-8:30 PM), 06/18/22 (11 AM-4 PM), 06/30/22 (5-8:30 PM) and update on Entertainment license DJ, Acoustic Band: Monday-Friday 5:00 PM – 8:30 PM and Saturday 11:00 AM to 4:00 PM. – Memo from Lt. Coffey dated 4/1/22, Applications for each date, insurance binder, outside drawing of location, copy of existing license.***

Appointment

11. ***Constable – Sgt. Glen Magnan – Billerica Police Department – Requested by Town Manager’s Office to post warrant – Application dated 4/19/22***

Presentations

12. ***MBTA Communities Draft Compliance Guidelines – Memo McClure Planning, LLC dated 2/25/22, Draft Compliance Guidelines for MFD Under Section 3A of the Zoning Act from DHCD***
13. ***Introduction of New Department Heads – Ms. Erika Oliver Jerram, Director of Planning and Community Development and Veteran’s Director Melanie Mendel – No Exhibits***

Old Business

14. ***Town Manager’s Report - Town Manager’s Report dated 4/21/22***
15. ***Discussion and vote on Final Warrant – Final Warrant dated 5/3/22, Town Meeting Presentation***

New Business

16. ***Billerica’s Community Farmer’s Market (BCFM) – Application for Entertainment License – Mondays from June 13th to October 17th from 1:00 PM – 8:30 PM AND requesting permission to install up to (4) 18” x 24” signs on the Town Common on market days – Application dated 3/16/22***
17. ***Acceptance of a municipal sign for Bartlett’s Landing – Email from Marlies Henderson dated 4/8/22, rendering of sign***
18. ***Request for permission for building a “stepping stone” stream crossing on Town owned land – Email from Marlies Henderson dated 4/8/22,***
19. ***Petitioner Warrant Article 29 and Sewer Betterment – Rangeway Road Discussion and presentation requested by Stephen J. Lentine, Esq. for the property owners 23 Lakeview Drive and 0 Marshall Street – Memo from Law Office of Stephen J. Lentine dated 4/6/22 with attachments, Memo from Law Office of Stephen J. Lentine dated 4/25/22 with attachments***



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20. ***Lion's Club – Application for a Carnival including Weekday and Sunday Entertainment of amusement rides and games and allow for a raffle to be conducted during the carnival – Located at 600 Technology Park Drive. Carnival is run by Fiesta Carnival from May 12th through May 15th. Weekdays from 5:00 PM to 11:00 PM, Saturday from 1:00 PM to 11:00 PM and Sunday from 1:00 PM to 10:00 PM – Application dated 4/13/22, Memo from Billerica Lions Club, Inc dated 4/14/22, Application for Weekday Entertainment dated 4/13/22, Form 90, Site Plan, License to Operate Amusement Devices MA-001, Insurance binder, Memo from KS Partners dated 4/21/22, Fiesta Shows Agreement***

Meeting Schedule – No Exhibits

Approved On: June 6, 2022

BATV Link: <https://reflect-billerica.cablecast.tv/CablecastPublicSite/show/3904?channel=3>