



**TOWN OF BILLERICA
SELECT BOARD MINUTES
DECEMBER 09, 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, Administrative Director Robert Maynard and 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 hybrid via Zoom. Since a member is remote, all votes will be roll call and there will be a roll call attendance. Member Conway was Present, Secretary Rosa was Present, Member Riley was Present, Vice Chair Favreau was Present and Chair Burrows was Present.

1. Open Microphone

There was no one for open microphone in the audience or via Zoom.

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

Executive Session

4. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body – North Billerica Fire Station

5. Executive Session Pursuant to G.L. c. 30A, § 21 (2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Manager’s Contract Discussion

MOTION - Secretary Rosa made a motion to go into Executive Session to G.L. c. 30A, § 21 (3) to consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body – North Billerica Fire Station at 6:03 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to go into Executive Session to G.L. c. 30A, § 21(2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Manager’s Contract Discussion at 6:04 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Secretary Rosa stated that we will return to regular session to continue the agenda.

The Board returned to Regular session at 6:53 PM.

Proclamation and Public Recognition

Public Hearings



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6. Continued 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

MOTION - Secretary Rosa made a motion to open the public hearing for the Show Cause Hearing for Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Attorney John Mooradian appeared for the owner Mr. Patel. This is the first violation and the employee who made the sale was terminated. They have also purchased a new id scanner. The owner does not dispute the facts.

Member Conway, Vice Chair Favreau and Member Riley had no questions.

Secretary Rosa stated that the memo provided stated that the employee will be sent for additional training but they have been fired. Attorney Mooradian replied yes. Secretary Rosa stated that our regulations have a provision for a warning and the Police have recommended a warning be issued.

There were no questions from the public in person or via Zoom.

MOTION - Secretary Rosa made a motion to close the public hearing at 7:00 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion that the Select Board issue a warning to Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road due to the fact that this is their first violation, the employee in question has been terminated and the Police recommended a warning. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

7. Public Hearing - National Grid and Verizon - #31032929 – 8 Tamarak Street- National Grid to relocate Pole #3 ~50' southeasterly in order to supply electric service to a new home at 8 Tamarak Street

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid #31032929 8 Tamarak Street at 7:01 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Dave Boucher from National Grid appeared for the public hearing. This pole is for a new residence and they will be extending the line.

Secretary Rosa asked if any abutters have reached out. Mr. Boucher replied no. Secretary Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer. Mr. Boucher replied yes.

There were no questions from the public in person or online.

MOTION - Secretary Rosa made a motion to close the public hearing for National Grid #31032929 8 Tamarak Street at 7:03 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the pole petition for National Grid #31032929 8 Tamarak Street. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.



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8. Public Hearing - National Grid and Verizon - #31022033 – 12 Memory Lane - National Grid to install new Pole #4 with anchor ~115' northerly from Pole #3 Memory Lane in order to provide electric service to a new home located at 12 Memory Lane

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid #31022033 12 Memory Lane at 7:05 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Dave Boucher from National Grid appeared for the public hearing. This pole is also for a new residence and they will be extending the line.

Secretary Rosa asked if any abutters have reached out. Mr. Boucher replied no. Secretary Rosa asked if you have read the DPW comments and know that you need to reach out to them directly to mark the water and sewer. Mr. Boucher replied yes.

There were no questions from the public in person or online.

MOTION - Secretary Rosa made a motion to close the public hearing for National #31022033 12 Memory Lane at 7:06 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the pole petition for National Grid ##31022033 12 Memory Lane. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

9. Public Hearing – New On Premises All-Alcohol Beverages Restaurant §12, Common Victualler License and Weekly and Sunday Entertainment Licenses for Los Altos Mexican Restaurant and Cantina Inc. at the Premises Located at 446 Boston Road, Unit #9, Billerica, MA 01821

MOTION - Secretary Rosa made a motion to open the public hearing for Los Altos Mexican Restaurant located at 446 Boston Road, Unit 9 at 7:08 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Attorney James Dangora appeared on behalf of the applicants to open a new Mexican restaurant, Los Altos at 446 Boston Road, Unit #9. They are applying for a full alcohol license, common victualler and entertainment licenses. The lease has been signed with O'Connor's and this is going to be at the location that Rick's Café was in. The owner and manager have over 10 years of experience and are US Citizens. They are also TIPS certified. The entertainment license is for tvs, bingo and a mariachi band. The hours of operation will be 11:00 AM to 12:00 AM, seven days a week.

Member Conway asked when the anticipated opening date is. Attorney Dangora replied hopefully 2-3 months. Member Conway welcomed them to Billerica.

Member Riley wished them luck

Vice Chair Favreau also wished them luck and asked if they were still going to hold events in the back room. Attorney Dangora replied they don't plan to in the near future but perhaps later.

Secretary Rosa wished them congratulations and good luck.

Chair Burrows wished them congratulations.



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There were no questions from the public in person or online.

MOTION - Secretary Rosa made a motion to close the public hearing at 7:13 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the new On Premises All-Alcohol Beverages Restaurant §12, for Los Altos Mexican Restaurant and Cantina Inc. at the Premises Located at 446 Boston Road, Unit #9, Billerica, MA 01821 with the hours of operation 11:00 AM to 12:00 AM seven days a week and the license manager of Alejandra Quezada Bravo. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the Common Victauller's License, for Los Altos Mexican Restaurant and Cantina Inc. at the Premises Located at 446 Boston Road, Unit #9, Billerica, MA 01821 with the hours of operation 11:00 AM to 12:00 AM seven days a week. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to approve the Weekday and Sunday Entertainment License for Los Altos Mexican Restaurant and Cantina Inc. at the Premises Located at 446 Boston Road, Unit #9, Billerica, MA 01821 with the hours of operation 11:00 AM to 12:00 AM seven days a week. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

New Business (Quick Items)

10. Emerald Rose, LLC dba Emerald Rose Restaurant located at 785 Boston Road – All Alcohol Restaurant §12 - Change of Manager – New Manager, Gary Litchfield

Gary Litchfield appeared for a Change of Manager at Emerald Rose. He has owned the establishment for 25 years and now will be the licensed manager.

There were no questions.

MOTION - Secretary Rosa made a motion to approve the change of manager application for Gary Litchfield at the Emerald Rose located at 785 Boston Road. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Appointments

Presentation

Committee Reports

Old Business

11. Town Managers Report

• **Budget Process**

Mr. Main stated that all Department Heads at this time have received their budget shells. The Town Managers office will begin budget meetings in earnest starting in January. Department Heads have been notified that if they would like to have their meeting earlier the Town Managers Office will be ready. Currently the Police Patrolman Union, Police Superior Union, Paramedics, Police Dispatch, and DPW / Facilities Union contracts will expire prior to the start of FY26. All other union contracts expire prior to the start of FY27. Most of the current contracts have cost of living adjustments between 3% - 3.5%. Currently the major budget drivers are an increase of \$986,337 in our county



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retirement assessment. As well as an estimated increase of \$500,000 across healthcare and liability insurance. I also expect a continued increase in our Waste Management contract. At this time, I have not calculated the current debt burden for FY26. This will determine if the Town needs to appropriate additional budget funds for the debt stabilization fund. The Town has a target debt limit of \$11,000,000 this year. This target may need an adjustment if the capital plan continues to deviate from what was originally presented in the summer of 2023. The Town will be limiting discretionary spending during the budget process. Prior to the major increase we had last year of \$12,376,810 the prior two fiscal year differences were \$6,380,438 and \$5,347,372. I expect it to be somewhere in the neighborhood of those two numbers potentially above depending on the debt burden. FY25 the levy limit was \$181,157,477. Proposition 2.5 allows communities to increase their levy limit by 2.5%. Our current levy limit is \$185,686,413. This is an increase to the levy limit by \$4,528,936. Communities are also allowed to increase their levy limit by adding new growth to the community. The Town conservatively budgets \$750,000 additional new growth every year. (*Actual new growth is between \$2.9 – \$4.7 the past five years.*) This increases our expected levy limit to \$5,278,936. This is where excess levy capacity is then created. If the Town keeps the budget increase to exactly \$5,278,936 any additional new growth over \$750,000 becomes excess levy capacity. Obviously, if the budget grows over that number what the Town could gain in excess levy capacity is subtracted from new growth. If the budget grows over the new growth and proposition 2.5 then it begins to eat into the current excess levy capacity. On the State level the MMA has reported *“With an ongoing trend of state tax collections falling behind benchmarks — with the exception of Fair Share surtax revenue — fiscal experts concur that the Commonwealth’s fiscal outlook is uncertain for the remainder of this year and for fiscal 2026.”* He will have more information on the debt schedules at the next meeting and will keep the Board updated.

Member Conway stated that we need to be cautious with spending.

Member Riley asked if there are health care savings. Mr. Main replied yes, in OPEB.

Secretary Rosa stated that we need to think outside the box. We need to talk and revisit working with other communities for trash pickup. He spoke with other haulers and they would be willing to talk but the previous Town Manager never would. Secretary Rosa stated that you should look at the health plan that has single, employee plus one and family so it is a three-tier approach. Mr. Main stated that we have limited the discretionary spending on the Town side. Secretary Rosa stated that the problem is the school budget. A 7.4% increase is huge. They need to find ways to reduce their budget without impacting the students. Secretary Rosa stated that we need to look at the sewer project needs and contract and consolidate what is left. Mr. Main stated that he agrees we need to rename and re-access the remaining project. Mr. Main stated that he will bring discussion on the sewer back in January/February timeframe. Secretary Rosa stated that for the water, we applied ARPA funds to fix the 2” water mains, all of the expenses are in the rates now and all expenses are included in the enterprise fund. Mr. Main stated that we can discuss the rates only.

Chair Burrows stated that he will wait for the audit report.

- **Goals**

Mr. Main stated that he will be updating the list of goals that the Board discussed back in late June with some new goals. He will have that for the Board at the next meeting. Then in January the Board can discuss and vote on the priorities for the new calendar year.

Member Conway stated that the board will be changing in April and she would encourage waiting until the new members are in place before voting on goals. The water in Billerica is a big issue. Todd is doing great but we still have a lot of work to do. She is anxious to see how the debt schedule will be managed. The sewer is also important and needs to be completed.

- **Water**

Mr. Main stated that he has spent a significant amount of time working through the Town’s brown water issue. The Town has three major reasons for brown water: Tuberculation on pipes from pre-1950’s: 2-inch water mains: Dead ends throughout the system. In 2016 a twenty-year plan was produced to re-place all 90 miles of pre-1950’s pipes.



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Unfortunately, the plan was never acted upon. On the advice of the DPW Director and Water Superintendent, the Town has asked the consultant to re-vamp the plan to a 10-year plan, including cleaning and re-lining where possible, looping of the system, and eliminating 2-inch water mains throughout the system. I expect to bring a full proposal to the Board in January/February.

Member Riley stated that he thought we were already doing this. Mr. Main stated that we've been taking baby steps and we need an inclusive plan.

Vice Chair Favreau stated that clean water should be our number one priority and goal. Are we tracking costs during emergencies. Mr. Main stated that we can gather that information.

- **Sewer**

Mr. Main stated that the Town has gone through the exercise of looking at all current need's areas and sewer contracts. We have reassessed it based on environmental factors and cost. I will bring this to the Board sometime in February to determine the path forward. The Board also needs to be aware our current infrastructure in the ground has not been maintained properly. This is going to be a major future expense.

Vice Chair Favreau stated that sewer is important also. What is the ballpark costs for the remaining sewer. Mr. Main replied between \$80-\$100 million and \$50-\$60 million for water. Vice Chair Favreau asked if there are grants available. Mr. Main replied that the State is always pushing clean water so they will be looking at them.

- **Billerica Works**

Mr. Main stated that as the Town will be rolling out an app for constituent services through the DPW in the next few weeks.

Vice Chair Favreau stated that this is a great idea.

Secretary Rosa stated that this is a great idea.

- **Assistant Town Manager**

Mr. Main stated that the job has been posted and will be closing on January 3rd.

Member Conway stated that she is glad this is posted.

Member Riley asked when this position will be starting. Mr. Main replied hopefully in early February.

- **One Stop Grants**

Mr. Main stated the One Stop Grants applications will be opening in mid-January with expressions of interest due from February to April. With the application period closing shortly after. The Town did not apply for any grants in FY25. He plans to aggressively target a MassWorks grant in the area of the new North Billerica Fire Station and various other site preparation/planning grants. The best option is to place \$20,000 in supplies for the water department and the rest allocated toward sidewalks as originally proposed.

Vice Chair Favreau stated that since we are MBTA Compliant we can apply for this. Mr. Main replied yes.

Secretary Rosa asked why we didn't apply last year. Mr. Main replied that we dropped the ball last year.

- **Town Wide Audit**

Mr. Main stated that the auditing team has spent significant time meeting with Paul, Elaine and himself. The biggest concern that they currently have is the concentration of knowledge and authority. For example, our budgeting process is done entirely through Excel spreadsheets that all communicate with each other. They have links, formulas, and methodologies that would take a new person a considerable time to reverse engineer it. Simplification and additional levels of approval will be a major theme.



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Member Conway stated that this is a great opportunity to change practice and she will wait for the report. Mr. Main stated that they have been having internal meetings and walking through processes. Member Conway asked to get a timeline of completion.

12. Discussion and Vote on Town Manager's Contract

Vice Chair Favreau stated that we discussed clarifications on the contract in Executive Session, so we just need to vote on Mr. Main's contract.

Member Conway stated that she was initially going to vote against this contract but she will be voting for it. She still believes that this is overly generous but she will show unity and support Mr. Main.

Secretary Rosa gave a summary of what has changed since the first and second version. The car allowance was reduced and he is giving up 19 days of sick time. There is no golden parachute and his wellness expense was removed as well as the \$18,000 for educational reimbursement. Mr. Main has seven years of experience in Billerica.

Member Riley stated that the major sticking point was the 7% of education incentive.

Vice Chair Favreau stated that the health care piece was removed. This was her fault because she misunderstood how medical insurance benefits worked for a municipality and thought that was the way it was done. She also stated that Mr. Main has been gracious about going back and forth with negotiations.

Chair Burrows stated that he wanted to apologize to Mr. Main. The last time we discussed this should have been in Executive Session.

MOTION - Secretary Rosa made a motion to approve the Town Manager's contract between the Town of Billerica and Clancy Main as presented with a start date of December 9, 2024. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

New Business

13. Special Town Meeting Warrant – December 12, 2024 – Discussion and Vote on the Articles

Mr. Main stated that the street acceptance was approved last week for Article 2. The Town Engineer has said that it meets all the criteria.

MOTION - Secretary Rosa made a motion that the Select Board recommend approval on Article 2 to Town Meeting. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

Mr. Main stated that Article 1 is the MBTA Communities zoning. This is a law that comes from the State. We have worked on this for over a year and the plan that is presented is the best option.

Chair Burrows stated that no one likes this but it is the law and what is presented is the best option. This will bring the Town into the compliance.

Member Conway stated that no one is happy about this, but we need to be in compliance.

Vice Chair Favreau stated that if there is any debate, it needs to be at Town Meeting.

Secretary Rosa stated that he doesn't like this zoning at all. There are a lot of communities that are voting this down. This is unacceptable that we are 40B compliant, we have thousands of units that are affordable in dollars but there is no deed restriction. We are getting pushed with ADUs which could add an additional 7,000 units. ADUs are second houses on each lot. He likes the sunset clause idea but enough is enough.



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MOTION - Secretary Rosa made a motion that the Select Board recommend approval of Article 1 to Town Meeting. The motion was seconded by Vice Chair Favreau and voted 4-1-0. On a roll call vote: Secretary Rosa voted No, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

14. 2025 License Renewals – Review and Approval – See Attached List

Vice Chair Favreau stated that we should table Item #14k because Community Cares owes the town money.

MOTION - Vice Chair Favreau made a motion to table Agenda Item #14k Community Cares Marijuana License because of the money that is owed to the Town from the Community Host Agreement. The motion was withdrawn after discussion.

Secretary Rosa stated on the motion, the question is should this be tabled or voted down. With the other licenses, if they owe taxes we don't vote on the license. We work with them on payment plans, etc. We should not be treating them any differently than other licenses. There are other licenses that we are not going to vote on tonight because of taxes or inspections.

Vice Chair Favreau stated that she made the motion to try to bring them to the table but she will withdraw her motion. This will be addressed at the next meeting.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 License Renewals for the All-Alcohol Package Stores as Presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 License Renewals for the Wine & Malt Package Stores as Presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 License Renewals for the All Alcohol Restaurants as Presented EXCEPT Caiprinha's Sports Bar, Casa Blanca Mexican Restaurant & Cantina, Center Café, Country Club of Billerica, Emerald Rose, Garrison's, Hanley's Pinehurst Tavern, Nana 7 Japanese Steak House, Pizza Mia, Riverview Restaurant, Swanson Meadows Restaurant & Bar, and Turnpike Market. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 License Renewal for the All-Alcohol Club Licenses FOR the Billerica Moose Lodge #2648. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 Renewals for the Wine and Malt Restaurants as Presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 License Renewals for the Common Victuallers Establishments as Presented EXCEPT Bang Na Thai Kitchen, Giovanni's Roast Beef & Pizza, Kentucky Fried Chicken, McDonald's at 273 Boston Road, Milano House of Pizza, Pro Fitness, Subway at 480 Boston Road and Wendy's. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.



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MOTION - Secretary Rosa made a motion to Approve the 2025 Renewal for the Common Victualler's License FOR Bang Na Thai Kitchen with a change in hours to 11:00 AM to 9:00 PM Monday-Friday and 12:00 PM to 9:00 PM Saturday and Sunday (Hours Reduced from 9:30 PM to 9:00 PM Monday-Friday). 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Renewal for the Common Victualler's License FOR Kentucky Fried Chicken with a change in Manager to Duany DaSilva and a change in hours FROM 11:00 AM to 11:00 PM TO 10:30 AM to 11:00 PM (Monday-Sunday). 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Renewal for the Common Victualler's License FOR McDonald's located at 273 Boston Road with a change in Manager to Sarah Bracken. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Renewal for the Common Victualler's License FOR Wendy's with a change in Manager to Elia Ramirez. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 Class I License Renewals as Presented EXCEPT KHD, Inc. and New England Wheels, Inc.. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Class I License Renewal for KHD, Inc. dba High Octane Harley-Davidson with a change in Manager to Matthew Laughlin. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Class I License Renewal for New England Wheels, Inc with a change in DBA to Frontrunner Bus Group. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 License Renewals for Class II Car Dealers as Presented EXCEPT Copart of Connecticut Inc, Vroom Car, LLC, and Dampolo Automotive. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Class II License Renewal for CoPart of Connecticut, Inc with a change in Manager to Patrick Serra. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Class II License Renewal for Vroom Car, LLC with a change in Manager to Dennis Scafidi. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 License Renewals for Class III Car Dealers as Presented EXCEPT Copart of Connecticut Inc. The motion was seconded by Vice Chair Favreau and unanimously



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voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve the 2025 Class II License Renewal for CoPart of Connecticut, Inc with a change in Manager to Patrick Serra. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 Licenses for Second Hand Dealer's as Presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to Approve ALL the 2025 Licenses Renewals for Taxis as Presented. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

15. Discussion on Select Board Policies Section 4.2 Reports to the Board, Section 4.3 Asset Management, Section 7.0 Rate Setting and Section 21.0 Water and Sewer Oversight Board

Mr. Main stated that he wanted to discuss these sections of the policies because we don't follow them, so should we eliminate them?

Section 4.2 – Reports to the Board

Secretary Rosa stated that he likes this and it can be sent just by an email. Mr. Main stated that if we want to keep this, let him talk with the Treasurer and re-write this section. We should not require the department heads to provide a report.

Member Conway stated that the Department Heads don't report to us. If there is something we want to know, we will ask the Town Manager and this doesn't need to be that frequent. She would suggest quarterly and just a spreadsheet.

Member Riley agreed with a spreadsheet.

Vice Chair Favreau asked if Mr. Main could provide a sample of time, so she could see if it was needed. Mr. Main stated that he can do that in February or March.

Chair Burrows stated that he likes looking at this. He looks at legal fees and enforcement.

Section 4.3 Asset Management

Mr. Main stated that this is not filed quarterly.

Secretary Rosa stated that it should be submitted annually. Tax Title property is different and usually it's small parcels that are offered to the abutters by special option. There used to be a book with care custody and control of town parcels. OSR should have some inventory. We should look at updating the policy.

Conway stated that we have businesses that haven't paid their taxes. There should be a report in public. It's not right. There should be a policy so it's not emotional.

Member Riley stated that he would agree with annual report.

Vice Chair Favreau stated that we need to follow through and she would like to see what value it offers. She would like to see an example.

Chair Burrows stated that it could be quarterly or semi-annually.

Section 7.0 Rate Setting



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Mr. Main stated that it is not being done this year but we will use this in future years.

Section 21.0 Water and Sewer Oversight Board

Secretary Rosa stated that it used to meet but then we hired a consultant and this went away. We would get a better sense of Billerica with the residents' input.

Mr. Main stated that he can reinstitute the Board with 7 residents, the Town Accountant, the DPW Director and the Water and Sewer Superintendent. Secretary Rosa asked why we are spending money on a consultant. Mr. Main stated that he can speak with the DPW Director.

Vice Chair Favreau stated that she would support bringing this committee back and we should notify the residents about the vacancy.

16. Discussion on the Town Charter Sections 5-7 Capital Improvement Program

Mr. Main stated that this will be provided 30 days prior to the budget but we would like to change it, so it can be in an all-in-one package within the budget book.

17. ARPA Funds Reallocation

Mr. Main stated that we had \$205,000 left over from the flooding program. He would recommend that this be put toward sidewalks. The money has to be either spent or contracted by December 21, 2024. He will have the DPW use ARPA funds to pay for a sidewalk that was done this fiscal year freeing up the allocation to go to another location at a later date.

Secretary Rosa asked if it could be put towards replacement or repairs of water lines being done.

Member Conway stated that she will go with Mr. Main's recommendations.

Member Riley stated that he likes both ideas and asked which one would get more out of. Chair Burrows stated that it would be the sidewalks.

Vice Chair Favreau stated that she likes both ideas but would support Mr. Main.

Chair Burrows stated that he would recommend \$200,000 towards the sidewalk and but the additional \$5,000 to the Recreation Center to help pay for the gym time that the schools have charged them.

Secretary Rosa stated that he has no issue with the Recreation Center but we meet next week. Secretary Rosa asked that Mr. Main look at the cost of the water breaks and recommend \$11,000 to the recreation and then the rest to the sidewalk.

Member Conway stated that she would caution us to use one time funding source for budget items and asked if the ARPA law would allow this. Mr. Main replied that he could speak with Mr. Watson.

Chair Burrows stated that we should offset the cost of gym rentals. This is a one-time fee from the school to the Recreation. We will need to discuss the fees.

Member Riley stated that this is similar to giving them the money to close out the FY24 budget. The Recreation Center will be in a new building so they won't need the school space as much.

Vice Chair Favreau asked why we wouldn't spend more money on the flood victims. Mr. Main stated that people didn't respond.

Vice Chair Favreau asked if two town departments can charge each other a fee to use the town buildings. Is this legal. There should be a procedure or policy of how to handle this.

Secretary Rosa stated that he agrees there needs to be regulations to make this fee go away or reduce.



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MOTION - Secretary Rosa made a motion that the Select Board authorizes the Town Manager to use \$11,650 of the ARPA funds to offset the Recreation Fees paid to the schools. The motion was seconded by Vice Chair Favreau and voted 4-1-0. On a roll call vote: Secretary Rosa voted Aye, Vice Chair Favreau voted Aye, Member Riley voted Aye, Member Conway voted No and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion that the Select Board authorize the Town Manager to spend the remainder of the ARPA funds on the water main projects and sidewalks and report back to the Board on the distribution of funds. 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 Riley voted Aye, Member Conway voted Aye and Chair Burrows voted Aye.

18. Discussion and Possible Vote on School Use of Town Resources

Secretary Rosa stated that this would not be discussed tonight.

Approval of Meeting Minutes

Meeting Schedule

December 16, 2024 and January 6, 2025

MOTION - Secretary Rosa made a motion to adjourn the regular meeting of December 09, 2024 at 9:06 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 Riley voted Aye, Member Conway voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Yes.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – December 09, 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. **All other announcements may be viewed on the Town of Billerica website** – No Exhibits

Executive Session

4. **Executive Session Pursuant to G.L. c. 30A, § 21 (A)(3) To consider the purchase, exchange, lease or value of real property if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body – North Billerica Fire Station** – See Executive Session Minutes
5. **Executive Session Pursuant to G.L. c. 30A, § 21 (2) To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel – Town Manager’s Contract Discussion** - See Executive Session Minutes

Proclamation and Public Recognition

Public Hearings

6. **Continued 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** – Letter from M. Rosa 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 Beverages, Acknowledgement Form dated 10/30/23, Public Notice, Lowell Sun ad dated 11/04/24, Police report dated 10/04/24
7. **Public Hearing - National Grid and Verizon - #31032929 – 8 Tamarak Street- National Grid to relocate Pole #3 ~50’ southeasterly in order to supply electric service to a new home at 8 Tamarak Street** – Application from National Grid dated 11/07/24, DPW Comments dated 11/08/24, Contractor Comments dated 11/14/24, Safety Officer Comments dated 11/08/24, Electrical Comments dated 11/12/24, Abutters List dated 11/07/24, Public Hearing Notice
8. **Public Hearing - National Grid and Verizon - #31022033 – 12 Memory Lane - National Grid to install new Pole #4 with anchor ~115’ northerly from Pole #3 Memory Lane in order to provide electric service to a new home located at 12 Memory Lane** – Application from National Grid dated 11/07/24, DPW Comments dated 11/08/24, Contractor Comments dated 11/14/24, Safety Officer Comments dated 11/08/24, Electrical Comments dated 11/19/24, Abutters List dated 11/07/24, Public Hearing Notice
9. **Public Hearing – New On Premises All-Alcohol Beverages Restaurant §12, Common Victualler License and Weekly and Sunday Entertainment Licenses for Los Altos Mexican Restaurant and Cantina Inc. at the Premises Located at 446 Boston Road, Unit #9, Billerica, MA 01821** – Billerica application dated 11/12/24, Memo from Lt. Coffey dated 11/08/24, ABCC Application dated 10/25/24, Abutters List 08/15/24, Public Hearing Notice, Lowell Sun Ad dated 11/25/24

New Business (Quick Items)

10. **Emerald Rose, LLC dba Emerald Rose Restaurant located at 785 Boston Road – All Alcohol Restaurant §12 - Change of Manager – New Manager, Gary Litchfield** – Billerica application dated 11/20/24, Memo from Lt. Coffey dated 11/15/24, ABCC Application 10/28/24,

Appointments

Presentation

Committee Reports

Old Business



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11. **Town Managers Report** – Town Manager report dated 12/06/24
12. **Discussion and Vote on Town Manager's Contract** – Employment Contract undated

New Business

13. **Special Town Meeting Warrant – December 12, 2024 – Discussion and Vote on the Articles** – Final Warrant 12/12/24
14. **2025 License Renewals – Review and Approval – See Attached List** – Memo from D. McDowell dated 11/27/24, 2025 Licenses to be Signed
- a. All Alcohol Package Stores §15 – 9 out of 9 Licenses (All Ready to Approve)
 - b. Wine & Malt Package Stores §15 – 3 out of 3 (All Ready to Approve)
 - c. All Alcohol Restaurants §12 – 9 out of 21 Licenses Ready to Approve
 - d. All Alcohol Club §12 – 1 out of 3 Licenses Ready to Approve
 - e. All Alcohol Hotel – 0 out of 1 Licenses Ready to Approve
 - f. Wine & Malt Restaurants §12 – 4 out of 4 Licenses (All Ready to Approve)
 - g. Common Victualler's - 33 out of 36 Licenses (All But 3 Ready to Approve)
 - h. Car Dealer – Class 1 – 4 out of 4 Licenses (All Ready to Approve)
 - i. Car Dealer – Class 2 - 19 out of 20 Licenses (All But 1 Ready to Approve)
 - j. Car Dealer – Class 3 - 4 out of 4 Licenses (All Ready to Approve)
 - k. Marijuana – 1 out of 1 Licenses (Ready to Approve)
 - l. Second Hand Dealers – 2 out of 2 Licenses (All Ready to Approve)
 - m. Taxi – 2 out of 2 Licenses (All Ready to Approve)
15. **Discussion on Select Board Policies Section 4.2 Reports to the Board, Section 4.3 Asset Management, Section 7.0 Rate Setting and Section 21.0 Water and Sewer Oversight Board** – Memo from C. Main dated 11/01/24, Email from J. Burrows dated 11/24/24
16. **Discussion on the Town Charter Sections 5-7 Capital Improvement Program**– Memo from C. Main dated 11/01/24, Email from J. Burrows dated 11/24/24
17. **ARPA Funds Reallocation** - Memo from C. Main dated 10/18/24
18. **Discussion and Possible Vote on School Use of Town Resources** – Undated Spreadsheet – Winter 2024 School Cost Breakdown

Approval of Meeting Minutes

Meeting Schedule

December 16, 2024 and January 6, 2025 – No Exhibits

Approved On: March 3, 2025