



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JUNE 17, 2024**

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

Members Absent: None

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

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. Since Member Conway is remote, all votes will be taken by roll call.

A roll call for attendance: Vice Chair Favreau was Present, Secretary Rosa was Present, Member Riley was Present and Chair Burrows was Present.

1. Open Microphone

Steve Strykowski of 16 River Street, Apartment 6A – Mr. Strykowski stated that 2 weeks ago at Open Mic it was said that the Police came for a handicap parking complaint and that was false. The tenant's position on the Housing Authority was never posted properly. The Billerica Housing Authority rescinded the appointment, but the Select Board never did. The Director of the Housing Authority is using the Police as enforcers against the residents. He is using Town resources to get whatever he wants.

Barbara Reidy of 10 Maplewood Ave – Ms. Reidy thanked the Board for having information sessions. She complimented the Acting Town Manager and the Board members that attended. There is great attitude from the Town in these short weeks.

Jerry Johnson of 14 Lisa Road – Mr. Johnson stated that he has replaced about 25 ballasts on the gazebo and has installed multiple Christmas trees and put bunting on it. He also had the wire fence put up for safety reasons due to the condition of the gazebo. In Lexington, there is an earth swale to access their gazebo and asked that the Board look at this option as well. The finial on the top is the only thing on the gazebo that is historical.

2. Vacancies on Boards and Committees

Secretary Rosa read the list of vacancies.

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

Proclamation

4. Juneteenth – June 19, 2024

Secretary Rosa read the Juneteenth proclamation.

5. Pride Month – June 2024

Secretary Rosa read the Pride Month proclamation.

Vice Chair Favreau thanked Secretary Rosa for reading these Proclamations. These are both important reminders that everyone is equal, and everyone should be treated the same.

Presentation

6. Town Counsel Interviews

6a. Brooks & DeRensis

Paul DeRensis, Richard Hucksam and Lenard Kopelman appeared representing Brooks & DeRensis.



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Secretary Rosa stated that as a part of the subcommittee, they checked references. He received a late reference from the Town of Hudson, and they gave Brooks & DeRensis a glowing review as well as the others.

Member Riley asked how many municipalities you represent as Town Counsel. Mr. DeRensis replied 8 and that is deliberate because we want to give personnel attention to each client. Member Riley asked what the longest municipal client is. Mr. DeRensis replied Randolph. They have been Town Counsel for 19 years. Mr. DeRensis stated that he has been an integral part of Town Meetings and has attended more than 2,000 in his life. Member Riley asked who chief counsel for Billerica would be. Mr. DeRensis stated Attorney Hucksam will be the lead and himself and Mr. Kopelman will be active in Billerica. Mr. Kopelman was previous Town Counsel for Billerica and would love to come back.

Member Conway asked how many attorneys are in the firm. Mr. DeRensis replied 14. Member Conway asked how conflict would be handled. Mr. DeRensis stated that communication is key, and he would try to find the source of the conflict. Member Conway stated that she is impressed with the training aspect you have offered and asked if they have handled public records requests. Mr. DeRensis replied he can't think of any, but they are more than capable. Member Conway asked how you would approach the Select Board if you think we are making a bad decision. Mr. DeRensis stated that all members will have their personal cell phone numbers, and we will provide answers immediately. Our goal is to give good legal advice, and all discussions are private whether in a group or one on one.

Secretary Rosa stated that as part of the subcommittee, we did reference checks. Brooks and DeRensis had glowing references. He spoke with our current labor counsel, Kevin Feeley, and he said that both law firms are great firms. Secretary Rosa stated that we have had Town Counsel in a contract and asked if they would be willing to enter a contract. Mr. DeRensis replied yes. Secretary Rosa stated that a redacted copy of the KP Law contract was sent to you, and do you have issue with what is in there. Mr. DeRensis replied no. Secretary Rosa asked if your firm has the bandwidth to handle Billerica. Mr. DeRensis replied yes. Secretary Rosa asked if you are selected, can you start right away. Mr. DeRensis replied yes.

Vice Chair Favreau asked what the average case load of your attorneys is. Mr. DeRensis replied that our general practitioners have a workable caseload, but we do have attorneys that have specialties. Vice Chair Favreau stated that learn management approach. Mr. DeRensis replied yes. Vice Chair Favreau asked how many paralegals are on staff. Mr. DeRensis replied 5. Vice Chair Favreau asked what the average turnaround time for a formal request is. Mr. DeRensis replied about 2 days. Vice Chair Favreau asked what the average timeframe for a new case is. Mr. DeRensis replied that we will track all of the Billerica cases and forward the statuses to the Board to make sure you all understand. Vice Chair Favreau asked if there is a case that is not defendable, will you let the Board know that. Mr. DeRensis replied yes, we will review them all and advise the Board on the best course of action. Vice Chair Favreau asked what the most controversial case is. Mr. DeRensis explained their case.

Chair Burrows stated that communication is the most important trait. Mr. DeRensis stated that they will establish a relationship with the Board, and you should see us as part of your team.

Mr. Kopelman gave a brief history of his experience including his prior experience in Billerica. He will never charge for the time he takes to talk with Select Board members to get to the information on a problem.

6b. Harrington Heep

Ivria Fried, Donna Brewer and Tom Harrington appeared representing Harrington Heep.

Member Riley asked how many municipalities you represent as Town Counsel. Ms. Fried replied 15 municipalities as Town Counsel and 7 as Labor Counsel. They have also been Special Counsel in various communities on special cases. Member Riley asked what the longest municipal client is. Ms. Fried replied Littleton. They have been Town Counsel since 1990. Member Riley asked who chief counsel for Billerica would be. Ms. Fried replied that she would be lead counsel for Billerica. Member Riley asked how many attorneys are in your firm. Ms. Fried replied 12. Ms. Fried added that most of our attorneys have been Board members in their own communities, so they understand the role you have.



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She has been a member of the MMLA since 2014 and was named President in July. She is always available and can be reached at any time.

Member Conway asked what type of training is offered. Ms. Brewer stated that the typical training they give is in Open Meeting Law (OML), public records requests, ethics, and harassment and discrimination. Mr. Harrington added that they also have trainings in 40B, subdivision control and special permits. We would get to know the Boards and Department Heads and get to know their strength and weaknesses. Ms. Fried stated that they can also help with 1st amendment issues. Member Conway asked why Billerica. Ms. Fried stated that Billerica has a lot of interesting projects and one of their attorneys lives here. Member Conway asked how you would deal with conflict resolution. Mr. Harrington stated that one of our greatest strengths is understanding the issue. We think of municipal government as two categories, day and night government. The day-to-day operations with the Town Manager and staff are the day government and issues with Boards and Committees are the night government. Communications is key and sometimes people just want to be heard. Member Conway asked how you would advise the Select Board. Ms. Fried stated that she prefers that everything is in writing, so everyone has the same information. She believes in transparency. Ms. Brewer stated that they are here to support you and to accomplish your goals. Member Conway asked if they have experience in litigation of Open Meeting Law and Public Records Requests. Mr. Fried stated that they do have experience, and they were the only firm to obtain a decision to ignore a Public Records Request in a municipality. Ms. Brewer stated that cases rarely go past the Supervisor of Public Records or the AGs office, and we have 40 years experience in litigation.

Secretary Rosa stated that we have had Town Counsel in a contract and asked if they would be willing to enter a contract. Ms. Fried replied yes, but they would like to have a 6-month contract so they can get the legal landscape and the need. Secretary Rosa stated that it is typically a 1-year contract and asked if you have reviewed the redacted contract that was sent out. Ms. Fried replied yes, they have some questions but doesn't disagree with a contract. Secretary Rosa asked if you could handle the bandwidth for Billerica. Ms. Fried replied yes, we feel confident that we can provide outstanding service. Secretary Rosa asked how quickly you can start. Ms. Fried replied that they could start right away. We could meet with the daytime government and then we would want to meet with the prior counsel.

Vice Chair Favreau asked what the average case load is. Ms. Brewer stated that we don't have a lot of litigation with our municipal clients. Most of the litigation is handled by insurance lawyers. We have a lot of experience with enforcement or defense of a decision. We currently have 2-5 cases for our litigation attorneys. Vice Chair Favreau asked how many paralegals you have. Ms. Fried replied they have 2 paralegals but do not charge the town for their work. Vice Chair Favreau asked how often you review issues with the town. Ms. Fried replied it could be quarterly, annually or what the town prefers. Vice Chair Favreau asked what the average time was to respond to a request from the town. Ms. Fried replied that she would respond immediately when they received the request but depending on the nature of the question, it may take a couple of days to provide an opinion. Mr. Harrington added that we would ask what is the time frame that is needed for the response so there isn't a delay. Vice Chair Favreau asked if they would review cases to see if it would be cost effective to litigate or settle. Ms. Fried stated that they would analysis the case and look at cost versus the likely success of litigation and advise the Board. Vice Chair Favreau asked if we were doing something unlawful, would you tell us. Ms. Fried replied yes, it is our duty to make sure the Town is doing everything according to the laws.

Chair Burrows stated that clear communication is key. Mr. Harrington stated that he agrees and would follow the town's lead. We will also be there for Town Meeting in whatever capacity the Town wants. Ms. Fried stated that we can have weekly or monthly meetings with the Town Manager and Chair, so everyone is on the same page.

The Board thanked the representatives, and they left the meeting.

Member Riley stated that both firms are great. He did have a question on Brooks and DeRensis because the RFP said Mr. Hucksam but Mr. DeRensis said it was him. He thinks that Harrington Heep has more diversity and had great answers and had great litigation experience.



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Member Conway agreed both firms are great, but Harrington Heap was better prepared for today and it seems they have done their due diligence. Brooks and DeRensis seemed overconfident that they were going to be chosen.

Secretary Rosa stated that Harrington Heap was hesitant to sign a contract and only wanted it for 6 months, when Brooks and DeRensis didn't hesitate. Harrington Heap only had 12 attorneys and 2 paralegals, and represents 15 towns as Town Counsel, 12 towns as Special Counsel and 7 towns as Labor Counsel. The numbers of attorneys and paralegals seem low with the number of towns they service. Brooks and DeRensis had 14 attorneys and are only Town Counsel for 8 towns. Harrington Heap was also more expensive and did not have a lot of paralegals. Brooks and DeRensis has Mr. Kopelman who has history with Billerica and seems like a better fit and all 3 attorneys tonight said that they will represent Billerica.

Vice Chair Favreau stated that these are two great firms. She is leaning towards Brooks and DeRensis because of their support staff and because they said they would tell us no if we were wrong. She had concern with Harrington Heap because they said that they can get us what we want, and they didn't convey parliamentary process.

Chair Burrows stated that both are great firms. It seems like Brooks and DeRensis are more accessible, and he is leaning that way. We need a firm that will tell us what the law says and what we can do.

MOTION - Secretary Rosa made a motion that the Select Board select Brooks and DeRensis as Town Counsel. The motion was seconded by Vice Chair Favreau and voted 3-2-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted No, Member Riley voted No and Chair Burrows voted Aye.

Member Conway asked that the previous motion be reconsidered so it may be a unanimous vote. Vice Chair Favreau stated that she would make that motion since she voted in the affirmative.

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

MOTION - Secretary Rosa made a motion that the Select Board select Brooks and DeRensis as Town Counsel. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion that the Town Counsel Subcommittee set up a meeting with Brooks and DeRensis to work on a contract and have the Chair sign when complete. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

7. BPD Technology and License Plate Readers (LPR) – Chief Roy Frost

Chief Frost appeared to discuss the LPR technology. Chief Frost provided a memo to the Board dated June 10, 2024 that explained the LPR system. Since early 2023, the Billerica Police have been investigating the possibility of engaging with FLOCK Safety to purchase a small number of LPR cameras to assist in crime prevention, detection, and clearance. This conversation began a few years earlier when multiple contiguous police agencies began using FLOCK Safety technology in their communities to help solve crimes as well as locate missing people, including those suffering from memory and cognitive deficits. As part of our mutual aid understandings, these agencies had begun assisting our detectives in following up on investigations involving motor vehicles that likely traversed contiguous jurisdictions before and/or after entering our community. It quickly became evident the value of these LPR cameras were a force multiplier in an era of shrinking police headcounts, crime increases, and public trust challenges. As a result, our department applied for funding of this program through the Executive Office of Public Safety and Security for a Byrne Justice Assistant Grant at a cost of \$18,000 to purchase 6 LPR cameras (\$3,000/per camera). The grant was approved for FY24 which began the training and installation process. As of June 1, 2024, FLOCK Safety has installed all 6 of their LPR cameras in strategically selected locations in Billerica. All of the cameras are solar powered and stand



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independently on their own pole. Our department has drawn up a strict policy for oversight, control and use of the LPR camera system. No member of the Billerica Police Department will have access to the data until they have first completed a department approved training to access the system. Only sworn members of the Billerica Police that are authorized to use the system will be provided a unique credential allowing them access. Any use of the system must be accompanied by an official law enforcement purpose that is tracked via a specific department case number or CAD entry. The program is overseen by a Program Manager, who is the designated Officer-in-Charge of our Criminal Bureau. Any LPR "hits" that take place within the LPR system will be verified through alternate means by the officer receiving the notification. This will include a visual verification of the involved vehicle, along with confirmation using the National Crime Information Center (NCIC), Mobile Data Terminal (MDT) and dispatch to verify the vehicle is still wanted before proceeding with taking any action. As stated above, all data captured with the LPR system will automatically be deleted after 30 days. Any specific data will only be maintained past 30 days if it becomes evidence of a crime or the subject of records request.

Secretary Rosa asked if there are only 6 cameras. Chief Frost replied yes, they are located at the main entry points.

Vice Chair Favreau asked that the chief speak on privacy rights. Chief Frost stated that these cameras are used for specific investigation reasons and there is a policy in place to prevent abuse of these cameras.

Member Riley asked what does it alert. Chief Frost stated that we receive an alert of a kidnapping or crime, we get information of the vehicle being looked for and we check to see if it's been picked up by the cameras. All officers that use this system are trained and sign a form stating that they understand the policy. This is all done on an app. This system is not active yet and is not ready to be accessed. Member Riley asked how many communities use this and will it be shared. Chief Frost stated that he is not sure of how many communities he would need to get back to the Board, but they would have to request the data for us to share it.

Chair Burrows asked if this could be used for an Amber Alert. Chief Frost replied yes. Chair Burrows stated that this is a great asset, and he is in full support of it.

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

Donnie Jarvis appeared before the Board to discuss some upcoming events. Mr. Jarvis stated that the Town will be hosting a memorial for Iraq/Afghanistan veterans in November at VVP. There are two projects being proposed at VVP, one is an Eagle Scout project and the other he is working with the DAV. Liam from Troop 11 presented his project.

Secretary Rosa thanked Liam for presenting his project. He would not want to see the trees blocking the memorial and it should be kept as open as possible when people pull into the park. If he needs any help with the metal work, just let him know.

Member Conway agreed with not blocking the memorial with trees. We have a memorial bench policy later one, would this fall under it. Secretary Rosa replied yes and quickly explained the policy and if the benches have not been purchased, he suggested holding off until the bench policy is approved.

Vice Chair Favreau thanked Liam for the project idea and asked her to give us updates.

Mr. Jarvis stated that the bench that is being discussed is not going to be added at the memorial because that person was not a KIA, but it will be located somewhere in the park. Secretary Rosa stated that if the bench has not been purchased, he asked that it wait until they vote on the bench policy.

Member Riley thanked Liam.



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MOTION - Secretary Rosa made a motion to approve the Eagle Scout project as presented with the stipulation that they do not block the memorial with trees and look at putting the benches elsewhere on the property. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Bob Kinsman from the DAV joined the meeting. Mr. Jarvis stated that this project is at the beginning stages. They are hoping to build a pavilion with picnic tables so people can gather. Mr. Kinsman stated in addition to planning this project, that the military tribute banners are going up, 50 veteran's memorial squares have been maintained, and 2,500 flags were placed in the cemetery. VVP is one of the oldest parks in the country.

Member Conway stated that this is a great idea, and she wishes the project well.

Secretary Rosa agreed and said if they need anything, just reach out.

Vice Chair Favreau agreed, this is a great idea.

Chair Burrows also agreed.

Mr. Jarvis stated that he will keep in communication with Mr. Main as it gets going.

15. Town Center Gazebo Discussion

Building Commissioner Mark LaLumiere joined the meeting to discuss the town center gazebo. Mr. Main thanked Mr. LaLumiere for taking this project on. Mr. LaLumiere stated that he met with the Disabilities Commission, and they would like to have the gazebo more accessible. He also met with the Historic Commission, and they all had a difference of opinion so there was no decision on which option they thought was better. He presented 3 options. The first shows an elevated gazebo with a wraparound ramp around it. This would put the gazebo about 61" high. The second option was a lower but still raised gazebo with a smaller wrap around ramp. The third option had the gazebo raised with the least amount and the smallest ramp. This option would require a variance from the AAB. There also was an option proposed by a resident, Gerry Johnson, which shows an earth berm up to the gazebo similar to the Lexington center gazebo.

Member Conway stated that she likes option #1 and asked Mr. LaLumiere which one he likes. Mr. LaLumiere responded he likes option #3 best because it hides the ramp, and you see more of the gazebo. Mr. LaLumiere stated that if you look at the earthen ramp, it will almost double the length required to provide handicap access. He would suggest the other options before this one and he would look at using Shawsheen Tech students for construction and perhaps getting CPC money. The earthen ramp would change the landscape of the common.

Secretary Rosa asked if the earthen walkway would cost more and be about 60'-120' long depending on the height of the gazebo. Mr. LaLumiere replied yes. Even though the ramps have rails, and the walkway doesn't, this earthen walkway would require a lot of dirt. Secretary Rosa stated that he likes option #3 with the lower height and a smaller ramp. This will make it a great way to be useable.

Member Riley stated that he agrees that option #3 is the best option. It seems like there is less impact to the center.

Vice Chair Favreau stated that she likes option #3 but she likes the earthen ramp better if the gazebo was lowered because that seems the most accessible. Littleton and Waltham in addition to Lexington has this type of ramp. Vice Chair Favreau stated that the current gazebo is in terrible shape and whatever option is chosen should be maintained going forward.

Chair Burrows stated that he likes the drop down of the gazebo with 2 steps and a small ramp because it will be less maintenance.

Secretary Rosa stated that the earthen ramp would have a huge impact to the common. He likes the gazebo to be a raised structure, but it doesn't need to be that high.



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MOTION - Secretary Rosa made a motion to support option #3 for the town center gazebo as presented by Mr. LaLumiere. The motion was seconded by Member Riley and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Public Hearing

8. Public Hearing for National Grid and Verizon- - #30981387- (Connolly Road – Next to 1 Olney Street) - National Grid to relocate (1) JO Pole on Connolly Road beginning at a point approximately 7' northwesterly from existing pole #16 in order to correct a badly leaning pole, Billerica, MA

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid and Verizon for Connolly Road – Next to 1 Olney Street, #30981387 at 9:55 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Alec Birdsong appeared via Zoom for National Grid to discuss the pole petition for Connolly Road. This petition is to replace a badly leaning pole.

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. Secretary Rosa asked if the old pole and guide anchors would be removed. Mr. Birdsong replied yes, Verizon will remove them.

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 Connolly Road next to 1 Olney Street, #30981387 at 9:57 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the pole petition for National Grid and Verizon- - #30981387- (Connolly Road – Next to 1 Olney Street) - National Grid to relocate (1) JO Pole on Connolly Road beginning at a point approximately 7' northwesterly from existing pole #16 in order to correct a badly leaning pole, Billerica, MA. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

14. Water and Sewer Rates Presentation – 2nd Reading

Fred Russell appeared to discuss the second reading of the water and sewer rates.

Mr. Main stated that David Fox broke his hand today, so he will not be available. In both the water and sewer options, Option #2 is the most savings to taxpayers. This will eliminate the GF subsidy completely from the water and leave the sewer GF as is.

Member Riley stated that we are trying to get the water and sewer to be self-funding but is there a negative impact. Mr. Russell stated that a true enterprise fund has no subsidy. The goal of the Town should be to get rid of all subsidy for water and sewer. The people who are using the service should be paying for the service.

Vice Chair Favreau stated that we are not raising rates. Mr. Main replied that is correct. The analysis shows that Option #2 is the best option to save the residents the most money.

Secretary Rosa stated that Option #1 eliminates \$700,000 and has no increase to the water rate. Options #1 and #2 have a \$41 savings per household. If we vote Option #2 for water and sewer but not raise the water rates, what will that do. The water rates were raised by 5% in previous years when it was not needed.



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Mr. Main stated that the calculations have been done and if we start changing them now, we could come in with a shortfall. If there is concern, then just vote Option #1 for water and Option #2 for sewer. Secretary Rosa asked if we need to raise the water rates by 3.2%. Mr. Russell stated that if we didn't need it, then the retained earnings would be high and its not. There is pipework that is desperately needed. There are 2 miles of 2" pipes that we can't flush. We need to reinvest in the water system. The 11% debt drop off is only one line item of the budget. If we don't do the 3.2% increase, we won't be able to approve the water system.

Member Conway disagreed with Secretary Rosa. We used the subsidy last year, so obviously a 5% increase was needed. She believes that Option #2 on both water and sewer are the best options. With the residents who use the service, pays for the service they can make a decision to conserve water and make choices in their home to lower the bill. We should be looking to not subsidizing the water and sewer enterprise funds. Member Conway stated that water and sewer rates were not raised in the 1980s and that's how we got into trouble and were not able to maintain the systems. We have new management in the water department and it's going in the right direction.

Chair Burrows stated that he's stuck in the middle and maybe we should look at Option #1 for water and Option #2 for sewer. Mr. Main stated that every million dollars dropped from the budget saves the taxpayer about \$40 per home.

Vice Chair Favreau asked if the budget will be affected by Option #1. Mr. Russell stated that it does impact the budget and SRF on the distribution system. Mr. Main stated that not having retained earnings means borrowing will be needed for the projects in the future. We are trying to invest in the water system and if funds are not available, then we will need to bond or not do the projects.

Secretary Rosa stated that we are ignoring the fact that debt service was reduced by 11%. Mr. Russell replied that is only in one line item in the budget. The cost of everything is going up.

Member Riley asked what the biggest savings to the taxpayers is. Mr. Main replied Option #2 for both water and sewer. Member Riley stated that we need to listen to our professionals.

Chair Burrows stated that he could support Option #2 for both.

Secretary Rosa stated that we will have additional debt service drop off for the next few years. Mr. Russell replied that was correct, but we will also be adding new debt with the storage tanks.

MOTION - Secretary Rosa made a motion to approve the FY 2025 water and sewer with Option #2, which includes: Water: Completely remove General Fund subsidy to water fund and increase the water rates by 3.2% for FY25. The rates will be: In Town: 0-2,000/100 CF \$3.49; 2,001-10,000/100 CF \$4.43; Over 10,000/100 CF \$5.75. Out of Town: 0-2,000/100 CF \$4.47; 2,001-10,000/100 CF \$5.78; Over 10,000/100 CF \$6.96. Sewer: Maintain General Fund subsidy of \$2.4 million to sewer fund and sewer rates remain the same for FY25. The rates will be: In Town: 0-2,000/100 CF \$5.51; 2,001-10,000/100 CF \$6.41; Over 10,000/100 CF \$9.61. Out of Town: 0-2,000/100 CF \$6.44; 2,001-10,000/100 CF \$12.56; Over 10,000/100 CF \$19.44. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

9. Public Hearing Dee Kuen Dee Won Corporation – Under MGL, Chapter 138 for a new On-Premises All-Alcohol §12 Restaurant, Common Victualler License, Entertainment and Sunday Entertainment Licenses for Dee Kuen Dee Won Corporation DBA Satang Infinity at a Premises Located at 15 Middlesex Turnpike, Billerica, MA

Secretary Rosa stated that there were issues with the application, so it will be continued until the next meeting so they can address them.



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MOTION - Secretary Rosa made a motion to open the public hearing for Dee Kuen Dee Won Corporation – Under MGL, Chapter 138 for a new On-Premises All-Alcohol §12 Restaurant, Common Victualler License, Entertainment and Sunday Entertainment Licenses for Dee Kuen Dee Won Corporation DBA Satang Infinity at a Premises Located at 15 Middlesex Turnpike, Billerica, MA at 10:35 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to continue the public hearing for Dee Kuen Dee Won Corporation – Under MGL, Chapter 138 for a new On-Premises All-Alcohol §12 Restaurant, Common Victualler License, Entertainment and Sunday Entertainment Licenses for Dee Kuen Dee Won Corporation DBA Satang Infinity at a Premises Located at 15 Middlesex Turnpike, Billerica, MA until July 15, 2024 at 7:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Approval of Minutes

10. April 22, 2024 Regular Session

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

11. May 6, 2024 Regular Session

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of May 6, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Appointments

12. Local Cultural Council – Donna McDonnell (2 Year Appointment)

MOTION - Secretary Rosa made a motion to appoint Donna McDonnell to the Local Cultural Council for a 2-year appointment. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

Old Business

13. Town Manager's Report

Mr. Main stated that the COA will be open from 9:00 AM to 5:00 PM as a cooling station as well as the Town Hall, which will be open from 9:00 AM to 9:00 PM.

Mr. Main also said that Town Hall has started its new schedule with today being the first long day. Doing a quick survey, we have had between 20-25 residents coming in after 4:00 PM.

• **Neighborhood Listening Sessions – Council on Aging Front Lawn**

Mr. Main stated that the first listening session was held at the Council on Aging front lawn. It was a great success with approximately 35-40 attendees. Key topics of discussion included: A new Council on Aging building; Additional housing options for seniors and Pedestrian safety around the Town Center. Two more listening sessions are scheduled: Hajar School: June 20th – 6:30PM and Pinehurst Fire Station: June 25th – 6:30PM. A CodeRED message was recorded to inform residents about these meetings. Moving forward, listening sessions will be held on the fourth Tuesday of every month.



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Member Conway stated that she likes the fact that the listening sessions are continuing, and she is glad the Ditson neighborhood showed up and participated and she hopes we can support them.

Secretary Rosa stated that he is glad these are continuing. Mr. Main was well prepared, he reviewed comments made on social media so he could have answers to them and was well received by the residents.

- **Old Ditson Park Listening Session**

Mr. Main stated that this session saw an impressive turnout with over 50 attendees. The neighborhood largely agreed on several enhancements: Walking path around the perimeter with a story board; Upgraded playground and basketball court; More trees and benches and a Pavilion. Additional suggestions included water fountains, dog waste stations, lilac plantings, and extra lighting around the path. He will work with local landscape architects, landscapers, and Shawsheen Tech to help develop a plan. He is aiming to secure donated time for this part of the project. Once the plan is ready, it will be presented to the Board and the neighborhood for feedback.

- **Opioid Abatement**

Mr. Main stated that as of June 3rd, our Opioid Abatement survey had about 250 responses. After extensive sharing on social media and various other venues, responses have now exceeded 1,000. The next listening session is scheduled for June 18 at 7:00PM. Following this, the consultant will finalize the landscape analysis. Results will be presented to the Select Board and BSAP to help shape a future Town Meeting warrant article.

Vice Chair Favreau stated that this is great, and she can't wait to see the results.

Secretary Rosa stated that he is glad to see there was a great response and he can't wait to see the results of this survey.

- **Cable Ascertainment**

Mr. Main stated that in March, the Town began renegotiating our Cable Contract with Verizon. Five years ago, we secured a favorable contract due to the Howe School project. Many of the items were tied to the completion of the Howe. He does not believe Verizon thought it would come to fruition when the Town showed them the building pre-construction. This time around the Town was still able to negotiate a favorable contract maintaining most of the same contract terms, including the capital ratio per subscriber. A few minor issues need to be addressed before presenting it to the Select Board for a vote.

Secretary Rosa stated that he wants to make sure that we ask for a senior discount of value.

- **Town Center**

Mr. Main stated that that after the June 3rd Select Board meeting, he met with BETA. The team reviewed the comments from the meeting and will begin to incorporate as appropriate. BETA estimated the project, and it is currently on budget as presented to the Board, including a 25% contingency. Refinement will continue over the course of the summer.

Secretary Rosa stated that a 25% contingency seems high. Mr. Main stated that it's more than usual, but we have a timeframe question, so we didn't want to come in short.

- **Shawsheen Tech**

Mr. Main stated that he toured the school and met with Shawsheen Tech Superintendent Tony McIntosh. We discussed potential partnerships and maintaining open lines of communication. The Superintendent mentioned multiple MSBA submissions, which have not yet been accepted. The school is about 50 years old, is in good condition but faces space challenges.

Member Conway stated that the trades are important and so is Shawsheen Tech. Is there anything we can do to help with the MSBA approvals. Mr. Main stated that he can call Left Field and see if they could help because they have been successful for us.



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Secretary Rosa stated that we have a great relationship with Shawsheen Tech and it's in very good condition. The age of the building is not as big as they need space. Mr. Main agreed. They need to add space for the masonry shop and enlarge the auditorium.

- **North Billerica Train Station**

Mr. Main stated that he spoke with Representative Lombardo regarding the North Billerica train station. He has been in contact with the MBTA about the station's condition. The Representative is trying to set up a meeting with the MBTA and the Town. From the current lack of maintenance, it seems the State may not be interested in holding onto the property. After the meeting with the State, he will report back during a formal agenda item so a discussion and vote can take place if needed.

Secretary Rosa stated that this is a historic building, and we should look at perhaps using CPC money. Mr. Main stated that he spoke about getting a coffee shop there.

Vice Chair Favreau stated that she is looking forward to what could happen here

Chair Burrows stated that he is concerned if the Town accepts this building, then we will be liable. He doesn't think this is a good idea.

- **Recreation Building Update**

Mr. Main stated that the Town is very pleased with the progress of the Recreation Building project. We are in the process of pre-qualifying for the General Contractor and have received 11 requests for the bid proposal. This indicates that it is a competitive project and that the price is on target. The Town's recent successes, as well as the reputation of Left Field / Abacus, make it a very favorable team to work with and project to work on.

Secretary Rosa stated that receiving 11 bids is great. Hopefully they come in under budget.

Vice Chair Favreau stated that this is a great project, and she is excited that this is moving forward so quickly.

- **North Billerica Fire Station**

Mr. Main stated that the project team had a pre-design meeting with Conservation, DPW, and BOH. The meeting went well, and things are continuing to progress. The Town is in the process of conducting a cost estimate around any wetlands issues and temporary relocation costs if the Town is to build on-site. Depending on this estimate, the Town may look for other more cost-effective options rather than rebuilding on-site. He plans to have Galante Architects present to the Board at a future meeting

- **PFAS Lawsuit**

Mr. Main stated that Water Superintendent Todd Melanson, DPW Director Fred Russel and himself met with attorneys from SL Environmental regarding a class action lawsuit for PFAS contamination caused by 3M and Dupont. They are working with a large list of Massachusetts communities including City of Attleboro, City of Mansfield, City of Westfield, City of Worcester, County of Barnstable, Dedham-Westwood Water District, Dracut Water Supply District, East Chelmsford Water District, Grafton Water District, Sudbury Water District, Swansea Water District, Town of Andover, Town of Burlington, Town of Canton, Town of Clarksburg, Town of Concord, Town of Foxborough, Town of Halifax, Town of Hopedale, Town of Hudson, Town of Ipswich, Town of Lincoln. The Town could be entitled to a total of \$3,000,000+ over the course of next two decades. Prior to a formal vote of the Select Board to enter into any litigation he would like to confer with our new Town Counsel after their appointment. He'll bring additional information on the lawsuit to the Board after further discussion with Town Counsel.

Member Conway stated that she would want to see Mr. Melanson heavily involved with this. If we can get money and help with our water systems, then we should support this action.

Vice Chair Favreau stated that she would like to see what the benefits of the lawsuit would be in the long run.



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Secretary Rosa stated that we should definitely pursue this lawsuit.

- **Town Owned Farmland**

Mr. Main stated that he and the Director of Permitting, Mark LaLumiere, met with Mr. Griggs and his attorney about water and physical access to the Town-owned land. Mr. Griggs said was amenable to an agreement if the party farming the land was “friendly.” Mr. Griggs has an agreement with a landscaper who dumps his clippings and composts them on our land. He agreed to remove the clippings from our property. The other option is to create a curb cut at our frontage and bring a water line onto the property. Both options on parallel tracks is most likely how he will handle the situation.

Member Conway reminded everyone that Mr. Griggs owes the Town a lot of money.

Vice Chair Favreau stated that Griggs farm is the last family-owned farm, and we should work with him. The amount owed is still in question and needs to be further investigated. She would agree with moving with both options on a parallel track.

Secretary Rosa stated that he agrees with following both tracks.

- **Sprague Street and Tower Farm Road – Thickly Settled District**

Mr. Main stated that he spoke with Kelley Conway about the request from Marlies Henderson at the last meeting during Open Mic. Speed bumps were not recommended but Kelley did believe a 25mph thickly settled district was warranted. He also alerted DPW and the Police about the motion at the last meeting regarding changing the speed limit on Tower Farm Road to 25mph. Kelley Conway is completing the paperwork. You may have to re-vote a different motion that includes “amending the traffic rules and orders” at a future meeting due to the notification process to the State. If it is the case, the Board can vote the language needed on 6/24.

Secretary Rosa stated that engineering did not recommend speed bumps. Mr. Main replied correct, they were not needed. Secretary Rosa stated that this is one option and the signs don’t work and something else is needed then it should be looked at. Mr. Main stated that if you do this, then you are going to open up the flood gates and everyone will want speed bumps on their roads, and it will become a mess.

Chair Burrows stated that people coming to open mic is not the way to address these issues. He’s concerned that we are going to get inundated with requests for 25 MPH on all streets.

- **Truck Traffic Tower Farm Road**

Mr. Main stated that he spoke with Kelley Conway about a heavy commercial vehicle exclusion. An engineering study is required, and certain warrants must be met. This begins on the link below at page 11. I asked Kelley to use best procurement practices as it is not an emergency. Her team will procure three quotes.

<https://www.mass.gov/doc/massachusetts-amendments-to-the-mutcd-2009/download>

Member Conway stated that there is a business on Tower Farm Road, and we need to make sure that we affect his business.

- **School/Town Munis Conversion**

Mr. Main stated that the Schools and Town met with CLA who performed the audit for the School Department and re-identified this issue. CLA walked us through the process, what the chart of accounts would be like, and the timing. The Town and School are working to reconcile their books to go into FY25 on the same page. This will help make the conversion easier.

Vice Chair Favreau asked what the ETA is for this conversion. Mr. Main replied they are hoping for the start of FY26. We need to finish FY24 and it’s easier to start with a new system at the beginning of the fiscal year because of the reporting.



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17. 250th Celebration Discussion

Secretary Rosa stated that a resident had requested the Board create a 250th Anniversary Committee. The make of this committee would be 2 SB members appointed by the Select Board Chair, 2 resident members appointed by the Select Board and 1 member of the Historic Commission appointed by their Chair. The ex-officio town employees would be the Town Manager, Veteran's Agent, Recreation Director, Police Chief and Fire Chief.

MOTION - Secretary Rosa made a motion to create a 250th Anniversary Committee as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

18. Town of Billerica Memorial Bench Policy – 1st Reading – Requested by Secretary Rosa

Secretary Rosa stated that there was one change that has been incorporated into Section 44.1, which was to add the material of the bench. These specifications are needed in case the vendor we use goes out of business; they can pick another bench with the same specifications.

Member Conway stated that she likes the uniformity of having one style of bench but what happens if they are overrun with requests. Secretary Rosa replied that the Town will control the locations, and we have the right to say no. Member Conway asked in 44.1.2, are we buying the bench or are the people. Secretary Rosa stated that the town will buy the bench and get the response. Member Conway asked that language be added to clarify this. Member Conway asked if we are charging to install the bench. Secretary Rosa replied no.

Member Riley stated that what happens if it becomes popular, could one bench serve multiple people? Secretary Rosa stated that we could look at that if it becomes a problem. Member Riley asked if this has to go through the naming policy? Secretary Rosa replied no, we are not naming anything.

Chair Burrows stated that the Town could look at buying a bench for each branch of service and put them at VVP. That way we could add plaques with names.

19. Discussion and Possible Vote to Disband the Billerica Youth Advisory Committee – Requested by Chair Burrows

Chair Burrows stated that he and Member Conway worked with him in getting this committee up and running but since the original members graduated, it has fallen apart. They haven't met since July of last year.

Member Conway agreed and asked if we have reached out to the members. Vice Chair Favreau stated that she spoke to Jim Mahoney in March, and they haven't met.

Member Riley stated that he won't support disbanding this committee. He encourages youth to participate in government and we should leave the committee. If there is no quorum, then they don't meet.

Vice Chair Favreau asked how do you recruit members if there are no new members to recruit them. There is no active leadership and it's unfortunate.

Secretary Rosa agreed to disband the committee. We went through the list of committees we appointed a few years ago and disbanded some of them. If there becomes an interest again, then they can come back to us. When Sean and Tom were on this committee, it was successful because they brought in members and shared their passion. Unfortunately, this has not happened since they graduated.

MOTION - Secretary Rosa made a motion to disband the Billerica Youth Advisory Committee. The motion was seconded by Vice Chair Favreau and voted 4-1-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted No, and Chair Burrows voted Aye.

Meeting Schedule

Secretary Rosa stated that the next meetings are 15, 2024 and August 19, 2024.



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Executive Session

20. Executive Session Pursuant to G.L. c. 30A, § 21 (A)(4) to discuss the deployment of security personnel or devices, or strategies with respect thereto

MOTION - Secretary Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A, § 21 (A)(4) to discuss the deployment of security personnel or devices, or strategies with respect thereto at 11:22 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye, and Chair Burrows voted Aye.

Secretary Rosa stated that no other business will be conducted, and they will adjourn after the Executive Session.

MOTION - Secretary Rosa made a motion to adjourn the meeting of June 17, 2024 at 11:35 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye, and Chair Burrows voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – June 17, 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

4. Juneteenth – June 19, 2024 – Proclamation
5. Pride Month – June 2024 – Proclamation

Presentation

6. Town Counsel Interviews:
 - 6a. Brooks & DeRensis – RFP dated 05/06/24
 - 6b. Harrington Heep – RFP dated 05/16/24
7. BPD Technology and License Plate Readers (LPR) – Chief Roy Frost – Memo from R. Frost dated 06/10/24

Public Hearing

8. Public Hearing for National Grid and Verizon - #30981387 – (Connolly Road -Next to 1 Olney Street) - National Grid to relocate (1) JO Pole on Connolly Road beginning at a point approximately 7' northwesterly from existing pole #16 in order to correct a badly leaning pole, Billerica, MA – Application from NG dated 05/31/24, DPW Comments dated 06/06/24, Contractor Acknowledgement Form dated 06/07/24, Electrical Inspector Comments dated 06/03/24, PD Comments undated, Abutters List dated 06/04/24, Public Notice
9. Public Hearing for Dee Kuen Dee Won Corporation – Under MGL, Chapter 138 for a new On-Premises All-Alcohol §12 Restaurant, Common Victualler License, Entertainment and Sunday Entertainment Licenses for Dee Kuen Dee Won Corporation DBA Satang Infinity at a Premises Located at 15 Middlesex Turnpike, Billerica, MA – Billerica Application dated 06/06/24, Memo from Lt. Coffey dated 05/29/24, ABCC Application dated 05/29/24, Abutters Notice dated 06/07/24, Legal Ad

Approval of Meeting Minutes

10. April 22, 2024 Regular Session – Select Board minutes of 04/22/24
11. May 6, 2024 Regular Session– Select Board minutes of 05/06/24

Appointments

12. Local Cultural Council – Donna McDonnell (2 Yr. Appointment–Expires 06/30/2026) – Application dated 06/11/24

Old Business

13. Town Managers Report – Town Manager's Report dated 06/12/24
14. Water and Sewer Rates – 2nd Reading – Presentation from Raftelis dated 06/17/24
15. Town Center Gazebo Discussion – Concept Plan from M. LaLumiere undated, Email from C. Main dated 06/12/24

New Business

16. Director of Veteran's Services – Donnie Jarvis – Request Approval of (2) Two Projects at Vietnam Veteran's Park – VVP project undated with pictures
17. 250th Celebration Discussion – Proposed committee layout undated
18. Town of Billerica Memorial Bench Policy – 1st Reading – Requested by Secretary Rosa – Town of Billerica Memorial Bench Policy Draft undated
19. Discussion and Possible Vote to Disband the Billerica Youth Advisory Committee – Requested by Chair Burrows – No Exhibits

Executive Session

20. Executive Session Pursuant to G.L. c. 30A, § 21 (A)(4) to discuss the deployment of security personnel or devices, or strategies with respect thereto – Memo from C. Main dated 06/13/24



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Meeting Schedule

July 15, 2024 and August 19, 2024 – No Exhibits

Approved On: September 16, 2024