



**TOWN OF BILLERICA
SELECT BOARD MINUTES
OCTOBER 17, 2022**

Members Present: Chair Andrew Deslaurier (Late Arrival), 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

Vice Chair Riley stated that the meeting is a hybrid meeting with a Zoom option.

Call to Order 7:00 PM

Vice Chair Riley called the meeting to order.

The Pledge of Allegiance was recited.

1. Open Microphone

Sandra Giroux of 21 Horman Road – Ms. Giroux wished Chair Deslaurier was here because she called him daily about the port-a-potty in the Town Center and wanted to thank him for getting it removed.

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

Fiscal Efficiency and Public Recognition

Approval of Meeting Minutes

4. October 3, 2022 – Correction – September 26, 2022

MOTION - Secretary Conway made a motion to approve the October 3, 2022 Select Board minutes as submitted. Member Rosa stated that the minutes provided were September 26, 2022. The motion was rescinded.

MOTION - Secretary Conway made a motion to approve the September 26, 2022 Select Board minutes as submitted. The motion was seconded by Member Rosa and unanimously voted 4-0.

Secretary Conway stated that some of the shorter items should be moved up in the agenda.

10. Municipal Sign Request – Boat Launch Area near Akeson Field – Requested by Brian Henderson

Brian Henderson and Sharon Lapham, Chair and Vice Chair of the Shawsheen River Watershed Association appeared to request a municipal sign for the boat launch area near Akeson Field. This sign will be a memorial to Billerica resident, Tim Garside who was a past member of the Shawsheen River Watershed Association and was instrumental in the major river clean ups as well as installing wood duck houses for habitats. He was also an Air Force veteran serving in Vietnam. There will be a ribbon cutting on November 12th and all photos on the sign were taken by Billerica residents.

MOTION - Secretary Conway made a motion to approve the proposed 36” x 24” sign as presented and adopt it as a special municipal sign. The motion was seconded by Member Rosa and unanimously voted 4-0.

11. One Day All Alcohol Special License – Billerica Holiday Festival Committee – Fundraising Event being held at the Billerica Public Library located at 15 Concord Road on November 18, 2022 from 6:30 PM to 9:00 PM – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee



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12. Request for Use of Town Property and Road Closure for the 2022 Winter Festival and Annual Tree Lighting on Saturday, December 3, 2022 from 8:00 AM to 7:00 PM (Rain/Snow Date: Sunday, December 4, 2022) – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee

John Gagliardi, Chair of the Billerica Holiday Festival Committee appeared to request the one-day liquor license and request for use of town property for the tree lighting. The Holiday Festival Committee holds four events: the Holiday Reception, Home for the Holidays at the Library, the Tree Lighting and Winter Festival Pictures with Santa sponsored by Billerica Smiles.

Secretary Conway stated that this committee is doing great things and she is glad to see these activities back after COVID.

MOTION - Secretary Conway made a motion to grant the one-day all alcohol special license for the Billerica Holiday Festival Committee at 15 Concord Road on November 18, 2022 from 6:30 PM to 9:00 PM. The motion as seconded by Member Rosa and unanimously voted 4-0.

MOTION - Secretary Conway made a motion to grant the request for use of town property and road closure for the 2022 Winter Festival and Annual Tree Lighting on Saturday, December 3, 2022 from 8:00 AM to 7:00 PM with the rain date of Sunday, December 4, 2022. The motion was seconded by Member Rosa and unanimously voted 4-0.

14. Request Holding a Banner in the Town Center on October 19th for Human Dignity Day – Requested by Ketan Patel

Ketan Patel and Amy Patel appeared to request permission to hold a banner in the Town Center on October 19, 2022 for Human Dignity Day. Mr. Patel stated that the banner will be about 6' long and they will hold it for about 3-4 hours in the Town Center.

Secretary Conway welcomed the Patel's and wished them luck with their request.

MOTION - Secretary Conway made a motion to grant the request of Katan Patel to hold a 6' banner in the Town Center on October 19, 2022. The motion was seconded by Member Rosa and unanimously voted 4-0.

15. Request for the Tenth Annual 5K Turkey Trot on November 20, 2022 beginning at 11:00 AM and Request (4) 18" x 22" signs on the Common starting on November 1st – Requested by Billerica Partners for Education

Michael Moore, President for Billerica Partners for Education appeared for the request for the 10th Annual Turkey Trot on November 20, 2022. Mr. Moore stated that this is a fundraiser to provide funds for awareness for healthy living and healthy decision making for all the students in Billerica. This year is a new route since the High School is finished.

MOTION - Secretary Conway made a motion to grant the request for the 10th Annual 5K Turkey Trot on November 20, 2022 starting at 11:00 AM. The motion was seconded by Member Rosa and unanimously voted 4-0.

MOTION - Secretary Conway made a motion to grant the request of installing (4) 18" x 22" signs on the Town Common starting on November 1st. The motion was seconded by Member Rosa and unanimously voted 4-0.

Old Business

16. Town Managers Report

Mr. Curran presented his report.

Chair Deslaurier joined the meeting at 7:30 PM.

• **Howe**

Mr. Curran stated that the BATV started moving into the Howe. There are some punch list items that need to be finished and he is glad to say there have been no water leaks after heavy rains.



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Secretary Conway asked if there was a problem with leaks in the Howe. Mr. Curran stated that there was a history of water in the basement but they sealed the entire foundation and added a French drain around and under the foundation. Secretary Conway asked if there will be tours of the new building. Mr. Curran replied soon, we are waiting on the elevator and glass railings to be installed and BATV to finish unpacking. There will be a ribbon cutting ceremony and then we can have tours.

Member Rosa stated that the building turned out amazing and is such an asset to the town.

Member Burrows stated that this is a great asset.

- **Yard Waste Collection**

Mr. Curran stated that yard waste collection will start the week of October 24th and run for 6 weeks.

Member Rosa asked if the DPW will be collecting Christmas Trees again this year. Mr. Curran stated that he will check.

- **PHR**

Mr. Curran stated that this is moving along quickly. The storage shed is being installed by Shawsheen Tech and the turf is being finalized.

Member Burrows stated that Shawsheen Tech is doing a great job building the shed.

- **Flu Clinics**

Mr. Curran stated that two clinics have been held and over 500 people came through. He thanked the COA and facilities team to help this go smoothly.

Member Rosa stated that the flu clinics were very well run.

- **DPW Facility**

Mr. Curran stated that they have received bids from four reputable firms for the new DPW building. The staff interviewed three firms and will make a decision next week.

Member Rosa asked if the building will be steel. Mr. Curran stated that it could be, it will be modular or prefab.

Member Burrows asked if we could see the OPM packages.

- **Masonic Hall**

Mr. Curran stated that the food pantry has agreed to pay for the expense of refrigeration.

Secretary Conway asked if the lease has been signed. Mr. Curran replied not yet. The terms have been agreed upon and it will be signed before moving forward with construction.

- **Affordable Housing Workshop**

Mr. Curran stated that the affordable housing workshop with NMCOG Director Jenny Raitt will be November 22nd.

Chair Deslaurier stated that homelessness issue can be invisible in communities like ours but we still have unhoused children, elderly, and veterans. The Lowell Sun had a great article on Sunday regarding this issue and we need to address it.

- **Home Fire Safety Program**

Mr. Curran stated that the Fire Department conducted Home Fire Safety Programs on October 13th with the COA. This program has been ongoing since 2015 for seniors to change out old smoke detectors in their homes.



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- **Boston Road North Project**

Mr. Curran stated that construction crews have started on Boston Road with tree removal, trimming and road markings.

- **COA Heating Issue**

Mr. Curran stated that exhaust fan in the boiler broke and the only company that has the part is in Europe so there will be a delay. They have adjusted the hours for a later start to let the building warm up.

Secretary Conway stated that we need to look into a long-term solution for the heat if the only place you can get parts is in Europe.

- **Billerica Mall**

Mr. Curran stated there was another event on Friday and himself, the DPW Director, Town Engineer and Engineering Consultant BETA were on site. They took some mitigation measures but further work is needed. They have been warned that the Town will shut down the job if problems persist and we will continue to monitor it.

Secretary Conway stated that we committed to the residents that this is a good project and there has been problems. Why can't we shut it down now until they fix their issues. Mr. Curran stated that he will check with engineering on the mitigation. Part of the problem is they have a large stockpile of dirt needs to be covered and the water needs to be diverted away from the street. Secretary Conway stated that she is very discouraged with what is happening there.

Member Rosa stated that he has said from the beginning that this will be a horrible project. They are the worse landlords in Town. Years ago, the ceiling was collapsing at the old liquor store and they did nothing. The runoff is now going into the catch basins. Conservation, Board of Health, and engineering needs to look at this. We need to shut them down.

Member Burrows stated that this is the third incident with the runoff. They've happened on September 6th, September 22nd and now October 14th. The EPA was out there due to the problem with the removal of asbestos and concrete came through the Dollar Store ceiling on Friday. These are the worse property owners and they are not following the rules and regulations. This is only demo and it's going to get worse as construction starts.

Vice Chair Riley stated that the Planning Board approved this project with certain stipulations and asked if the routine inspections were being conducted.

MOTION - Secretary Conway made a motion to instruct the Town Manager to send a strongly worded email to the owners of the Mall that they are on notice if the continuing problems are not mitigated, the project could be shut down. The motion was seconded by Member Rosa and unanimously voted 5-0.

17. Town of Billerica Recording Policy for Public Meetings – 2nd Reading – Presented by Member Burrows

Member Burrows stated that this policy is for transparency for all Boards.

Secretary Conway asked if this was video or audio recording. Member Burrows stated that is preferable but if audio is the only thing available that will be acceptable. Secretary Conway stated that BATV has trouble getting volunteers and who would be responsible. Member Burrows stated that each Board would be responsible for their own meetings. Secretary Conway stated that she still doesn't see correspondence from Attorney Reich that we can set policies for other Boards, which is what he told her during the Code of Conduct discussion. She was told that they can only set policy for boards/committees that they appoint. She would like to postpone this discussion and have Attorney Reich hear at the next meeting to discuss this point.

Member Rosa stated that each committee has a secretary that does the minutes so it shouldn't be a big lift.



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Vice Chair Riley stated that most committees are already recording the meeting. We could strongly suggest that all committees do it.

Chair Deslaurier stated that if it is a requirement to record the meeting, then do we still need minutes. Member Rosa stated that minutes are required by law. The State is behind the times but until it changes, minutes are still required.

Secretary Conway stated that this will be continued until the next meeting and request the Town Manager have Town Counsel attend.

New Business

18. Front Line Initiative – Chief Frost

Matthew Page Shelton and Deputy Chief Roche appeared to discuss the Front Line Initiative. Mr. Shelton gave a presentation.

Deputy Chief Roche stated that this program has helped residents and the department. We used to share a clinician with Tewksbury, Dracut, Chelmsford and Tyngsborough but now we have a clinician 5 days a week. This helps us to address the mental health crisis and has positive effects.

Secretary Conway asked if the funding was all by grants. Mr. Shelton stated that we have operated the last 6 years solely on grants but this year the DOJ grant was not enough so in September they asked the Executive Board for additional funding for this year but they are looking at additional grants to continue.

Member Rosa asked if they have looked at getting reimbursed by insurance companies. Mr. Shelton stated that they would need to change the organizational structure if we were to bill insurances. We are municipal employees of Tewksbury since they are the host community. Member Rosa stated that the program would probably grow faster if you did. Have you been in contact with the BSAP program. Mr. Shelton replied yes, and they are appearing before them on Wednesday.

Member Burrows asked if you use the Kraft program to have intervention beds available. Mr. Shelton stated that they will be working with Vinfen to provide emergency bedding. They are also working with the Sheriff's office on the restoration center. Member Burrows stated that there should be funding for the Johnson & Johnson case.

Vice Chair Riley asked if you see the same people. Mr. Shelton stated that they do have high utilization with some people.

Chair Deslaurier stated that 78% of the cases are non-criminal which is incredible because before this most of the cases would have resulted in criminal actions. This program allows people to get in the health care system where they belong. Chair Deslaurier asked if our officers also get help from this program because we need to take care of the people who take care of us. Deputy Chief Roche replied yes, they are part of the family and we support our family. They are building a support and wellness program for our officers.

19. Discussion on the Facilities Department – Requested by Member Burrows

Member Burrows stated that we could save money in the long term if we look at increase the staff of the facilities department to include the trades such as electricians, plumbers, HVAC, etc. We could then pull in Shawsheen Tech kids to help. Mr. Curran stated that it's taking a while but we are getting there. The facilities department does a great job under Bob. We are looking at increasing the budget next year. We are also looking at moving them when the DPW moves out. Bob also is keeping track of cost analysis for projects.

20. Proposed 2023 Select Board Meeting Schedule

Secretary Conway stated that members should review the proposed schedule and we can vote on it next meeting because the Planning Board sets their schedule around ours.



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21. Proposed revised policy to Board Member Appointments to Coincide with the Chair – Requested by Chair Deslaurier

Chair Deslaurier stated that there is a hangover period from when a new Chair is appointed to when the committees are appointed. He would like to appoint the Select Board positions at the meeting following the appointment of the Chair.

Secretary Conway asked if the dates for all appointments for committees will change. Chair Deslaurier replied no, just our standing appointments. Mr. Curran stated that the term you are looking for is the appointments go with the accession of the Chair.

Member Rosa stated that he though we were looking at the outdated committees. The Sign Bylaw Committee is no longer active, the Senior Center Advisory is now the Council of Aging, the Museum Committee was when we were looking at making the Howe a museum and should be disbanded. On the other issue, he doesn't see a problem with keeping the appointment time as they are.

Mr. Curran stated that we could check with the Town Clerk to see the status of these committees.

Chair Deslaurier stated that this will be continued to the next meeting.

22. 21 Canterbury Street – Public Nuisance – Unsafe Structure Declaration – Requested by Building Commissioner Mark LaLumiere

Mark LaLumiere, Building Commissioner appeared to discuss a public nuisance at 21 Canterbury Street. In 2017, the Board of Health and Police responded to this address for a wellness check. There was no heat and they were issued a violation for failure to maintain. Two months later the house was vacated and utilities were cut and the property was abandoned. On August 22, 2022, the Fire Department responded because a wall collapsed. The owner was notified and they asked for more time to fix it. They put a tarp over it but nothing else was done. This is an eyesore and an attractive nuisance. All the walls are going to fall in. He reached out to Town Counsel and according to MGL, Chapter 143, Sections 6-12, there are steps the Town can take to demolish the structure. We need to notify the legal owners, which has been done; the Select Board needs to declare this a safety issue, which is what we are doing tonight, a survey board needs to be comprised of the Fire Department, Town Engineer and one disinterested person to provide a report on the structure. Once they steps are done, we have the right to demolish the structure, remove the debris and bring in clean fill and attach the property for the costs. Town Counsel would like to get a court order.

Secretary Conway asked if we could get reimbursement. Mr. LaLumiere stated that we will lien the property for the costs. Secretary Conway stated that this last sold in 1984 which wasn't that long ago. Mr. LaLumiere stated that he didn't look into that part but was told they actually purchased it from the Town.

Member Rosa thanked Mr. LaLumiere. This has caused the neighbors concern with safety and there is no value to this structure. He has been working on this a long time.

Mr. Curran thanked Mr. LaLumiere for all his hard work. Mr. LaLumiere stated that he has a great staff that keeps thing flowing.

MOTION - Secretary Conway made a motion that the Select Board declare 21 Canterbury Street as a public nuisance and a danger to public health and safety. The motion was seconded by Member Rosa and unanimously voted 5-0.

Meeting Schedule – November 7, 2022 and November 21, 2022

MOTION - Secretary Conway made a motion to adjourn the October 17, 2022 Select Board meeting at 9:00 PM. The motion was seconded by Member Rosa and unanimously voted 4-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – October 17, 2022

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 - No Exhibits

Approval of Meeting Minutes

4. **October 3, 2022** - Minutes

Old Business

5. **Town Managers Report** – Town Manager’s Report dated 10/17/22
6. **Town of Billerica Recording Policy for Public Meetings – 2nd Reading – Presented by Member Burrows**
– Draft Bylaw and email from M. Reich dated 09/26/22

New Business

7. **Front Line Initiative – Chief Frost** – The Front Line Initiative Recovery Through Service Presentation
8. **Discussion on the Facilities Department – Requested by Member Burrows** – No Exhibits
9. **Proposed 2023 Select Board Meeting Schedule** – Proposed 2023 Select Board Meeting
10. **Municipal Sign Request, Boat Launch Area near Akesson Field – Requested by Brian Henderson** –
Email from M. Rosa dated 9/26/22, Sign Rendering
11. **One Day All Alcohol Special License – Billerica Holiday Festival Committee – Fundraising Event being held at the Billerica Public Library located at 15 Concord Road on November 18, 2022 from 6:30 PM to 9:00 PM – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee** –
Billerica Application, Insurance Binder, Memo from Lt. Coffey dated 11/29/22
12. **Request for Use of Town Property and Road Closure for the 2022 Winter Festival and Annual Tree Lighting on Saturday, December 3, 2022 from 8:00 AM to 7:00 PM (Rain/Snow Date: Sunday, December 4, 2022) – Requested by John Gagliardi, Chair of the Billerica Holiday Festival Committee** –
Memo from Billerica Holiday Festival dated 10/17/22, Billerica Application, Insurance Binder
13. **Proposed Revised Policy to Board member Appointments to Coincide with the Chair – Requested by Chair Deslaurier** – Standing Appointments List, Section 3.3 of the SB Policies and Procedures
14. **Request Holding a Banner in the Town Center on October 19th for Human Dignity Day – Requested by Ketan Patel** – Email from K. Patel dated 10/3/22
15. **Request for the Tenth Annual 5K Turkey Trot on November 20, 2022 beginning at 11:00 AM and Request (4) 18” x 22” signs on the Common starting on November 1st – Requested by Billerica Partners for Education** – Memo from Billerica Partners for Education dated 10/05/22, map of route, Memo from Sgt. Magnan dated 10/13/22
16. **21 Canterbury Street – Public Nuisance – Unsafe Structure Declaration – Requested by Building Commissioner Mark LaLumiere** – Violation Notice from A. Ungerson dated 8/29/22, (9) pictures, Property Record Card

Meeting Schedule

November 7, 2022 and November 21, 2022 – No Exhibits

Approved On: _____ November 7, 2022