



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 6, 2024**

Members Present: Chair John Burrows, Vice Chair Dina Favreau, Secretary Michael Rosa, Member Kimberly Conway and Member Michael Riley

Members Absent: None

Staff Present: Acting Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Burrows 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.

Secretary Rosa read a statement regarding Sgt. Ian Taylor. A moment of silence was held.

1. Open Microphone

Chief Roy Frost – Thanked the Board for the kind words regarding Ian. He will be missed more than can be said. Chief Frost read a letter received from a resident, Carol Raymond about Sgt. Taylor. He was involved in enforcement and public health side. The loss is devastating and he thanked the Town for all the support, the surrounding town's public safety and so many more.

Anne Noel of 2 Locke Road – Ms. Noel stated that she is concerned about the housing authority. George and herself spoke at a meeting. The police were called on her because she didn't have her handicap placard in her car. She was also named as a tenant member of the Housing Authority but now they rescinded it. It was put on Facebook that she was an illegal board member. There are a lot of off-site people coming in and causing trouble and there is outside influence. The Attorney General's office is being called.

Daniel Darris-O'Connor of 14 Forest Park Ave – Mr. Darris-O'Connor stated that he wanted to make sure we were all on the same page on how articles are submitted. Article 4 of the Special Town Meeting is a petitioner's article. The Select Board has no say if this should be on the warrant. He heard people want to violate charter and laws; you shouldn't do something that you are going to regret. Chair Burrows stated that threats have no place here.

Nancy Sullivan of 117 Nashua Road – Ms. Sullivan stated that the fact that we had to go through a special election to get rid of something voted on by Town Meeting. Very disappointed with the Select Board and very disappointed that the COA should have a new building and it should be in the Town Center. Also disappointed that you forced Mr. Curran to resign. He has done a lot of good.

Herve Abrams of 10 Holt Street – Mr. Abrams agreed with Mr. Darris-O'Connor and Ms. Sullivan. The center still has problems and is unsafe. People have been hit. The crosswalks are unsafe. The Town has received funds for the Town Center and they should be used to make pedestrian access safe. Monuments are not accessible to the public. Another issue is transparency of the process of petitions. We have a decision from a judge, he doesn't agree with it, but it's binding. The petitioners' article that was submitted should be heard by Town Meeting.

Joshua Damon of 17 Harden Road – Mr. Damon asked the Board to rescind Articles 1 and 2 of the Special Town Meeting. We should preserve Cider Mill. Natural areas should be protected. He is asking Town Meeting members to vote no on Article 2.

Kelley Sardina of 95 Gray Street – Ms. Sardina stated that she understands BETA did their report, but she lives there. We need to think outside the box. She worked with Kelley Conway to put the berm into slow down cars. There are trees that should be removed now because they block the traffic coming off Gray Street. A four-way stop will cause a lot of rear end accidents. On another note, there is a bench near the Police Station that needs to be replaced and asked that the Board replace that with something better. On Mr. Darris O'Connor



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Secretary Rosa stated that there are some changes to the agenda: On Item #22, an email was received from Mr. Curran appointing Mr. Main as acting Town Manager. We will just need a subcommittee to negotiate salary with Mr. Main, Item #19 will be moved up, Item #10 will be discussed at the next meeting, Item #12 has already been voted, Item #13 has been removed, and #16 will be discussed at the May 20th meeting.

2. Vacancies on Boards and Committees

Secretary Rosa read the openings on Boards and Committees.

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

22. Appoint an Acting Town Manager

Secretary Rosa stated that they received an email from Mr. Curran stating that he was appointing Clancy Main as Acting Town Manager during his leave of absence.

MOTION - Secretary Rosa made a motion that we create a two-member subcommittee of the Select Board members appointed by the Chair to negotiate a contract for the Acting Town Manager. The motion was seconded by Vice Chair Favreau and after discussion was unanimously voted 5-0-0.

Member Conway asked for discussion on the motion and asked if it will be voted on by this subcommittee. Secretary Rosa replied yes, just like when the subcommittee negotiated the Town Manager's contract. Member Conway asked if that was appointed by the Chair. Secretary Rosa replied yes. Member Conway stated that the leave of absence is on to May 24th, so the discussion should occur after that. Chair Burrows stated that it is to compensate to fill the void.

Public Hearing

4. National Grid and Verizon- - #30925806 – (#4 Naushon Road) National Grid to install (1) JO Pole on Naushon Road beginning at a point ~42' northerly from the existing Pole #6 Naushon Road location in order to supply electric service to home at 4 Naushon Road, Billerica, MA

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid at 4 Naushon Road #30925806 at 7:33 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 4-0-0.

Vazz Eang appeared for National Grid to discuss the pole petition for 4 Naushon Road. This petition is to add a pole to provide service to a new house.

Secretary Rosa asked if any abutters contacted National Grid with any concerns. Mr. Eang replied no. Secretary Rosa asked if National Grid has read the DPW comments and is aware that they must contact the DPW directly for marking the water and sewer lines. Mr. Eang replied yes.

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

MOTION - Secretary Rosa made a motion to close the public hearing at 7:35 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to approve the National Grid and Verizon Pole Petition #30925806 – (#4 Naushon Road) National Grid to install (1) JO Pole on Naushon Road beginning at a point ~42' northerly from the existing Pole #6 Naushon Road location in order to supply electric service to home at 4 Naushon Road, Billerica, MA. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

5. National Grid and Verizon- - #30648926 – (210R Andover Road) National Grid to install (1) JO Pole on Andover Road beginning at a point ~150' northwesterly from existing Pole #76 Andover Road in order to provide electric service to a new home at 210 Rear Andover Road, Billerica, MA

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid at 210 Rear Andover Road at 7:35 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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Vazz Eang appeared for National Grid to discuss the pole petition for 210 Rear Andover Road. This petition is one JO Pole to provide electric service to a new house at 210 Rear Andover Road.

Secretary Rosa asked if any abutters contacted National Grid with any concerns. Mr. Eang replied no. Secretary Rosa stated the DPW comments references a new plan dated April 24, 2024 and asked if the abutters were sent the new plan because the abutters list was created on April 16, 2024. Mr. Eang replied he was not sure because he is not the design engineer, but he can check. Secretary Rosa stated that this should be continued to the next meeting.

Member Riley stated that he would hate to hold up a homeowner.

Brenda Risher of 193 Salem Road – Ms. Risher stated that her mother-in-law is an abutter and they only received one map and she wanted to know what was going on.

MOTION - Secretary Rosa made a motion to continue the public hearing for National Grid, 210 Rear Andover Road #30648926 until May 20, 2024 at 7:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 4-0-0.

Appointments

6. Town Constable – Dwayne Eidens

MOTION - Secretary Rosa made a motion to re-appoint Dwayne Eidens as a Town Constable. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0

Old Business

7. Town Manager's Report

• **Police Contract – 5B**

Mr. Main stated that the Superior Officers have settled their collective bargaining agreement for FY23-FY25. A \$150,000 funding request for the Collective Bargaining Agreement will be included in the Spring 2024 Town Meeting Warrant for retroactive payments for the first two years of the agreement.

• **Billerica 3A – Gas Main Incident**

Mr. Main stated at approximately 11:30am on Wednesday, April 24th a Tropeano operator damaged a 6" low pressure main at 347/358 Boston Road. Boston Road was closed to traffic from Good Street to Heritage Road, with a detour in place sending vehicles down to Pond Street and around. The Fire Department evacuated 15 residents from the surrounding homes out of precaution. At approximately 2:30pm the gas main was squeezed off at 347 Boston Road to isolate a portion of pipe for repair. At this time, residents were allowed to return to their homes. 347 and 358 Boston Road were the only two residences affected by the outage. The repair was complete by 8:30pm with gas restored to both homes. Boston Road was fully opened to bi-directional traffic at this time.

Vice Chair Favreau asked if this is under investigation. Mr. Main replied he would have to check. Vice Chair Favreau asked that he get back to them if there is one and if there are any safety issues from this break. This is two serious incidents in a short period of time.

• **Yard Waste Collection**

Mr. Main stated that yard waste collection began the week of April 22nd and will run for 4 weeks, collection will be on your regular trash day.



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• **Salem/Gray**

Mr. Main stated that on April 23, DPW met with the Police Department to discuss the implementation of the All-Way Stop at the intersection of Salem Rd and Gray St. We discussed the following items:

- The order for signs/materials has been placed and we expect it to come in within the next few weeks (earliest May 8).
- DPW has marked out locations for all the signs/markings in the field and the locations were reviewed and approved by the Traffic Engineer from BETA.
- Sign boards will be placed tomorrow May 2 and should stay in place for a minimum of 2 weeks in advance of implementation. Social Media posts will go out as well.
- Highway Department will install signs when delivered; any conflicting signs will be covered until implementation date.
- Targeting All-Way stop implementation on May 17 (weather permitting). Markings crew for the thermoplastic stop bars will be scheduled for this date. We will postpone the date if rain is expected or anything else comes up

Secretary Rosa stated that if any of the 5 bullets were implemented, then we wouldn't have had to pay \$25,000 for a study but we are where we are.

• **3A Boston Road Pinehurst**

Mr. Main stated that Newport Construction Corp. has been awarded a MassDOT Contract to mill and pave Boston Road (Route 3A) from the south end of the bridge over the Shawsheen River in Billerica to Birch Crest Street in Burlington. The project also includes areas of sidewalk replacement, new curb ramps, and traffic signal upgrades. Layout work has started in the Billerica section of the contract. Sidewalk, driveway, curb ramp excavation and installation will occur in the early stages of this project. Traffic signal upgrades will be completed later in 2024. The milling and paving portion of the project will occur in 2025.

Vice Chair Favreau stated that is great news and asked if we know anything about the contractor? Mr. Main stated that Mr. Russell and Ms. Conway both worked with them in the past and they are happy. Mr. Main stated that we are going to talk with PD to make sure everyone is safe on these worksites.

Secretary Rosa stated that this is great news but the last time the State came in they did not grind down the street for the sidewalks and there are spots where the curbing is buried. Do you know if they are going to do that this time? Mr. Main stated that the DPW and Town Engineer walked the site with the contractor and showed them the places where you could still see the curbing. They are spray painted and will be fixed.

Member Conway stated that we had two accidents in a short time and sometimes it gets mundane. She would like to have anyone who works for the Town of Billerica or in the Town come in for an hour-long safety refresher course. Perhaps have someone come in and teach it. Mr. Main stated that they have a bi-weekly meeting and will bring this up.

A resident spoke on how people are driving too fast on Boston Road. We should have an electronic sign telling the speed.

Chair Burrows asked if the sidewalks on Boston Road could be made handicap accessible during construction. Mr. Main stated that we can look at it, but that part of the work is wrapping up.



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- **Memorial Day**

Mr. Main stated that due to the conditions of Boston Road, the Town will be postponing the Memorial Day parade until the construction of Boston Road is complete. This decision is made in the best interest of those who will be in the parade and those who will be watching the parade. With this said, we will still gather at the library on Memorial Day for a ceremony. Every Memorial Day, our community comes together to respectfully decorate the graves of our local veterans with American flags. This meaningful tradition is a way for us all to pay tribute to the brave men and women who have served our country. We are now recruiting volunteers to help with this solemn event over Memorial Day weekend. If you are available to donate your time, please fill out our volunteer sign-up form on the town's website - www.BillericaVeteransServices.com. The volunteer sign-up form asks for your contact information, availability, and any special skills or supplies you may be able to contribute. We greatly appreciate your willingness to participate in this patriotic activity. Mr. Main added that we will have a tent and chairs set up so every is comfortable.

Chair Burrows asked if the parade could go the other way down Boston Road. Mr. Main replied that they can look at that for next year.

- **Town Center Funds Allocated by Congresswoman Trahan's Office**

Mr. Main stated that he spoke with Maria Syrniotos and Jake Mastrandrea of the Congresswoman's Office. The money cannot be used for anything other than the Town Center without legislative action. Pushing this to the legislature would not likely yield positive results. You can spend it on anything related to the center. That could include sinking the utilities, adding sidewalks, paving the street. Just be mindful that the money is likely to be available by the end of the calendar year. The things I have mentioned don't require significant design or are already designed. Redoing any intersections will take significant design time and more than likely require more funding.

- **Sergeant Ian Taylor**

Mr. Main stated that it seems appropriate the Town should pay a death benefit to Ian Taylors family. He will receive one from the State and the Federal Governments. He recommends that the Town move forward to pay his family a sum of \$300,000 which will be paid from Overlay Surplus Funds. His funeral costs will be paid for through the Finance Committee Reserve Fund. Of course, no amount of money can replace the sacrifice he has made but it seems appropriate that we do this. This can be done through article four of the upcoming Town Meeting. At the request of the Chief and a sentiment he wholeheartedly supports, we have promoted him posthumously to the position of Sergeant.

- **Our Surrounding Communities – Mutual Aid**

Mr. Main stated that since the beginning of this tragedy, many of our neighbors have provided mutual aid. They have manned our dispatch and patrolled our neighborhoods. We are forever grateful for their help in this difficult time. This office will draft a letter from the Board to the communities to express our heartfelt thanks for their assistance in this difficult time. The communities that have assisted use to date are the Towns of Tewksbury, Chelmsford, Burlington, Wilmington, Carlisle, Bedford, Belmont, Georgetown, Marblehead, Medway, Holbrook and the Cities of Lowell, Lawrence and Woburn.

The Board was very grateful for all the help.

Secretary Rosa stated that the Town Manager and Select Board office sent out letters of thanks to all the communities.

Member Conway thanked our communities' members and residents. The blue lights around town show the appreciation and the love in the community and make the police feel welcome.

Chair Burrows stated that we should look at a safety policy. Our Police Department is awesome, and we should be thanking them all the time, not just during a tragedy.



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Member Riley shared a letter from a Police employee who thanked everyone. He suggested adding a letter to everyone's file that worked at the Police Department, even the custodians. He also thanked Mr. Curran for everything he did and Mr. Maynard for all his help.

MOTION - Member Riley made a motion to put a letter of thanks in the file on all the Police personnel as well as the custodians for all the work they did during this difficult time. The motion was seconded by Member Conway and unanimously voted 5-0-0.

MOTION - Member Riley made a motion to put a letter of thanks in the file of Mr. Curran and the Town Manager's staff and Select Board Secretary for all the work they did behind the scenes during this difficult time. The motion was seconded by Member Conway and unanimously voted 5-0-0.

• **Finance Committee Reserve**

Mr. Main stated that Paul Watson will be presenting the cost of the special election to the Finance Committee Reserve Committee. The removal of the demolition debris from 21 Canterbury Rd will be paid out of this as well and the cost will ultimately be recovered through the lien. As mentioned previously, the funeral costs will also come from this request.

19. Article 97 Discussion and Possible Vote – Requested by Chair Burrows

Vice Chair Favreau stated that there are 6 criteria to a municipality. For the record, the policy for Municipalities to dispose of any Article 97 land must:

1. obtain a unanimous vote of the municipal Conservation Commission that the Article 97 land is surplus to municipal, conservation and open space needs;
2. obtain a unanimous vote of the municipal Park Commission if the land proposed for disposition, is parkland;
3. obtain a two-thirds Town Meeting or City Council vote in support of the disposition;
4. obtain two-thirds vote of the legislature in support of the disposition, as required under the state constitution;
5. comply with all requirements of the Self-Help, Urban Self-Help, Land and Water Conservation Fund, and any other applicable funding sources; and
6. comply with EOEA Article 97 Land Disposition Policy [note: the municipality must also file an Environmental Notification Form with EOEA's MEPA office].

Vice Chair Favreau stated these are the hurdles to overcome to move the Rec Center to PHR. If any of these criteria fail, then both the COA and Rec Center would fail.

Member Conway asked if we got a legal counsel opinion that both articles would fail? Why would the COA be impacted? Chair Burrows because both buildings are on one article. Member Conway asked if we asked for a legal opinion. It is an opinion, not a fact. A heated discussion ensued. Member Conway stated that the Capital Facility Committee (CFC) worked for 2 ½ years on where the best places were for the COA and Rec Center. At the last meeting, this Board threw all that work out. Article 97 is a process that we have to apply to the legislature. Her opinion is that even if Article 97 fails, it would not jeopardize the COA.

Chair Burrows stated that CFC did not have the authority to expend funds.

Member Riley stated that CFC was charged with the \$500,000 feasibility study. What Vice Chair Favreau read was to reallocate Article 97 from PHR, not get rid of. Town Meeting would have to vote on this first. We should move it forward and continue with the process.

Secretary Rosa stated that it is a process, and it took 2 years for the new DPW site to get straightened out. This is time consuming, and you need a 2/3 vote from the legislature. Town Meeting authorizes us to do things but does not



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obligate us to do things. We should keep the Article 97 on PHR. He supports the funding for both the COA and Rec Center.

MOTION - Secretary Rosa made a motion that the Select Board vote to not remove or reallocate the Article 97 protections at PHR also identified as the tennis courts at PHR consisting of 51,600 1.1 acres +/- of a 7.125-acre parcel, Assessor Map 69-60-1. The motion was seconded by Vice Chair Favreau. After the below discussion it was voted 3-2-0. Secretary Rosa, Vice Chair Favreau and Chair Burrows voted in favor and Member Conway and Member Riley voted against.

Member Riley advised against this. Town Meeting should address this. The Select Board voted unanimously to submit this to the warrant.

Member Conway stated that by voting yes, it takes away Town Meeting members to vote. Let Town Meeting members have their voices and hold the vote until after Town Meeting.

Vice Chair Favreau stated that we did not vote unanimously on this. We voted unanimously on Articles 1 and 2 of the Special Town Meeting. Articles #3 and #4 were added after the fact.

Member Riley stated that he was speaking on Article 14 of the Annual Town Meeting before it was taken off.

Chair Burrows received Article 97 the Friday before the meeting in May. This was last minute. We first heard about this from Ms. Libby.

Secretary Rosa stated that we are not taking away Town Meeting's right to vote. Town Meeting will vote on Articles 1 and 2. Article 3 authorizes us to do it, but this motion is to say we don't want to take that position.

Vice Chair Favreau stated that Article 97 was not included in the CFC presentation or Article 14.

Member Riley stated that Secretary Rosa is correct. If Town Meeting votes for Article 3, then the Select Board can deny it.

8. Final Warrant Annual Spring Town Meeting Articles – Discussion and Possible Vote – Articles 4, 5, 6 and 33 Remain

Secretary Rosa stated that Article 4 will be amended to include \$300,000 to be given to Sgt. Ian Taylor's family.

MOTION - Secretary Rosa made a motion to amend Article 4 to include a payment from the Overlay Surplus Funds for Ian Taylor's family a sum of \$300,000. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to support Article 4 as amended. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to Withdraw Article 5. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to support Article 6. The motion was seconded by Vice Chair Favreau and voted 4-0-1 – Member Conway Abstained from voting.

Secretary Rosa stated that this is the article to clarify the petitioner's article language. This has been supported by the Finance Committee, the Rules Committee and Bylaw Review committee. This article will amend Section 2-13 of the Charter and will accomplish 3 items: Change Selectmen to Select Board (2 places), Change 14 -21 days to 35 days to be consistent with MGL and clarify the language required for a referendum petition.

MOTION - Secretary Rosa made a motion to support Article 33. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0



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9. Final Warrant Special Spring Town Meeting Articles – Discussion and Possible Vote

MOTION - Secretary Rosa made a motion to support Article 1. The motion was seconded by Vice Chair Favreau. After discussion below, it was voted 3-2-0. Secretary Rosa, Vice Chair Favreau and Chair Barrows voted in favor and Member Conway and Member Riley voted against.

Member Conway asked how the funding was determined because we haven't looked at sites yet. Chair Burrows stated that they are estimates. Member Conway stated that Article 3 was based on years of meetings. Vice Chair Favreau stated that the numbers came from the report in our April 22nd packet provided by John Curran. Secretary Rosa stated that Vice Chair Favreau is correct. Member Conway stated that sitework is not included. Secretary Rosa stated it wasn't included in the original article either.

Member Riley stated that the CFC used the same OPM that did the cost analysis for the High School, the Howe School and PHR and they were pretty good. Left Field came up with numbers to site specific buildings after a study was done. He supports and trusts Left Field. He goal is to go to Town Meeting and get a Recreation Center and he doesn't support the way it was done.

MOTION - Secretary Rosa made a motion to support Article 2. The motion was seconded by Vice Chair Favreau and voted 3-2-0. Secretary Rosa, Vice Chair Favreau and Chair Barrows voted in favor and Member Conway and Member Riley voted against.

MOTION - Secretary Rosa made a motion to support Article 3. The motion was seconded by Vice Chair Favreau and voted 2-3-0. Member Conway and Member Riley voted in favor and Secretary Rosa, Vice Chair Favreau and Chair Barrows voted against. The motion fails.

Member Conway asked if we are to vote to put Article 4 on the warrant since it was contested by Secretary Rosa. Secretary Rosa stated it was a petitioner's article and he did not contest it, he just asked a question. Usually, articles that have multiple pages are numbered. This wasn't. He asked if these were two separate articles and if they were merged. The question was answered by legal counsel and there is no issue.

10. Discussion and Possible Vote – Updated Job Description for the Town Accountant – Requested by Secretary Rosa

This item will be discussed at the next meeting.

11. Update and Discussion on ARPA Funding Balances – Requested by Chair Burrows

Chair Burrows asked for balances and asked that the Board look at items on how to best help the residents.

Secretary Rosa stated that \$800,000 is being given to the school to close the deficit in the FY24 budget. Mr. Main replied correct. They are holding \$450,000 for Boston Road overruns and with these two items, there is about \$2.1 million left. Secretary Rosa looked at what we could do. Instead of bonding for Yankee Doodle Bike Path use \$1.5 million, use \$800,000 towards paving schedule, \$1 million for relining of water lines, \$240,000 for school fees that have been cut, \$600,000 for Kohlrausch and Ditson parks, and the remaining \$74,519.47 to go to cleaning up double poles and obstructions in sidewalks.

Member Conway agrees with most of Secretary Rosa ideas, but she does not agree with the school fees. Secretary Rosa stated that these fees were part of the budget cuts. Chair Burrows stated that this would cover all the after-school clubs. Member Conway replied that she would rather use the \$240,00 to use for the flooding victims.

Vice Chair Favreau stated that these are great ideas, and she supports Member Conway's idea for the flooding victims. Vice Chair Favreau asked if the \$800,000 for the school includes the \$100,000 for middle school kids. Mr. Main stated that he hasn't verified that.



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Member Riley also agreed that these are great ideas but he would like to give premium pay for the clerks for COVID. He would like to bury the utilities in the Town Center and provide down lighting the veteran's monuments in the Town Center.

Vice Chair Favreau stated that one of her original recommendations was the road work in the Town Center should consist of pedestrian safety improvements, timing of the lights need to be corrected for pedestrian safety, reline the roadway markings and add improve signage.

Mr. Main stated that the late bus for middle school would cost about \$100,000 and the clerks pay also would be \$100,000.

Chair Burrows stated that the Yankee Doodle Bike Path is a no brainer. He would like to have each Select Board member make a list and look at spreading it out.

Secretary Rosa stated that if we are all in agreement with Boston Road and School Deficit, we could vote them tonight. He did agree with Member Conway on the flooding victims.

Member Conway stated that she doesn't see the rush. The school budget is in deficit because of using one-time funding. She understands fixing the deficit this year, but we should not be funding other programs with one-time funding. Member Riley agreed. If we decide to vote on the flood victims and clerks, it should be sooner than later.

Mr. Main stated that the school deficit number is a maximum number, and it could go down.

Vice Chair Favreau stated that the money has to be under contract before year end? Mr. Main replied yes, but these items that are being discussed are short term around.

12. Create and Appoint to a Subcommittee to Work with DPW, Engineering and Board of Health on the Stormwater Management Bylaw Change

This item was already voted.

New Business

13. Town Manager's Review

This item was removed by the Chair.

14. 2024 Community Fund Grant Recipients – Discussion and Possible Vote

Chair Burrows stated that we took the \$50,000 and all Select Board members had a voice on what projects that they wanted to give money to. The amounts were put into a spreadsheet and the average was calculated to provide funds to 17 of the 19 organizations who applied.

Secretary Rosa stated that more groups received money than what was originally proposed. Secretary Rosa read the recipients' and the amounts suggested.

Member Conway stated that the numbers that were read by Secretary Rosa are not the same as those that were provided. Chair Burrows stated that he made some adjustments. Member Conway stated so to be clear, the Chair adjusted some amounts, so it is not exactly based on averages.

Member Riley stated that in the last two years, we worked with the company, and they decided where the money would go based on their focus. He doesn't have a problem with the Chair doing this way. Member Riley asked if the Chair reached out to EMD Serano. Chair Burrows it's our money and we gave it to more groups.

Member Conway stated that by including the companies, we can keep strong connections because they may want to continue after they are required to do so.

MOTION - Secretary Rosa made a motion to approve the 2024 Community Fund Grants as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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15. Discussion and Possible Vote on the Reallocation of Funds Received from Representative Trahan for the Town Center – Requested by Chair Burrows

Mr. Main spoke with Representative Trahan's office, and we can use the money for anything related to the Town Center. We have about 2 years to spend the money.

Secretary Rosa stated that taking a left out of River Street is one of the most important things for the Town Center.

Member Conway stated that pedestrian safety improvement should be a priority. Chair Burrows agreed and we have Chapter 90 funds and ARPA funds. Secretary Rosa stated that he doesn't disagree, and we should look at both simultaneously. We also have free cash allocated.

Member Riley suggested a working session to discuss the Town Center. Vice Chair Favreau and Secretary Rosa agreed. Secretary Rosa asked how much of the Town Center plans are useable. Mr. Main replied that they are still looking into the extra Chapter 90 funds. He will get with BETA and then get back to the Board.

16. Blisspoint Meadery, 1 Fox Run Road, Bedford, MA – Application for License by a Farmer Winery to Sell at the Billerica Farmer's Market on Mondays, June 17th to October 14th from 2:00 to 7:00 PM

This item will be discussed at the next meeting.

17. BMHS Baseball Fundraiser for Pediatric Cancer– Saturday, May 18, 2024 at the Marshall Middle School at 10:00 AM – Request for (4) 18" x 24" Signs on the Common from May 7, 2024 through May 18, 2024 – Requested by Robyn MacLeod

MOTION - Secretary Rosa made a motion to approve the (4) 18" x 24" signs on the common from May 7th to May 18th, 2024 for the BMHS Baseball Fundraiser for Pediatric Cancer on Saturday, May 18, 2024 at the Marshall Middle School starting at 10:00 AM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

18. Discussion on Open Meeting Law – Requested by Member Conway

Member Conway included of the overview of Open Meeting law. We all need to be better at complying with Open Meeting Law. We can only talk about what is on the agenda. We can't have dialogue with residents at Open Mic and I know that people get frustrated. She is asking for a reset and hold us to a higher standard. She asked that Mr. Main get us an updated Open Meeting Law refresher course. For example, Agenda Item #12, she doesn't remember this being on the agenda last meeting, so if there was a vote, it should be reaffirmed tonight since it is on the agenda.

Member Riley also asked if we could update residents on the policies also, so they know.

Vice Chair Favreau asked that the Town look at getting a timer for residents during open mic so they know how much time is left.

12. Create and Appoint to a Subcommittee to Work with DPW, Engineering and Board of Health on the Stormwater Management Bylaw Change

Secretary Rosa stated that on Member Conway's advice, he made the following motion.

MOTION - Secretary Rosa made a motion that the Chair create and appoint two members of the Select Board to work with DPW, Engineering and Board of Health on the Stormwater Management Bylaw. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

20. Discussion and Possible Vote on Town Wide Fiscal Audit – Requested by Chair Burrows

Chair Burrows stated that it's good to have check and balances and open the books. We get complacent. We should look at what we spend and how it is being spent. We should get a fresh start.



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Member Riley stated that he thought we have audits every year. Chair Burrows replied that is just a cursory review. Member Riley stated that schools are in trouble because they used one-time expenditures to balance their budget and it just wasn't our school. We need to petition the State to fully fund our schools.

Secretary Rosa agreed to do a full forensic audit. The school leaders should have known that you don't build a budget on time revenue.

Member Conway stated that there are big differences between an audit and forensic audit and a forensic audit can cost between \$100,000 - \$300,000. We should get cost before we vote. Mr. Main replied that he will get some estimates and report back.

MOTION - Secretary Rosa made a motion that the Select Board vote to support a Town side forensic audit. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

21. Discussion on Letter Received by Shawsheen Tech Legal Counsel

Secretary Rosa stated that our Town Counsel responded to the letter we received from Shawsheen Tech. The article was not submitted in accordance with the Charter, and we were in the right to remove the article.

Member Conway stated that she is disappointed that this was removed from the warrant and not allowed Town Meeting to vote on this.

Secretary Rosa stated that he has always supported Shawsheen Tech. This article allows them to add 5% on top of our assessment. For example, from FY24 to FY25 our budget went up 4.9%, which is \$520,000. If this was in place, an additional \$556,962 could be assessed for a total of \$1,777,549 in one year. We have great representatives but if 6 out of the 10 Shawsheen Tech School Committee vote for it, we have no say. Billerica is the biggest contributor. If they can find a way to save money, he would support but they could go to the Dept. of Education and get more than 5%. This isn't about Shawsheen Tech, this is about protecting Billerica's financial future.

Chair Burrows stated that maybe we could look giving a one-time donation to Shawsheen Tech like we are helping out the School Department.

Meeting Schedule

Secretary Rosa stated that the next meetings are May 20, 2024 and June 3, 2024 and if necessary, on May 9th and 14th before Town Meeting. Since Town Meeting was delayed, he would also add one before Town Meeting on May 16, 2024 if necessary.

MOTION - Secretary Rosa made a motion to adjourn the meeting of April 22, 2024 at 9:35 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – May 6, 2024

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**

Proclamation

Fiscal Efficiency and Public Recognition

Public Hearing

- 4. Public Hearing for National Grid and Verizon - #30925806 – (#4 Naushon Road) – Memo from NG dated 04/15/24, DPW Comments dated 04/30/24, NG Comments 05/02/24, Electrical Comments dated 04/18/24, PD Comments dated 04/24/24, Abutters List dated 04/16/24, Public Notice**
- 5. Public Hearing for National Grid and Verizon - #30648926 – (210R Andover Road) – Memo from NG dated 04/24/24, DPW Comments dated 04/30/24, NG Comments 05/02/24, Electrical Comments dated 04/18/24, PD Comments dated 04/24/24, Abutters List dated 04/16/24, Public Notice**

Presentation

Approval of Meeting Minutes

Appointments

- 6. Town Constable - Dwayne Eidens – Application dated 04/25/24**

Old Business

- 7. Town Managers Report – Town Manager’s Report dated 05/01/24**
- 8. Final Warrant Annual Spring Town Meeting Articles – Discussion and Possible Vote – Articles 4, 5, 6, and 33 Remain - Warrant**
- 9. Final Warrant Special Spring Town Meeting Articles - Discussion and Possible Vote – Warrant, Email from M. Rosa dated 05/01/24**
- 10. Discussion and Possible Vote – Updated Job Description for the Town Accountant – Requested by Secretary Rosa – Draft Job Description dated 03/13/24**
- 11. Update, Discussion and Possible Vote on ARPA Funding Balances – Requested by Chair Burrows – Memo from J. Curran dated 04/05/24, ARPA Earmarks Spreadsheet**
- 12. Create and Appoint to a Subcommittee to Work with DPW, Engineering, Board of Health on the Stormwater Management Bylaw Change – No Exhibits**

New Business

- 13. Town Manager’s Review – Town Manager Review**
- 14. 2024 Community Fund Grant Recipients – Discussion and Possible Vote – Memo from D. McDowell dated 05/02/24**
- 15. Discussion and Possible Vote on the Reallocation of Funds Received from Representative Trahan for the Town Center – Requested by Chair Burrows – No Exhibits**
- 16. Blisspoint Meadery, 1 Fox Run Road, Bedford, MA – Application for License by a Farmer Winery to Sell at the Billerica Farmer’s Market on Mondays, June 17th to October 14th from 2:00 to 7:00 PM- Billerica Application dated 04/27/24, Memo from Lt. Coffey dated 04/25/24**
- 17. BMHS Baseball Fundraiser for Pediatric Cancer– Saturday, May 18, 2024 at the Marshall Middle School at 10:00 AM – Request for (4) 18” x 24” Signs on the Common from May 7, 2024 through May 18, 2024 – Requested by Robyn MacLeod - Email from R. MacLeod dated 04/27/24**
- 18. Discussion on Open Meeting Law – Requested by Member Conway - Open Meeting Law Guide and Educational Materials dated January 2018**



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- 19. Article 97 Discussion and Possible Vote – Requested by Chair Burrows – EOE Article 97 Land Distribution Policy dated 02/19/1998, Public Lands Preservation Act: FAQ dated February 2023**
- 20. Discussion and Possible Vote on Town Wide Fiscal Audit – Requested by Chair Burrows – No Exhibits**
- 21. Discussion on Letter Received by Shawsheen Tech Legal Counsel – Letter from Howard L. Greenspan dated 04/26/24, Email from M. Reich dated 05/01/24**
- 22. Appoint an Acting Town Manager - No Exhibits**

Meeting Schedule

May 20, 2024 and June 3, 2024

May 9, 2024 and May 14, 2024 (Town Meeting If Necessary)

Approved On: June 17, 2024