



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 26, 2024**

Members Present: Chair Michael Riley (Remote), Vice Chair Kimberly Conway (Remote), 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

Secretary Deslaurier called the meeting to order and stated that the meeting is a hybrid meeting with a Zoom option. Since we have members who are remote, all votes will be taken by roll call and roll call attendance will be taken. Member Rosa was Present, Secretary Deslaurier was Present, Vice Chair Conway was Present, Member Burrows was Present and Chair Riley was Present.

Call to Order 6:30 PM

The Pledge of Allegiance was recited.

Executive Session

Secretary Deslaurier stated that are going into Executive Session and will return to regular session at the conclusion.

1. **Executive Session Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24**

MOTION - Member Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24 at 6:32 PM. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

The Select Board reconvened to regular session at 6:55 PM.

2. **Open Microphone**

George Simolaris of 38 Andover Road– Mr. Simolaris stated that it has been reported that the election cost \$1 million because of the COA but he is glad it was defeated. The question failed in the majority not just with a 2/3 vote. The Board should be looking at adding a park at the Ditson or Vining and sidewalks along Rt. 129, the Gray/Salem Street intersection to name a few. The majority of this Board has their priorities wrong.

Dina Favreau of 41 Boston Road – Ms. Favreau stated that there is a lack of transparency with local government and this Board. On February 14, 2024, she put in a public records request for the cost of legal counsel in the litigation of the Town Center, and she received a sanitized version of the documents from Mr. Main today. This was outside of the 10 days required and does not satisfy the request which was missing pages, dates, times and rates. There are six other public records requests from other residents that have not been responded to. The public documents belong to the people.

Bob Volpe of 34 Sullivan Street – Mr. Volpe stated that comments made by Mr. Riley at the February 5th meeting in regard to a sitting Board of Health member making comments regarding arson on a 95 year old person is wrong. The Chair imputed my character at the February 5th meeting after he had left. He then received a notice from the Assessor's Office right after this meeting to investigate his business. His business is exempt. This is in retaliation for the public records requested he submitted on February 6th. He has not received a response to that request. He has never sent a meme on Facebook.



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Kelley Sardina of 95 Gray Street – Ms. Sardina stated that this Board keeps talking about transparency but some of the members are not being transparent. She would like to amount of money that the Town Manager spent on pushing the Town Center project. In 2012, the Town authorized \$1 million dollars for the Town Center design. The 2023 was the same design but another \$1 million was spent. The majority of this Board and the Town Manager have no respect for the voters. She would also like the total cost of the auditorium renovation, including the gym, which was not in the Town Meeting article. There are also warrant articles that encumber money, but the project is done or never done. There should be an audit and that money returned to the general fund.

Chris Musker of 12 Fawn Lane joined via Zoom – Ms. Musker thanked Mr. Simolaris, Ms. Favreau and Ms. Sardina for all their hard work. 3 members of this Board tried to steal an election from the residents. She thanked the over 11,000 people who voted. She would also like to know where the money for the gym came from. She has asked repeatedly for a rebate for residents on their water bills because of the constant brown water and she has heard nothing. The voters are paying attention, and you are supposed to represent the residents. A \$10/house cost for the Town Center was a joke.

Larry Libby of 371 Boston Road – Mr. Libby stated that the Town Center should have been on the ballot. He would like the wires along Boston Road to be underground. We need to have ongoing maintenance to keep things nice. The retention pond on Concord Road is a complete mess.

3. Vacancies on Boards and Committees

Secretary Deslaurier read the openings on Boards and Committees.

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

Public Hearing

5. Public Hearing for National Grid - #30840753 - National Grid to install 1 JO Pole (4-1) on Folger Street beginning at a point approximately 93' Southerly from the existing pole 4 Folger Street in a public way with anchor/guy approximately 93' diagonally across the street from existing Pole 4 in order to supply electric service to a new home at 49 Folgers Street, Billerica, MA

MOTION - Member Rosa made a motion to open the public hearing for National Grid #30840753 for 49 Folgers Street at 7:10 PM. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

Joe Ientile from National Grid appeared for the public hearing. There was an adjustment to the plan after it was submitted. The pole will be moved approximately 147' southerly from the existing pole instead of 93'. This is a dead-end street.

Member Rosa stated that there are 5 abutters and 93' to 147' is a big difference and this is not a dead-end street. The new pole will be closer to the intersection of Summit Street. He believes that this should be readvertised. Mr. Ientile stated that this is opposite Summit Street, and this is the applicant's family. Member Rosa replied that the abutters are related. Mr. Ientile replied yes, it is a father, son and sister and the pole will actually be moved closer to the petitioner's house. Member Rosa stated that he would like confirmation from the DPW, Electric and Police that this change has not effect on their approvals.

Chair Riley stated that he is very familiar with the area and the petitioner. This part of Folgers Street does not go past Summit. It is a dirt road and mostly family.

Member Burrows asked if this was a new pole and if so, how much does it cost. Mr. Ientile replied yes, it is for a new house and there is no charge under the state tariff.

There was no comment from the public in person or online.



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

MOTION - Member Rosa made a motion to approve the National Grid petition #30840753 for 49 Folgers Street with the change from 93' to 147' contingent on approval from the DPW, Police Department and Electrical Inspector on the new location. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

Approval of Meeting Minutes

6. January 22, 2024

MOTION - Member Rosa made a motion to approve the Select Board minutes of January 22, 2024 as presented. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

Secretary Deslaurier stated that the executive session minutes of January 12, 2024 were approved with minor edits.

Appointments

7. Scholarship Foundation – Tracy DeJoy

MOTION - Member Rosa made a motion to appoint Tracy DeJoy to the Scholarship Foundation Committee. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

New Business

14. Billerica Billerica's Community Farmer's Market (BCFM) – Application for an Outside Entertainment License – Mondays from June 17th to October 14th from 12:30 PM – 8:00 PM (Operating Hours from 2:00 PM to 7:00) AND Request (4) 18" x 24" Signs on the Town Common on Market Days (Mondays)

Crystal Thomas appeared to discuss the Billerica Community Farmer's Market. Miss Thomas said this spring will be their fourth season and their second year at the old Ditson sight. The Billerica Community Farmer's Market will start on Monday June 17th.

MOTION - Member Rosa made a motion to approve the entertainment license for the Billerica's Farmer's Market on Mondays from June 17th to October 14th from 12:30 PM – 8:00 PM (Operating Hours from 2:00 PM to 7:00). The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

MOTION - Member Rosa made a motion to approve the request of (4) 18" x 24" signs on the Town Common on market days for the Billerica's Farmer's Market on Mondays from June 17th to October 14th. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

18. BMHS Blast Committee – Request for (4) 18" x 24" Signs on the Town Common from February 28th to March 16th for their Fundraiser Event on March 15, 2024 at the Billerica Elks from 7:00 PM to 11:00 PM

Maureen Xavier appeared to request signs on the common for the BMHS Blast Fundraiser on March 15, 2024 at the Billerica Elks from 7:00 PM to 11:00 PM. This helps fund safe activities for our graduating seniors.



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MOTION - Member Rosa made a motion to approve the request of (4) 18" x 24" signs on the Town Common from February 28th to March 16th to promote their fundraiser event on March 15, 2024 at the Billerica Elks from 7:00 PM to 11:00 PM. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

17. Early Voting Options and Recommendations for the Annual Town Election 2024 – Requested by Donna McCoy, Town Clerk

Donna McCoy joined the meeting. Ms. McCoy stated that with the vote by mail act in place, she requested that for the local election, there will be no in person early voting. The Board of Registrars offered the only early voting would be by mail. We received more mail in cards than we had in person voters.

Vice Chair Conway stated that State mandates the mail in early voters, but the Town decides if we want in person early voting, and you are proposing that we eliminate early voting for the local election. Ms. McCoy stated that was correct. Vice Chair Conway asked if absentee ballots can still be done in person and hand the ballot to staff. Ms. McCoy replied yes.

Secretary Deslaurier stated that if we want to opt out, then no action is required. Ms. McCoy replied that was correct.

Member Rosa stated that we would need to vote to opt in. We should have early voting for everything. People have come to expect early voting and we should have it the same way we had it for the special election with it being three days prior to the election.

Chair Riley agreed with Member Rosa. People may not have signed up for early voting with the State because we always have early voting, and this gives the voters an extra chance to vote.

Member Burrows stated that 1306 voters showed up early voting for the Town Center. We need to keep early voting.

Ms. McCoy broke down the costs for the special election. The only bill she is still waiting for is from the custodians. The total cost was \$48,780.51 + custodian costs. The breakdown is: ballot printing \$8,394, ballot setup \$261.38, handicap machine setup \$388.09, postage \$3,507.77, election workers \$27,128.13, food bill \$328.49, police details \$8,772.00.

Secretary Deslaurier stated that he appreciates the work, but early voting is an institution.

MOTION - Member Rosa made a motion that the Select Board continue with early in person voting for the local election on Monday, April 1st from 8:30 AM to 4:00 PM, Tuesday April 2nd from 8:30 AM to 4:00 PM, and Wednesday, April 3rd from 8:30 AM to 7:00 PM. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

MOTION - Member Rosa made a motion to put a letter in the file for the employees of the Town Clerk and Board of Registrar's office commending them on their work done for the elections. The motion was seconded by Chair Riley and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

13. Dog Park Maintenance Budget Request

Dave Grubb appeared to discuss the Dog Park maintenance budget. They would like to amend the budget for maintenance from \$8,000 to \$3,000. The park has been open for 5 years and he would recommend it be reduced to \$5,000 to provide some wiggle room.

Member Burrows stated that the budget includes snow plowing, why doesn't the DPW do that. They are right there. Mr. Curran stated that the intent was that the committee would maintain the park, but we could look at that.



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Member Rosa stated that it is always good to reduce the budget and asked if plowing is donated. Mr. Grubb stated that it was in the past but not now. The committee has to raise the funds to maintain the park, so they would like to raise less. Member Rosa stated that the amount they have to raise is \$8,000 but they are normally using \$2,500 a year so why recommend \$5,000. Mr. Grubb replied it was a compromise and would allow double the normal amount in case of an emergency.

MOTION - Member Rosa made a motion to amend the Memorandum of Understanding between the Town of Billerica and the Dog Park to reduce the dog park maintenance from \$8,000 to \$5,000. The motion was seconded by Chair Riley and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

16. 480 Boston Road Easements – Review and Possible Vote

Attorney James Dangora appeared for the 480 Boston Road easement discussion. There will be two easements granted to the town, one for an abandoned sewer easement and one for the town's water tower. The other is to move an access easement. These have been reviewed and approved by DPW and Town Council. The Town put in a water line many years ago, but the easement was never finalized. This will provide a partial release. The sewer easement is no longer needed so the easement will be abandoned.

Member Burrows stated that this has not been a good project since the beginning. A letter was sent out with his name but not sent by me. He questioned how the foundation could be started without these easements in place. There has been flooding in this area since 2019 when the project started. There have been a lot of issues, and the construction hasn't even really started. Member Burrows stated that he will not approve this and there are many issues in the drainage report that need to be addressed. Attorney Dangora stated that we are giving two easements to the Town.

Chair Riley stated that this is straight forward. The property owner is granting the town two easements

Member Rosa stated that there are three documents presented. One is a partial release and reinstatement of an access easement, one is a grant of utility easement, and one is partial release of easement. What is getting released back to the Town? Attorney Dangora replied that this is for the sewer easement. We are giving access to the Town for the water tank. We are giving access to the Town to abandon the sewer easement and the Town is giving us a partial access release. Member Rosa stated that he has no problem with the easements given to us and would support those but due to the numerous issues on site, he will not support the easement to the applicant.

Vice Chair Conway asked if the Town asked your client for the easements. Attorney Dangora stated that this is us going through the process and realized that there are no easements for the town to access the water tank and the DPW realized that that sewer line was not needed and should be abandoned. This will clean up the project from a legal perspective. Vice Chair Conway agreed that this is not the time to handle complaints. She understands the frustration of both Member Burrows and Member Rosa with this project, but these easements are in the best interest of the Town.

Member Burrows asked if the pipe that comes from the water tank to K-Mart is included. Attorney Dangora stated that this easement is already in place. Member Burrows stated that there are a lot of frustrated residents and in 2019 at the Conservation Commission there was discussion about drainage pipes.

Chair Riley asked if the motions should be separated because he agrees with two of the three. Attorney Dangora replied one motion is sufficient.



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MOTION - Vice Chair Conway made a motion to accept the grant of a utility easement in property at 480 Boston Road, to grant a partial release of a Town utility easement in property on Tower Farm Road described as Lot 2A in Plan Book 250, Plan 49, and to release and accept an access easement in that same property on Tower Farm Road, all as set forth in those instruments presented to the Board entitled: Grant of Utility Easement; Partial Release of Easement; and Partial Release and Restatement of Access Easement, and to execute said instruments on behalf of the Town in witness hereof. The motion was seconded by Chair Riley and voted 3-2-0. On a roll call vote: Member Rosa voted No, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted No, and Chair Riley voted Aye.

Old Business

8. Town Managers Report

• **Professional Recognition**

Mr. Curran stated that the Town Clerks office has been hard at work preparing for the 2024 Election Season. He would like to thank them for all their efforts during the Special Election, handling absentee and early voting as well as the election itself.

Member Burrows thanked the Town Clerk's office and all the clerks who work at Town Hall.

• **FY2025 Budget**

Mr. Curran stated that the Budget presentation will be done on March 4th. He is expecting to have a report from CLA by that time regarding the assessment of the School Department books. The Superintendent will attend that meeting to assist with the discussion of this report.

Vice Chair Conway asked if the CLA audit found issues with past practices or major gaps. Mr. Curran stated that they discovered issues with past practices but FY24 and FY25 were their main focus. One major issue is there should be one Munis system for the town and school and there needs to be some changes in internal controls. The ESSO money is also going away, which is a problem. We need to work as a team and when he started, he requested an audit when he started, and Powers and Sullivan came in. It's good practice.

Member Burrows stated that there should be a little extra cash since the Town Center failed.

• **Greater Lowell Vision Zero**

Mr. Curran stated that NMCOG is hosting their first annual *Greater Lowell Vision Zero* Public Forum on February 27th on Zoom from 6PM- 8PM. NMCOG will apply an equitable approach, using the most recent and available data to inform and eliminate traffic deaths and life-changing injuries in the Greater Lowell Region.

Chair Riley asked if NMCOG was also looking into homelessness. Secretary Deslaurier replied yes. There is a housing strategy that includes homelessness.

Member Rosa asked if the traffic study is for Billerica only or is it more of a regional discussion. Secretary Deslaurier replied it is regional, but Billerica data is included.

• **PHR – Award Winner**

Mr. Curran stated that a couple of months ago, our Recreation Director, David Grubb, nominated the PHR Recreation Complex for a state award given annually by the Massachusetts Recreation and Park Association. He is thrilled to share with you that PHR has been chosen as the recipient of the 2024 MRPA Design of Facility Award.

Member Rosa stated that he is not surprised by this award.

Vice Chair Conway stated that PHR, the Howe, BMHS are all great projects and show what our focus is.

Member Burrows stated that PHR is awesome.



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Secretary Deslaurier stated that we need to add PHR to the marketing book.

MOTION - Member Rosa made a motion to put a letter of thanks to David Grubb in his personnel file. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

- **DPW Building**

Mr. Curran stated that project team is still going through the permitting process with Conservation and the Planning Board. We expect that to be wrapped up next month. We are also reviewing pre-qualifications for all potential bidders over the next two weeks.

Member Rosa asked if the DPW is on budget. Mr. Curran replied yes, but we are just at soft costs. When the bids are received it will be the real numbers. Member Rosa asked if the bid for a brick façade for \$180,000 could be done separately. Mr. Curran stated that if the budget is tight, that would be put on a bid alternate list.

Member Burrows stated that there is a company down at Ironhorse that makes prefab walls that should be looked at for a cost savings. This is the same as the BMHS. There are a lot of wants but we should do what is needed.

- **MBTA Communities**

Mr. Curran stated that in December, the Planning and Community Development staff sent the draft zoning and district maps to the state's EOHLC (Executive Office of Housing and Livable Communities) for their preliminary compliance review. It is currently referred to as the "MBTA Communities Multifamily Overlay District" or "MCMOD". In the meantime, PCD staff has been planning an extensive outreach effort, including weekly "Ask a Planner" work sessions, a 2nd public open house, and presentations to various boards, commissions, and organizations. The Town is preparing to submit a warrant article for MBTA zoning at the Spring Town Meeting.

Member Rosa stated that this will be a disaster for Billerica. Milton voted it down and now they are getting threats from the State. This is proposing 2,700 units in Billerica. He doesn't support the MBTA zoning and there will be impacts to Fire, Police, and paramedics. Impacts to infrastructure including water, sewer, roads and schools. We need to look at these impacts. This zoning will allow a resident to take a one-acre lot with a single family home and they could build 15 units. The impacts of this will be irreversible.

Vice Chair Conway stated that Milton is being threatened to be cut off from any grants from the State.

Member Burrows stated that he is not a big fan of this. The State is penalizing the communities that are above their affordable housing requirements. In Milton, the State pulled a grant of \$100,000 for their seawall. This isn't a big deal because it is less than what the impacts of the units being built will far exceed this.

Secretary Deslaurier thanked the Planning staff for getting the word out on this.

- **11 Concord Road**

Mr. Curran stated the project is continuing to move forward. It is expected the Food Pantry will be able to move in as planned in early April. However, the permanent electric panel will not be available until June, delaying the installation of the walk-in refrigeration/freezer until that time. This will not affect the pantries' ability to operate, will just delay when they have the walk-ins.

Vice Chair Conway thanked that Town for providing a temporary location on Alexander Road.



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- **Talbot Mills Dam**

Mr. Curran stated a Single Environmental Impact Report (SEIR) has been submitted to the MEPA Office for the Talbot Mills Dam Removal on behalf of the dam owner, CRT Development Realty, LLC. An EENF for the project was noticed in the Environmental Monitor on July 10, 2023, and an EENF Certificate was issued by the EEA Secretary on September 1, 2023. Hardcopies of the SEIR are being sent to the Massachusetts Historical Commission and the Billerica Public Library, where it can be viewed by the public. MEPA will be issuing information about the public comment process to the Select Board office and my office after the SEIR is published in the *Environmental Monitor*.

Member Rosa stated that the dam is owned by a private owner. Mr. Curran stated that this is being supported by State agencies and we don't have a big say as it goes forward. We can see if we can get any concessions.

Vice Chair Conway is saddened that we don't really have a say. Mr. Curran agreed but added we don't have a lot of influence on this issue because it's private property.

Chair Riley stated that he has heard a lot of resident's concerns with the removal of this dam.

- **Health Insurance**

Mr. Curran stated over the past few years, the Town has been made aware by potential job candidates that health insurance rates are higher than surrounding communities. It has also been an issue raised by current employees as well. The Town is planning to propose changes that will benefit current employees and future employees, and positively impact on our OPEB situation. The Town will be proposing to change the Town health insurance contribution from 65.9% to 70% for Family Plan HMO Blue Members. This could save employees around \$1,000 a year. The Town will also be offering additional high-deductible plans with a health savings account. Another proposal includes offering a cost share assistance program for high-cost specialty medications. All these are a benefit and cost savings to the employee.

Currently, the Town reimburses for Medicare Part B Premiums. Billerica is one of the few communities who offer this benefit. This significantly impacts our OPEB liability. The Town is proposing that any employee who has less than ten years of municipal service as of July 1, 2024 and will retire with the Town of Billerica will not be eligible for that benefit. All future employees will also not be eligible.

Chair Riley stated that he would like to hear more about this. If an employee had service in another municipality, would they qualify for this. Mr. Curran replied yes.

Member Rosa stated that he has no issue with exploring this but asked if the employees on the 90%/10% are affected. Mr. Curran replied no. Member Rosa stated that Mark Cuban had a similar prescription plan called Cost Plus. Mr. Curran replied that this is very similar.

Secretary Deslaurier asked what the average tenure of our employees is. Mr. Curran replied he was not sure but could get that information.

- **CSX Property Update**

Mr. Curran stated this property is not owned by CSX. The use was abandoned by the Railroad in 1962. Statutorily, the land goes back to the previous owner if it was leased or gained through an easement. This is how this parcel was obtained by the Railroad. Accordingly, the land at the centerline on the Town side of this parcel reverts back to the Town. The residential side reverts to all the residential owners along the railroad ROW. We, therefore, must continue on our path of taking these properties. The original appropriation made at Town Meeting from CPA funds will be used for this purpose. If more is needed it will be covered by the YDBP Easement Article this Spring. The YDBP will be traversing two thirds of this right of way.



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Member Rosa asked what the width of the railroad bed is. Mr. Curran replied he was not sure. Member Rosa stated that if it is 20' can we shift the trail to what we have so easements would not be needed. Mr. Curran replied that is a good question and will look at that.

Vice Chair Conway asked where the CSX property is. Mr. Curran replied it is the railroad easement on River Street/Richardson Street for the YDBP.

- **Emergency Relief Money**

Mr. Curran stated that we had just received this \$165,000 from the State for damages caused by the flood. It is not clear how the money can be used. We are awaiting guidance from the DOR. It is likely that the money would cover local municipal costs incurred because of the storm. Billerica was the only municipality in Middlesex County to receive relief money.

Chair Riley asked what this can be used for. Is this for the Town or residents and is there guidance. Mr. Curran stated that it seems to be directed towards the municipality damage.

Member Rosa asked if we are going to get money in the second round. Mr. Curran replied he is not sure. Member Rosa stated that if we can leverage anything to help the residents most impacted that's what we should do. Mr. Curran replied he will look at the DOR guidelines.

Member Burrows agrees with Member Rosa we should be helping the residents affected by this and taking corrective measures, so this doesn't happen again.

Secretary Deslaurier asked why towns got more. Mr. Curran replied that North Andover had significant amount of damage. We didn't think we were getting anything, and the money was not from FEMA, but the State.

- **Salem and Gray**

Mr. Curran stated that we received a letter from BETA dated February 21, 2024. Additional information is needed so there will be more information at the March 6th meeting.

Chair Riley asked if BETA met with the Police. Mr. Curran replied yes, they have met with engineering and the Police on a field assessment.

Member Rosa asked if they were just looking at signalization only. Mr. Curran replied no they were looking at the 4-way and lights. Member Rosa stated that this needs to be done as soon as possible.

Vice Chair Conway asked that this be kept on the agenda every meeting.

Member Burrows stated that people need to obey the rules of the road, whatever they are.

9. **Correction to a One-Day Wine and Malt and Outdoor Entertainment License for KHD, Inc. approved on February 5, 2024 – March 30th was approved for 11:00 AM to 3:00 PM and it should be 5:00 PM to 8:00 PM.**

MOTION - Member Rosa made a motion to amend the one-day wine and malt license and outdoor entertainment for KHD, Inc. for March 30, 2024 from 11:00 AM to 3:00 PM to 5:00 PM to 8:00 PM. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.



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15. Amendment to the Traffic Rules and Orders – Vote to Designate Harvard Road as a Thickly Settled District at 25 MPH

Member Burrows asked what the status of the 25 MPH on Marshall Street and the truck prohibited signs is. Also, the town wide look at streets. Mr. Curran stated that he would look into this. Mr. Maynard stated that Marshall Street is a 25 MPH street and there was truck prohibit signs installed. Mr. Curran stated that he will have it verified that they are still there.

MOTION - Member Rosa made a motion that the Traffic Rules and Orders of the Town of Billerica adopted by the Board of Selectmen on July 21, 1936 and subsequent amendments thereto, be amended as follows: Harvard Road in its entirety shall be designated a thickly settled district at 25 mph as authorized by the Town's acceptance of Chapter 90, Section 17C of the Massachusetts General Laws. The motion was seconded by Member Burrows and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

19. 2024 Community Funds Grant Discussion

Secretary Deslaurier stated that the 2024 Community Funds Grant applications have been provided and we will work on getting these issued.

Member Rosa stated that the next meetings are March 4, 2024 and March 18, 2024

MOTION - Member Rosa made a motion to adjourn the Select Board meeting of February 26, 2024 @ 9:05 PM. The motion was seconded by Member Burrows and voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 26, 2024**

Exhibits for the Select Board Meeting – February 26, 2024

Call to order 6:30 PM

1. Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - **Dina Favreau vs. John Burrows & Others** – Review of Executive Session Meeting Minutes of 01/12/24 – Executive Session Minutes 01/12/24
2. **Open Microphone** – Email from B. Volpe dated 02/07/24, Facebook Snapshots from B. Volpe

Announcements

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

Public Hearing

5. **Public Hearing for National Grid #30840753 National Grid to install 1 JO Pole (4-1) on Folger Street beginning at a point approximately 93' Southerly from the existing pole 4 Folger Street in a public way with anchor/guy approximately 93' diagonally across the street from existing Pole 4 in order to supply electric service to a new home at 49 Folgers Street, Billerica, MA-** NG Application dated 02/07/24, DPW Comments dated 02/14/24, Contract Acknowledgement dated 02/15/24, Electrical Inspector Comments dated 02/21/24, Safety Officer's Comment dated 02/22/24, Abutters List dated 02/09/24, Public Notice to Abutters, Updated NG Application dated 02/26/24, Email from R. Balboni dated 02/26/24, Email from M. Ballou dated 02/26/24

Approval of Minutes

6. **January 22, 2024** – Select Board Minutes 01/22/24

Appointments

7. **Scholarship Foundation** – Application for T. DeJoy dated 02/08/24

Old Business

8. **Town Managers Report** – Town Manager's Report dated 02/23/24
9. **Correction to a One-Day Wine and Malt and Outdoor Entertainment License for KHD, Inc. approved on February 5, 2024 – March 30th was approved for 11:00 AM to 3:00 PM and it should be 5:00 PM to 8:00 PM.** – Email from D. McDowell dated 02/07/24, 1-Day Beer and Wine application
10. **Update on Salem/Gray Street Intersection Traffic Study – Requested by Vice Chair Conway** – No Exhibits
11. **Update on CSX Railroad Track Easements – Requested by Member Rosa** – No Exhibits
12. **Update on the \$165,000 Received By the Town for the 2023 Flooding – Status and Use to Help Residents – Requested by Member Rosa** – No Exhibits

New Business

13. **Dog Park Maintenance Budget Request** – Memo from D. Grubb dated 01/18/24
14. **Billerica's Community Farmer's Market (BCFM) – Application for an Outside Entertainment License – Mondays from June 17th to October 14th from 12:30 PM – 8:00 PM (Operating Hours from 2:00 PM to 7:00) AND Request (4) 18" x 24" Signs on the Town Common on Market Days (Mondays)** – Billerica Application dated 02/05/24, Entertainment Application dated 02/01/24, Abutters List dated 02/05/24, Public Hearing Notice
15. **Amendment to the Traffic Rules and Orders – Vote to designate Harvard Road as a Thickly Settled District at 25 MPH.** – Memo from Kelley Conway, TE dated 01/24/24, Memo from R. Balboni dated 11/21/23, Amendment to Traffic Rules and Orders, Minutes of 11/20/23 Select Board meeting
16. **480 Boston Road Easements – Review and Possible Vote** – Memo from Kelley Conway, TE dated 02/22/24, Partial Release of Easement to be signed, Easement Plan dated 02/06/24, Grant of Utility Easement to be signed, Partial Release and Restatement of Access Easement



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 26, 2024**

- 17. Early Voting Options and Recommendations for the Annual Town Election 2024 – Requested by Donna McCoy, Town Clerk** – Memo from D. McCoy dated 02/09/24, Special Election Costs dated 02/17/24
- 18. BMHS Blast Committee – Request for (4) 18” x 24” Signs on the Town Common from February 28th to March 16th for their Fundraiser Event on March 15, 2024 at the Billerica Elks from 7:00 PM to 11:00 PM** - Email from M. Xavier dated 02/14/24, Sign Sample
- 19. 2024 Community Funds Grant Discussion** – Memo from D. McDowell dated 02/22/24, 2024 Community Funds Applicants List

Meeting Schedule

March 4, 2024 and March 18, 2024

Approved On: April 8, 2024