



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 03, 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

Call to Order 7:00 PM

The Pledge of Allegiance was recited.

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

Secretary Rosa stated that Agenda Item #15 will be continued until the June 17, 2024 meeting.

1. Open Microphone

George Simolaris of 38 Andover Street – Mr. Simolaris stated that there are a lot of youth down at the Recreation Center and we need a new one. He asked why Boston Road is taking so long because we've lost two Memorial Day parades and Yankee Doodle parades. He appreciates the improvements being looked at for the Town Center, but we just need to re-pave it, improve the lights and add additional signage.

Sandra Libby of 371 Boston Road – Ms. Libby stated that she lives 2 houses away from Town hall and she has put up with more than her fair share with the Town Hall Renovations, the new high school, the Howe renovations and now the road construction. She would like to complain about the speakers at the high school stadium. They are so loud and were installed incorrectly. She has to go over at every game and practice, and they adjust them. There is inappropriate language and music being played. She has talked with the Athletic Director and the Police, and she needs help.

Tony Ventresca of 31 Sheridan Street – Mr. Ventresca asked the Board if they could form a committee for the 250th Anniversary of the United States.

Grace Tucci of 7 Carson Street – Ms. Tucci asked if the ZBA is recording their meetings and where is the recording being held for review. Mr. Main stated that he can't respond during Open Mic but will follow up. Ms. Tucci asked that the clock be fixed.

Andrew Jennings of 29 Talbot Avenue – Mr. Jennings stated that he spoke to the Board last August and again on April 22nd about the condition of the North Billerica Train Station. The entire building is now boarded up. He has LRTA documents that he will provide to the library regarding the station. He asked that this be an agenda item and that the Board request that the MBTA live up to their responsibilities. The MBTA is not putting any money into this facility. Mr. Jennings added that all the money from the CIP is going into building a new maintenance facility and not to restoring the station.

Eric McDowell of 46 Rogers Street – Mr. McDowell thanked the Board for taking a stand on MBTA Zoning and while he agrees with not complying until the legal process has been resolved, we still have to have the zoning ready to go incase Milton does not prevail. The proposed locations that were submitted by a minority of the Planning Board are not good and we need to make sure that the zones selected have the least impact on the residents and the Town.

Brenda Risher of 193 Salem Road – Ms. Risher stated that the 4-way stop at Gray and Salem Road has been fantastic.

Marlies Henderson of 31 Sprague Street – Ms. Henderson stated that the water department had to cut the street to fix a pipe, and the depression has been great to curb traffic speed. She asked that the Board look at adding speed bumps to curb traffic on Sprague Street. She also asked that a 25 MPH designation be added. Ms. Henderson also presented a petition for this speed bump.

2. Vacancies on Boards and Committees

Secretary Rosa stated that this list will be updated once all the appointments are made tonight.



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

Public Hearing

4. Public Hearing for National Grid and Verizon- - #30955622 – (42 Chatham Road) - National Grid to install new handhole 4-1 in public way approximately 140' from existing handhole 4 in order to accommodate electric service upgrade at 42 Chatham Road, Billerica, MA

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid and Verizon for 42 Chatham Road, #30955622. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Alec Birdsong appeared via Zoom for National Grid to discuss the pole petition for 42 Chatham Road. This application is to install new handholes.

Secretary Rosa asked if any abutters contacted National Grid with any concerns. Mr. Birdsong 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. Birdsong replied yes.

There were no questions from the public in person or online.

MOTION - Secretary Rosa made a motion to close the public hearing for National Grid and Verizon for 42 Chatham Road #30955622 at 7:20 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to approve the pole petition for National Grid and Verizon- - #30955622 – (42 Chatham Road) - National Grid to install new handhole 4-1 in public way approximately 140' from existing handhole 4 in order to accommodate electric service upgrade at 42 Chatham Road, Billerica, MA. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

5. Public Hearing for Cabot Corporation – 157 Concord Road – To Amend Their Existing Hazardous Material Storage License to Increase the Amount of Acetylene from 9,500 cubic feet to 21,000 standard cubic feet.

MOTION - Secretary Rosa made a motion to open the public hearing for Cabot Corporate at 157 Concord Road to amend their existing hazardous material storage license to increase the amount of Acetylene from 9,500 cubic feet to 21,000 standard cubic feet at 7:22 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Jack McPartlen from Cabot Corp and Deputy Fire Chief Stephen Kennedy appeared for the hazardous material storage hearing. Mr. McPartlen stated that they are increasing their acetylene from 9,500 cubic feet to 21,000 cubic feet.

Deputy Kennedy stated that they are great company to work with. They are always ready for their inspections and the engineering letter has been provided. In his memo, he specified certain conditions that should be included on their license.

Secretary Rosa stated that as long as the Fire Department is happy, and we include the conditions he has no issues.

Vice Chair Favreau agreed and has no issue as long as the Fire Department is good.

There were no questions from the audience.

MOTION - Secretary Rosa made a motion to close the public hearing for Capot Corporation at 7:25 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Vicky Shum of 45 Richardson Street – Ms. Shum stated that she would like to speak about this hearing.

MOTION - Secretary Rosa made a motion to re-open the public hearing for Cabot Corporation at 7:27 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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Ms. Shum stated that she is concerned whether this is harmful and how far this will be stored from the house. She also asked if letters could be sent out each year letting the neighbors know what is happening onsite. Mr. McPartlen stated that every year a Professional Engineer reviews the site, and the use and storage license is submitted to the Fire Department every year. Mr. McPartlen stated that these containers are only stored outside, and the gas is piped inside for usage. It is stored in the shed adjacent to the building and goes through a pipe. It is never released outside. There are only 12 bottles on site at a time. Ms. Shum asked if it was monitored 24/7. Mr. McPartlen stated that the facility is open Monday-Friday from 7:00 AM to 5:00 PM and it is monitored overnight by security and by sensors. Our security personnel are trained in leakage drills and the Fire Department is notified.

Barbara Reidy of 10 Maplewood Ave – Ms. Reidy asked if there were security guards on premises and does the company do emergency disaster drills and is the public notified. She would also like them to explain the health hazard if there is a release of the gas. Mr. McPartlen stated that there are security guards on duty, and they do have emergency disaster manual. This is compressed gas and there is no health hazard, it is more of a safety hazard with potential fire. They do not notify residents of the emergency preparedness plan. The Fire Department has it and it is maintained internally.

Tony Shum of 45 Richardson Street – Mr. Shum stated that they are concerned that this is flammable and could blow up like a bomb. This is located 5 miles from the Fire Department and would take 3 minutes to get there and by that time, it could be too late.

Chair Burrows stated that Cabot Corporation has their safety protocol in place that has been approved by engineers and the Fire Department. Deputy Kennedy stated that this request is not out of the ordinary.

MOTION - Secretary Rosa made a motion to close the public hearing for Cabot Corporation at 7:46 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to amend Cabot Corporation's located at 157 Concord Road, hazardous material storage license by increasing the amount of acetylene from 9,500 cubic feet to 21,000 cubic feet (outside will be 16,000 ft³ and inside will be 5,000 ft³) with the following conditions: The Facility must comply with: MGL Chapter 148, 527 CMR MA State Fire Code, 780 CMR MA State Building Code, all applicable NFPA codes and annually the property owner shall retain a Massachusetts Registered Professional Engineer to review the property/building to determine compliance with the Massachusetts State Fire Code, State Building Code, and the Town of Billerica permit and license restrictions. A report shall be submitted to the Fire Prevention Bureau one month prior to the expiration of the annual Fire Department Permit. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

New Business

20. NMCOG Vision Zero and Unified Planning Work Program Update – Requested by Vice Chair Favreau

Vice Chair Favreau read her memo on NMCOG Vision Zero and Unified Planning Work Program dated May 30, 2024. She also gave updates on the Executive Director's Report for April, and Northern Middlesex Regional Transportation Improvement Program for 2025-2029.

Secretary Rosa thanked Vice Chair Favreau for highlighting the issues that NMCOG is involved with.

Member Conway asked how long Vice Chair Favreau has been involved with NMCOG. Vice Chair Favreau replied that she has only been at one meeting but has been provided with all the reports. Member Conway stated that she believes that in Section C.2.1, it talks about a maintenance facility, not the existing train station and asked for clarity on that. Vice Chair Favreau stated that she would get clarity and thanked Mr. Jennings for bringing that to her. Member Conway asked that Ms. Raitt come in and update the Board.

Member Riley stated that it does sound like that is a maintenance building which is too bad considering the state of the station. He is happy that Glad Valley has been moved up. Mr. Main stated that it moved from starting in 2027 to starting in 2025. Member Riley asked if the areas in vision zero are being looked at. Mr. Main replied not right now.



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Vice Chair Favreau replied it should start during FY25. Member Riley asked if the cameras at the intersections is part of this. Mr. Main replied he will bring in the Police at another meeting to discuss this.

Chair Burrows stated that he is glad that Glad Valley has been moved up.

19. Request for (4) 18" x 24" Signs on the Common from June 4th through June 15th, 2024 for the Yankee Doodle Homecoming Yard Sale at the Billerica Library on Saturday, June 15th from 9:00 AM to 2:00 PM – Requested by Taryn Gillis

Taryn Gillis appeared for the request to have signs in the common for the Yankee Doodle Homecoming Yard Sale on June 15th from 9:00 AM to 2:00 PM. Ms. Gillis added that Yankee Doodle will have a parade, it will go down River Street until Boston Road is safe.

MOTION - Secretary Rosa made a motion to approve (4) 18" x 24" signs on the common from June 4th through June 15, 2024 for the Yankee Doodle Homecoming Yard Sale at the Billerica Library on Saturday, June 15th from 9:00 AM to 2:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Presentation

6. Water and Sewer Rates Presentation – 1st Reading

David Fox and Fred Russell appeared to discuss the first reading of the water and sewer rates.

Mr. Main stated that there are two options. We can go with a no increase option, or we can raise the rates a little and reduce the subsidy.

Mr. Fox stated that this is the second year he has been involved. In FY25, there will be an 11% drop. In Water, we can reduce the general fund subsidy from \$1.7 million to \$700,000 or we can completely remove the general fund subsidy and there would be a 3.2% increase. The goal should be not to have any subsidy for water and sewer from the general fund. On the Sewer side, there are two options. The first would be to reduce the subsidy from \$2.4 million to \$1.9 million and have a 6.9% increase. The second option is to maintain the subsidy at \$2.4 million and keep the rates the same as FY24. In the future, we need a revenue street. We should start charging customers by meter size and charge for private fire protection.

Member Riley stated that if the subsidy in the water is left at \$1.7 million it would have a negative impact in future years. Mr. Fox stated that he does not advocate for subsidy. We could completely remove the subsidy. The water rates should be funded by water usage and not taxation. Member Riley asked what this was not done. Mr. Fox stated that we need to do FPP data. Member Riley stated that we talked about other options such as the MWRA. Mr. Main stated that we have not looked at that yet.

Vice Chair Favreau asked Mr. Fox to talk about leaving the \$1.7 million. Mr. Fox stated that in water, if option 1 is selected, then the water rate would reduce by 7%.

Secretary Rosa asked if you are advocating for charging a fee for a 5/8" meter. Mr. Fox replied yes, but not in this fiscal year. Secretary Rosa stated that meters are paid by residents through their taxes already so he would not support charging for meters. He understands the desire for guaranteed cost, but he does agree with charging businesses for sprinklers that are being installed to save lives. Mr. Fox stated that these are meaningful costs that the Town absorbs for private businesses. Secretary Rosa asked if we leave the \$1.7 million in subsidy and raise 7% what is the number. Mr. Fox replied it would go from \$3.14 to \$3.38 per household. Secretary Rosa asked if we remove the complete subsidy of \$1.7 million what would be the impact. Mr. Main replied about \$70 per household. If we eliminate the subsidy on water and reduce sewer then it would be an increase of \$2 on the average bill. We need to look at how to help the residents the best. Everyone pays their taxes but only consumers of the water and sewer will pay for the increases. We can go back and look at alternative analysis.



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Member Conway stated that the taxes are going up high this year. If we go with Option 1, we reduce it the most. Mr. Main stated that there are very few communities that have subsidy. We should reduce the subsidy and have the actual usage cover the costs.

Vice Chair Favreau stated that during the audit it was discovered that we are being billed annually for a backflow. Mr. Fox stated that those should be done with the same frequency as the billing or on an annual basis. Vice Chair Favreau asked if there is no discharge and no volume, will they still get charged. Mr. Fox stated that a 4" backflow typically would be \$100/year on a flat charge.

Chair Burrows stated that this affects the commercial businesses more. Mr. Fox stated that the percentage change is the same for residential and commercial. The usage will drive the cost.

Mr. Main stated that he will bring this back for a second reading and have some of the questions answered.

7. Town Center Improvements

Mr. Main stated that he went through his notes on the Town Center. They can do improvements to the Town Center with a left on River Street, pedestrian safety and eliminate conflicts with lights. Further study is needed, and the light cycles will need to be programmed to talk to each other. There is \$3.6 million, and we need to do a full cost analysis. We will also need FY25 Capital money and Chapter 90 funds. There are some issues that need to be addressed. The merge on Boston and left on Cummings to Concord need to be fixed. We need to remove the left on Red. Once the Board decides on what to do, they will have a public process with residents and business owners. It might make more sense for some time to pass and civil discourse to come back. We will work on this over the summer.

Member Conway asked if the traffic would flow in the same direction in front of the library. Mr. Main replied yes. We can look at changing Charmestaff but that is going to be expensive, and we cannot use the money from Rep. Trahan.

Secretary Rosa asked how expensive would changing Charmestaff be, because that would eliminate traffic around the center because most folks would be trying to get to Rt. 3 or Middlesex Turnpike. He agrees with new signals that talk to each other and making crosswalks at signalized intersections safer. This is balance. Would we add or lose common space? Mr. Main stated that they still need to look at this in more details. Secretary Rosa stated that we should bump out the common and add green space. The lights should be timed, safe pedestrian access and a left of River Street. This lets us get a good plan with less impacts to businesses and this is a good first step.

Vice Chair Favreau stated that she would like the green space bumped up, traffic calming measures, crosswalk and timing for pedestrian safety. There would be grants available from the Safe Streets For All Initiatives. We should push for bike lanes and enhance handicap spaces. She would love to see a tree canopy with some cherry blossoms. This is a great starting point.

Member Riley stated that the lights need to be synchronized. It will cost \$6-\$7 million to bury the utilities. It is vital to get the businesses onboard. Mr. Main stated that we will get a liaison from the business community. We will need to have a cost analysis done and asked what the duration would be.

Chair Burrows stated that it's never too early to provide safe pedestrian access. Mr. Main stated that we will continue to develop the plan to incorporate as many of the items mentioned. Chair Burrows stated that it's like a puzzle to get all the pieces to fit.

Secretary Rosa asked how long we have to spend the \$1.6 million. Mr. Main stated that there will be a webinar on June 10th but he believes they have 1-2 years. Secretary Rosa stated we should ask if there is more money available.



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Approval of Minutes

8. April 8, 2024 Regular Session

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of April 8, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

9. April 12, 2024 Regular Session

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of April 12, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Appointments

10. Appointments Requiring Interviews

10a. Conservation Commission

MOTION - Secretary Rosa made a motion to re-appoint William Bulens to the Conservation Commission. The motion was seconded by Member Riley and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to appoint Thomas Nellson to the Conservation Commission. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Christine Ars to the Conservation Commission. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

10b. Council on Aging

MOTION - Secretary Rosa made a motion to re-appoint Mary Jones to the Council on Aging as an Alternate. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Member Conway stated that it has been our practice to promote alternate members. Vice Chair Favreau stated that she believes that she has applied for a regular member. Secretary Rosa replied, it has not always been that way and she checked off either. Member Riley stated that Joseph Marino is also an Alternate member.

MOTION - Secretary Rosa made a motion to re-appoint Philip Doiron to the Council on Aging as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to appoint Daniel Burns to the Council on Aging as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint William Neeb to the Council on Aging as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11. Appointments Not Requiring Interviews

11a. Board of Appeals

MOTION - Secretary Rosa made a motion to re-appoint Robert Accomando to the Board of Appeals as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Anupam Wali to the Board of Appeals as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11b. Commission on Disabilities

MOTION - Secretary Rosa made a motion to re-appoint Donna Gorzela to the Commission on Disabilities. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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MOTION - Secretary Rosa made a motion to re-appoint Arthur Torrey to the Commission on Disabilities. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11c. Constable (Bonded)

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

11d. Historical Commission

MOTION - Secretary Rosa made a motion to re-appoint Michele DeParasis to the Historical Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Alec Ingraham to the Historical Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Matthew Hrono to the Historical Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11e. Historical District Commission (Regular Members)

MOTION - Secretary Rosa made a motion to re-appoint George Simolaris to the Historical Districts Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Richard Hawes to the Historical Districts Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11f. Historical District Commission (Alternate Members)

MOTION - Secretary Rosa made a motion to re-appoint Mary Jones to the Historical Districts Commission as an Alternate member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Kathy Meagher to the Historical Districts Commission as an Alternate member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11g. Local Cultural Council

MOTION - Secretary Rosa made a motion to re-appoint Megan Wallace to the Local Cultural Council as an Alternate member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11h. Middlesex Canal Commission

MOTION - Secretary Rosa made a motion to re-appoint Debra Fox to the Middlesex Canal Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Richard Hawes to the Middlesex Canal Commission as an Alternate Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Alec Ingraham to the Middlesex Canal Commission as an Alternate Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Isabelle Reardon to the Middlesex Canal Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11i. Scholarship Foundation Committee

MOTION - Secretary Rosa made a motion to re-appoint James Gately to the Scholarship Foundation Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to re-appoint Patricia Membrino to the Scholarship Foundation Commission as a Regular member. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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Old Business

12. Town Manager's Report

• **Police Roll Call**

Mr. Main attended the Police Roll Call for the 8 AM and 4 PM shifts last week. He will also be attending the midnight roll call on June 3rd. He was very impressed by Sgt. Ynostroza and Sgt. Gualtieri's command of the issues and organizational awareness. He feels very confident about the future of the department with our current group of Sergeants, Lieutenants, and Patrolmen. The Chief and Deputy Chief continue to do an excellent job mentoring leaders at every level of the department. During roll call, it became evident that mental health is a current struggle for many in the community. It was also noted that this time of year sees an uptick in mental health calls. Interestingly, May is also Mental Health Awareness Month. Over the coming year, he wants to explore this further with the Chief.

Member Riley stated that we have great police, and they have been great peer partnership in the opioid crisis.

Vice Chair Favreau stated that this is great feedback from the police and it's great to see mental health included because that is a huge part of their calls, and they increase with nicer weather. Awareness is a great tool.

Secretary Rosa stated that we have a great police department and thanked Mr. Main for taking the time to go to roll call.

Member Conway thanked Mr. Main for going to roll call and she is glad to see we are adapting to the mental health issues.

• **Free Cash Fall Town Meeting**

Mr. Main stated in preparation for the Fall Town Meeting, he wanted to make you aware of some items that he foresees will need to be included as free cash warrant articles:

- Debt Stabilization
- Schools/Town Munis Conversion
- Town-Wide Audit
- School Capital
- Various DPW Equipment, including a grapple truck not purchased last fall
- Miscellaneous contract retro items
- Further study of the Council on Aging, if the Board wishes
- Fire Department Equipment

He estimates that these items will account for most, if not all, of the free cash the Town will receive. He will provide more information throughout the summer.

• **School/Town Munis Conversion**

Mr. Main stated that his office and the Town Accountant met with Dr. Clery and her team regarding the conversion to one chart of accounts on Munis. We expect to begin this process at the start of the calendar year. The Town and Schools are expecting to need outside help to complete this project. The Town and School will meet further with CLA who performed the School audit over the summer.

Member Riley stated that he is glad that this is moving forward.

Secretary Rosa stated that he is glad this is moving forward.

Secretary Conway stated that she is concerned with the Munis conversion and getting a new Town Accountant. Is the consultant nervous about doing this without Paul. Mr. Main stated that this could take an entire fiscal year to complete. Secretary Conway asked that the job description makes sure that Munis experience is in there. Mr. Main stated that our consultant, CLA, has done conversions with other communities.



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- **School Budget Deficit**

Mr. Main stated that the School Department expects to close out their books in late summer or early fall regarding the funds needed from the ARPA earmark.

Secretary Rosa stated that we have \$800,000 set aside from the ARPA funds, so maybe we can use the remaining.

- **Town Wide Audit**

Mr. Main stated that Town staff met with Marcum LLP, a top-ranked national accounting and advisory firm. Based on prior Select Board meetings, they have suggested a fraud risk analysis and controls audit. This will examine each department's spending, procurement practices, controls, and management practices. The audit aims to identify any issues and how best to address them. The initial estimate for the audit is between \$100,000 and \$300,000. My suggestion is to begin this audit at the start of the new year. A new Finance Director and other permanent administrative positions will be in place by then.

Vice Chair Favreau asked who looks at the warrant articles that are still open. Mr. Main replied that Town Accountant keeps track and the Warrant Action Committee, but this can be added to the scope of the audit.

Anthony Ventresca joined the meeting at the podium and stated that the Warrant Action Committee has started back up and he was appointed as Chair. We hope to pick up where the other committee left off.

Secretary Rosa stated that the audit is a good first step. Mr. Main stated that this will identify the rabbit holes.

Member Conway likes that audit approach and having them look at as much as they can.

- **DPW Project Bid Extension**

Mr. Main stated that the bid period for the DPW project has been extended by approximately three weeks, moving the closing date to the week after July 4th. This extension was deemed necessary to allow general contractors more time to prepare their bid packages based on feedback indicating insufficient time to gather documentation from the filed sub-bids. This change will not negatively impact the project schedule.

- **Neighborhood Listening Sessions**

Mr. Main stated Senior staff have discussed rebranding the neighborhood meetings due to a significant drop in attendance over the years, with only North Billerica and Pinehurst Fire Station seeing notable turnout last year. This year, these meetings will be called "Neighborhood Listening Sessions." We will use CodeRED to advertise these sessions to all residents. The Schedule is: Tuesday, June 11th, 6:30 PM – 8:00 PM, Grass at the Senior Center Tuesday, June 18th, 6:30 PM – 8:00 PM, Micozzi Beach; Thursday, June 20th, 6:30 PM – 8:00 PM; Hajar School or Kolraush Park and Wednesday, June 26th, 6:30 PM – 8:00 PM, Pinehurst Fire Station. Additionally, he plans to set up a booth at the Farmers Market on a Monday, hold regular coffee office hours throughout town, attend COA breakfasts, and engage with the community in various other ways.

Secretary Rosa stated that he likes the listening sessions, whether they are monthly or bi-monthly as long as the Town Managers office is more available to the residents.

Member Conway stated that the listening session are poorly attended, and we should look at other months besides June and could there be a Zoom option. Mr. Main stated that the ones inside could have a Zoom option, and we could also look at different options.

- **Old Ditson Park Listening Session**

Mr. Main stated the Town will hold a listening session regarding Old Ditson Park on June 10th at 6:30 PM. Our social media post about this event garnered a lot of attention, and we hope to see many neighbors and abutters there.



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- **Town Hall Hours**

Mr. Main stated that On Thursday, May 30th, this office and Michelle Rivera, the Human Resources Director, attended the AFSCME Union meeting to answer questions regarding the Town Hall Hour change. Following the meeting, AFSCME membership voted on and approved the Town Hall Hours Pilot Program by a vote of twenty-four in favor, none opposed, and one abstention. The BPAA will meet on Monday. The hours will be Monday 8:00 AM to 6:30 PM, Tuesday, Wednesday and Thursday will remain the same and Friday will be 8:00 AM to 12:30 PM.

Secretary Rosa asked if the recreation department will have reduced office hours. Mr. Main replied no, they are just shifting hours.

- **Recreation Building Update**

Mr. Main stated that the building team met this week. David Grubb is finalizing the floor plans with the architect. The major changes include the addition of more women's bathrooms and some office space rearrangements from what was presented at Town Meeting. Feedback on the colors and roofline of the building has also been provided to the architect.

Member Riley stated that there should be some money left for the feasibility study. Mr. Main replied that there is about \$80,000 and we can do a mini-feasibility study.

Vice Chair Favreau stated that she is glad the Recreation is moving forward.

Secretary Conway asked that the Council of Aging be on a future agenda.

- **Opioid Abatement**

Mr. Main stated that the Town hosted a listening session on Thursday, May 23rd, with Angela Consentino, a Doctoral student at UMass Lowell, who has been conducting the Landscape Analysis for the Town. Residents shared their experiences and recommendations for the abatement funds, with a consensus around the need for peer support, women's and youth programs, and additional outreach. The survey has yielded similar results, but we have only received roughly 250 responses. The Town needs additional responses to create certainty with the survey results. The Town will continue to promote the survey on social media and the website. The next listening session will take place on June 18th.

Vice Chair Favreau asked for a reverse 911 for the opioid listening session. This will be on Zoom but will not be recorded due to privacy.

- **Bandstand in the Common**

Mr. Main stated that Mark LaLumiere has designed multiple options to make the bandstand accessible. He presented these options to the Historic District Commission, but no consensus was reached. The suggested options involve lowering the bandstand and adding a sloped walkway, which would make it accessible while respecting the historic nature of the structure. This project could be a collaboration opportunity with Shawsheen Tech. If there is no interest in making the bandstand accessible, the Town will leave it as a non-usable bandstand with ornamental function and proceed with maintenance on the structure.

Member Riley stated that Mr. LaLumiere spent a lot of time in the gazebo, and it was his idea to get money from the mall to fix it. It should be built to be handicap accessible. Mr. Main stated that this would be a great project for Shawsheen Tech.

Secretary Rosa stated that he would prefer the handicap ramp and not the walkway. The three options are nice options. He likes the idea of lowering it and making it handicap accessible and usable.

Member Conway would love to see the gazebo being used.

Chair Burrows asked if we could look at a chair lift. Mr. Main stated that it is in the historic district so we wouldn't want to use it here and it would be out in the elements.



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• **Swanson Meadows**

Mr. Main stated that from his understanding Rocco Scippa has floated the idea of a possible development at the back portion of Swanson Meadows. Rocco has floated proposals for that land almost every year that I have been here. Nothing can be done on that land until 2029, and the Town has first right of refusal.

Secretary Rosa stated that there is a 61B designation on this property and we should look at buying this property. We have right of first refusal, and we need to find out what kicks that off.

Member Conway stated that if we want to look at purchasing this property, we should look at putting money aside.

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

Secretary Rosa worked on this updated job description with Mr. Main and Mr. Watson. Munis is listed under qualifications in #3.

Member Riley asked if we could look at the current job description. Secretary Rosa stated that this started with the Finance Director job description that Mr. Curran presented. They incorporated the Town Accountant job duties with Mr. Main and Mr. Watson.

Vice Chair Favreau stated that they should be involved with risk management and grants and add Munis Technology and System.

Member Conway stated that on the 2nd bullet, remove “preferable”. They should have municipal experience. Secretary Rosa stated that we want to get as many applicants as possible, but we can remove it. Member Conway asked what the timing is. Mr. Main replied end of summer.

MOTION - Secretary Rosa made a motion to approve the Town Accountant job description with the two edits: Under qualifications: strike “preferable” from 2nd bullet and add to 3rd bullet “Munis Technology and System experience”. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

14. Discussion Regarding the RMD Mall Project (480-486 Boston Road) and the Continued Flooding – Requested by Chair Burrows

Chair Burrows stated that the neighbors are complaining about the flooding. It’s been 3 years, and they are still having water. It’s ridiculous. There is underground water and sink holes. He knows it’s been tough with no Town Counsel, but the flooding keeps happening over and over again. There has been damage to the Dollar Store twice and the Building Commissioner was not notified. There is no superintendent on site, there is no restaurant, no grocery store and the residents are angry and frustrated.

Mr. Main stated that we are all aggravated. He reached out to the General Contractor on Friday and will be meeting with them. He asked for some time, and he will give an update. Chair Burrows stated that they have been failing since Day 1. There are more losses than wins and we are stuck with a mess.

Vice Chair Favreau stated that this has been going on for a long time and she understands Mr. Main needs some time but with Notes #5 and #9 the Planning Board could have pulled the permit. There have been improvements but not enough and she is ready to pull their permits.

Secretary Rosa stated that RMD is awful to work with and they only work with the Town when forced. When the roof collapsed, they only shut down when the Town forced them to. The Planning Board should have pulled the permit a long time ago and Special Condition #9 also the Town to go after them for damages and impacts to the Town and residents. Chair Burrows had a list of storms that had water flowing off the site. We should issue a cease-and-desist order and shut them down tomorrow.



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Member Riley stated that Attorney Reich and Mr. Russell explained the situation and the contractor is responsible. We should bring them in and have a remedy. We have been negatively impacted but what if we stop them, then nothing gets better.

Member Conway stated that if we want to issue a cease and desist, then we should engage legal counsel and get opinion. She believes it will be good when it's finished, but she is frustrated with how it's gone.

Mr. Main stated that this is not something that Attorney Feeley can do and KP Law is not taking care of any new issues. We should wait for new Town Counsel to start.

Chair Burrows stated that we sent a strongly word letter and nothing happened. There is a storm water management plan that they are not following. Mr. Main stated that he can meet with ProCon tomorrow and reach out to Attorney Feeley to find out what path we should take.

New Business

15. Director of Veteran's Services – Donnie Jarvis – Request Approval of (2) Town Projects at Vietnam Veteran's Park

Secretary Rosa stated that this item will be continued until the June 17th meeting.

16. Discussion and Possible Vote Regarding MBTA Communities – Requested by Member Riley

Member Riley stated that he asked this be put on the agenda to discuss the MBTA Communities and what we are voting on. We are 40B compliant and have done multiple PUDs to promote affordable housing, but other towns have not. We need to have a conversation about how we should proceed. The warrant for the fall Town Meeting closes in mid-August and we need to go into Town Meeting with a plan that meets the requirements but keeps us in control and in compliance. We don't need the State coming in and controlling our zoning. He does not agree with having the entire MBTA zone in one area, we should look at the Home Depot warehouse or other sites. The MBTA Communities does promote affordable housing.

Vice Chair Favreau stated that if this is voted in, it will be the next referendum question. We should do nothing and see what happens through the courts. Other Towns are spending the resources fighting this in court and we should wait and see if the courts determine if this is unconstitutional.

Secretary Rosa stated that he agrees with Vice Chair Favreau. If Milton loses, they can lose control over their zoning and the State can set the zoning. We need to keep control of our zoning. He doesn't agree with the plan that was presented in the spring, but we should have a plan ready to go in case Milton loses. We should look at having 40% around the train station but the rest could be over existing Multi-Family or Home Depot Warehouse. If we can't decide by the close of the fall Town Meeting, then we could hold a Special Town Meeting. Representative Lombardo has submitted two amendment bills, 4465 and 4707, which states that communities that have their 10% affordable housing should be exempt. We should send letters to support these initiatives. Secretary Rosa added that many towns have already voted no, and we should wait until the courts decide.

Member Conway thanked Mr. Main for putting this together and she doesn't totally disagree but would like to head down the path of waiting but getting something ready just in case. She would suggest moving forward with the hybrid of waiting to see what the courts do but have something ready.

Mr. Main stated that if we wait until the warrant is closed, we won't have to deal with petitioner's articles, and it will be what the Town wants. Milton is fighting the State, but they are also working on MBTA zoning.



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Anthony Ventresca of 31 Sheridan Road – Mr. Ventresca stated that Rockport has also filed a lawsuit that has almost reached class action status. In Section 3, there is no maximum occupancy and no limit on bedroom sizes. This is about density not affordability. Ridership on the T is down 50% since Covid. Proposition 2 ½ does not allow the State to push unfunded mandates. This is an unfunded mandate. In November 1966, a constitutional amendment was passed. Article 89 gave the town's local control for zoning prior to that the State had power. This has been fought and won 3 times. We need to protect our sovereign rights.

Chair Burrows stated that if we have to add the zoning, we should add it to Jack's Junkyard.

Mr. Main stated that we will start working on the updated bylaw with locations but wait until this all plays out in the courts.

17. Discussion and Possible Vote to Identify Tower Farm Road as a "No Truck Route" – Requested by Chair Burrows

Sheri Cargnel of 44 Tower Farm Road – Ms. Cargnel submitted a petition from the residents of Tower Farm Road who are requesting that signs be permanently added to prevent large commercial trucks from using Tower Farm Road as a truck route. The trucks on our road are getting ridiculous. The DPW fixed a sink hole and with all the trucks its sinking again. We shouldn't wait until someone gets hurt. Truck will fly down the road and jay brake. The petition has 60% of her neighbors.

Member Conway asked what a truck is defined by. Chair Burrows replied it is usually defined by weight. Chair Burrows stated that sewer was put in about 9 years ago and the road is collapsing. Member Conway stated that we should look at adding a 25 MPH restriction.

Secretary Rosa stated that he has no issue with helping these residents and we have done this for other roads in town. There is no reason for trucks to be using this a cut through.

Vice Chair Favreau stated that she supports the 25 MPH signs and is also concerned with the stability of the roadway.

Member Riley stated that he agrees. We disbanded the Traffic Management Committee so we should have our engineer and safety officer look at this and get their input.

Chair Burrows stated that it makes sense to add a 25 MPH sign and also reach out to Mass DOT to see what we need to do for a no truck traffic designation.

MOTION - Secretary Rosa made a motion that the Select Board set a 25 MPH speed limit on Tower Farm Road. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board pursue through Mass DOT the designation of a No Truck Route on Tower Farm Road. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

18. Right of First Refusal – 159 Allen Road, Unit #46

Secretary Rosa stated that the BHA has no interest in this unit and has provided a letter.

Chair Burrows asked why we bypass these units. Secretary Rosa stated that we asked about this in the past and the BHA does not want to manage units, and they have no control over the tenants that rent these units and if there is damage, they could get assessed condo fees.

Vice Chair Favreau asked if the Town Manager's office could help with advertising these units, because if we don't get qualified owners, we can lose the affordable designation. Mr. Main stated that he agreed, and his office could help to advertise these units.

MOTION - Secretary Rosa made a motion that the Select Board give up their right to first refusal for 159 Allen Road, Unit #46. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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Meeting Schedule

Secretary Rosa stated that the next meetings are June 17, 2024 and July 15, 2024.

MOTION - Secretary Rosa made a motion to adjourn the meeting of June 03, 2024 at 11:10 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 – June 03, 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

Public Hearing

- 4. Public Hearing for National Grid - #30955622 – (42 Chatham Road) - National Grid to install new handhole 4-1 in public way approximately 140' from existing handhole 4 in order to accommodate electric service upgrade at 42 Chatham Road, Billerica, MA - Memo from NG dated 05/03/24, DPW Comments dated 05/30/24, NG Comments 05/30/24, Electrical Comments dated 05/28/24, PD Comments dated 05/16/24, Abutters List dated 05/20/24, Public Notice**
- 5. Public Hearing for Cabot Corporation – 157 Concord Road – To Amend Their Existing Hazardous Material Storage License to Increase the Amount of Acetylene from 9,500 cubic feet to 21,000 standard cubic feet. – Memo from D. McDowell dated 05/31/24, Certificate of Registration dated April 2024, Application for License dated 05/16/24, Memo from Deputy S. Kennedy dated 05/14/24, Billerica Application dated 03/28/24, Memo from EPM dated 05/09/24, Abutters List, Legal Ad dated 05/17/24**

Presentation

- 6. Water and Sewer Rates Presentation – 1st Reading – Presentation from Raftelis dated 06/03/24**
- 7. Town Center Improvements – Email from C. Main dated 05/30/24, Town Center Interim Conception Option 1 dated 05/29/24**

Approval of Meeting Minutes

- 8. April 8, 2024 Regular Session – Select Board minutes of April 8, 2024**
- 9. April 12, 2024 Regular Session– Select Board minutes of April 12, 2024**

Appointments

10. Appointments that Require Interviews:

- a. Conservation Commission – (3 Regular Positions) – 4 Applicants**
 - i. William Bulens (Incumbent) - Application**
 - ii. Thomas Nellson- Application**
 - iii. Christine Ars (Incumbent) - Application**
 - iv. Ryan Doak- Application**
- b. Council on Aging (3 Regular Positions & 1 Alternate Position) – 5 Applicants**
 - i. Mary Jones (Current Alternate) – Will Accept Regular or Alternate- Application**
 - ii. Philip Doiron (Regular Incumbent) - Application**
 - iii. Daniel Burns - Applied for Regular Only- Application**
 - iv. William Neeb (Regular Incumbent) - Application**
 - v. Joseph Marino – Will Accept Regular or Alternate- Application**

11. Appointments that DO NOT Require Interviews:

- a. Board of Appeals (2 Regular Positions Open) – 2 Applicants**
 - i. Robert Accomando (Incumbent) - Application**
 - ii. Anwpam Wali (Incumbent) - Application**
- b. Commission on Disabilities (3 Regular Positions Open) – 2 Applicants**
 - i. Donna Gorzela (Incumbent) - Application**
 - ii. Arthur Torrey (Incumbent) - Application**
- c. Constable (Bonded) – 1 Applicant- Application**



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- i. Richard Settle (Renewal) - Application
- d. **Historical Commission (3 Regular Positions & 1 Alternate Position) – 3 Applicants**
 - i. Michele DeParasis (Incumbent - Regular) - Application
 - ii. Alec Ingraham (Incumbent - Regular) - Application
 - iii. Matthew Hrono (Incumbent – Regular) - Application
- e. **Historical District Commission (2 Regular Positions) – 2 Applicants**
 - i. George Simolaris (Incumbent) - Application
 - ii. Richard Hawes (Incumbent) - Application
- f. **Historical District Commission (4 Alternate Positions Open) – 2 Applicants**
 - i. Mary Jones (Current Alternate) – Will Accept Regular or Alternate- Application
 - ii. Kathy Meagher (Current Alternate) – Will Accept Regular or Alternate- Application
- g. **Local Cultural Council - 2 Year Appointment (5 Open Positions) – 1 Applicant- Application**
 - i. Megan Wallace (Incumbent) - Application
- h. **Middlesex Canal Commission (2 Regular Open Positions and 3 Alternate Positions) – 4 Applicants**
 - i. Debra Fox (Incumbent - Alternate) - Application
 - ii. Richard Hawes (Incumbent - Alternate) - Application
 - iii. Alec Ingraham (Incumbent –Alternate) - Application
 - iv. Isabelle Reardon (Incumbent – Regular) - Application
- i. **Scholarship Foundation Committee (6 Open Positions) – 2 Applicants**
 - i. James Gately (Incumbent) - Application
 - ii. Patricia Membrino (Incumbent) - Application

Old Business

- 12. **Town Managers Report** – TM Report dated 05/29/24
- 13. **Discussion and Possible Vote – Updated Job Description for the Town Accountant – Requested by Secretary Rosa** – Town Account Job Description dated 06/03/24
- 14. **Discussion Regarding the RMD Mall Project (480-486 Boston Road) and the Continued Flooding – Requested by Chair Burrows** – No Exhibits

New Business

- 15. **Director of Veteran’s Services – Donnie Jarvis – Request Approval of (2) Two Projects at Vietnam Veteran’s Park – VVP Proposal**
- 16. **Discussion and Possible Vote Regarding MBTA Communities - Requested by Member Riley** – Memo from C. Main dated 05/31/24
- 17. **Discussion and Possible Vote to Identify Tower Farm Road as a “No Truck Route” – Requested by Chair Burrows** – Resident Petition dated 05/24/24
- 18. **Right of First Refusal – 159 Allen Road, Unit #46** – Email from R. Hayashi dated 05/30/24, Memo from BHA dated 05/28/24, Memo from McHugh Law dated 05/20/24
- 19. **Request for (4) 18” x 24” Signs on the Common from June 4th through June 15th, 2024 for the Yankee Doodle Homecoming Yard Sale at the Billerica Library on Saturday, June 15th from 9:00 AM to 2:00 PM – Requested by Taryn Gillis** – No Exhibits
- 20. **NMCOG Vision Zero and Unified Planning Work Program Update – Requested by Vice Chair Favreau** – Memo from D. Favreau dated 05/30/24, Lowell Vision Zero Plan, Memo from J. Raitt dated 05/15/24, Safer Streets for Greater Lowell Vision 0, Unified Planning Work Program dated 05/20/24, Northern Middlesex Regional Transportation Improvement Program

Meeting Schedule

June 17, 2024 and July 15, 2024 – No Exhibits

Approved On: August 19, 2024