



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
AUGUST 19, 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, Director of Administration Services Robert Maynard and Recording Secretary Dawn McDowell

**Call to Order: 5:30 PM**

The Select Board presented Andrew Deslaurier with a chair and proclamation for his years of service to the Town.

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

The Pledge of Allegiance was recited.

1. **Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares** – Open Litigation Matters

**MOTION** - Secretary Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares regarding Open Litigation Matters. 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.

Chair Burrows declared that Executive Session is required.

2. **Executive Session Pursuant to G.L. c. 30A, § 21 (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body**

**MOTION** - Secretary Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A, § 21 (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. 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.

3. **Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g)** – Review of Executive Session Minutes of May 23, 2024, June 11, 2024, June 21, 2024, June 26, 2024 and July 15, 2024

**MOTION** - Secretary Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) to review of Executive Session Minutes of May 23, 2024, June 11, 2024, June 21, 2024, June 26, 2024 and July 15, 2024. 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.



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**4. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Independent Counsel**

**MOTION** - Secretary Rosa made a motion to go into Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares to discuss Independent 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.

Chair Burrows declared that Executive Session is required.

Secretary Rosa stated that item #27 will be continued until the next meeting.

Secretary Rosa stated that the Board will return to the open meeting at the conclusion of the discussion on the Executive Session items.

The Select Board reconvened from Executive Session at 7:22 PM.

There was a moment of silence held for Paul Holmes who passed away at 101 years old.

**5. Open Microphone**

Barbara Reidy of 10 Maplewood Ave – Ms. Reidy stated that she wanted to thank the Chair, Vice Chair and Secretary of the Board for the way they handled the special meeting on August 5<sup>th</sup>. We need to start working together and she also thanked Mr. Main for all the hard work he has been doing.

Daniel Darris O'Connor of 14 Forest Park Ave – Mr. O'Connor stated that he has been involved with the BSAP committee and was appointed to that committee in September 2023. He took that role seriously. He voted against two items that he thought were irresponsible for funding. One was reimbursement to a fellow committee member for pins and one was for a speaker that did not have a proper application. He voted against these two items because he felt it was not the proper use of funding. The next meeting BYAC was dissolved by this Board and Mr. Burrows and Ms. Favreau lied and are petty. They should be ashamed and reinstitute BYAC immediately.

John McKenna of 8 Hawkes Ridge Road – Mr. McKenna stated that we have a housing crisis, and the Governor signed into law some ways to fix it. We need to look at restrictions on past deeds. We need to work together with the Select Board, Planning Board and Board of Appeals and look at the old restrictions in our bylaw to make home ownership possible. He asked that the Board ask Town Counsel to give their opinion on how this new act affects our zoning. Taking no action on the MBTA zoning is a mistake. Margaret Hurley in the AGs office is very helpful, and studies show that zoning changes including inclusionary zoning is good and we have to provide affordable housing.

Darlene Torre of 47R Sheldon Street – Ms. Torre read a statement. She has been accused by Mr. O'Connor of accepting money to reimburse her for pins. In May, Mike Higgins made a motion to reimburse me, she never asked for the reimbursement and never accepted a check from the Town. She was honored to purchase the pins for Sgt. Taylor. This has become a political issue, and she doesn't appreciate her name being used for this political issue.

Kelley Sardina of 95 Gray Street – Ms. Sardina asked if it is legal for a 17-year-old to vote on a committee. She appreciates what Mr. McKenna was saying but she is more interested in affordable housing.

George Simolaris of 38 Andover Street – Mr. Simolaris stated that he is optimistic for the future of Billerica. We have the highest commercial rate in the State, and we need to look at lowering the tax rate. We need to look at the land behind the Locke School. It was given to us, and we never did anything with it, and it was never brought back to the Select Board. We should send a letter to the owner saying that we want the land back and if he doesn't give it back take him to civil court.



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**6. Vacancies on Boards and Committees**

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

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

**Proclamation**

**8. Paul Hayes**

Secretary Rosa read the proclamation for Paul Hayes and thanked him for all his years of service on the Conservation Commission.

**9. 2024 Overdose Awareness Day and Recovery Month**

Vice Chair Favreau read the proclamation for the 2024 Overdose Awareness Day and Recovery Month.

**Public Hearing**

**10. Public Hearing for Transfer of License – Transfer of an On-Premises Restaurant All Alcohol License §12, Common Victualler's License, Weekly Entertainment, Sunday Entertainment Licenses and Automatic Amusement Machine License from J.T. Inc dba Center Café to Center Café, Inc. dba Center Café at the premises located at 432 Boston Road, Billerica, MA 01821**

**MOTION** - Secretary Rosa made a motion to open the public hearing for the transfer of license for the Center Café located at 432 Boston Road. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Attorney George Mederios appeared for the public hearing. This is a transfer of an all-alcohol license, entertainment and automatic amusement licenses. The new owner will continue as is but they will be updating the building. The current owner is looking to retire.

Secretary Rosa asked if they have received the Board of Health licenses. Attorney Mederios replied yes. Secretary Rosa stated that the Regulations acknowledgement form has been signed and the TIPS is up to date.

Vice Chair Favreau asked if the CORI was done on all parties. Attorney Mederios 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 the Center Café Inc. located at 432 Boston Road at 7:53 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**MOTION** - Secretary Rosa made a motion to approve the transfer of the On-Premises All-Alcohol §12 Restaurant for the Center Café Inc. dba Center Cafe located at 432 Boston Road, Billerica, MA with the hours of operation from 8:00 AM to 1:00 AM Monday – Saturday and Sunday 12:00 PM to 1:00 AM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**MOTION** - Secretary Rosa made a motion to approve the transfer of the Common Victualler License for the Center Café Inc. dba Center Cafe located at 432 Boston Road, Billerica, MA with the hours of operation from 8:00 AM to 1:00 AM Monday – Saturday and Sunday 12:00 PM to 1:00 AM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**MOTION** - Secretary Rosa made a motion to approve the Entertainment License from 7:00 PM to 12:30 AM, the Sunday Entertainment from 12:00 PM to 12:00 AM and Automatic Amusement Licenses for the Center Café Inc. dba Center Cafe located at 432 Boston Road, Billerica, MA. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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**New Business (Quick Items)**

**11. Ramnivash3, Inc. dba Town Wine & Spirits located at 700 Boston Road, Unit #11 – Application for Amendment, All Alcohol Off-Premise Retail License - Pledge of License and Inventory – No Change to License**

Attorney John Mooradian appeared for this item. There is no change to the license, this is just a pledge of license and inventory.

Vice Chair Favreau asked if this action requires a background check. Secretary Rosa replied no.

**MOTION** - Secretary Rosa made a motion to approve the application for amendment, pledge of license and inventory for Ramnivash3, Inc. dba Town Wine & Spirits located at 700 Boston Road, Unit #11. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**12. VFW Solomon Post #8819 located at 12 Phinney Street – All Alcohol Restaurant – Change of Manager – New Manager, Deanna Follis**

Commander Lawrence Keller and Deanna Follis appeared for the change of manager application for the VFW Solomon Post #8819.

Secretary Rosa stated that all documents look to be in order. The TIPS and Regulations Acknowledgement has been signed.

**MOTION** - Secretary Rosa made a motion to approve the change of manager for the VFW Solomon Post #8819 located at 12 Phinney Street to Deanna Follis. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**13. Order of Taking for Sewer Easements – Rangeway Road**

Fred Russell, DPW Director appeared for the order of taking discussion. This vote will allow us to move forward with the sewer easement for Rangeway Road.

**MOTION** - Secretary Rosa made a motion that the Select Board adopt the order of taking presented to the Board on this date for the purpose of acquiring interests in certain lands abutting Rangeway Road as set forth in the order to allow the Town to carry out the Rangeway Road Sewer Betterment Project, to award damages for such taking in the amounts and to the persons as set forth in the Schedule A attached to the order, and to award damages in the amounts listed in any fully executed waiver of appraisal and eminent domain release by such persons listed in Schedule A. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**14. Request for (4) 18” x 24” Signs on the Common from August 20<sup>th</sup> through August 31, 2024 for the Overdose Awareness Day on August 31<sup>st</sup>, 2024**

**MOTION** - Secretary Rosa made a motion to approve the request for (4) 18” x 24” Signs on the Common from August 20<sup>th</sup> through August 31, 2024 for the Overdose Awareness Day on August 31<sup>st</sup>, 2024. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**Appointments**

**15. Commission on Disabilities**

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

Member Riley asked if this position has a designation of handicap or family. Ms. Torre stated that she has attended meetings for the last 2 years and she meets the qualifications.



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**16. Open Space and Recreation**

**MOTION** - Secretary Rosa made a motion to appoint Darlene Torre to the Open Space and Recreation Committee. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**MOTION** - Secretary Rosa made a motion to appoint Grace Tucci to the Open Space and Recreation Committee. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**17. 250<sup>th</sup> Anniversary Committee**

**MOTION** - Secretary Rosa made a motion to appoint Anthony Ventresca to the 250<sup>th</sup> Anniversary Committee.

Member Conway asked for discussion if this committee has been advertised yet. Mr. Maynard replied not yet. Member Conway asked that this appointment be held until there is a social media presence and other residents have had the chance to apply. Member Conway stated that this applicant has had some questionable social media posts. Chair Burrows stated that other people's on different committees have also.

The motion was not seconded and did not move forward.

**Presentation**

**18. Discussion on Flushing Program and Brown Water – Water Superintendent Todd Melanson**

Mr. Main stated that Mr. Russell and Mr. Melanson have been great at communications to the residents during the flushing program and great advocates for the water department.

Fred Russell and Todd Melanson joined the meeting to discuss the flushing program and brown water issues and gave a presentation on the process.

Member Conway stated that this is a great update. Mr. Russell stated that there has been a significant drop in brown water calls since the flushing program started. Member Conway asked if the holding tanks constantly draw water. Mr. Russell replied the tanks are full at night and the draw during the day leaves the tanks at about 20' of water left.

Secretary Rosa stated that this was a great presentation. Secretary Rosa asked if the pipes are lined with cement that will increase the velocity and help with the Fire Insurance rating. Mr. Russell stated that he doesn't believe so. Secretary Rosa asked them to look at the Mall tank. This was done about 15-18 years ago. There was a ZBA decision for the cell tower and the tenants were going to pay for painting the tank. We need to look at that decision.

Member Riley stated that this is a great presentation for the residents to hear. Mr. Melanson has been upfront and honest and has great knowledge of the water system.

Vice Chair Favreau asked what the sludge in the bottom of the tanks is and does that affect our health. Mr. Melanson replied it is not sludge. Its part of the interior coating and the lining has failed. The surface is oxidation of metal. We need to fix this, so it won't rust. Vice Chair Favreau asked what caused the dark water when flushed. Mr. Melanson replied iron and magnesium. We want dark water when we start and we run it until its clear, sometimes 18 hours a day. Vice Chair Favreau stated that your efforts have not gone unnoticed.

Chair Burrows stated that the Town has a chemical to put into the laundry if the wash is run during a flushing cycle. Chair Burrows asked how long the next time will go. Mr. Melanson replied that they still have more pipes to do. Depending on the size of the pipe and any restrictions, it could take 2 to 3 cycles to completely clean them. If there is brown water in your house, run the tub for 15 minutes. If it is still not clear, wait 45 minutes and then run for another 15 minutes. Then run your faucets. If you run it 3 times and it is not clear, call us. Make sure that you use cold water. Mr. Melanson also advised residents to flush the hot water tank twice a year.

**19. United Sovereign Americans Presentation**

Joanne Nixes from Wakefield. We are volunteers and not official spokespersons. She read a statement.





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Sandra Abdula from Mendon. We are volunteers and not official spokespersons. She read a statement.

Ken Steele from Reading. We are volunteers and not official spokespersons. He read a statement.

Steven Bington from Acton. We are volunteers and not official spokespersons. He read a statement.

Jeff Cohen from Wilmington. We are volunteers and not official spokespersons. He read a statement.

Vice Chair Favreau stated that she appreciates the sentiment of what was said tonight but she did some due diligence on this organization. Every case they have brought forward has failed. This presentation offended her, and she will fight for the residents' rights to vote.

Barbara Ready – Ms. Ready stated that she has worked the polls for 5 years and the 2020 election was a fair election. If they think there was a problem, then they should take it to the State.

Kelley Sardina of 95 Gray Street – Ms. Sardina asked if there is nothing in question what the harm is. Chair Burrows stated that this was just to listen to the presentation.

Mr. Cohen stated that this is not specific to this Town. All the data has come from State sources. Chair Burrows stated that the Board will not be taking any action.

**20. Opioid Abatement Landscape Analysis**

Mr. Main stated that there is \$400,000 in the stabilization account. There is a placeholder in the warrant for this.

Angela Consentino joined the meeting and presented the Opioid Landscape Analysis for EpiPath. She pointed out there was a significant increase in deaths from 2022 – 2023 with 35.6 and they are not sure why there was a drastic increase.

Member Conway stated that in the community survey, why do community assets drop. Ms. Consentino stated that it is just ranking criteria and what the needs are right now versus what the long-term goals are. Member Conway stated that it is a good survey, and some great recommendations have been provided. Member Conway asked if treatment or prevention is the priority. Ms. Consentino replied that peer support is a top tier than prevention and treatment. Member Conway stated that she is glad the Vice Chair Favreau asked for the mortality slide to be shown. She is concerned with the spike in 2022. Ms. Consentino replied that it is possible that the deaths could be linked to the same substance, but they would have expected the same results in other towns. Vice Chair Favreau stated that there is no actual pattern or indicators but there are new drugs that do not respond to Narcan. Member Conway asked what the recommendations for the money are. Mr. Main stated that he will gather information from the Board and bring it back. Mr. Main added that Mike Higgins is also involved with this.

Secretary Rosa stated that he saw the more detailed presentation at BSAP and thanked Ms. Consentino for the survey and thanked the residents for participating.

Member Riley stated that peer support is so important, and recovery is only as strong as the recovery team at home and at work. Getting a recovery team in place is key and relapse is not a requirement. It takes work. He is impressed with the answers. Addiction is a family disease, and we need to be careful with stigmas on recovery programs.

Vice Chair Favreau thanked every involved with this survey from Ms. Consentino, Mr. Main and the members of BSAP. We have been working on this for 2 years and the survey was done in the last 6 months. She is super excited to roll this out.

Chair Burrows stated that it was a great presentation. Education is so important and follow up, treatment and recovery are a team effort.



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**23. Update on School FY24 Close Out Budget and Use of ARPA Funds – Requested by Superintendent Kerry Clery**

Ms. Cleary appeared to discuss the FY24 school budget. She would like to close the loop with the Select Board and respectively ask the Select Board for \$800,000 in ARPA funds to fund the FY24 shortfalls. The final fiscal deficit for FY24 is \$728,845.85. We have been operating with a spending freeze and hiring freeze. We exhausted our entire circuit break funds even though we want to have 1 year in reserve. We are asking for the entire \$800,000 to replenish the circuit breaker reserve. There is no new spending to occur, and we are committed to fiscal responsibility moving forward. We will not be relying on one-time funds. We will be only using General Funds for reoccurring costs. We have also improved tracking and encumbering everything we can. There will be new budget transfer procedures and with the Munis merger coming soon it will be even better.

Member Conway stated that Ms. Cleary did a great job explaining and she would support the extra \$71,000 going into the Circuit Breaker funds.

Secretary Rosa stated that you were handed a disaster, and he appreciates what has been done and looking out for the taxpayers as the previous Superintendent did not. He is glad the School Committee is putting protections in place. He was unaware there were two separate Munis systems, and he is glad it is going to be one. He would support the total \$800,000.

Member Riley stated that he supports the \$800,000.

Vice Chair Favreau stated that she supports the \$800,000.

Chair Burrows stated that we want to get better. He supports this and asked to look at getting after school buses reinstated. Ms. Cleary stated that the Middle School buses came out of the Operating Budget.

**MOTION** - Secretary Rosa made a motion to approve \$800,000 in one-time ARPA funds to address the shortfall in the FY24 school budget. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**Old Business**

**20. Town Manager's Report**

• **Professional Recognition**

Mr. Main stated that his office sat down with the staff at the Council on Aging to learn more about their day-to-day operations. We were all very impressed with the work being done every day by the COA team. The Town of Billerica is a better place because of their commitment.

Secretary Rosa stated that no one understands the work that goes on at the COA and that building is maxed out.

Member Riley stated that Jean is great and what the COA does is incredible.

• **Conference Room Dedication**

Mr. Main stated that it was suggested by Bob Sallese and Mike Higgins that the new 1st Floor Conference Room at Town Hall be dedicated to Sgt. Ian Taylor. The conference room abuts the Substance Awareness and Prevention Office where Ian spent a considerable amount of time. A memo was submitted in accordance with the Select Board naming policy. In reviewing Policy 28.4, #4, although Sgt. Taylor was not a resident of Billerica for over 25 years, there are compelling reasons to waive this requirement if the Select Board chooses to. Per the Select Board policy, the next step is to place the name and location of the dedication on the following agenda and then for the Board to vote at a subsequent meeting.

Secretary Rosa stated that he would agree with the waiver.

Vice Chair Favreau stated that she would support the waiver for Ian.



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Member Riley stated that he would support the waiver.

- **Recreation Building**

Mr. Main stated that the Town, Leftfield and Abacus interviewed candidates for Construction Manager on the Recreation project. After interviewing five candidates, the Town selected BOND for their extensive experience in the industry and close ties to Billerica. The Town has held a Kick-Off Meeting with all the parties. BOND will begin reviewing the designs with Abacus to identify long lead time items that need to be ordered. As well as areas of the design that can be scaled down for cost savings that can then be applied to the outside recreational amenities. One of the reasons that the Town and Leftfield found BOND to be advantageous over the other firms was their approach to the schedule. BOND believes they can do the project in a shorter time frame than our proposed schedule. Instead of mobilizing right away they plan to spend that time ordering long lead items, and fine tuning the design with the architect. This allows BOND to bring the Town a lower price for insurance, staffing cost, and other general conditions because they won't be on site until they are ready to build the building without large amounts of lag.

Member Conway asked if the Recreation Building has gone out to bid. Mr. Main stated that we are taking a team approach with the Town, OPM and Contractor. We put out the bid early and we had 7 applicants applied and they interviewed 5 firms. BOND was not the lowest but was the best contractor. There was one bid that came in \$200,000 lower but they did not have any public experience. BOND was the second lowest.

Secretary Rosa stated that its great news that the bids came in lower, and we have done Construction Management projects in the past.

Member Riley stated that this is a great idea, and he would support the waiver.

Vice Chair Favreau stated that she is happy to hear that Mr. Main is maximizing the savings.

- **DPW Appreciation Day**

Mr. Main stated that on Monday August 12th the Town held an Employee Appreciation Day for all DPW employees at PHR. The Town served burgers, hot dogs, chips and drinks while DPW employees played various games. It was a very successful event with more than half the employees attending. The Town will be doing this again next year. For the rest of the employees in Town we will be hosting an Appreciation Day on August 29th similar to the one held for DPW employees at 1:30 PM. I hope all the Select Board members will be able to join us!

Member Conway stated that she is glad that we are celebrating our employees.

Secretary Rosa stated that this is great, and we have great employees.

Vice Chair Favreau stated that this is a great opportunity to provide moral and retaining employees.

- **Secondary Water Source**

Mr. Main stated that the Town had a secondary water source meeting scheduled with Woodard and Curran. They explored multiple options including MWRA from Burlington, Bedford and Lexington, tying into East Chelmsford Water District, tying into the Lowell Water District, various wells in Billerica, the Shawsheen, and a direct connection from the Merrimack to the Billerica Water Treatment Plant. The ultimate goal was to have 100% redundancy. Secondary goals were cost and control over the system. Fred, Todd and Woodard and Curran believe that a direct tie into the Merrimack was the best long-term plan. Tying into the MWRA proved complicated for various reasons including hydraulically infrastructure wise and the political implications of needing to run pipe through other communities.

Member Conway asked what the cost of the second source would be either the direct tie to the Merrimack River vs. MWRA and what the timeframe would be. Mr. Main stated that the length of time is the same. With the MWRA we would have no control but with the tie into the Merrimack River we would have control. There are politic hiccups with the MWRA and going through two towns has never been done.





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Secretary Rosa stated that he has always been against the MWRA, and he is glad Mr. Main is thinking outside the box.

Vice Chair Favreau stated that she is glad that we are being proactive and asked what the cost is for tying into the Merrimack. Mr. Main stated that Woodard and Curran will start moving forward with the study and then we will get costs.

- **Skate Park**

Mr. Main stated that the Skate Park Project went before the CPC earlier this month for funding. The CPC voted unanimously to fund this project and has submitted an article for the Fall 2024 Town Meeting. The total appropriation from the CPC is \$392,000.

Secretary Rosa stated that this is great.

Vice Chair Favreau stated that this is a huge win. This had great resident involvement.

- **Boston Road North**

Mr. Main stated that the project continues to move along. I walked the site with MassDOT this week. They are currently setting curbing and will be moving forward with sidewalks shortly. They plan to finish the side they are on including the brick banding, lighting, etc. by the end of the fall early winter. Once that is completed, they will move to the other side of the street. They are also in the process of moving the utilities to the new poles. They have two wires on each pole still to move. They have one pole that is causing some headaches near the Howe School. Besides that, the utilities are moving smoothly. Best case scenario the job will be completed in a year and half.

Secretary Rosa stated that this project is moving slowly and asked if there is anything we can do to make it go faster.

Vice Chair Favreau asked when this will be complete. Mr. Main replied end of summer of 2026. Vice Chair Favreau stated that she appreciates the updates and is glad the sidewalks are going in. The storm drains in front of the Burns Funeral Home is really low and asked that this be raised.

- **Old Ditson Park**

Mr. Main stated that he has attached two options that were proposed to us by Warner Larson. He thinks they are certainly on the right track, but the proposals need a few adjustments. Internally the Town prefers option 1. He will be curious to see how the Board and neighborhood feel about the community garden, fitness area, and multi-use court field. Nothing is set in stone, and he will be looking forward to more input.

Member Conway asked that we look at a community garden. She likes Option 1 and noted that on Option 1, the pavilion is not in the legend.

Secretary Rosa stated that this is a great job, and you really listened to the neighbors at the neighborhood meeting. He likes Option 1. He also would like to look at adding tables with checkboards and chess.

Member Riley stated that either option is fine with him. He does hate the fence that is there and does like the ornamental fence proposed and asked how much fencing will be used. Mr. Main stated that the fence will be along Boston Road, behind the commercial businesses along the back parking lot and along Sheridan Street. Member Riley asked to add more screening along the back.

Vice Chair Favreau stated that she likes Option 1 but asked that the pavilion be more centered. She does like the extra walking path in Option 2. Mr. Main stated that it was placed there so they could cover it with a curtain for a movie night. Vice Chair Favreau asked if there could be a water source for the community garden. We should also look at sun/shade locations and we need to make sure that we are not growing food close to where vehicles are. She would also like us to look at providing leisure games like corn hole.

Chair Burrows likes either option.

Mr. Main stated that he will set up another meeting with the residents.



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**22. Town of Billerica Memorial Bench Policy – 2<sup>nd</sup> Reading – Requested by Secretary Rosa**

Secretary Rosa stated that there was only one change recommended by Member Conway at the 1<sup>st</sup> reading and that it has been incorporated.

**MOTION** - Secretary Rosa made a motion to adopt the Town of Billerica Memorial Bench Policy. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**26. Discussion and Possible Vote – Classification of General Bylaw Section 20.5**

Secretary Rosa stated that the General Bylaw allows us to consider working as the Assistant Town Manager by any other title. This is more inclusive. Mr. Main has provided a letter stating his work as the Assistant Town Manager and his time under any title as well as two legal opinions from Town and Labor Counsel. We as appointing authority can make that determination. Prior to becoming the Assistant Town Manager, Mr. Main was doing the job and making the same salary as the previous Assistant Town Manager and essentially there were two Assistant Town Manager. We should accept the extra time prior before Mr. Main became the Assistant Town Manager in title.

Member Conway stated that she has read everything. The Select Board has the sole right to make that determination. Mr. Main has done a great job, but she would prefer the change in wording in the article instead and be transparent. The way the General Bylaw as written is not well written and we do have an open process.

Secretary Rosa stated that we have legal opinions that we have the authority to grant this. The General Bylaw article lessens the requirements. The Attorney General has approved our bylaw, and we should leave it intact. We have the authority to accept the time.

Member Riley stated that we have the authority to determine if Mr. Main qualifies. Mr. Main has done an exceptional job, but he thinks that Town Meeting is the way to go.

Vice Chair Favreau stated that we have two opinions from two separate law firms stating that the Select Board has the authority. In 2019, we gave a cost differential to Mr. Main, and she would support the vote. If this goes to Town Meeting, it could preclude Mr. Main and Mr. Main should be able to apply for the job.

Chair Burrows stated that Mr. Main has done an amazing job as well as Mr. Maynard. We are giving him the opportunity to apply, and the General Bylaw has outdated language. We should vote to accept the time and keep the warrant article in. It would be a disservice not to let Mr. Main apply.

Member Riley agreed.

**MOTION** - Secretary Rosa made a motion that the Select Board accept the time submitted by Mr. Main from 2019 forward and determine that this time satisfies the requirement of Section 20.5. The motion was seconded by Vice Chair Favreau and voted 4-1-0. Member Conway voted against.

**24. Draft Preliminary Warrant Discussion – October Town Meeting**

Mr. Main stated that we can go through the articles and vote to insert them and then have discussions and votes on September 9<sup>th</sup>. He is recommending that we withdraw Articles 32 and 34.

Secretary Rosa stated that in Articles 17 & 18 it should be the Town Manager not the DPW Director.

**MOTION** - Secretary Rosa made a motion that the Select Board place all articles in the Preliminary Warrant except Articles 32 & 34. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Mr. Main stated that Article 32 is a different way to approach drainage, but we are still working on it.

**25. Endorsement of 2024 Open Space and Recreation Plan**

Secretary Rosa stated that this committee has worked really hard on the plan that will allow the Town to apply for grants.



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**MOTION** - Secretary Rosa made a motion that the Select Board send a letter of support for the Open Space and Recreation Plan. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**28. Discussion and Possible Vote to Resume Electronic Recording of Executive Sessions – Requested by Vice Chair Favreau**

Vice Chair Favreau stated that we have received a number of public records requests, and the previous Select Board suspended recording the Executive Session.

Secretary Rosa stated that the previous Chair made that decision without voting. If we want to change it, then the Chair can reinstall it.

Member Riley stated that this was recommended by Town Counsel that we not record Executive Session, and it was not a Chair decision, and he didn't know it stopped.

Member Conway stated that if you look at the Recording Policy, it calls out to not include Executive Session. The recordings stopped with the advice of legal counsel. There was nothing nefarious. It was not a normal practice to record Executive Session and she is not sure when it started. Legal Counsel recommended that we stop recording and we did. There was no vote.

Chair Burrows stated that we should be consistent.

**MOTION** - Secretary Rosa made a motion that the Select Board record Executive Session meetings as a best practice, good government and for transparency. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**29. Discussion and Possible Vote on the Salary of the Town Manager's Job Posting**

Secretary Rosa stated that we have the salaries of similar towns.

Chair Burrows stated that the range should be \$205,000 - \$220,000.

Member Riley stated that he was thinking more like a \$220,000 - \$280,000 range.

Secretary Rosa stated that \$280,000 is ridiculous. Lexington is at the top of the market at \$260,000.

Member Conway stated that we would need to look at experience relative to salary.

Chair Burrows stated that we could propose \$210,000 - \$240,000.

Vice Chair Favreau stated that if we average the three closest towns, the range would be \$200,000 - \$220,000.

Secretary Rosa stated that this is a range to attract people to apply and the final salary will be determined by the Select Board.

**MOTION** - Secretary Rosa made a motion that the Select Board set the salary range for the Town Manager's Job Posting at \$205,000 - \$240,000. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**Approval of Minutes**

**30. June 03, 2024 Regular Session**

**MOTION** - Secretary Rosa made a motion to approve the June 3, 2024 as amended. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**31. June 26, 2024 Regular Session**

**MOTION** - Secretary Rosa made a motion to approve the June 26, 2024 minutes presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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**32. March 18, 2024 Executive Session – Vote to Release (Approved on April 8, 2024)**

**MOTION** - Secretary Rosa made a motion to release the Executive Session minutes of March 18, 2024 that were approved on April 8, 2024. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**33. May 23, 2024 Executive Session – Subject to Review in Executive Session**

**MOTION** - Secretary Rosa made a motion to approve the May 23, 2024 Executive Session minutes as presented but not release them. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**34. June 11, 2024 Executive Session – Subject to Review in Executive Session**

**MOTION** - Secretary Rosa made a motion to approve the June 11, 2024 Executive Session minutes as presented but not release them. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**35. June 21, 2024 Executive Session – Subject to Review in Executive Session**

**MOTION** - Secretary Rosa made a motion to approve the June 21, 2024 Executive Session minutes as presented but not release them. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**36. June 26, 2024 Executive Session – Subject to Review in Executive Session**

**MOTION** - Secretary Rosa made a motion to approve the June 26, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**37. July 15, 2024 Executive Session – Subject to Review in Executive Session**

**MOTION** - Secretary Rosa made a motion to approve the July 15, 2024 Executive Session minutes as amended but not release them. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

**Meeting Schedule**

Secretary Rosa stated that the next meetings are September 9, 2024 and September 23, 2024.

**MOTION** - Secretary Rosa made a motion to adjourn the meeting of August 19, 2024, at 10:37 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau 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 – August 19, 2024**

**Call to order 5:30 PM**

**Executive Session**

1. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Open Litigation Matters
2. Executive Session Pursuant to G.L. c. 30A, § 21 (6) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body
3. Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review of Executive Session Minutes of May 23, 2024, June 11, 2024, June 21, 2024, June 26, 2024 and July 15, 2024
4. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Independent Counsel
5. Open Microphone – No Exhibits

**Announcements**

6. Vacancies on Boards and Committees – Vacancy List
7. All other announcements may be viewed on the Town of Billerica website – No Exhibits

**Proclamation and Public Recognition**

8. Paul Hayes - Proclamation
9. 2024 Overdose Awareness Day and Recovery Month - Proclamation

**Public Hearing**

10. Public Hearing – Transfer of License – Transfer of an On-Premises Restaurant All Alcohol License §12, Common Victualler's License, Weekly Entertainment, Sunday Entertainment Licenses and Automatic Amusement Machine License from J.T. Inc dba Center Café to Center Café, Inc. dba Center Café at the premises located at 432 Boston Road, Billerica, MA 01821 – Billerica Application dated 07/29/24, Memo from Lt. Coffey dated 07/26/24, ABCC Application, Advertisement from Lowell Sun dated 08/05/24

**New Business (Quick Items)**

11. Ramnivash3, Inc. dba Town Wine & Spirits located at 700 Boston Road, Unit #11 – Application for Amendment, All Alcohol Off-Premise Retail License - Pledge of License and Inventory – No Change to License – Billerica Application dated 07/24/24, ABCC Application
12. VFW Solomon Post #8819 located at 12 Phinney Street – All Alcohol Restaurant – Change of Manager – New Manager, Deanna Follis– Billerica Application dated 08/08/24, Memo from Lt. Coffey dated 08/07/24, ABCC Application
13. Order of Taking for Sewer Easements – Rangeway Road – Memo from K. Conway TE dated 08/19/24
14. Request for (4) 18" x 24" Signs on the Common from August 20<sup>th</sup> through August 31, 2024 for the Overdose Awareness Day on August 31<sup>st</sup>, 2024 – No Exhibits

**Appointments**

15. Commission on Disabilities – Darlene Torre – Application dated 07/15/24
16. Open Space and Recreation
  - a) Darlene Torre- Application dated 07/23/24
  - b) Grace Tucci- Application dated 07/24/24
17. 250<sup>th</sup> Committee – Anthony Ventresca- Application dated 07/09/24, Letter of Support from GoUSA undated





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**Presentation**

- 18. Discussion on Flushing Program and Brown Water - Water Superintendent Todd Melanson – Billerica Uni-directional Flushing Plan Status Update dated 08/14/24**
- 19. United Sovereign Americans Presentation – Resolution for a Legally Valid 2024 General Election undated**
- 20. Opioid Abatement Landscape Analysis – Town of Billerica Opioid Landscape Analysis dated 08/19/24, Opioid Landscape Analysis 2024**

**Old Business**

- 21. Town Managers Report – TM Report dated 08/15/24**
- 22. Town of Billerica Memorial Bench Policy – 2<sup>nd</sup> Reading – Requested by Secretary Rosa – Draft Memorial Bench Policy dated 06/17/24**
- 23. Update on the School FY24 Close Out Budget and Use of ARPA Funds – Requested by Superintendent Kerry Clery – Memo from K. Clery dated 08/19/24**
- 24. Draft Preliminary Warrant Discussion – October Town Meeting – Preliminary Warrant**

**New Business**

- 25. Endorsement of 2024 Open Space and Recreation Plan – Email from K. Malgieri dated 07/24/24, 2024 Open Space and Recreation Plan**
- 26. Discussion and Possible Vote – Clarification of General Bylaw Section 20.5 – Email from P. DeRensis dated 08/15/24, Email from D. McDowell dated 08/12/24, Fall Town Meeting Article 5 dated 10/07/08, Memo from C. Main dated 08/16/24, General Bylaw Section 20.5**
- 27. Discussion on Overdue Real Estate Taxes – Requested by Member Conway – Memo from E. Russo dated 08/15/24**
- 28. Discussion and Possible Vote to Resume Electronic Recording of Executive Sessions – Requested by Vice Chair Favreau – No Exhibits**
- 29. Discussion and Possible Vote on the Salary of the Town Manager's Job Posting – Current Salaries of Similar Towns (By Population) dated 08/13/24**

**Approval of Meeting Minutes**

- 30. June 03, 2024 Regular Session - Minutes**
- 31. June 26, 2024 Regular Session - Minutes**
- 32. March 18, 2024 Executive Session – Vote to Release (Approved on April 8, 2024) - Minutes**
- 33. May 23, 2024 Executive Session – Subject to Review in Executive Session – See #3 - Minutes**
- 34. June 11, 2024 Executive Session – Subject to Review in Executive Session – See #3 - Minutes**
- 35. June 21, 2024 Executive Session - Subject to Review in Executive Session – See #3 - Minutes**
- 36. June 26, 2024 Executive Session - Subject to Review in Executive Session – See #3 - Minutes**
- 37. July 15, 2024 Executive Session - Subject to Review in Executive Session – See #3 - Minutes**

**Meeting Schedule**

**September 9, 2024 and September 23, 2024 – No Exhibits**

**Approved On: October 21, 2024**