



**TOWN OF BILLERICA  
SELECT BOARD MINUTES  
SEPTEMBER 16, 2024**

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

**Members Absent:** None

**Staff Present:** Acting Town Manager Clancy Main

**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. All votes will be taken by roll call because Member Conway is on Zoom.

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

Mr. Main stated that Todd Melanson was awarded the Paul Howard award for Operator of the Year.

Mr. Main stated that Jean Bushnell has announced her retirement today.

Mr. Main stated that Ruth Annese passed away; she was a school nurse for over 20 years. The VFW held a 5K for Bob Solomon who was a volunteer for the town. He asked for a moment of silence for both.

**1. Open Microphone**

Keith Manning of 43 Richardson Street – Mr. Manning stated that on October 18, 2021 Chair Burrows looked at keeping our neighborhood closed. Now he is changing his mind. Mr. Manning submitted a petition to keep the gate closed with over 80 signatures. The risk is too high to open the gate. The Town shouldn't take property and move telephone poles from residents to add sidewalks. A traffic study is needed before anything is done. He questioned why things have changed now.

Chair Burrows stated that the agenda doesn't say reopening Parker Street. The agenda says discussion.

Christina O'Shea of 5 Columbia Road – She is calling about 423 Middlesex Turnpike. The bylaw should be followed. The Town should not be fighting the deOliveria's and do the right thing. On the Parker Street discussion. This was a temporary gate, and she understands the need for safety but there are other portions of town that need safety measures.

Mr. Guenther of 13 Parker Street – Mr. Guenther stated that the NMCOG report gave four options, but the gate did not go where the report said to put it. It was only supposed to be temporarily with a jersey barrier. This has caused him grief and damaged his property. There is no turnaround.

Liane Bouboulis of 6 Minton Road – Ms. Bouboulis stated that she is outraged at the lawsuit for the deOliveria's. There is no logical answer that the Town is not fixing the problem. The next-door neighbor's house has built an addition on a drainage easement.

John Peter Kearns of 11 Parker Street – Mr. Kearns stated that the safety of the children is paramount. There are eight children that live near him. The barrier helps keep them safe. The High School track teams run on the street. The barrier was put up because of an accident on a child.

Jason Chalfant of 25 Parker Street – Mr. Chalfant supports keeping the barrier in place. Nothing has changed since it was initially put up.

Sue Stapleton of 13 Richardson Street – Ms. Stapleton stated that she has owned the house since 1980. Many children have come and gone, and she witnessed three children getting hit. There are a lot of kids who live in the neighborhood, and they play in the street.



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Lorraine Donovan of 38 Richardson Street – Ms. Donovan stated that she has lived there since 1966. Parker Street was open when her kids were small. Parker Street does not get a lot of sun during the winter. She was inconvenienced when the gate was initially installed but it's worth it. In the past, she has blocked the street with her car and said it broke down. When there is snow, it makes it most dangerous. The street is too narrow to put in sidewalks. People will lose their front yard. Everyone agreed it was not safe three years ago, so she thought it was a done deal. The cut through would be from out of state drivers.

Melissa Yapp of 17 Parker Street – Ms. Yapp stated that opening the gate without doing anything is stupid. One way street, sidewalks, speed bumps, etc. Why open this now? She bought the house because it was a dead-end street. Mr. Burrows agreed with us a few years ago to keep it closed. This will be a major cut-through.

Kayla Larsen of 24 Parker Street – Ms. Larsen just purchased her house. Her niece also lives in the neighborhood, and she rides her bike to her house. She also doesn't want the town to take her front property.

Meredith Anderson of 25 Parker Street – Ms. Anderson stated that dozens of people walk everyday including seniors and children. There are also disabled children. The Town Engineer said it would cost \$3.1 million to make it safe three years ago. She would like to make this permanent.

Donna Spencer of 85 Andover Road – Ms. Spencer stated that she lives on a busy road, but her eight grandchildren live on this road. This was taken off the agenda 3 years ago. We should only focus on this one area and not every other area where there are cut throughs. We need to look at risks vs. benefits.

Daniel Darris O'Connor of 14 Forest Road – Mr. O'Connor stated that this should be a throughout process and not by people who are not traffic professionals. This will open the flood gates, and it is ridiculous.

Johnny DeBenedetto of 19 Parker Street – Mr. DeBenedetto stated that there are eleven kids that live near him. The cost of the construction to build a sidewalk is a lot of money. It's a quiet neighborhood, why take out the gate. The kids play in the street.

George Simolaris of 38 Andover Road – Mr. Simolaris stated that Gordon Gibb passed away this past weekend and helped a lot of residents. Don MacDonald had a fire at this house, and he is glad that he ok. He is running a campaign for State Rep and his opponent is putting up signs without permission. If he wins, he will work with all Boards.

Russell Phippen of 28 Hampstead Ave – Mr. Phippen grew up in Billerica. This is a public safety issue. Chief Frost said it should be kept closed.

Lauren Corbett of 22 Richardson Street – Ms. Corbett stated that she is against opening the gate. At her intersection, there are sixteen kids. You can't compare any other neighborhood to ours. We are near the Center, the highway and have two schools. We have walkers of all ages. The previous studies so no benefit to open Parker Street. There have been no infrastructure improvements.

Michael Morrison of 156 Andover Road – Mr. Morrison stated that he is here to support keeping the gate closed.

Virginia Bibler of 6 Pages Court – Ms. Bibler thanked the Board for letting us speak. She has lived there since 1979. We cannot support the heavy traffic if the gate is removed. The roads are too narrow. The roads are only designed for local traffic. Please look at helping Mr. Guenther access his property.

## **Old Business**

### **2. MBTA Communities Survey Update – Michael Parker, Chair of Planning Board**

Mr. Parker stated that the Planning Board has been working on the bylaw language. The maps that were originally proposed were not liked because it would put 80% of the required units around the train station. We have presented new maps. These include the Inner and Outer Mills that is required. They have also proposed Federal Street, Plank Street, Treble Cove, Lexington subdistrict and then KenMar subdistrict. It will not be all of them, but it will include some of them. There will be a survey launched, and it will run through October 7<sup>th</sup>. It will ask that the residents rank



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each district. He also presented a timeline that includes public forums. We will have the survey results on October 15<sup>th</sup>. On November 12<sup>th</sup>, we will vote on the final subdistrict selections. We will also vote to submit a warrant for a Special Town Meeting. On November 18<sup>th</sup>, we need the Select Board to call a Special Town Meeting on December 12<sup>th</sup>, so we will be in compliance.

Member Conway asked if we are allowed to put the new zoning over existing MFD housing. Mr. Parker replied yes, there is no wording that says we have to put it over open land and neighboring towns have done exactly that. We meet compliance but it may not generate as many units that they want. Member Conway replied that it is good compromise. The residents' voice matters and we should get the word out. The state has put us in a tough position, and she is glad how the Planning Board has responded.

Vice Chair Favreau stated that Mr. Parker and the Planning Board have done a great job of turning this around from a few months ago. On the report, who proposed the Federal Street map. Mr. Parker stated that it was originally proposed by a resident, Mr. McDowell, we all agreed that that was an area that could be renovated. We are looking at Federal Street as a full development or half depending on the need. Vice Chair Favreau asked who proposed the Plank Street option. Mr. Parker stated that it was a late-minute proposal by Board Member Robertson. Vice Chair Favreau asked why Karen Circle and Pondview were left out of KenMar map. These should be included. Mr. Parker stated that the map was just showing this area as an option, we could include those parcels if this is chosen as the option. Once the areas are chosen, we will fine tune the capacity need. Vice Chair Favreau stated that there has been one property owner that is trying to get their property in the zone on High Street. Is it true that would increase the capacity in North Billerica to 80%. Mr. Parker stated that the original neighborhood subdistrict with the Mills had 80%. Without the neighborhood district, we are down to 48%-50%. We have thanked them for attending, but that doesn't mean it will be included. We need at least 40% around the station.

Secretary Rosa asked if the original option would be an option. Mr. Parker stated that it is technically an option, but we don't want to go backwards. Secretary Rosa stated that this would pit neighborhood against neighborhood, but he is concerned that residents don't really understand that the State is trying to jam 2,323 housing units down our throats. What is the total number of grants received. Mr. Parker stated that it's about \$2-\$3 million over the last 5 years but we are going after PARC grants. It's his job to bring it to Town Meeting and let the residents decide. Secretary Rosa stated that this is so impactful to the Town. We should have had a joint meeting. In the Spring Chair Burrows proposed a zone over the Home Depot and Junk Yard but that is not one of the options. This will cost the Town way more on impacts if these units are developed then we are getting in grants. We are compliant with 40B and now the State is pushing this zoning and forced ADUs on us adding who know how many more units. The State doesn't care about Billerica. It's up to us to care about Billerica. There hasn't been enough education, and several towns have voted this down. We should probably be looking at voting this down. There is no affordability, and the State doesn't care about the impacts on our infrastructure. We need to stand up against the State. We should add more potential zones, and an option should say no. This study was done to get input from the residents but one option was to say no and that was not a choice in the survey. Mr. Parker stated that it is something that the Select Board would make including calling for a Special Town Meeting. Secretary Rosa stated that he understands the Planning Board is trying to give us options to move forward. There could be over 700 students created by these high-density developments. We needed to get those actual impacts of this zoning to the residents. Mr. Parker stated that it's illegal to prohibit zoning due to cost of schooling. Secretary Rosa replied he knows, but it's not just schools, its Fire, Police, Paramedics, our water treatment plant, sewer treatment plan and all the rest of our infrastructure. Mr. Parker stated that we need to put the zoning over areas that would have the least impacts, but we also did not want to put units over a potentially contaminated site. He will not put his name over a sight that could cause cancer to future generations. Secretary Rosa stated that there are other places other than the dump. Have any residents come to your meeting and present other options. Mr. Parker stated that we slowed our involvement so we wouldn't have an issue with the Fall Town Meeting. If you don't want us to move forward, tell us now. There are a lot of things we have to think about. Secretary Rosa stated that he would like to see what the outcome of Milton case is.

Vice Chair Favreau stated that the Planning Board is following the direction of this Board.



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Member Riley thanked Mr. Parker, the Planning Board and staff. The State cares about the housing crisis but we have met our 40B requirement. The Planning Board has taken our concerns and is making it to be the least impactful. If we don't make a plan to take it to Town Meeting and we are in non-compliance, that could lead to consequences which include the State coming in and dictating where the zoning will go. He agrees that Town Meeting should decide if we support this. He also agrees that it should not be all in North Billerica. The Federal Street option is a great mixed-use option. We should look at a plan that has the least impact to the community. Including the inner/outer Mills, what would make up the difference. Mr. Parker stated that we don't have the numbers yet, but he would prefer at least three options to spread out the zoning. With the other zones, we need at least 5 acres with more than one parcel. He wants to stay less than 50% around the Mills.

Chair Burrows stated that he doesn't like the neighborhood district down Rogers Street. The problem is affordable housing. He would like to see the outer mills area reduced as much as possible. Mr. Parker stated that they don't like split zoning across the roads but we could look at removing the parcels off of the main street. He likes the idea of KenMar and Parlmont Park so it's the less net positive units. Chair Burrows asked why Innis Drive wasn't included. Mr. Parker stated that there are a lot of small contractors there and he didn't want to disperse them all over towns.

Mr. Main asked if the Board wants to give any ideas on the timeline. Chair Burrows asked what the most important dates are. Katherine Malgieri joined the meeting. The most important dates are October 28<sup>th</sup> and November 7<sup>th</sup> for public input, for the Select Board is November 18<sup>th</sup> to call for the Special Meeting and the Planning Board on November 12<sup>th</sup> to approve the zoning and vote to submit on the warrant.

Secretary Rosa asked why not just put all the zoning on the existing MFD developments so it's the least impact to the Town. Ms. Malgieri stated that the best way to get general public input is the survey. We are looking at areas that have the least impacts and are on the bus lines. Ms. Malgieri explained the survey and how it will work.

Vice Chair Favreau stated that the language of the bylaw is almost complete, so we are focusing on the survey locations in relation to the bylaws and what is the timing of the survey? Ms. Malgieri stated that it will close October 7<sup>th</sup>. The next week, we will have the results, and the Planning Board meeting will occur, where they will vote on the options.

Member Conway stated that there has been a lot of work being done and she would like this Board to commit to call for a Special Town Meeting in December. Member Riley stated that this is a resident's decision. Vice Chair Favreau stated that this is a resident's decision and also the direction this Board sent the Planning Board on. Secretary Rosa stated that he is waiting on Milton decision. Chair Burrows stated that he will support this but will not support the Rogers Street option. Member Conway stated that she will fully support this.

Marlies Henderson, member of the Planning Board – Ms. Henderson stated that Mr. Melanson should be asked how much money he would lose in grants if we were not MBTA compliant, and she suspects it would be a lot. We would also lose the MVP grants for storm water as well as wastewater. The Home Depot and junkyard site are too large and would produce too many units. Milton is very different from us.

Kelley Sardina, member of the Planning Board – Ms. Sardina stated that she is proud of our Board and spreading this out throughout the Town. We want to get this survey out because we want feedback. She doesn't like it, but we have to give it to the people to make the decision

### **3. Preliminary Warrant Discussion – October Town Meeting**

Secretary Rosa stated that this was on the last agenda and didn't get a chance to review it. Article 15 will not be reviewed tonight.

**MOTION** - Secretary Rosa made a motion to support Article 1. The motion was seconded by Vice Chair Favreau and unanimously voted 4-0-0 (Member Riley left room). On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.



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**MOTION** - Secretary Rosa made a motion to support Article 2. The motion was seconded by Vice Chair Favreau and unanimously voted 4-0-0 (Member Riley left room). On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Mr. Main stated that there is no reason to change the start date, but he asked that it be withdrawn on TM floor.

**MOTION** - Secretary Rosa made a motion to withdraw Article 3 on Town Meeting Floor. 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.

Article 4 – Mr. Main stated that we are still waiting on final numbers on Police and Town Retirement.

Article 5 – Free Cash and Retaining Earnings to Debt Stabilization. Secretary Rosa asked if it would be from water or sewer retained earnings. Mr. Main stated that this year it will be all free cash.

**MOTION** - Secretary Rosa made a motion to support Article 5 as a strictly free cash item. 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 support Article 5. 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.

Article 6 – Mr. Main stated he got the number from Mr. Watson and it's \$1,350,000 Article 5 puts money in, and Article 6 takes it out. Secretary Rosa stated that we need to strike "the" and put in "from".

**MOTION** - Secretary Rosa made a motion to support Article 6 with the amendment of striking "the" and replacing with "from". 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.

Article 10 – Mr. Main stated that it is mostly DPW equipment. The DPW Director will be here next meeting. He will use one-time \$50,000 and then add it as a line item in FY26.

Member Conway asked if this was for the Town owned playgrounds. Mr. Main replied yes. Member Conway is this to seed the account. Mr. Main replied correct.

Article 12 – Mr. Main stated that this is for the independent audit. He has spoken to two auditing firms. There will be some issues raised with staff, procurement oversight and training and oversight on revolving funds.

**MOTION** - Secretary Rosa made a motion to support Article 12. 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.

Article 13 – COA Feasibility Study. Mr. Main stated that this should wait until a new COA Director and new Town Manager are onboarded. He suggested waiting until Spring. FinCom did vote against it.

Member Conway stated that we were on a good path, but it got hijacked at the Spring Town Meeting. Her concern that it will take another year. She would support taking the funding off of Town Meeting but would like to continue to look at property for the new COA. We should not wait until spring.

Secretary Rosa this is exactly what this article is for.

Mr. Main stated that perhaps we don't get a consultant and do the work internally. Vice Chair Favreau asked how do we make informed decisions without a study. We need professionals to tell us what site is the best place. Mr. Main stated that he's heard that people don't want an open-ended study. We need to reduce the locations to look at this. We can bring this back to a future agenda item.





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Secretary Rosa asked where the remaining funds from the COA feasibility study are. Mr. Main stated that the money was reallocated to a mini feasibility study at the Rec Center.

Chair Burrows asked why 250 Boston Road is not referenced in the article. The current COA site is not big enough. Mr. Main stated that it should be in the explanation to include 250 Boston Road. Chair Burrows stated that we should look at the Wilmington COA and see if that design could fit on the 250 Boston Road site. The existing COA can be used as a human service building.

Vice Chair Favreau stated that she does not have the updated warrant that includes it. Member Conway asked if we already did a feasibility study. We had outside experts but ignored their findings.

**MOTION** - Secretary Rosa made a motion to withdraw Article 13. 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.

Article 14 – Mr. Main stated that this is the new North Billerica Fire Station.

**MOTION** - Secretary Rosa made a motion to support Article 14. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0 after discussion. 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.

Member Riley asked if the \$12 Million includes the extra bay? Mr. Main stated that if a third bay is wanted, it will be handled within this warrant article. Chair Burrows asked if this includes land acquisition. Mr. Main replied yes.

Article 15 – Opioid Settlement – Mr. Main looked at recommendations from all involved. The article was broken out as the study suggested. These are buckets and it doesn't mean that they would be spent every year. There will be additional funds will be coming in. Member Riley stated that the money put there stays there and carries over. Mr. Main replied yes. Vice Chair Favreau stated that the word "abuse" should not be used.

**MOTION** - Secretary Rosa made a motion to support Article 15. 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.

Article 16 – Website – Secretary Rosa asked if the schools will be on the new website. Mr. Main stated that the school will have to pay out of their funds, not the Town funds. There will be a link even if they don't move forward. We will make sure all the town websites will have the same brand. The departments have to do better management of the sites with fixing the broken links and updating the information. Everyone has to do a better job.

**MOTION** - Secretary Rosa made a motion to support Article 16. 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.

Article 21 – Mr. Main stated that this article shows why studies are needed. The previous DPW Director said that this sewer contract was going to cost \$22 million. This is actually going to cost an additional \$19 million. We can talk with residents to see if they want this work done, which is similar to what we did in the Dudley Road area. The actual sewer work only is \$25 million. That would cut out water and road work but that is not the best option. We will bring back some options.

Secretary Rosa stated that we know there are about 1,000 houses left. This contract includes 223 parcels. We should conduct a survey of the 1,000 houses and see who does or doesn't want it. Can you break it up into a smaller section? Look at all the mapping systems and combine them into one system. Mr. Main stated that we need to look at all the parcels and look at failed Title Vs, near wetlands, etc. and redo the needs areas.

Member Riley thought we should have had a workshop first. We shouldn't make a decision without hearing from the residents. Mr. Main stated that he doesn't know how time sensitive Contract 37 is. In the past, we only got 50% to hook up after the sewer is run.



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Vice Chair Favreau stated that we have residents who were promised sewer over 20 years ago and they are still waiting. How does this shortfall impact the debt stabilization and what is the tax calculations. Mr. Main stated he would have to look at the numbers, but it will have a big impact. Vice Chair Favreau stated that without those answers, she would not be comfortable with recommending this to Town Meeting.

Member Conway stated that the timing is critical. She is speaking to the equity of this. If 50% of the residents don't want it but 50% still do, we owe it to the residents who do. That is not fair. She doesn't care what the survey says. She spoke with Mr. Main earlier. This may not be a cost-effective approach. Take part of the money and set it aside for septic and leach fields for these residents. Out of the 1,000, 3 are on the Select Board. Mr. Main stated that he will reach out to Town Counsel and see what we can do. It costs \$185,000 per parcel for the sewer. This would be about 150 years of septic.

Article 26 – Police Space Needs Study. Mr. Main stated that the Police Department needs to be redesigned. Records are spread throughout the entire building. The female locker room is inadequate, the bunk rooms about where the prisoner are kept overnight. There are 9 OICs that share one desk. There is a small supply room. These may affect Police Department Accreditation.

Secretary Rosa stated that he fully supports this. A lot of changed since this was first opened.

Vice Chair Favreau stated that she got a tour of the entire building from Chief Frost. It really needs to be updated because policing has changed, and Chief Frost wants to increase female officers by 30% and there is no space for this.

**MOTION** - Secretary Rosa made a motion to support Article 26. 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.

Article 31 – Old Ditson – Mr. Main stated that the PARC grant is a matching grant. The Board put ARPA money towards it. If the Board wants to rename the park later on, it is very easy to do according to Town Counsel. Secretary Rosa stated that in the explanation, it doesn't say that this puts Article 97 protection on the property. Mr. Main stated that he would add it.

**MOTION** - Secretary Rosa made a motion to support Article 26 with the addition of Article 97 protection language. The motion was seconded by Vice Chair Favreau and unanimously voted 4-0-0 (Chair Burrows stepped out of the room. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye, and Member Riley voted Aye.

Article 32 – Town Manager Experience – Mr. Main stated that the ICMA has a minimum experience qualification. Master's degree with 2 years of experience.

Secretary Rosa stated that his concern is only 2 years of experience. The language now says, "or any other title". Mr. Main stated that the Screening Committee and Select Board should decide. There are a lot of younger people coming up and they are not staying long term. Secretary Rosa stated that 2 years is not a long time for experience. Mr. Main stated that this would open the candidate pool.

Member Conway understands that the world is changing, and we need to change with it. There are 12 people on the Screening Committee that represent the Town. If a person is not competent, they will never make it through to the Select Board. She would support this because of the process we have in place. She will be supporting this article.

**MOTION** - Secretary Rosa made a motion to support Article 32. 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.

Article 33 – Amend Recording By-Law – Secretary Rosa stated that the Select Board should not be singled out. It should cover all the Boards listed in the bylaw. Strike "Select Board".

Member Conway stated that she has no issue with other Boards. She will not be supporting this.



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Member Riley stated that he also does not support this. He would like to have Town Counsel opinion. He doesn't believe that we should record Executive Session minutes. Our previous Town Counsel said we should never record Executive Session minutes, so he would like the current Town Counsel opinion. Our Town Counsel stated that our Executive Session minutes are not transcript.

Vice Chair Favreau stated that this bylaw has always been about transparency. She is a co-author of the original bylaw, and she would include the amendment to include all boards.

Chair Burrows stated that opinions are just that. The AG passed our bylaw. Is it legal or not legal? That's only the only question. This just allows for a 2/3 vote to allow it.

Member Conway stated that we have not always recorded executive session minutes. It was not a policy decision. On the amendment, what is the change. Vice Chair Favreau stated that OML requires you to record the meeting, and this would require a 2/3 vote to suspend the recording. Member Conway replied that OML does not require executive session meetings to be recorded. The recording bylaw was approved. Vice Chair Favreau stated that the original version of the bylaw is in article. Member Conway stated that 6a clearly says executive session is exempt. To be clear, we are now including Executive Session, and it could be suspended with a 2/3 vote.

**MOTION** - Secretary Rosa made a motion to support Article 33. The motion was seconded by Vice Chair Favreau and voted 3-2-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted No, Vice Chair Favreau voted Aye, Member Riley voted No, and Chair Burrows voted Aye. The motion passed.

Mr. Main asked if the Board wants the petitioner for 34 and 35 to come before the Board. Chair Burrows stated that they can come in next meeting. Mr. Main stated that the Planning Board has rejected it.

Secretary Rosa stated that typically if they come before us, we take a vote on the articles.

**New Business**

**4. Appellate Tax Board Counsel Discussion and Possible Vote**

Mr. Main stated that we have moved on from KP Law. The Assessor, John Speidel, has gone up against this attorney and he really wants her to represent the Town.

Member Riley stated that she would support the request.

Member Conway agreed, we don't need to interview.

Vice Chair Favreau stated that she would support.

Secretary Rosa stated that he has investigated her work, and she is very good.

**MOTION** - Secretary Rosa made a motion to appoint Elaine Hutchinson as the Appellate Tax Board 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.

**5. Discussion on Creating a Town Accountant/Finance Director Subcommittee**

Mr. Main stated that the job has been posted. He would like to include a few members of the Select Board and staff members for a subcommittee to review and interview the applicants.

Secretary Rosa stated that this is our employee. We could do it with two Select Board members, Mr. Main, Mr. Speidel and Mr. Watson.

Member Conway stated that she would like to be on this committee. Vice Chair Favreau stated that she doesn't have the bandwidth to be on this committee right now.





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**MOTION** - Secretary Rosa made a motion to create a Town Accountant/Finance Director Subcommittee consisting of two Select Board members, the Town Manager, Town Accountant and Town Assessor. 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.

Chair Burrows appointed Member Conway as the first member.

**6. Discussion and Possible Vote on Parker Street/Pages Court and Charnstaffe Lane – Requested by Chair Burrows**

Chair Burrows stated that he has received a lot of calls regarding Charnstaffe Lane and Parker Street. There is enough room to make Charnstaffe Lane a two-way street, but we need studies and options. We need to look at Parker Street and Pages Court and see if there should be one way traffic with sidewalks to make it safer. We have six gates in Town, and we need to look at this issue. He started looking at previous traffic studies and they didn't seem correct. We need to look at all these neighborhoods in totality. We need to look at the data and see what makes sense.

Dennis McKenna on 32 Pages Court – Mr. McKenna stated that if you put sidewalks, you will take about our front yards. It's a waste of money. Leave the street closed.

Member Riley stated that he was confused why this was on the agenda. Sidewalks would take away their yards. There was a reason why the street was closed and remained closed. The mall project has a condition to look at the light. Parker Street should not be opened. We should make it permanently closed. We need to look at removing the gate off private property and permanently close it. There are two schools, and this is a unique situation.

Member Conway stated that she is against the opening on Parker Street/Pages Court. We should listen to the residents. On Charnstaffe Lane, we had asked Mr. Main to look at what we could do to make the Town Center better. Let's look this as a total plan and not just piece meal.

Vice Chair Favreau stated that this is an important conversation to have. She lived in the neighborhood when this was closed. There was a large group of residents that were not aware it was closed. She has spent a lot of time doing research. On June 19, 2000, the Select Board voted to close Parker Street on a temporary 90 days basis. On August 28, 2000, the Traffic Management Committee has a meeting to discuss this but there were no meeting minutes. On October 30, 2000, the Select Board voted for closure until further notice. The Town Manager at the time was to review sidewalks and calming measure to report back to the Select Board in August 2001 with safety measures to open it. This was never followed through. On June 16, 2015, there is a memo from John Curran stating that since no action was taken by Select Board then the closure is permanent, but she does not agree with that because of the vote taken back in 2000. The NMCOG study that was provided has pages missing, so we need to get the entire document. In this report traffic studies were referenced but not included. The NMCOG numbers conflict with Traffic Management Committee numbers. The Beta report cites 2011 report that was not provided. This an important conversion to have since all residents pay for and are responsible for care and maintenance of all public ways. We need to have Mr. Main look at all possible alternatives and outcomes including Safe Streets for All. We need all the information before we can vote on a permanent closer or other option.

Mr. Main stated that he would want to talk with DPW, Police and Town Counsel, he would probably need 4-6 months. He can ask NMCOG for the complete study. Vice Chair Favreau stated that we need to have the complete information before making an informed decision.

Secretary Rosa stated that he was on the Board when we voted to temporarily close it. It was mentioned that two kids were hit. It was winter with high snowbanks and no sidewalks. The dynamics have not changed. If we are going to do something, we need to do something right. We need to look at Mr. Guenter's property. The gate blocks cut through traffic but there is still traffic with the neighbors, delivery trucks and people visiting. We still need to have some safety measures in this neighborhood. We need to have conversation on what fits in this neighborhood. Is it one-way streets, sidewalks, signs? Whatever it is, we need to make a final decision once and for all.



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Pam Glennon of 15 Pages Court – Ms. Glennon stated that there is no way to do a one-way street and no way to put a sidewalk in because it will take our lawns. The kids from KenMar all walk down Pages Court to get to school. The data Vice Chair Favreau had is 24 years old. There is not enough room. It's about the safety of kids.

Charles Adams of 50 River Street – Mr. Adams stated that common sense says keep it closed. There is more traffic now than there was 24 years ago. Chair Burrows stated that the study shows 2015 only 50-70 vehicles. With a study we have data to back up our decision.

Keith Manning – Mr. Manning stated that you are not listening. We don't want sidewalks. The gate should be moved to accommodate Mr. Guenther so he can access his land. He has been asking for a light at Whiting and Concord Road because of kids crossing the street. Everyone is upset about the Town Center. We drive through the center more than anyone. We need to look at the lights to fix the center. This is why we are talking about this to reduce traffic.

Vice Chair Favreau stated that the data is old, but this is what was provided. She would like to ask Mr. Main to explain Safe Streets. Mr. Main stated that this is a Federal program. We need to do a study to make the neighborhood safer. Vice Chair Favreau stated that we need to vote on this once and for all.

**MOTION** - Member Riley made a motion that we vote to permanently close Parker Street and direct the Town Manager to work on getting a solution that does not impact Mr. Guenther's property. The motion was seconded by Member Conway. After discussion, it was voted 3-2-0. On a roll call vote: Member Riley voted Aye, Secretary Rosa voted Aye, Vice Chair Favreau voted No, Member Conway voted Aye and Chair Burrows voted No. The motion passes.

Vice Chair Favreau asked how we make a motion without all the information.

Secretary Rosa are you asking Mr. Main to review neighborhood and then come back and vote. Member Riley stated that it is to close Parker Street gate permanently and have Mr. Main investigate Mr. Guenther's property in regards to the fence. Secretary Rosa stated that he would like to have Mr. Main talk with the DPW, Police and Residents to come back. He voted to temporarily close it 20 years ago. The dynamic of neighborhood is different. It's important to the neighborhood. There should be sidewalks installed due to the walkers. It's not fair to put the neighbors through. Member Conway stated that she agrees with Secretary Rosa. We need to make this permanent closure. Member Riley, Member Conway, Secretary Rosa Yes – Chair Burrows and Vice Chair Favreau No

Denise Doran of 23 Parker Street – The streets have changed. We have residents who have invested a lot of money on their homes because it is a great area. There is a red flag if there is missing paperwork.

A resident spoke and said a study would not have true traffic data because Parker Street is closed.

Vice Chair Favreau stated that we are missing the opportunity of having a safe street for all because that would allow us to get additional safety issues. She is not comfortable voting with the motion to close it. She would like to amend the motion to include the safe streets for all and have Mr. Main get the department head information. Vice Chair Favreau withdrew her request.

Chair Burrows stated that he would like to reach out to Town Counsel first. We could look at moving the gate. Member Riley stated that the motion that he made was seconded. Any mitigation can be worked out later.

Member Conway stated that we are the Road Commissioners.

**MOTION** - Vice Chair Favreau made a motion to do a Safe Streets For All analysis for the Parker Street area with recommendations from Mr. Main and Dept Heads on what safety features are needed including a crosswalk and light at Whiting/Concord. The motion was seconded by Secretary Rosa 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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Mr. Main asked what do you want to do with Charnstaffe Lane. We met back in June to talk about the Town Center improvements including the intersections. After the meeting we met with BETA and decided that the proposed plan was probably not the best way to address the problem, so we agreed to look at Charnstaffe. BETA has been looking at this for the last couple of months and he will report back once it is completed.

Secretary Rosa stated that he was out taking measurements with Chair Burrows because the width of the road was always in question. The lights at Boston Road and Charnstaffe can accommodate two-way traffic. The lanes on Boston Road are 11' and Charnstaffe at its narrowest is 20'8", so we need less than 2'. We will need to do something at the Concord Road end.

Mr. Manning stated that the signage at Cummings Lane needs to be updated and be clearer.

Member Riley stated that there will be an increase of trips. There was opposition but a study is needed with public input.

Chair Burrows stated that making it wider would be easier, but we may have to put a light at the end on Concord Road.

**Approval of Meeting Minutes**

**7. June 17, 2024 Regular Session**

**MOTION** - Secretary Rosa made a motion to approve the Select Board minutes of June 17, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, and Chair Burrows voted Aye.

**8. August 14, 2024 Town Counsel Subcommittee Meeting**

**MOTION** - Secretary Rosa made a motion to approve the Select Board Town Counsel Subcommittee minutes of August 14, 2024 as presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, and Chair Burrows voted Aye.

**Meeting Schedule**

September 23, 2024 and October 7, 2024

**MOTION** - Secretary Rosa made a motion to adjourn the meeting of September 16, 2024 at 10.21 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

*Respectfully Submitted by Dawn McDowell,  
Recording Secretary*



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**Exhibits for the Select Board Meeting – September 16, 2024**

**Call to order 6:00 PM**

1. **Open Microphone – No Exhibits**

**Old Business**

2. **MBTA Communities Survey Update – Michael Parker, Chair of the Planning Board** – Memo from Planning and Community Development Department dated 09/04/24, MBTA Communities Presentation dated 09/10/24, Memo from Planning and Community Development Department dated 09/12/24, MBTA Communities Proposed Timeline undated
3. **Preliminary Warrant Discussion – October Town Meeting** – Preliminary Warrant, Town Meeting Presentation dated 10/01/24, Free Cash Sheet undated, Memo from Chief Frost dated 09/09/24, Police Department Needs Assessment Presentation undated, Memo from C. Main dated 09/09/24

**New Business**

4. **Appellate Tax Board Counsel Discussion and Possible Vote** – Memo from C. Main dated 08/26/24
5. **Discussion on Creating a Town Accountant/Finance Director Sub-Committee** – Memo from C. Main dated 09/09/24
6. **Discussion and Possible Vote on Parker Street/Pages Court and Charnstaffe Lane – Requested by Chair Burrows** – Previous Select Board Minutes of 11/24/98, 01/04/99, 01/25/99, 06/05/00, 06/19/00, 06/30/00, 2000 NMCOG Study dated May 2000, BETA Study dated 11/16/16, Map of possible 1-way sidewalk locations undated, Email from L. Lauterbach dated 09/13/24, Email from P. Obrien dated 09/16/24, Email from M. Seguin dated 09/16/24

**Approval of Meeting Minutes**

7. **June 17, 2024 Regular Session** – Select Board Minutes of 06/17/24
8. **August 14, 2024 Town Counsel Subcommittee Meeting** – Select Board Subcommittee Minutes of 08/14/24

**Meeting Schedule**

September 23, 2024 and October 7, 2024

**Approved On: November 18, 2024**