



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 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: Town Manager Clancy Main and Recording Secretary Dawn McDowell

Call to Order 6:02 PM

The Pledge of Allegiance was recited.

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

Since Member Conway is remote, all votes will be taken by roll call. A roll call for attendance was taken: Secretary Rosa was Present, Member Conway was Present, Member Riley was Present, Vice Chair Favreau was Present and Chair Burrows was Present.

1. Open Microphone

Marlies Henderson of 31 Sprague Street – Ms. Henderson asked if she could speak on other issues on the agenda. Chair Burrows replied yes.

Grace Tucci of 7 Carson Street – Ms. Tucci stated that there are houses that are for sale for over million dollars and they have less tax than her house which is valued less than that. She wants to know how houses are assessed.

Mary Jones of 7 Susan Drive via Zoom – Ms. Jones stated that she would like an update on the Billerica Mall project. Chair Burrows stated that it is not on the agenda but if you call the Town Manager's office tomorrow, he can get you an update.

Kelly Sardina of 95 Gray Street via Zoom – Ms. Sardina stated that she would like to talk on taxes and the gazebo. The gazebo needs to be repaired but we need to think about the money before we spend money.

Announcements

2. Vacancies on Boards and Committees

Secretary Rosa read the vacancy list.

3. 2024-2025 Community Funds Grant – Application Period is Open

Secretary Rosa stated that the Community Funds Grant application period is open and it closes on December 29th.

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

Joint Meeting with Historic District Commission

5. Joint Discussion with the Select Board and Historic Districts Commission Regarding the Town Center

Chair Burrows stated that we reached out twice to the HDC and they don't want to come. We need to do basic repairs as per #9.

Member Conway stated that the HDC has stated that they want to put it flat on the ground and she will support that because it is most accessible.

Secretary Rosa stated that we voted on option #3. This option is only 30" off the ground and a handicap ramp around it. We should formally ask Mr. LaLumiere to file an application.

Member Riley stated that he agrees the least change is just to lower it to the ground.

Building Commissioner, Mark LaLumiere joined the meeting. Mr. LaLumiere agreed that on the ground would be the easiest but it would not be elevated for public speaking.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

Vice Chair Favreau asked what happened at the HDC meeting. Mr. LaLumiere stated that he thought Option #3 was the best option but they had a different opinion. The authority over the gazebo is still unclear. Vice Chair Favreau asked if it is a safety issue and would you condemn it if it was on private property. Mr. LaLumiere stated that it is a safety issue and he would condemn it if it was on private property. The roof structure is the only thing that is historic. Vice Chair Favreau stated that she agrees with Secretary Rosa. We voted on a design and should file a formal application. The condition that it is in is a liability.

Gerry Johnson from 14 Leisa Road – Mr. Johnson stated that he has replaced half of the ballasts. The fence helps keep people out. The HDC should have input. The finial on top is the only original piece. A design with a lower deck and an earth berm should be looked at. Vice Chair Favreau stated that if there is only one piece that is original, then we should replace the entire structure. Mr. LaLumiere replied you could, that would be your decision.

Secretary Rosa stated that we already voted on the design. For ADA requirements on the ramp, for 30” of height you would need 120’ of ramp. Mr. LaLumiere stated that is correct or for a sloped sidewalk as Mr. Johnson asked for, it would be a 60’ sloped sidewalk. Mr. LaLumiere stated that we could lower it more and have a smaller ramp. Secretary Rosa stated that we should preserve the ballasts but the design we chose was less impactful.

Member Conway asked if Mr. LaLumiere and Mr. Johnson could get together and try to make a better design. Secretary Rosa agreed, and asked that they get back to us when done.

Kelley Sardina of 95 Gray Street – Ms. Sardina stated that if the height is changed, it will change the look of it. When was the last time the gazebo was used and will it be a liability to the Town if the kids start using it as a skate ramp. Vice Chair Favreau stated that she used the gazebo as part of the BSAP program but not in the last few years because it was unsafe.

Public Hearing

6. Continued 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

Attorney William Soloman joined the meeting. Attorney Soloman stated that they have negotiated the best deal for Billerica. Verizon does not offer a senior discount. Mr. Main stated that we should look at reinstalling the Cable Negotiation Committee.

Secretary Rosa stated that he is highly disappointed with no senior discount and with Section 5.6. The PEG access should come from Verizon and not a fee charged to residents. This is a 5-year contract. There is upcoming legislation on streaming services. Can we come back in 3 years and see if we could recapture money. Attorney Soloman replied no, this is cable only and streaming services are different. Secretary Rosa stated that he will support this only because there would be a negative impact on BATV.

Marlies Henderson – Ms. Henderson asked if this contract is connected to the person getting fired at BATV. Chair Burrows replied that this has nothing to do with it.

Ellen Rawlings – Ms. Rawlings stated that they have bargained in good faith. They will take these discussions and prepare for the next contract. We need to look at the streaming services. The Mass. Access Board is working on a bill to help and they will work with the Select Board to advocate for this.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

MOTION - Secretary Rosa made a motion that the Select Board approve the 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.. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

7. Public Hearing - Property Tax Classification – In accordance with MGL, Chapters 369 and 661, Acts of 1982, amending Chapter 797, Acts of 1979, the Select Board will Accept Written and Oral Comments and Recommendations on the Option of Selecting a Factor of One for All Classes of Property or Allocating Variable Percentages of the Tax Levy to be Borne by Each Class

MOTION - Secretary Rosa made a motion to open the public hearing for the Property Tax Classification at 6:41 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Mr. Main thanked Mr. Watson. This is his last tax classification and he thanked him for the last 25 years. He also thanked John Speidel for all his hard work.

John Speidel appeared to discuss the Property Tax Classification. Mr. Speidel read his memo that was provided to the Board. Mr. Speidel suggested the CIP Shift of 175% to commercial.

Member Conway thanked Mr. Speidel for the report. She had heard it was going to be worse than what was presented. She agrees with the 175% shift. This is a painful year but it was not unexpected. In 2018, there was only one house over \$950,000, not we have over 405 houses. Member Conway asked what about next year. Mr. Speidel stated that the residential values are still going up but commercial/industrial values are also still going up. With the interest rates still going up, he thought they would have slowed but it has leveled out some. Member Conway stated that she is concerned with the change of landscape.

Secretary Rosa stated that he supports the 175% CIP shift the maximum we can do to lower the residential tax rates. He also thought it would be a lot worse. The former superintendent had created this increase by using one-time revenues for recurring expenses causing a 7.4% increase for the school, so he applauds Dr. Clery for reducing the school budget from over a 9% increase. Mr. Speidel stated that typically we raise the levy and last year it was raised by \$4 Million and this year is going to be \$12 Million. Secretary Rosa stated that we need to fill our commercial/industrial space. We have a lot of space on Concord Road that we need to get filled because more businesses will help the residents and the school needs to keep their budget low.

Member Riley stated that he also supports the CIP shift. He is glad it was less than expected. He is glad the schools are looking at their budget and he agrees we need to fill our business spaces. The report shows that we are at the lowest point in new growth. There was a chart that showed the business tax rate compared to Merrimack Valley. Mr. Speidel stated that Billerica is in a good location but office space is not coming back. Member Riley stated that there were two life science buildings that were permitted but not going forward. He is not surprised by the values.

Vice Chair Favreau asked if empty offices received abatements. Mr. Speidel replied yes, if they come in. Vice Chair Favreau asked if they are kept vacant on purpose. Mr. Speidel replied he doesn't think so. Vice Chair Favreau asked what the percentage is. Mr. Speidel replied it is about 5% on industrial and about 15-20% on office. Mayor Wu tried to get a 200% shift. Mr. Speidel stated that you would lose control at that point. Vice Chair Favreau stated that she is surprised at the market. Vice Chair Favreau asked if you could answer Ms. Tucci's question about how homes are valued.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

Mr. Speidel stated that if these are new homes, the fee is probably based on a percentage of completion on January 1st. Once the occupancy permit is issued, it is reevaluated. Secretary Rosa stated that you also are a year behind in evaluations. Mr. Speidel replied that is correct. The new growth for 2025, is actually from things built in 2023.

Vice Chair Favreau stated that she supported the CIP shift.

Chair Burrows stated that there is empty commercial space everywhere.

Kelley Sardina – Ms. Sardina asked if values are going down. Mr. Speidel replied no. Ms. Sardina stated that the average this year is \$622,199 versus last year at \$585,000. The question is how we grow our commercial. How many commercial properties do we have? Mr. Speidel replied he doesn't know off the top of his head. Chair Burrows stated that Billerica is pro-business. He has attended several groundbreaking ceremonies. Ms. Sardina stated that we need to stop spending. Mr. Speidel stated that we have 404 commercial properties and 455 industrial properties.

Member Conway stated that taxes are really not important to large businesses. It is not high on their list when they are looking for properties. We are not losing business because of our tax rate. They are looking for good lease agreements and available amenities.

Anthony Ventresca – Mr. Ventresca stated that he works for the Town of Concord and their commercial tax rate is \$13/\$1,000. We are having the same conversations due to the economy It's how it works unless you change Proposition 2 ½. We need to take spending seriously.

MOTION - Secretary Rosa made a motion to close the public hearing for the tax classification at 7:40 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion that the Select Board adopt a determination of a residential exemption for up to 20%. The motion was seconded by Vice Chair Favreau and voted 0-5-0. On a roll call vote: Secretary Rosa voted No, Member Conway voted No, Member Riley voted No, Vice Chair Favreau voted No and Chair Burrows voted No.

MOTION - Secretary Rosa made a motion that the Select Board adopt a determination of a discount factor up to 25% for all land classified as open space. The motion was seconded by Vice Chair Favreau and voted 0-5-0. On a roll call vote: Secretary Rosa voted No, Member Conway voted No, Member Riley voted No, Vice Chair Favreau voted No and Chair Burrows voted No.

MOTION - Secretary Rosa made a motion that the Select Board adopt a potential of a small business commercial tax exemption. The motion was seconded by Vice Chair Favreau and voted 0-5-0. On a roll call vote: Secretary Rosa voted No, Member Conway voted No, Member Riley voted No, Vice Chair Favreau voted No and Chair Burrows voted No.

MOTION - Secretary Rosa made a motion that the Select Board adopt a residential factor for the purpose of determining the percentage tax burden to be borne by each class of property with the tax rate of 78.74% with a 175% shift. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

8. **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) – Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road Secretary Rosa made a motion to open the public hearing for National Grid #31004655, 68 Cook Street at 6:15 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0.**

MOTION - Secretary Rosa made a motion to open the show cause hearing for Ramnivash3, Inc. at 7:44 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Secretary Rosa stated that the applicant has requested a continuance until the next meeting.

MOTION - Secretary Rosa made a motion to continue the show cause hearing for Ramnivash3, Inc. until December 9, 2024 at 6:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

New Business (Quick Items)

9. **Request Permission to Hold a Boot Drive in the Billerica Town Center on Saturday, November 30, 2024 from 9:00 AM to 3:00 PM – Billerica Pop Warner**

MOTION - Secretary Rosa made a motion to approve the Boot Drive for Billerica Pop Warner on November 30, 2024 from 9:00 AM to 3:00 PM subject to the approval of the Safety Officer. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

10. **Request to Extend the Hours for Caipirinha's Sports Bar and Grill Located at 512 Middlesex Turnpike to Serve Alcohol and Have Entertainment until 1:00 AM on Wednesday, November 27, 2024**

Secretary Rosa stated that the applicant has withdrawn this request.

Appointments

Presentation

Committee Reports

Old Business

11. Town Managers Report

• **Professional Recognition**

Mr. Main stated that he wanted to recognize Katherine Malgieri and Jane Merrill for all of their hard work over the past four months in their interim roles. He was also sent a letter from the entire Planning Board recognizing their efforts. The letter is attached to this report. It has since been signed by all members of the Planning Board.

The Board thanked Kat and Jane.

MOTION - Secretary Rosa made a motion to put a letter in the file for Katherine Malgieri and Jane Merrill for the hard work over the last four months. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

- **Three Month Look Ahead**

Mr. Main stated the recap process was successfully completed. This will allow the Town to move directly into the budget process. All salary schedules, budget shells, and budget letters to department heads will be going out prior to Thanksgiving. He will have pre-budget meetings with all the department heads over the course of the next two weeks to better understand what they will be looking for. He would like to give the Select Board a budget landscape presentation at one of the meetings in December. This will allow the Board to understand the starting point and some of the current and future requests. In the new year, discussions will need to take place regarding goals as well as safety improvements in the Town Center, Roads, the Water System, and Sewer System as first priority.

Member Conway stated that we need to pay close attention to the budget and stay to 2%. We also need to remind Dr. Clery of this also.

Secretary Rosa stated that he agrees that we need to take a hard look at the budget.

Member Riley stated that we need to tighten our belts.

- **Narcan Program**

Mr. Main stated that the Town received 144 boxes of Narcan and as of now we are down to one box. The Public Health Department has ordered more boxes of Narcan. In addition, the Public Health Department ordered seven countertop display cases for Town offices, five outdoor cabinets that can be attached to telephone poles, and five indoor cabinets for Municipal spaces across Town.

Vice Chair Favreau stated that it is amazing that all original 144 boxes of Narcan have been deployed in over a month. They are given without any questions asked. She asked what the ETA is on the distribution box. Mr. Main stated that the municipal boxes should be within the next week but the outside ones are back ordered.

- **Green Communities**

Mr. Main stated that the Town successfully submitted the FY24 Green Communities Annual Report. This will enable the Town to receive close to \$200,000 in Grant Funding for clean energy projects. In the past this money has been used to modernize light fixtures/infrastructure in public buildings and to weatherize them. The Town has done a lot of that work over the last couple of years and has modernized our facilities using Green Communities money. The Town is looking into seeing if this money can be used to purchase Variable Frequency Drives (VFD) for the Water Department or outdoor lighting at the Billerica Public Library.

The Board thanked Mr. Maynard for a great job.

- **Assistant Town Manager Search**

Mr. Main stated that he has signed a letter of intent with Community Paradigm to help find the right candidate for Assistant Town Manager. They are familiar with my skills, demeanor, and they understand the gap I am trying to fill. They believe that due to the size of Billerica and salary of the position there will be multiple-qualified candidates for the job.

Member Conway stated that this is a good choice and you should hire someone to compliment your skills.

Secretary Rosa stated that we need someone who will represent the Town of Billerica.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

- **New DPW Facility**

Mr. Main stated that the Town DPW project is moving along. Crews have been on site clearing trees, crushing material, and screening loam for the plantings. Soil tests have been taken and the Town is awaiting the results to ensure we can transport soil off site. The Town completed the River St Extension intersection improvements last week. After Thanksgiving the final rounds of blasting will take place.

Secretary Rosa asked if this came in under budget. Mr. Main replied yes by about \$4.5 million.

- **COA Director**

Mr. Main stated that the Town interviewed six candidates for the COA Director position. Two of the candidates were excellent and would do an incredible job leading the department. The interview committee will re-group later this week after reference checks.

Member Conway stated that is great, the person will have big shoes to fill.

Secretary Rosa stated that this is great.

- **Wreaths Across America**

Mr. Main stated that every year in December the Wreaths Across America convoy travels from Maine to Arlington National Cemetery. This year the convoy will be coming through Billerica on Monday, December 9th! We are estimating that the convoy will be passing by from 1:00 pm to 1:30 pm. The Map of the route is adjacent. We will be posting this on social media over the coming weeks to ensure as many residents as possible participate.

Member Conway thanked WL French for bringing this to Billerica.

Secretary Rosa stated that it's a shame that this is happening during the day but he supports the idea.

- **Yankee Doodle Bike Path**

Mr. Main stated that on MassDOT has asked the Town to confirm the Article 97 opinion of KP Law with our new Town Counsel. Prior Counsel's opinion was that the construction of the proposed bike path within the parcels owned by the Town of Billerica Conservation Commission did not constitute a change in use, and therefore did not require Article 97 approval. New Town Counsel does not agree with prior Town Counsel's opinion that this does not require Article 97 approval. We have scheduled an internal meeting for November 25th to clarify and further discuss with them on how it may impact the project.

Member Conway asked if an Article 97 is needed. Mr. Main stated that is the question. KP Law stated that this will be Conservation Land and a grant easement so they didn't see the need but Brooks & DeRensis says we do. Member Conway asked if we could get a third opinion. Mr. Main stated that he met with Brooks and DeRensis on November 25th, then we will meet with the State. Member Conway stated that we didn't get the best from Brooks & DeRensis at Town Meeting and suggested getting a third counsel.

Member Riley asked if the State wants an Article 97.

Vice Chair Favreau stated that she wanted to have an independent counsel earlier but it was voted down. We should just continue to work with the State to see what they want.

- **Conservation Fund**

Mr. Main stated that over the past few years, the Conservation Fund has been brought up as an item of interest. This fund could be funded with a small amount through the CPC. The Conservation Commission then has jurisdiction of the release of the funds. These funds could be used for appraisals, surveys, land markers, signage and other items. He plans to work with the Conservation Commission to submit an eligibility form to the CPC.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

Secretary Rosa asked how much you are thinking about starting this fund. Mr. Main stated that he would start at around \$5,000 but we can talk.

Chair Burrows asked if we could apply to the CPC. Mr. Main replied we can apply one time for \$5,000 once a year.

- **Economic Development**

Mr. Main stated that he has been meeting with various commercial property owners over the past few weeks. Many of the meetings have been with projects that have been permitted but not built. These have been useful and very educational about the market and what is in demand. He'll update the Board further about some of the supply and demand issues at a future meeting.

Secretary Rosa stated that filling up small empty spaces is important but we need the large spaces also.

- **ARPA Projects**

Mr. Main stated that all projects are moving along smoothly. At this time, they are either out to bid, will be in the coming weeks, or have contracts signed at this point. The flood money at this time will not meet its full allocation. Paperwork is due back to the Town right before Thanksgiving. At that time, I will be able to make a recommendation on how to best allocate any leftover money.

Member Conway stated that if we don't spend all the ARPA money we should put more money to the flood victims.

Secretary Rosa agreed with Member Conway. We should give more to the flood victims.

- **UMass Lowell Capstone Project**

Mr. Main stated he had two groups of Master's in Public Administration students from UMass Lowell will be conducting their capstone project with the Town of Billerica next semester. The two projects are attached below:

Project Title: Identifying Factors to Attract and Sustain Restaurant Businesses in Billerica

Objective:

The aim of this project is to analyze the reasons behind the lack of restaurant options for a community of this size and determine actionable strategies to attract diverse dining establishments, from well-known chains to local eateries. The study will include outreach to potential businesses, current businesses, understanding their requirements, and identifying the qualities that make a town attractive to restaurant owners. Additionally, the project will gather feedback from residents to gauge demand and preferences.

Project Title: Creating an Inclusive and Vibrant Council on Aging for All Adults Over 60 in Billerica

Objective:

This project seeks to reimagine the Billerica Council on Aging (COA) as a dynamic and inclusive space that appeals to all individuals over 60, not just as a traditional "senior center." The goal is to make the COA welcoming to a diverse age range and lifestyles, offering varied programs, services, and a rebranding strategy that reflects a more modern, active, and community-centered approach.

Member Conway stated that this is a great job with UMass Lowell and she is happy we are moving forward with this.

Secretary Rosa stated that this is a great idea.

Member Riley asked how many students work on each project. Mr. Main replied about 4-5 students.

Vice Chair Favreau asked why we are only looking to attract restaurants. Mr. Main replied that they need to have a target. They are going to find out what restaurants are looking for when they choose a community.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

12. Addition to Select Board Policies and Procedures – New Section 45 Electronic Signature on Petitions Policy – 2nd Reading – Requested by Vice Chair Favreau

Vice Chair Favreau stated that there was only one change from the last meeting and all sections have been included.

Member Riley asked if Town Counsel reviewed the policy. Vice Chair Favreau replied yes.

MOTION - Secretary Rosa made a motion to approve the new Section 45 Electronic Signatures on Petitions Policy 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

13. Update to Select Board Policies and Procedures – Section 32 Remote Participation – 2nd Reading – Requested by Vice Chair Favreau

Vice Chair Favreau stated that she added Section 32.4 and deleted the last paragraph as per the last meeting. They have also received Town Counsel opinion.

Member Conway stated that she is still confused on what this policy is supposed to do, so she will be voting against it. Vice Chair Favreau stated that this policy would be the regulations to allow remote participation for residents. Member Conway stated that public meetings are for elected and appointed boards to do their job. There doesn't need to be public participation at every meeting. She likes Open Microphone but meetings don't have to be 6-8 hours long.

Member Riley stated that he fully understands and Town Counsel has pointed out OML and the AG encourages public comment but the Chair determines if residents can speak. Once the person is allowed to speak, they have to the right to say what they want but it's up to the Chair's discretion.

Vice Chair Favreau stated that the policy is not about Open Microphone, it allows access to residents who can't make it to the meeting and will allow us to be ADA compliant.

Secretary Rosa stated that it allows access but the Chair runs the meeting. In Town Counsel's opinion, 940 CMR Section 2.10 states that there are minimum requirements for remote access. The Chair retains control of the meeting.

Chair Burrows stated that one of the best things to come out of COVID was remote participation and we should make sure residents are allowed to access meetings remotely.

Member Riley stated that once a resident is allowed to speak, you can't stop them.

Member Conway stated that what Secretary Rosa read was applicable to Board members. Chair Burrows made good points and there should be access to all. The Chair's job is to be a good Chair.

MOTION - Secretary Rosa made a motion to approve the updated Section 32 Remote Participation Policy 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

14. Discussion and Possible Vote on Talbot Dam Letter

Mr. Main stated that the Talbot Dam Letter is going before the Conservation Commission, DEP and Army Core of Engineers. We need to protect our water source and we need direction from the Select Board.

Member Conway stated that she agrees with Mr. Main. She doesn't think this is the greatest idea but we need to protect our town.

Member Riley agreed and we need to look for the best way for mitigation.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

Vice Chair Favreau also agreed, it is private property so we don't have any say about what happens. We should go with the previous recommendation and additional monitoring wells should be installed before it comes down. Mr. Main replied he doesn't have the status.

Secretary Rosa stated that this is private property and will probably come down. They should put in monitoring wells and we need to push for a secondary water source.

Marlies Henderson – Ms. Henderson stated that the Conservation Commission can only comply with the Wetlands Bylaw. She is in favor of removing the dam for a healthy river. There should be historic mitigation recognized.

Chair Burrows stated that the water is really low and clean drinking water is our priority. We need to have a secondary water source.

MOTION - Secretary Rosa stated that the Select Board should write a letter related to the Talbot Dam protecting the position of the Town for our water use, install monitoring wells, as well as a secondary water source and fully cover the cost of the secondary source intake and request completion of these prior to the dam removal and the Town should not be held financially responsible if unforeseen issues arise. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

New Business

15. Call for Special Town Meeting for MBTA Communities on December 12, 2024 – Requested by the Planning Board

Mr. Main stated that the Select Board needs to call for the Special Town Meeting for the MBTA Communities zoning.

MOTION - Secretary Rosa made a motion that the Select Board under Section 2-12 of the Town Charter set a Special Town Meeting for December 12, 2024. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Mr. Main stated that this will be posted tomorrow and the warrant will close on Friday at 4:30 PM.

16. Review and Vote of Town Manager's Contract

Chair Burrows stated that they negotiated this contract in good faith with Mr. Main.

Member Conway asked if Town Counsel reviewed the contract. Mr. Main replied no, his attorney did. Member Conway stated that she voted for Mr. Main as our Town Manager but he has zero years' experience as a Town Manager and is making almost as much as John Curran, who has 20 years of experience. She would not agree to a five-year contract and thinks three years is more reasonable. The vacation seems too much and should follow the Personnel Bylaw. We discontinued the sick leave buyback about 10-12 years ago, so why is this being brought back. Mr. Main replied there is no sick time buyback. Member Conway thanked him for the clarification and would like Town Counsel to look at this and also confirm compliance with the FMLA. Item 4a, car allowance, is \$1,000 more than the previous Town Manager and does not agree. Item 4b, student loan reimbursement of \$18,000 is way too much. Item 4c, health and wellness, she doesn't understand what this is and why we would give \$5,000 for it. Mr. Main stated that 4c, is for ordering a Hello Fresh subscription so he is dedicating his time to the job. Item #6, why would the Town pay for health insurance, when all other employees pay their own. This should be written to be similar as the previous Town Manager's contract that health insurance is available and he pays the copay. There should be no longevity. This contract is much too rich for a first-time Town Manager. She fully believes in Mr. Main but this needs to go back to the table.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

Member Riley echoed some of the issues that Member Conway brought up. He has no problem with the salary but there are a few issues. On 4a, look at reducing it to \$500 car allowance, 4b, \$18,000 we should not pay for past but if he wants to get additional schooling we could pay for it and 4c is too much. Also, an additional \$10,000 in health insurance is too much. He should be rewarded on a good job but he needs to prove himself. He does not agree with the 5 years and it should be 3 years.

Secretary Rosa asked for a procedural clarification. If we make changes tonight, do we want to have a dialogue tonight and list the changes and come back or make individual votes on the proposed changes. Chair Burrows stated that this is the first time the Board has seen the agreement. We should probably get a list of questions and meet with Mr. Main again and come back to the Board. Secretary Rosa stated that he met with Mr. Main prior to the meeting to discuss his issues with the contract. Secretary Rosa stated that in the agreement, the vacation notification, it should not be the entire Select Board, it should just be approval of the Chair with notification to the Board and the notification should be 48 hours, not "reasonable". Secretary Rosa stated that on 4b, he agrees that if Mr. Main was to get a "C" or better in school, the Town will reimburse him. Mr. Main has explained 4c to him and Item 6 was reworded. Item #7, which is deferred compensation was reduced. He is also not taking an increase in the first two years of the contract. In #9, we should add the reference to bylaws and Charter. Item #11 add "with approval of the Select Board" and Item #13 add "or against Select Board". The last sentence shall have a term of 1 year. Secretary Rosa stated that he has complete confidence in Mr. Main and we lessened the bylaw for experience for Mr. Main.

Vice Chair Favreau stated that all the members send in their questions. Member Conway stated that they should all go to Ms. McDowell.

Chair Burrows stated that it's supply and demand. Experience comes when you get invested. Young families attract young assets.

Approval of Meeting Minutes

17. September 9, 2024

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of September 9, 2024 as submitted. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

18. September 16, 2024

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of September 16, 2024 as submitted. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

19. October 01, 2024

MOTION - Secretary Rosa made a motion to approve the Select Board meeting minutes of October 01, 2024 as submitted. 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, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Meeting Schedule

December 9, 2024 and December 16, 2024



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

MOTION - Secretary Rosa made a motion to adjourn the regular meeting of November 18, 2024 at 9:23 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*

Exhibits for the Select Board Meeting – November 18, 2024

Call to order 6:00 PM

1. **Open Microphone** – No Exhibits

Announcements

2. **Vacancies on Boards and Committees** – Vacancy List dated 11/04/24
3. **2024-2025 Community Funds Grant – Application Period is Open** – Select Board Policies and Procedures Section 29.0
4. **All other announcements may be viewed on the Town of Billerica website**– No Exhibits

Joint Meeting with Historic District Commission

5. **Joint Discussion with the Select Board and Historic Districts Commission Regarding the Town Center** – Gazebo Drawings undated, HDC Bylaws, Email from D. Gagliardi dated 11/14/24

Public Hearings

6. **Continued 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 – Renewal Agreement 07/11/24, Renewal License dated 12/09/24, Memo from BATV dated 11/12/24, Summary of Verizon Senior Discount from Atty. Solomon dated 11/17/24**
7. **Property Tax Classification– In accordance with MGL, Chapters 369 and 661, Acts of 1982, amending Chapter 797, Acts of 1979, the Select Board will Accept Written and Oral Comments and Recommendations on the Option of Selecting a Factor of One for All Classes of Property or Allocating Variable Percentages of the Tax Levy to be Borne by Each Class – Tax Classification Hearing Handout dated 11/18/24**
8. **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) – Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road – Show Cause Memo dated 11/01/24, Memo from Lt. Coffey dated 10/08/24, Section 22.0 Rules and Regulations for the Licensing and Sale of Alcoholic Beverage, Signed Acknowledgement Form dated 10/30/03, Public Hearing Notice, Lowell Sun Ad, Police Report dated 10/04/24, Memo to Parents dated 11/04/24,**

New Business (Quick Items)

9. **Billerica Pop Warner – Request Permission to Hold a Boot Drive in the Billerica Town Center on Saturday, November 30, 2024 from 9:00 AM to 3:00 PM-** Email from F. Malandain dated 11/12/24,



**TOWN OF BILLERICA
SELECT BOARD MINUTES
NOVEMBER 18, 2024**

- 10. Request to Extend the Hours for Caipirinha's Sports Bar and Grill Located at 512 Middlesex Turnpike to Serve Alcohol and Have Entertainment until 1:00 AM on Wednesday, November 27, 2024** – Email from F. Balbosa dated 11/12/24, Email from Lt. Coffey dated 11/14/24, Email from F. Barbosa dated 11/18/24 withdrawing the request.

Appointments

Presentations

Committee Reports

Old Business

- 11. Town Managers Report** – Town Manager's Report dated 11/18/24
- 12. Addition to Select Board Policies and Procedures – New Section 45 Electronic Signature on Petitions Policy – 2nd Reading – Requested by Vice Chair Favreau**– Email from R. Hucksam dated 11/14/23, Section 45 Town of Billerica Electronic Signature on Petition Policy
- 13. Update to Select Board Policies and Procedures – Section 32 Remote Participation – 2nd Reading – Requested by Vice Chair Favreau**– Section 32.0 Remote Participation
- 14. Discussion and Possible Vote on Talbot Dam Letter** – Memo from C. Main dated 11/14/24

New Business

- 15. Call for Special Town Meeting for MBTA Communities on December 12, 2024 – Requested by the Planning Board**– Memo from C. Main dated 11/14/24
- 16. Review and Vote of Town Manager's Contract** – Town Manager's Contract

Approval of Meeting Minutes

- 17. September 9, 2024** – Select Board Minutes of September 09, 2024
- 18. September 16, 2024**– Select Board Minutes of September 16, 2024
- 19. October 01, 2024** – Select Board Minutes of October 01, 2024

Meeting Schedule

December 9, 2024 and December 16, 2024 – No Exhibits

Approved On: March 3, 2025