



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 08, 2024**

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

Members Absent: None

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

Chair Riley called the meeting to order and stated that the meeting is a hybrid meeting with a Zoom option.

Call to Order 7:00 PM

The Pledge of Allegiance was recited.

1. Open Microphone

Chris Tribou of 13 Bridle Path – Mr. Tribou stated that he would like to thank Deputy Roche for all his years of service. Mr. Tribou stated that Mr. Patel, who is applying for 22 Commune license owns Turnpike Market and he is a good business owner in the Town. Mr. Tribou also thanked Mr. Jarvis for all the hard work he does for veterans.

2. Vacancies on Boards and Committees

Secretary Deslaurier read the openings on Boards and Committees.

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

Public Hearing

4. Continued Public Hearing for National Grid #30869841 – National Grid to install approximately 220' of #2 al 1-1C in 2-3" Conduits from Pole 8 Jennings Road to new 50 KVA Transformer on Private Property of 10 Estey Road, Billerica in Order to Supply Electric Service to New Home Located at 14 Estey Road, Carlisle, MA

Secretary Deslaurier stated that no one was here from National Grid due to the storm again.

Member Rosa stated that they should be here.

Richard Annese from 10 Estey Road – Mr. Annese stated that he is the property owner. He gave a lot behind his own house to his son. The house is built and they have waited a year and this connection is the last step. Eversource has signed off and now they are just waiting for this approval. The conduit is running from his property to his sons. He doesn't have any neighbors that would be affected by this.

Vice Chair Conway stated that National Grid has not heard from any abutters and we should not postpone this again.

Member Rosa stated that since there were only 3 abutters on the notice and one of them being Mr. Enese, he would have no issue but future hearings need a National Grid representative. Member Burrows agreed.

MOTION - Secretary Deslaurier made a motion to close the public hearing for National Grid #30869841 for 14 Estey Road at 7:10 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to approve the National Grid Hearing #30869841 to install approximately 220' of #2 al 1-1C in 2-3" Conduits from Pole 8 Jennings Road to new 50 KVA Transformer on Private Property of 10 Estey Road, Billerica in Order to Supply Electric Service to New Home Located at 14 Estey Road, Carlisle, MA. The motion was seconded by Member Rosa and unanimously voted 5-0-0.



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5. Public Hearing for 22 Commune Incorporated – A new On-Premises Wine and Malt §12 Restaurant and Common Victualler License for 22 Commune Incorporated DBA 22 Commune at the premises located at 164 Middlesex Turnpike (Bottom Floor of the Val Apartment Complex), Billerica, MA

MOTION - Secretary Deslaurier made a motion to open the public hearing for 22 Commune Incorporated for an On-Premises Wine and Malt and Common Victualler license for 22 Commune at 164 Middlesex Turnpike at 7:12 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Attorney Matt Porter and Smiral Patel appeared for the public hearing via Zoom. Attorney Parker stated that this is for a wine and malt license and Common Victualler license. Mr. Patel has owned and operated the Turnpike Market for the last 10 years. The proposed owners of operation will be 6:00 AM to 11:00 PM for the service café and 10:00 AM to 11:00 PM for the wine and malt license. This will be fast casual dining and the ZBA has approved it.

Member Rosa stated that Mr. Patel does a great job at Turnpike Market and there have been no sales to minors, which is great. Will Mr. Patel be the manager of record? Attorney Porter replied yes. They have spoken with the ABCC and he will be at the new business the majority of time with his assistant manager at the Turnpike overseeing that operation. Once the new business is established, they will come back for a Change of Manager in either this location or the Turnpike. Member Rosa stated that our regulations require the manager of record be at the location 50% of the time that it is open. Attorney Porter stated that they understand. Member Rosa stated that the ZBA conditions require no more than 40 seats inside and outside and maps have been provided by Attorney Lentine. These should be included in our license. Attorney Porter agreed to that.

Secretary Deslaurier stated that you requests closing hours at 11:00 PM but the application states 10:00 PM. Attorney Porter stated that they originally wanted 10:00 PM but Mr. Patel wanted to expand it but if the Board is more comfortable with 10:00 PM they are ok with that.

Vice Chair Conway stated that we need to differentiate the hours on the license for the Common Victuallers and Wine and Malt license. Mr. Patel does a fabulous job with the Turnpike Market.

Member Burrows stated that Mr. Patel does a great job and his only concern is parking. They only have 20 parking spaces. Attorney Porter stated that is what had the ZBA meeting so drawn out. They originally applied for 150 seats and were cut back to 40. This is a fast casual dining experience and customers should be in and out pretty quickly and they hope a lot of their foot traffic will come from the residents of the Val. Member Burrows stated that a lot of small businesses fail because they need a quick turnover to make it work. He wishes them the best of luck.

Chair Riley stated thanked Mr. Patel for his investment in Billerica and wishes him the best of luck.

There were no comments from the public in person or via Zoom.

MOTION - Secretary Deslaurier made a motion to close the public hearing for 22 Commune located at 164 Middlesex Turnpike at 7:23 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to approve the Common Victualler's license for 22 Commune located at 164 Middlesex Turnpike with the incorporation of the ZBA Special Conditions include the restaurant layout showing a maximum of 40 seat occupancy and with the hours being 6:00 AM to 10:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

MOTION - Secretary Deslaurier made a motion to approve the §12 Wine and Malt License for 22 Commune located at 164 Middlesex Turnpike with the incorporation of the ZBA Special Conditions include the restaurant layout showing a maximum of 40 seat occupancy and with the hours being 10:00 AM to 10:00 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.



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Approval of Minutes

6. November 6, 2023

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of November 6, 2023 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Appointments

7. Historic Commission – Daniel Prager

MOTION - Secretary Deslaurier made a motion to appoint Daniel Prager to the Historic Commission with the term expiring June 30, 2026. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Old Business

8. Town Managers Report

• **Professional Recognition**

Mr. Curran thanked Public Nurse Christine West went out of her way during a rain event to travel to an elderly resident's home and administer a flu shot. Mr. Curran stated that after 37 years with the Billerica Police, Deputy Chief Gerry Roche is retiring. He will be missed by his colleagues and the public at large.

Member Rosa stated that Deputy Roche's retirement party was nice and he is looking forward to the next phase. Member Rosa asked if Ms. West routinely goes out or did she just do it on her own. Mr. Curran replied that he believes she just took it upon herself to go.

Secretary Deslaurier congratulated Deputy Chief Roche. It was hard for him to leave and he broke down a lot of barriers.

Member Burrows stated that he agrees that we have great employees and great work done by Ms. West and Deputy Roche throughout his career.

MOTION - Secretary Deslaurier made a motion to put a letter of commendation in Christine West's personnel file. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

Vice Chair Conway thanked Ms. West for a job well done. Deputy Roche was a pioneer and was a great advocate for all. She wishes him well in his retirement.

Chair Riley thanked Ms. West and stated that the send off for Deputy Roche was great and we wish him well. Mr. Riley also thanked all the plow drivers from the last storm. They did a great job.

• **North Billerica Fire Station**

Mr. Curran stated that on December 18th the Town and Leftfield interviewed three designers. The Town chose TGAS based on their work history and familiarity with public safety buildings. A kickoff meeting will take place later this month.

Member Rosa asked if Fire Department personnel were involved with the picking TGAS. Mr. Curran replied yes, the Chief was.

Secretary Deslaurier asked when the Board will get involved with this process. Mr. Curran stated that it will come before the Board prior to Town Meeting.

Member Burrows stated that there is a company down on Ironhorse Park that makes prefab walls that could save some money. Mr. Curran stated that there was a company with similar technology that was part of one of the proposals.



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- **Christmas Tree Disposal**

Mr. Curran stated that real tree collection will be from January 8th – 12th on the normal collection days or residents can drop them off at the DPW until January 27th.

Member Rosa asked if the collections were only for a week and was this out on social media. Mr. Curran replied it has been posted on social media and he will double check but he believes it is only one-week of collections.

- **Verizon Contract**

Mr. Curran stated that Town's cable with Verizon expires in December 2024. We have initiated conversations with our PEG attorney Bill Solomon to complete the ascertainment process. Once complete, we will engage in the formal renewal process.

Member Rosa asked that the Town advocate for a senior discount from Verizon. Mr. Curran replied that he can push for cost savings for seniors.

Secretary Deslaurier stated that broadband equity is very important for everyone.

- **Bike Path**

Mr. Curran stated that we are awaiting final cost of the easements. The Town continues to meet with property owners to see if they are willing to donate the easement.

Member Rosa asked if the Town is trying to get the easements donated and then the ones they can't, they will pay for them. Mr. Curran replied that was correct. Member Rosa asked for a list of all the properties and if they donated them or we have to pay for them.

Member Burrows asked if the railroad issue got straightened out. Mr. Curran replied it is ongoing but they are making progress.

- **DPW Building**

Mr. Curran stated that the project is moving forward. The design team will be in front of the Planning Board and Conservation for permitting.

Member Rosa stated that he asked what the cost of the brick for the building was and it was \$100,000 and asked if we were still moving forward with this option. This seems excessive for a building that is not near any residents. Mr. Curran replied yes, they are still moving forward with the brick.

- **Planning Department Outreach**

Mr. Curran stated that the Open Space and Recreation Forum will be on January 17th at 7:00 PM in the Town Hall Auditorium.

Member Rosa stated that this will be the second forum. The first one was very well attended and this one should be televised also.

Vice Chair Conway stated that we need to advertise this as much as possible because we want to hear from the residents.

- **COA and Recreation Buildings**

Mr. Curran stated that Abacus has been reviewing the design with the COA and Recreation Directors. They are also reviewing all comments made at the last CFC meeting. They should be going back before the CFC later this month to review the design changes.



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Member Rosa stated that at the last meeting, he asked if they had looked at Cider Mill for the COA and you were going to get a cost analysis. Mr. Curran stated that the CFC looked at that site and decided not to pursue it. Member Rosa stated that he would like to get a report on that. Mr. Curran stated that he would forward the report.

Secretary Deslaurier stated that the design that is being sent out, will it have the locations also. Mr. Curran replied yes, he will schedule a meeting to come before this Board.

Member Burrows asked if this will be approved by the Select Board or Town Meeting. Mr. Curran replied that CFC will present the plans to the Select Board. Member Burrows stated that we really need to look at these projects. We don't need all the bells and whistles. We need to be fiscally responsible.

Chair Riley stated that we started with an intergenerational building but ended up going with separate buildings. There has been a lot of work on these projects. There has been chatter that the buildings are not big or not big enough. We have had lots of complaints about the proposed location of the Rec Center and we should bring in David Grubb to talk about this.

- **Homewood Suites**

Mr. Curran stated that at the last meeting the Board voted that the fire alarm system had to be in operation by December 31st to renew their liquor license. The Fire and Building Departments went out on December 27th and the fire alarm was not working. Their liquor license was not renewed and a notice was sent. They did not appeal it.

Member Rosa stated that the liquor license is secondary and asked what is happening with the patrons of the hotel if the fire alarm system is not working. Mr. Curran stated that the fire alarm system does work it is not reporting to the Fire Department the location of the problem.

- **School Budget Process**

Mr. Curran stated that there are budget issues in the FY24 budget that they are researching. They are reconciling the use of Circuit Breaker money and ESSER funds. He will keep the Board appraised.

Vice Chair Conway stated that the Governor has stated that she is going to be cutting budgets from the State. Teachers don't make enough money. Mr. Curran stated that earmarks are going to be cut and we don't have any earmarks on the school side. It won't affect us right now but could affect us in the future. Our revenue is solid and it doesn't seem that local aid is going to be cut. We are going to level fund but ESSM money is drying up and that will affect the school side, but the town side is solid. Vice Chair Conway stated that we need to continue to provide a great education for our kids. Mr. Curran stated that the school will have a significant increase due to contracts.

- **Town Towing Contracts**

Mr. Curran stated that the procurement process is still ongoing and bids are being vetted. Once the process is complete, he will make the bid available in the Select Board office for review.

Member Rosa stated that the Select Board always did the Towing contracts and this is not in conflict with the Charter and our policies. The Towing contracts are licenses and we issue licenses so it should revert back to the Select Board. Mr. Curran stated that he has been doing the Towing contracts for at least 10 of the 14 years he's been Town Manager. The Charter is clear and he awards the contracts for services. This is not a license; it is a bid process and belongs with the Town Manager's office.

Vice Chair Conway stated that she doesn't care what we did 10 years ago. This is a function of the Town Manager and this Board should get involved with the contracts.

Member Burrows stated that the Towing is still in our Policies and Procedures but he hasn't seen a bid in 4 years.



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- **480 Boston Road Easements**

Mr. Curran stated the easements for the project are still being processed. It is the responsibility of the petitioner to record them. The engineering department is still going back and forth with the attorney for the owner. It has been reviewed by Town Counsel.

Member Rosa stated that the mall has the same problem as Boston Road. He was on site during the last rainstorm and in the back parking lot, the drains are catching nothing. There is a 100' x 100' x 15' high snow pile on site and now with rain due in, that will all be running off the site towards our residents' homes down Tower Farm Road and Bear Hill. According to #9 in the Planning Board conditions, we should go after the owner for all reimbursement of Town resources for dealing with the flooding. The residents should also go after them. A Cease and Desist should have been issued a long time ago until they fixed the site. We also issued a license to Community Cares that owe us millions of dollars. We need to stand up for the residents that have been impacted.

Vice Chair Conway stated that she shares in everyone's frustration and agrees with Secretary Deslaurier that the State does not do a good job. Mr. Curran stated that they did do a walkthrough in October and we pointed out areas that were bad and they did fix them but they fixed them at the bare minimum. This will be resurfaced in the spring but we are going to have a tough winter. Vice Chair Conway stated that Middlesex Turnpike is another disaster by the State and asked that Mr. Curran reach out to the State Representatives on our behalf. Mr. Curran stated that he will.

Member Burrows stated that this project still sucks. They need to come before this Board for the easements. The drains are in and they are not working. The snow needs to be removed so it doesn't melt and impact our residents. They are not good landlords and they continue to violate conditions and nothing happens. Amazon Fresh still has a dirt floor so they aren't coming in anytime soon. Nothing they have said is true and we should have suspended their permits a long time ago.

- **Boston Road – North Project Patches**

Mr. Curran provided a response from Mass DOT in response to the patches. If there are specific areas of the road that need further patches, please let him know.

Member Rosa stated show me a place on Boston Road that is good. The entire project is completely unacceptable. He wants a copy of the contract to see what it says about patches. Mr. Curran stated that he has requested it from the State. The cold weather makes it more difficult to provide good patches. Member Rosa stated that he wants a copy of the report when it comes in. Member Rosa stated that the road is an abomination and the weather has nothing to do with it because it has been bad since the beginning of the project. Mr. Curran stated that he has the same outrage. He is reporting on this issue but he drives it every day and knows that it is bad but it is a state project. He is not defending them but this is a state project. Member Rosa stated that this should have been addressed a long time ago and he wants to review the contract.

Secretary Deslaurier stated that this is a glaring difference between a State run program and a Town run program. Treble Cove was great and this one is a nightmare.

Member Burrows stated that we just bought a new fire truck and we'll have to replace the suspension because of Boston Road.

Chair Riley echoes the frustration. We need to get the word out that Boston Road and Middlesex Turnpike are NOT town projects.



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New Business

9. Discussion on Upcoming Veteran's Services Events – Requested by VSO Donnie Jarvis

Donnie Jarvis appeared to discuss some upcoming events. He is ramping up the outreach and would like to utilize the auditorium to show some movies. He has a license to show 3 movies. On February 3rd he wants to show "Sacrifice at Sea" based on a true story of four chaplains during WWII. He is also planning to show Star Wars on February 24th and have characters from the movie attend. He's hoping to bring in younger vets with their families. He's also going to try to do a Truck or Treat and then show a Halloween movie. He is asking that the Select Board member help spread the word.

Secretary Deslaurier stated that you are surpassing any bars that were set. Any engagement with Veterans is positive and this is a great idea.

Member Rosa stated that prior to Mr. Jarvis there was not a lot of outreach but now there is more activity than that office has seen in decades. The Buck Auditorium can only hold half of the Elks but this is a tremendous idea. Mr. Jarvis stated that this is limited by the license to 200 and registration is required.

Vice Chair Conway stated that this is a great idea. Wreaths Across America was a great day and keep doing what you are doing.

Member Burrows stated that you are doing an awesome job.

Chair Riley echoed other members and a great job is being done.

10. Discussion on Boston Road Project Patches – Requested by Member Rosa

Secretary Deslaurier stated that we spoke about this at length during the Town Manager's report.

MOTION - Member Rosa made a motion that the Select Board as Road Commissioners send a letter to Mass DOT and the State Legislation to express our concerns and displeasure with the conditions of the road. The motion was seconded by Secretary Deslaurier and unanimously voted 5-0-0.

11. Update on 480 Boston Road Easements (The Mall Project) – Requested by Member Burrows

Secretary Deslaurier stated that this was discussed during the Town Manager's report.

12. Review Applications for Town Towing Contract – Requested by Member Burrows

Secretary Deslaurier stated that this was discussed during the Town Manager's report.

13. Finance Department Reorganization Discussion

Mr. Curran stated that Paul Watson is retiring and he is looking to reorganize the Finance Department and add a Finance Director to bring in a better quality of candidate. Mr. Watson is essentially serving as Finance Director now.

Member Rosa stated that he doesn't agree with inserting a Finance Director between the Town Manager and Town Accountant who is appointed by us. We appoint the Accountant because this provides checks and balances for the Town. He also doesn't agree with having a public hearing at the Finance Committee meeting. They do not allow Zoom which is a violation of our Recording Bylaw. The public hearing should be at our meeting. If Mr. Watson has been doing the job, then just add Finance Director to the title and up the salary. Adding a position is not necessary and will be an additional cost that is not needed. Mr. Curran stated that he doesn't disagree that the Accountant gives the independent view since he is not appointed by the Town Manager but that will still be there. He doesn't disagree with most of the things that were said.

Secretary Deslaurier stated that he would want to get a description of the duties and how they would work together and reporting.



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Vice Chair Conway stated that the Finance Director is similar to a CFO. This position would be similar to Mr. LaLumiere where he oversees multiple departments. Mr. Curran replied yes. Vice Chair Conway stated that she is concerned that the Finance Director would be between the Accountant and she would like to see the intent of the Select Board appointing the Accountant. Mr. Curran replied he can get that information as well as a comprehensive job description.

Member Burrows stated that he looked up salary requirements for a Finance Director and they run between \$167,000-\$258,000. He would have a hard time recommending this when taxes are going up constantly and the Planning Department salaries are the highest they've been and there is no return.

Chair Riley stated that the job has grown and we need a person that can handle the duties. We do need to look at the reporting structure and asked what the timeline is for this. Mr. Curran stated that he would want someone on July 1st. He will get more information. We've tried to hold on to personnel so we need to make the salaries more competitive.

Member Rosa stated that there is a lot of parallel in job descriptions of what the Town Manager does so we should look at that also. By Charter, the Town Manager has a lot of responsibilities so we have to see where it comes down.

Member Burrows asked if we should look to hire within. Mr. Curran stated that anyone would have an opportunity to apply for the position.

Secretary Deslaurier stated that the next meetings are January 22, 2024 and February 5, 2024.

MOTION - Secretary Deslaurier made a motion to adjourn the Select Board meeting of January 08, 2024 @ 9:05 PM. The motion was seconded by Member Rosa and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – January 08, 2023

Call to order 7:00 PM

1. **Open Microphone - No Exhibits**

Announcements

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

Public Hearing

4. **Continued Public Hearing for National Grid #30869841 – National Grid to install approximately 220’ of #2 1-1C in 2-3” conduits from pole 8 Jennings Road to new 50 KVA transformer on private property of 10 Estey Road, Billerica in order to supply electric service to new home located at 14 Estey Road, Carlisle, MA – NG application dated 11/29/23, DPW Comments dated 12/12/23, Contractor Acknowledgement Form dated 12/05/23, Safety Officer Comments dated 12/08/23, Electrical Inspector Comments dated 12/11/23, Public Hearing Notice, Abutters List dated 11/29/23**
5. **Public Hearing for 22 Commune Incorporated – A new On-Premises Wine and Malt §12 Restaurant and Common Victualler License for 22 Commune Incorporated DBA 22 Commune at the premises located at 164 Middlesex Turnpike (Bottom Floor of the Val Apartment Complex), Billerica, MA – Billerica Application dated 12/21/23, Memo from Lt. Coffey dated 12/20/23, ZBA Decision #23-51 dated 11/08/23, ABCC Application dated 01/19/23, Lowell Sun posting dated 12/27/23, Abutters List dated 12/26/23**

Approval of Minutes

6. **November 6, 2023 – Select Board Minutes 11/06/23**

Appointment

7. **Historic Commission – Application for D. Prager dated 12/17/23**

Old Business

8. **Town Managers Report – Town Manager’s Report dated 01/04/24**

New Business

9. **Discussion on Upcoming Veteran’s Service Events – Sacrifice at Sea memo and flyer, Memo from D. Jarvis dated 12/29/23, Stars and Stripes In Space flyer**
10. **Discussion on Boston Road Project Patches – No Exhibits**
11. **Update on 480 Boston Road Easements (The Mall Project) – No Exhibits**
12. **Review Applications for Town Towing Contract – Town Charter, Section 3.3, SB Policies and Procedures Section 15.0, RFA Towing and Storage of Vehicles Application**
13. **Finance Department Reorganization Discussion – Memo from J. Curran dated 01/05/24**

Meeting Schedule

January 22, 2024 and February 5, 2024

Approved On: February 05, 2024