



**TOWN OF BILLERICA
SELECT BOARD MINUTES
SEPTEMBER 09, 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, Recording Secretary Dawn McDowell

Call to Order 6:00 PM

The Pledge of Allegiance was recited.

Chair Burrows called the meeting to order and stated that the meeting is via Zoom.

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

1. Open Microphone

Carole Reardon of 18 Pinedale Ave – Ms. Reardon raised concerns about transparency and procedural understanding in government operations. She criticized the selective sharing of information from redacted executive session meetings, specifically questioning the inconsistency of releasing a separation agreement to the media but withholding information from certain board members. Reardon emphasized the need for clarity around the roles and responsibilities of board members, citing issues with costly law firm contracts, subcommittee meetings, and lack of consistent oversight. She urged officials to learn their roles, adhere to procedure, and release all meeting minutes to promote transparency.

Member Conway asked how she would know anything about redacted minutes? Vice Chair Favreau replied it is on the agenda. Member Conway also asked how she knows how many members contact the legal counsel. Chair Burrows stated this is not on the agenda to talk about. We can talk about it in executive session.

Announcements

2. Vacancies on Boards and Committees

Secretary Rosa read the vacancy list.

3. All other announcements may be viewed on the Town of Billerica website

Proclamation and Public Recognition

4. Billerica Farmer's Market

Secretary Rosa read the proclamation for the Billerica Farmer's Market.

5. September 11th

Secretary Rosa read the proclamation for September 11th.

A moment of silence was held.

Public Hearing

6. Public Hearing – Verizon New England Inc. – Renewal of the Cable Television License of Verizon New England Inc. Being Held Pursuant to Massachusetts Cable Law, Chapter 166A, Section 13 of the General Laws and Cable License Renewal Regulations (207 CMR 3.05), Section 626(h) of the Cable Act (47 USC, Section 546(h)) and Any Other Applicable Cable Television Renewal License, Laws, Regulations or Requirements, Regarding the Renewal of the Cable Television License

MOTION - Secretary Rosa made a motion to continue the public hearing for Verizon New England until October 21, 2024 at 6:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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7. Show Cause Public Hearing for Violations of MGL Chapter 138, §64, Section 22.17 of the Rules and Regulations for the Licensing and Sale of Alcoholic Beverages for the Town of Billerica and 204 CMR 2.05(2) - Caipirinha's Sports Bar and Grill located at 512 Middlesex Turnpike, Billerica, MA – All- Alcohol License Liquor §12, Entertainment License and Sunday Entertainment License

MOTION - Secretary Rosa made a motion to open the show cause hearing for Caipirinha's Sports Bar and Grill located at 512 Middlesex Turnpike. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Chief Frost joined the meeting. He has concerns about the operations at Caipirinha's. There are serious issues with noise and issues with the manager. There have been cars blocking the sidewalks and roads. He has been involved with licensing for years and usually when there is a problem, they have had success with working with managers when there are problems, but it is not the case with this establishment.

Member Riley stated that when he saw that Attorney Nelson had requested a continuance and was surprised, we didn't agree to it, but then he read the police reports. He always tries to help small businesses but when representatives from the Town are treated horrible, this needs to be addressed. He understands things happen, but the initial contact was done to help and the response received was not good. We need to protect our residents and our employees. He was really disturbed that in one of the instances the doors were locked, and patrons could not get out if they wanted. He would like to hear about the discussion.

Member Conway thanked Chief Frost for a well put together packages. We take our liquor licenses seriously. The rules need to be followed. There have been multiple events where our employees were treated with disrespect. She will listen but will ask Chief Frost for his recommendation.

Attorney Steve Nelson appeared to represent the license holder and manager Flavio Barbosa and Jose Coleman. They have held a liquor license since June 2022. He has questions for Chief Frost.

Secretary Rosa stated that he reviewed the documents that have been provided. Is the signature on the acknowledgement page the signature of Flavio Barbosa. Mr. Barbosa stood up and replied yes, that was his signature. Secretary Rosa stated that we had multiple complaints, some on the same night. It is disturbing that the Police and Building Commissioner were not treated with respect. If you read and understand the rules and regulations, Section 22.12 Manager Responsibilities, everything was in conflict with this section. The incidents in the reports are in direct conflict to the rules. There are violations of Sections 22.17 and 22.19 where people were drinking after closing. Mr. Barbosa verified that was his signature on the acknowledgement page, that he read and understood the alcohol rules and regulations so there is no excuse for violating them.

Vice Chair Favreau stated that a lot of her concerns have been shared. There have also been multiple assaults on females, parking issues, noise complaints, doors be locked with patrons inside which is an extreme risk. We should be looking at a fine because there are six incidents of similar nature, and this is unacceptable.

Chair Burrows stated that its simple, we need to follow the rules and having our police officers respond to multiple complaints taking resources away from other emergencies. He denied the continuance because the first complaint was five months ago.

Attorney Nelson stated that he has met with his client, and we have gone over the reports and asked that the Board keep an open mind. We dispute the fact that people were served after 12:30 AM. The patrons are allowed to finish their drinks, and the regulations give 15 minutes after closing to allow patrons to finish. On Friday and Saturday nights, we have a Brazilian buffet and entertainment. In the documents that were submitted it shows that we tried to comply. On March 4, 2023 and May 16, 2023, there were complaints about vehicles, and they were moved. On April 23, 2023, there was an assault inside, but it was an assault by a female against a bouncer. On May 23, 2023, there was a noise complaint, and they agreed to turn down the music. On May 4, 2024, there was a popular band and there was a huge crowd. They dispute that the manager was intoxicated. The noise bylaw has ways to determine if the noise bylaw has been violated. This business is zoned General Business, and we can have noise up to 65 decibels. The traffic that goes by is loud. The owner bought a sound meter, and the music has never been over 65 decibels. On the



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incident on August 24, 2024, the owner doesn't speak very good English, but he told them to turn the music down. They do not agree that they were uncooperative. There was not one police officer that can prove that the music was over 65 decibels. They understand that they need to be responsible, and we will not ignore the police when they come. They spoke with two of the neighbors on Water Street and they were ok with the music. They have hired security so if people park illegally, they will have them moved or towed. They also have talked with the Turnpike Market, and they can park there when they are closed. They are also willing to put a 2nd door to buffer the noise. In the complaints from Meg Lovel there is nothing that references the noise decibels. They have spoken with the Building Commissioner and there haven't been any other noise complaints since May 4th. They are willing to make changes including the air lock, the parking issue and turning the noise down.

Sgt. McKenna joined the meeting. Sgt. McKenna stated that he was the overnight patrol supervisor on August 24th. They received a noise complaint, and officers were dispatched. When he approached, he could hear the noise from Lake and Middlesex Turnpike and the noise was so loud. Usually when the police walk in, the music is turned down but that didn't happen. He couldn't hear the officer right next to him. The managers, Barbosa and Coleman didn't want to comply they wanted to debate them.

Flavio Barbosa – Mr. Barbosa stated that when the police came in and asked that the music be turned down, since it was 12:15, we told them to stop. He apologized if he was rude. He has a hard time with English and the music is the only thing that is keeping him in business. He thought the music was at a reasonable level. He went out and bought a noise meter so he would know if the music was too loud. He questioned why the police were called. On Friday and Saturday night, they have three bouncers. He doesn't know why the doors were locked but he will make sure it doesn't happen again. They are willing to work with the town and will look at building a vestibule to block the music when the doors are open. They will also make sure the music is lower.

Mark LaLumiere, Building Commissioner joined the meeting. Mr. LaLumiere stated that it should not have gotten this far. He has not received any further noise complaints, but he also instructed the neighbors to call the Police because the music is usually after normal hours. He is not looking for enforcement, he would like to find middle ground. When he went to the establishment, they were completely dismissive. When the manager called back, he said I was harassing him. The Turnpike Market had similar issues, and the owner met with the neighbors and the issue was resolved. We should all work together. He is very alarmed that the doors were locked and no place of assembly, especially with a liquor license should have doors that lock from the outside. He understands they have put a lot of money into the business, but the residents have also put their life savings into their homes.

Secretary Rosa stated that in regard to the noise bylaw, you signed the acknowledgement form for the alcohol rules and regulations. Secretary Rosa read Section 22.12, Manager's Responsibilities. We have trained officers that can determine if the music is too loud. According to one report, they could hear the music ½ mile away with the windows up. They smelled alcohol on the manager and he was unsteady and slurred his words. We license both the liquor and entertainment. The manager spoke and understood the English language just fine tonight.

Member Conway stated that Sgt. McKenna has over 25 years of experience. The reports show disrespect for our employees and doesn't show the willingness to work with the Town until now. Now it's serious. She agrees with Secretary Rosa, we issue and liquor and entertainment licenses and should address it.

Vice Chair Favreau stated that she is perfectly aligned with Member Conway and Secretary Rosa. If there was an assault with the female, then perhaps she was overserved. She agrees with separating the two issues with liquor and entertainment. We take this seriously. Perhaps double doors are needed and will help with the noise. You need to treat our employees with more respect. We are looking out for your patrons also.

Chair Burrows stated that you need to look at security and not bouncers. He went to the restaurant and spoke with Mr. Barbosa. He understands that people like loud music, but it comes down to respect.

Chief Frost stated that the assault was a cross compliant against the bouncer. There was no reciprocity for help. There is no hostility for the owners being foreign. The resident from Water Street is here tonight as well as Officer Dickson



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if you would like to hear from them. The loud music is a problem because it is surrounded by residential homes. He would recommend rolling back the liquor license to 11:00 PM for the end of the year.

Meg Lovel of 8 Water Street – Ms. Lovel stated that she is the source of most of the complaints. She has never spoken with the owners of this business. There has been no spirit of cooperation. She can hear the base in every room of her house with the windows closed. On her decibel reader on her phone, there are 55 decibels in her house with the windows closed. She is concerned with her safety and has to take medication just so she can sleep in her own home.

Carol Reardon of 8 Pinedale Ave – Ms. Reardon stated that this is a quality-of-life issue for the residents surrounding this business and it is impacting them and our police department.

Attorney Nelson stated that they are willing to compromise but 11:00 PM is too early and will kill their business. Chair Burrows stated that he was leaning towards 10:00 PM. Attorney Nelson stated that they are in the General Business zone and if they rolled it back to midnight, then they can still get bands to come in. Chair Burrows stated that the resident wants to sleep in her own house. It's not right. Attorney Nelson stated that there has to be a balance act. If they close early, they will be out of business.

Secretary Rosa stated that we issued the licenses in good faith, but they didn't uphold their part. There have been multiple police officers and the Building Commissioner saying the same things. The owners had the opportunity to resolve this before it got to us, but you didn't try. You need to respect the laws.

Vice Chair Favreau stated that she appreciates the recommendation, but it seems too lenient. Chief Frost stated that he wants this to be a wake-up call and establish dialogue with the owners. This is their first issue in front of the Select Board. Vice Chair Favreau stated that it is the first time in front of this Board, but they have had 10 incidents. Chief Frost agreed, but this is the first official complaint. We want them to be more proactive with the residents. We do have an audiometer but there are not a lot of officers that have technical training. We want them to use common sense. Vice Chair Favreau stated that the noise bylaw has fines associated with it and we should be fining them \$950.

Secretary Rosa stated that we did not have a decibel reading so it would be hard to fine them, but we can roll back their hours.

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

MOTION - Secretary Rosa made a motion that the Select Board roll back the liquor license for Caipirinha's to 11:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board roll back the entertainment license for Caipirinha's to 10:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Attorney Nelson asked if these hours are until January 1, 2025. Secretary Rosa stated that they are permanent, but the applicant can come back during the renewal period if there are no complaints.

8. Public Hearing Relative Compliant of Animal Control Officer (ACO) A. Chmiel Pursuant to G.L. c. 140 §157 Nuisance or Dangerous Dogs; Orders for Remedial Action; Appeal; Violation of Order – Regarding Incident On July 16, 2024

MOTION - Secretary Rosa made a motion to open the public hearing for the dangerous dog hearing at 7:37 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Chair Burrows asked anyone who would be testifying to stand up and be sworn in. Steve Auger stood up and was sworn in.

ACO Chmiel joined the meeting and gave her report. This dog has no previous bites against humans. There have been instances of aggression towards the other male dog in the house. She has been told that the dog, Bobo has been



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rehomed somewhere in Maine. She is trying to find out where. Originally the dog was going to be returned to the original owner that had better control over the dog.

Secretary Rosa read the email from Mary K. Halliday of 10 Melim Road into the record.

Steven Auger – Mr. Auger stated that he was the victim. He walks for exercise and the dog charged him. He had a water bottle and put that out to protect him and the dog bit his arm. He ended up on the ground and kicked the dog in the head and neck and he was bit on the right ankle and foot. The dog was finally pulled off him and he was able to get home. The police, fire and EMTs were called, and he was told that he needed medical treatment. He declined the ambulance, and his wife drove him to the hospital. He was there from 9:00 PM to 8:00 AM. He needed stitches and because there is no record of a rabies shot, he has started the first round of rabies shot.

Member Conway stated that she is sorry this happened to you.

Secretary Rosa agrees with ACO Chmiel. This person is not a good dog owner. The dog should be muzzled. The dog should have its required shots. The owner obviously cannot control the dog. He is concerned that the dog has been removed from the State.

Member Riley also is very sorry this happened to you. He is also concerned that she told our ACO that she was giving it back to the original owner than sent the dog somewhere else. ACO Chmiel stated that she has two dogs. There hasn't been an issue with the other dog. She sent Bobo somewhere to Saco, ME. Member Riley asked how do we follow up. ACO Chmiel stated that you will issue an order and based on that order, you could order that the dog be muzzled, put in a pen and have \$100,000 insurance. You can also order the dog to be euthanized or dismiss the complaint. Whatever this Board decides will follow the dog if it comes back into the State.

Chair Burrows stated that he loves big dogs, but it comes with a great responsibility. He has two big dogs, and he cannot take them out at the same time because he can't control both of them at the same time.

Paul DeRensis stated that the Select Board has jurisdiction over what happens with the dog, no matter where it is now because the incident happened in the Commonwealth. The Board needs to first vote to dismiss the complaint, declare the dog a nuisance or declare it a dangerous dog. The second vote will depend on the first vote.

Secretary Rosa stated that the owner was served and decided not to come. ACO Chmiel stated that she was here earlier but chose to leave the meeting.

An attorney for the victim asked that the Board require that the owner be required to get \$100,000 liability insurance. She has been trying to get in contact with the dog owner and has not had any luck.

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

MOTION - Secretary Rosa made a motion that the Select Board determine that per MGL, Chapter 140, Section 157 the dog known as Bobo in ACO Chmiel's report be known as a dangerous dog. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Secretary Rosa stated that there was in the report that the dog was supposed to be euthanized. ACO Chmiel stated that the dog could not be rehomed because of the bite, so the MSPCA stated that the dog would have to be euthanized. There was an appointment set up, but the owner never brought the dog. There is history with aggression with the other dog in the house, which is common, but this was the first human bite. This was more about lack of control with the owner.

MOTION - Secretary Rosa made a motion that since the dog known as Bobo is dangerous, it will follow: MGL, Chapter 140, Section 157(c) i-iv including: the dog will be humanely restrained, will be confined to the premises, when off the premises will be muzzled and the owner will provide proof of insurance of \$100,000. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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9. Public Hearing – New On Premises §12 General On-Premises All Alcoholic Beverage License, Weekly and Sunday Entertainment for Champions Indoor Golf Billerica, Inc dba Champions Indoor Golf at the premises located at 446 Boston Road, Unit #8, Billerica, MA 01821

MOTION - Secretary Rosa made a motion to open the public hearing for Champions Indoor Golf at 8:09 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to continue the public hearing for Champions Indoor Golf until September 23, 2024 at 6:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

New Business (Quick Items)

10. Request for (4) 18” x 24” Signs on the Common from October 7th through November 4, 2024 for the VFW Solomon Post #8819 Penny Sale Raffle Fundraiser Event – Requested by D. Torre

MOTION - Secretary Rosa made a motion to approve the signs on the common request for the VFW Solom Post #8819 Penney Sale Raffle. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

11. Request for (4) 18” x 24” Signs on the Common from September 10th through September 25, 2024 for the Girl Scouts Recruitment Night on September 24th at 6:00 PM at the First Parish Church– Requested by Jill Cairra

MOTION - Secretary Rosa made a motion to approve the signs on the common request for the Girl Scouts Recruitment Night. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

12. KHD, Inc. dba High Octane Harley Davidson located at 1 Chelmsford Road – Change of date of a 1-Day Special Wine and Malt License and Entertainment License FROM Monday, September 30, 2024 from 5:00 PM to 8:30 PM TO Saturday, September 28, 2024 from 5:00 PM to 8:00 PM (Previously approved on July 15, 2024)

MOTION - Secretary Rosa made a motion to rescind the one-day wine and malt and entertainment licenses for Monday, September 30, 2024. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to issue a one-day wine and malt and entertainment license for Saturday, September 28, 2024 from 5:00 PM to 8:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

13. Request for (4) 18” x 24” Signs on the Common from September 10th through September 22, 2024 for the Yankee Doodle Weekend Friends of the Library Book Sale at 15 Concord Road – Requested by Elizabeth Gottmann-Hanrahan

MOTION - Secretary Rosa made a motion to approve the signs on the common request for the Friends of the Library Book Sale. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

14. Discussion on Overdue Real Estate Taxes – Requested by Member Conway

Elain Russo, Tax Collector joined the meeting.

Member Conway stated that she wanted to know how the town works with residents that are behind on taxes and when payment plans go into place and how long do those payment plans go.

Ms. Russo stated that for FY24, the demand is sent in May, and we start the tax title process in September. In the last five years, there have been seventeen people on payment plans. The plans usually last one to two years depending on the balance. They do request 25% down. Member Conway asked if these are both residential and commercial. Ms. Russo replied yes. Member Conway asked how long we go before we take the property once it's in tax title. Ms. Russo replied it could tax one to two years. Member Conway asked how many parcels in the last three to four years are not on a payment plan and are not working with the Town. Ms. Russo stated that since 2020, there are one hundred



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and forty-one parcels in tax title and only seventeen are on payment plans. Member Conway stated that it is not acceptable. We need to come up with a policy to address these issues. We should look at how other towns deal with this and add it to a future meeting.

Vice Chair Favreau stated that in 2024, there are sixty commercial parcels that owe over \$600,000 and it seems like there is a significant increase. Ms. Russo replied that they are not in tax title yet. Vice Chair Favreau asked what drives up the cost. Ms. Russo replied the interest.

Secretary Rosa asked if the amount will carry over to next year. Ms. Russo replied yes, unless they settle the account.

Mr. Main stated that the Town has \$8.8 million in 190 foreclosed properties. We should look at doing an abutters auction or another auction.

Chair Burrows stated that we have over 500 town-owned parcels that we need to look at selling them off.

15. Vote to Award and Execute \$4.5 Million Note Maturing for DPW Project – Requested by Town Treasurer

MOTION - Secretary Rosa made a motion that the Select Board vote to approve the issuance of a Bond Anticipation Note (BAN) rollover not to exceed \$4,500,000 plus interest for the following Municipal purpose: DPW Facility. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

21. Discussion of the Naming of the 1st Floor Conference Room at Town Hall – Sgt. Ian Taylor

Police Chief Roy Frost and Fire Chief Bob Cole joined the meeting. Chief Frost stated that he appreciates that request to name the conference room after Sgt. Taylor, but it should be a bigger discussion. We should recognize all public safety personnel and would like to propose this Conference Room be named the Hero's Conference Room.

Chief Cole stated that public safety will include fire, police, DPW and paramedics. We all appreciate the grief that is going on right now.

Chief Frost stated that he envisioned a photo and quote for each hero honored.

Member Conway stated that it is a very thoughtful idea, and she loves it.

Member Riley thanked the Chiefs for a great idea.

Secretary Rosa replied that is a great idea and it's very honorable.

Vice Chair Favreau stated that this is a fabulous idea.

Chair Burrows asked if we could get a badge for each person.

MOTION - Secretary Rosa made a motion that the Select Board waive their policy for Section 28.0 and name the 1st Conference as the Hero's Conference Room and for this point forward we waive the requirement for all the fallen heroes that lose their life in the line of duty. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

24. Discussion on How to Handle the Emergency Relief Funds Due to Flooding in August 2023

Mr. Main stated that he reached out to seven firms that handle this type of situation, and they said there were too many people and not enough money for them to do. Mr. Maynard and Ms. McDowell came up with the policy and we have the list of the original people who notified the town.

Secretary Rosa stated that he has two points. In Section 3.1, the amount reimbursed should not exceed the submitted amount. In Section 3.2, deductibles for vehicles should be included if there is money left over. Perhaps we can approve the deductible for the cars that were parked at the primary house.

Member Conway thanked Mr. Maynard and Ms. McDowell for the good work.

Member Riley stated that he agrees with adding the vehicle deductible.



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Vice Chair Favreau stated that she would caution adding the vehicle deductible because there is devaluation of vehicles.

Craig Miller of 16 Bear Hill Road – Mr. Miller thanked the Select Board for this policy because sometimes we felt like an island. Mr. Riley saw the damage to his house firsthand. He is still concerned with flooding again. The Town worked with the State, and they did dredge the areas but on August 15, 2024, the rain came hard, and the water went into the middle of the yard. He would also like to thank mosquito control for clearing out the catch basins, but they should also check out the areas near the Elks. There is 27" of silt in the culvert. Secretary Rosa stated that this is a private culvert, but it is the weakest link in the drainage system. The developer buried a brook years ago. Mr. Miller stated that he had three cars ruined in the flood and he had to pay the deductibles.

Chair Burrows stated that on the last storm there is still silt running off the mall site. It is our responsibility to make them clean up. According to their special permit condition #9, the developer is responsible for cleanup for all material leaving the site. We need to address this problem immediately. We should also be doing routine maintenance on the culverts. Mr. Main stated that he spoke with Mr. Russell, and they will be doing yearly maintenance.

Kelley Sardina of 95 Gray Street – Mr. Sardina stated that the owners of the mall know that there is flooding issues, and we need to make sure that the owners of the mall take care of this.

MOTION – Secretary Rosa made a motion that the Select Board modify Section 3.1, not to exceed the amount submitted in receipt. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION – Secretary Rosa made a motion that Section 3.2 be modified to allow for vehicle deductible if the vehicles were parked at the residential dwelling and the funds are available. The motion was seconded by Vice Chair Favreau and voted 4-1-0. Vice Chair Favreau voted against it.

MOTION – Secretary Rosa made a motion that the Select Board approve the 2024 Flooding Reimbursement Policy with the two voted changes. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Executive Session

- 16. 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 and Approval of Executive Session Minutes of June 17, 2024, July 23, 2024 – Review of Approved Redacted Minutes of 05/23/24, 06/11/24, 06/21/24, 06/26/24, and 07/15/24**
- 17. 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**
- 18. 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**
- 19. 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 – PFAS Litigation**

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) – Review and Approval of Executive Session Minutes of June 17, 2024, July 23, 2024 – Review of Approved Redacted Minutes of 05/23/24, 06/11/24, 06/21/24, 06/26/24, and 07/15/24. 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.



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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 – 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, Member Conway voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

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 – 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, Member Conway voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

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 - PFAS Litigation 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.

The Board returned to regular session at 11:20 PM.

Appointments

20. Local Cultural Council – 2 Year Appointments (2 Open Positions)

- a. Jessica Perry
- b. Kathryn O’Leary

MOTION - Secretary Rosa made a motion to appoint Jessica Perry and Kathryn O’Leary to the Local Cultural Council. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

Presentation

Old Business

23. 250th Anniversary Committee – Discussion and Possible Vote of the Committee Make Up and Increasing the Number of Residents from 2 to 4 (13 Applications Received to Date)

Secretary Rosa stated that there have been 13 applicants, and he suggested the following changes: increase the residents’ members from 2 to 4 and add “or their designee” to Select Board appointments.

MOTION - Secretary Rosa made a motion to amend the makeup of the 250th Anniversary Committee to increase the residents from 2 to 4 and add “or their designee” to the Select Board appointment. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

28. Discussion on Creating a Town Accountant/Finance Director Sub-Committee

Mr. Main stated that he would like the authority to post the position tomorrow and deal with creating the subcommittee next meeting.

MOTION - Secretary Rosa made a motion to authorize the Acting Town Manager to post the position of Town Accountant/Finance Director tomorrow and run for 30 days. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.



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22. Discussion and Vote under Section 3.3: Removal of Inactive Committees and the Proper Procedure to Disband/Dissolve a Committee – Previously Disbanded Committees: Billerica Youth Advisory Committee, Traffic Management Committee, Sign Bylaw Subcommittee, Billerica Plan, Recycling Committee, Senior Citizen’s Advisory Committee, Tax Title Land Sale Committee, Tri-Town Committee, Vietnam Veteran’s Park Committee and Water Conservation Oversight Committee

Secretary Rosa stated that we have voted to disband these committees, but we did not disband them properly. We need to terminate the membership and rescind all third-party appointments. We should also request any meeting minutes or notes.

Member Riley asked if the Select Board has the authority to disband the appointments. Attorney DeRensis replied yes.

Member Conway stated that we appoint a member to a committee and then this committee appoints to another Town Meeting committee, do we have the right to terminate that appointment.

Attorney DeRensis stated that the Select Board has the authority to disband appointments that they make. They should give the appointees notice and terminate their appointment. Member Conway stated that we need to go to Town Meeting to change the makeup of BSAP at Spring Town Meeting. Attorney DeRensis replied yes.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Billerica Youth Advisory Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 3-2-0. Member Conway and Member Riley voting against.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Traffic Management Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 4-1-0. Member Riley voting against.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Sign Bylaw Subcommittee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Billerica Plan and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Recycling Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Senior Citizen’s Advisory Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Tax Title Sale Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Tri-Town Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Vietnam Veteran’s Park Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 4-1-0. Member Riley voting against.



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MOTION - Secretary Rosa made a motion that the Select Board terminate all appointments, primary and third party for the Water Conservation Committee and request all minutes. The motion was seconded by Vice Chair Favreau and voted 5-0-0.

25. Preliminary Warrant Discussion – October Town Meeting

This agenda item will be discussed at the September 16, 2024 meeting.

New Business

26. Appellate Tax Board Counsel Discussion and Possible Vote

This agenda item will be discussed at the September 16, 2024 meeting.

27. Updates to the Select Board Policies and Procedures – Section 2.0 Select Board Meetings – 1st Reading

This agenda item will be discussed at the September 16, 2024 meeting.

29. Discussion and Possible Vote on the Access to Town Hall off of Boston Road and Good Street – Requested by Secretary Rosa

This agenda item will be discussed at the September 16, 2024 meeting.

Approval of Meeting Minutes

30. June 17, 2024 Regular Session

This agenda item will be discussed at the September 16, 2024 meeting.

31. August 14, 2024 Town Counsel Subcommittee Meeting

This agenda item will be discussed at the September 16, 2024 meeting.

Meeting Schedule

September 23, 2024 and October 7, 2024

MOTION - Secretary Rosa made a motion to schedule a Special Meeting on September 16, 2024 at 6:00 PM to finish the agenda items. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

MOTION - Secretary Rosa made a motion to adjourn the meeting of September 9, 2024 at 11:45 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – September 09, 2024

Call to order 6:00 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 and Public Recognition

4. **Billerica Farmer's Market** - Proclamation
5. **September 11th**- Proclamation

Public Hearing

6. **Public Hearing – Verizon New England Inc. – Renewal of the Cable Television License of Verizon New England Inc. Being Held Pursuant to Massachusetts Cable Law, Chapter 166A, Section 13 of the General Laws and Cable License Renewal Regulations (207 CMR 3.05), Section 626(h) of the Cable Act (47 USC, Section 546(h)) and Any Other Applicable Cable Television Renewal License, Laws, Regulations or Requirements, Regarding the Renewal of the Cable Television License** – No Exhibits
7. **Show Cause Public Hearing for Violations of MGL Chapter 138, §64, Section 22.17 of the Rules and Regulations for the Licensing and Sale of Alcoholic Beverages for the Town of Billerica and 204 CMR 2.05(2) - Caipirinha's Sports Bar and Grill located at 512 Middlesex Turnpike, Billerica, MA – All- Alcohol License Liquor §12, Entertainment License and Sunday Entertainment License** – Memo from Select Board dated 08/21/24, Memo from Chief Frost dated 05/16/24, Memo from Lt. Coffey dated 05/13/24, Police Report dated 05/01/24, Memo from M. LaLumiere dated 05/17/24, Exiting License and renewal package, Select Board Policies and Procedures Section 22, Advertisement in Lowell Sun, Email from Chief Frost dated 08/26/24, Memo from Shea, Dangora & Nelson dated 09/06/24, Email from Chief Frost dated 09/06/24
8. **Public Hearing Relative Compliant of Animal Control Officer (ACO) A. Chmiel Pursuant to G.L. c. 140 §157 Nuisance or Dangerous Dogs; Orders for Remedial Action; Appeal; Violation of Order – Regarding Incident On July 16, 2024** – Memo from Select Board dated 08/22/24, Memo from ACO Chmiel dated 08/08/24, MGL, Ch. 140, Section 157, Police Report dated 07/16/24, Advertisement in Lowell Sun; Email from Chief Frost dated 09/06/24, Email from K. Halliday dated 09/06/24
9. **Public Hearing – New On Premises §12 General On-Premises All Alcoholic Beverage License, Weekly and Sunday Entertainment for Champions Indoor Golf Billerica, Inc dba Champions Indoor Golf at the premises located at 446 Boston Road, Unit #8, Billerica, MA 01821**– No Exhibits

New Business (Quick Items)

10. **Request for (4) 18" x 24" Signs on the Common from October 7th through November 4, 2024 for the VFW Solomon Post #8819 Penny Sale Raffle Fundraiser Event – Requested by D. Torre** Email from D. Torre dated 08/22/24
11. **Request for (4) 18" x 24" Signs on the Common from September 10th through September 25, 2024 for the Girl Scouts Recruitment Night on September 24th at 6:00 PM at the First Parish Church– Requested by Jill Cairra** Email from J. Cairra dated 08/23/24
12. **KHD, Inc. dba High Octane Harley Davidson located at 1 Chelmsford Road – Change of date of a 1-Day Special Wine and Malt License and Entertainment License FROM Monday, September 30, 2024 from 5:00 PM to 8:30 PM TO Saturday, September 28, 2024 from 5:00 PM to 8:00 PM (Previously approved on July 15, 2024)** – Email from HOHD Marketing dated 08/22/24



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13. **Request for (4) 18" x 24" Signs on the Common from September 10th through September 22, 2024 for the Yankee Doodle Weekend Friends of the Library Book Sale at 15 Concord Road – Requested by Elizabeth Gottmann-Hanrahan** – Email from E. Gottmann dated 08/29/24
14. **Discussion on Overdue Real Estate Taxes – Requested by Member Conway** – Memo from E. Russo dated 09/05/24
15. **Vote to Award and Execute \$4.5 Million Note Maturing for DPW Project – Requested by Town Treasurer** – Memo from E. Russo dated 09/05/24

Executive Session

16. **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 and Approval of Executive Session Minutes of June 17, 2024, July 23, 2024 – Review of Approved Redacted Minutes of 05/23/24, 06/11/24, 06/21/24, 06/26/24, and 07/15/24** – See Executive Session Minutes
17. **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** See Executive Session Minutes
18. **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** See Executive Session Minutes
19. **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 – PFAS Litigation** See Executive Session Minutes

Appointments

20. **Local Cultural Council – 2 Year Appointments (2 Open Positions)**
 - c. Jessica Perry – Application dated 08/27/24
 - d. Kathryn O’Leary – Application dated 08/27/24

Presentation

Old Business

21. **Discussion of the Naming of the 1st Floor Conference Room at Town Hall – Sgt. Ian Taylor** – Select Board Policies and Procedures Section 28, Email from C. Main dated 06/26/24,
22. **Discussion and Vote under Section 3.3: Removal of Inactive Committees and the Proper Procedure to Disband/Dissolve a Committee – Previously Disbanded Committees: Billerica Youth Advisory Committee, Traffic Management Committee, Sign Bylaw Subcommittee, Billerica Plan, Recycling Committee, Senior Citizen’s Advisory Committee, Tax Title Land Sale Committee, Tri-Town Committee, Vietnam Veteran’s Park Committee and Water Conservation Oversight Committee** – Email from D. McDowell dated 09/05/24, Select Board minutes of 12/19/22, Memo from D. McDowell dated 12/16/22, Email from P. DeRensis dated 09/06/24
23. **250th Anniversary Committee – Discussion and Possible Vote of the Committee Make Up and Increasing the Number of Residents from 2 to 4 (13 Applications Received to Date)** – 250th Anniversary Committee Makeup undated
24. **Discussion on How to Handle the Emergency Relief Funds Due to Flooding in August 2023** – Memo from C. Main dated 08/26/24, Criteria and Policy for Reimbursement to Residents Affected by the August 2024 Flood Event dated 08/02/24
25. **Preliminary Warrant Discussion – October Town Meeting** – Final Warrant undated, Town Meeting Presentation dated 10/01/24, Free Cash Sheet FY25 undated, Memo from Chief Frost dated 09/09/24, Police Department Needs Assessment undated, Memo from C. Main dated 09/09/24

New Business



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26. **Appellate Tax Board Counsel Discussion and Possible Vote** – Memo from J. Speidel dated 08/26/24, Memo from C. Main dated 08/26/24, Resume for Ellen M. Hutchinson, Esq
27. **Updates to the Select Board Policies and Procedures – Section 2.0 Select Board Meetings – 1st Reading** – No Exhibits
28. **Discussion on Creating a Town Accountant/Finance Director Sub-Committee** – Memo from C. Main dated 09/09/24
29. **Discussion and Possible Vote on the Access to Town Hall off of Boston Road and Good Street – Requested by Secretary Rosa** – Email from M. Rosa dated 09/03/24

Approval of Meeting Minutes

30. **June 17, 2024 Regular Session** – June 17, 2024 Select Board Minutes
31. **August 14, 2024 Town Counsel Subcommittee Meeting** – August 14, 2024 Select Board Minutes

Meeting Schedule

September 23, 2024 and October 7, 2024

Approved On: November 18, 2024