



**TOWN OF BILLERICA
SELECT BOARD MINUTES
FEBRUARY 05, 2024**

Members Present: Chair Michael Riley, Vice Chair Kimberly Conway (Remote), Secretary Andrew Deslaurier, Michael Rosa, and John Burrows

Members Absent: None

Staff Present: Town Manager John Curran, Assistant Town Manager Clancy Main, and Director of Administrative Services Robert Maynard

Chair Riley called the meeting to order and stated that the meeting is a hybrid meeting with a Zoom option. Since we have a member who is remote, all votes will be taken by roll call and roll call attendance will be taken. Member Rosa was Present, Secretary Deslaurier was Present, Vice Chair Conway was Present, Member Burrows was Present and Chair Riley was Present.

The meeting was moved to the Buck Auditorium due to the large audience.

Call to Order 7:00 PM

The Pledge of Allegiance was recited.

1. Open Microphone

Grace Tucci of 7 Carson Street – Ms. Tucci stated that the things that are social media are deplorable and none of the Town's officials are condemning this behavior.

Bob Volpe of 34 Sullivan Street – Mr. Volpe stated that at 8:19 PM on Friday night he was contacted by Mr. Riley in cryptic messages looking to speak with him. He felt targeted by the Chair because he stood up for a 95-year-old woman who was being targeted by people online. This needs to stop. There is a high school kid who is feeding off of adults bragging about stealing signs and arson. This Board needs to stop enflaming the two sides of the Town Center and this Board needs to do better. People should be held accountable for their words and actions.

2. Vacancies on Boards and Committees

Secretary Deslaurier read the openings on Boards and Committees.

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

4. IBEW Local 103 and the Antonellis Family

Chair Riley presented the Proclamation to Lou Antonellis and family.

5. Stabilization Fund Warrant Article – Shawsheen Tech

Tony McIntosh, Superintendent of Shawsheen Tech appeared for discussion on the Stabilization Fund warrant article. Mr. McIntosh stated that last year, they had some major building repairs required. This year, the project costs are reduced but we are still seeing building maintenance. We could do a Capital Assessment, but he does not advocate for that. We could also transfer money from the E&D with budget amendments. We would like to create a stabilization fund that if there is left over money at the end of the year, it would go into this fund for building repairs.

Mr. Curran asked if this would require a 2/3 vote or majority since the Governor had just passed a law that stabilization funds now only require a majority. Mr. McIntosh stated that it would require a 2/3 of our School Committee but he can verify this.



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Member Rosa stated that he has always supported Shawsheen Tech, and they provide great students that participate in the trade industry, but he has a few questions. Can the money be used for anything you can borrow for or will DOR keep track or is this as budget item. Mr. McIntosh stated that they would have to follow the specific process set up for stabilization funds if it was being used for reoccurring costs in the operating budget. Member Rosa asked if Town Meeting is involved. Mr. McIntosh replied yes, but only once to create the fund. After the fund is created, only Shawsheen Tech School Committee will be involved. Member Rosa stated that you would need the majority of the Towns to approve this. Mr. McIntosh replied yes, 3 out of the 5 communities would have to approve this. Member Rosa stated that he has no issue with the extra money at the end of the year going into a stabilization fund, but he has concerns that Town Meeting is going to have no say if Shawsheen Tech wants a 5% increase in their budget and only the Shawsheen Tech has that authority. Last year, the Shawsheen Tech budget had a 7.9% increase, so if this was in place, the Shawsheen Tech School Committee could add 5% additional on top of that without Town Meeting approval. We have to budget for that ahead of time and if this is in place, we would lose that ability. Billerica has the highest number of students going to Shawsheen Tech, so we also have the highest amount contributing to them. Mr. McIntosh stated that we can always ask for \$0. Member Rosa stated that you could, but you can't guarantee that will ever happen and we lose that ability to say no. This could be an extra \$500,000 a year and we only vote on the total line item. Currently if there is money left over in the E&D budget at the end of the year it is refunded back to the Towns. If this passes, that will no longer happen. Mr. McIntosh replied that was correct. We are trying to be proactive with building maintenance. You need to remember that Billerica has 2 members on our School Committee. Member Rosa agreed but they are only 2 of 10 members. Member Rosa stated that he agrees that being proactive is a good thing, but his biggest issue is that there could be a big financial impact and we have no control if this is passed.

Secretary Deslaurier stated that the creation of the fund is to fix challenges coming down the pipe and to help when new shops are established. Mr. McIntosh stated that we have issues with our mechanical systems, switch gears, collapsed drainpipes in the hallways and asbestos in the floors. We are going to need to fix these.

Vice Chair Conway stated that we have had a great relationship with Shawsheen Tech, but she doesn't want that taken for granted and last year we got our assessment very late. Billerica contributes a lot of money and asked if the 5% increase is going to a capital fund. Mr. McIntosh stated that this article asks permission to create the fund and at the end of the year, once the E&D is certified, if there is any money left it is transferred to the stabilization fund. They are not asking for a 5% increase this year from our communities. Vice Chair Conway asked what happens to the surplus now. Mr. McIntosh stated that E&D is used for overrun costs and that State holds the money until it is certified in a no interest account. The stabilization account is an interest-bearing account. Vice Chair Conway asked what the excess was for last year. Mr. McIntosh replied just over the 5% cap, so each community was issued a credit for next year's assessment. Mr. McIntosh added that the State was late last year issuing the Chapter 70 funding numbers so this year we are on track. We should have had better communications with the Town Manager's and Finance Committees last year, but we are planning on presenting them on time this year.

Member Burrows asked if there was any feedback from the other Towns. Mr. McIntosh stated that Billerica is the first one that he is presenting to but he has had a few emails with questions from other communities.

Chair Riley stated that he believes this is a great idea.

Member Rosa stated that the stabilization fund is a great idea he is just concerned that there will be no control from the Towns. Is there any other way to create a rainy-day fund. Mr. McIntosh replied he doesn't know but can look into this more. Member Rosa stated that Mr. McIntosh stated that he has no intent of asking for 5% up front. This is for the end of the year when E&D is certified, he can't promise that other people might have different ideas.



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Public Hearing

Presentation

6. NMCOG Update – Executive Director Jenny Raitt

Jenny Raitt, Executive Director and Kelly Lynema, Deputy Director of NMCOG joined the meeting to explain what NMCOG is and what we do. They also gave a summary of MBTA Communities and what that means to Billerica.

Mr. Curran thanked Ms. Raitt and Ms. Lynema for coming and asked what the assessment is charged to Billerica. Ms. Raitt replied that the member assessment is based on per capita so Billerica is charged \$14,700. There are separate contracts for Weights and Measures. Mr. Curran asked what the major funding source for NMCOG is. Ms. Raitt replied that they get the majority of funding from the Federal and State governments. In May, MassDOT issued a \$1.1 Million grant for traffic, Economic Development Administration and DHCD.

Member Rosa stated that, if possible, he would like any presentation in advance. Member Rosa asked if NMCOG has any pull on the Boston Road project to get the road in decent shape. Ms. Raitt replied unfortunately no. Member Rosa stated that Billerica is above our 10% affordable housing, but Billerica has much more affordable housing than is counted but they don't have a deed restriction, so it is not counted against our totals and that is not right. Member Rosa stated that the State looks at dollars and a deed restrictions when certifying an affordable unit. We have a housing development, KenMar Drive, which has over 700 affordable units but because there is no deed restriction it doesn't count towards our affordable housing number. We also have the Trailer Park. Is this something that NMCOG can help with on changing 40B designations. Ms. Raitt replied no, we can help the Town achieve housing goals. The deed restrictions create long term sustainable affordable housing. Member Rosa stated that the MBTA zoning is not good for Billerica. Someone can take a single home on 1-acre and tear it down and build 15 units. This is density that we can never plan for in reference to water and sewer capacities. The 200 units at the mall was never planned for in the PUD and this will have huge impacts on water, sewer, police, fire and the school systems. Member Rosa asked if there have been any pushbacks from other communities. Ms. Lynema replied that she doesn't know of any of our communities that are fighting this. It's up to the communities to decide whether to adopt or not. Member Rosa asked if there is any money available to help to prevent the flooding that happened last year relative to maintenance of drainage systems. Ms. Raitt stated that there are some funding sources and planning with MVP grants.

Vice Chair Conway thanked NMCOG for coming and helping us throughout the years.

Secretary Deslaurier stated that Ms. Raitt was appointed to the Unlocking Housing Commission by the Governor and Billerica benefits immensely from having NMCOG available to us.

Chair Riley stated that where Billerica has met our 10% affordable housing, which should mean something. We should have an exemption because the MBTA zoning doesn't guarantee housing. We have a housing production plan, and we should be able to control where the housing goes.

Member Burrows stated that he understands that there is a housing shortage, but the zoning only has to be in place, it doesn't mean it has to be built. If we put the zoning over Jack's, Baker's Community and Home Depot it would satisfy the zoning requirement and if someone wants to build there, then they can pay for the cleanup. This area is close to the train station, Rt. 3, and Rt. 495. On February 13th, Milton is holding a special referendum election, because they don't like being told what to do. Ms. Lynema stated that Jack's falls outside the ½ mile from the train station. The State is looking for Town who are trying to outsmart the zoning intent. 50% of the housing needs to be within ½ mile of the train station. Member Burrows stated that if someone wants to build it, then they can spend the money to clean it up.

Executive Session

Chair Riley stated that they will go into Executive Session at the conclusion of the regular session.



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7. **Executive Session Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares**
8. **Executive Session Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24**

New Business

13. Change of Hours – Common Victualler’s License – Chicken Bites, Inc. dba Augusta Subs and Salads

Ryan Rosa appeared via Zoom. He would like to change his hours to 6:00 AM to 10:00 PM, Sunday through Saturday, so he can offer breakfast at Augusta’s.

MOTION - Secretary Deslaurier made a motion to approve the Change of Hours for Chicken Bites, Inc. dba Augusta Subs and Salads to 6:00 AM to 10:00 PM, Sunday through Saturday. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Aye, and Chair Riley voted Aye.

14. KHD Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for (7) 1-Day Special Wine & Malt License and Entertainment License for Thursday, February 8, 2024 from 5:00 PM to 8:00 PM, Saturday, February 24, 2024 from 11:00 AM to 3:00 PM, Thursday, February 29, 2024 from 5:00 PM to 8:00 PM, Saturday, March 9, 2024 from 11:00 AM to 3:00 PM, Thursday, March 21, 2024 from 5:00 PM to 8:00 PM, Saturday, March 23, 2024 from 11:00 AM to 3:00 PM, and Saturday, March 30, 2024 from 11:00 AM to 3:00 PM

Cody Enman appeared from KHD, Inc. Mr. Enman stated that he is applying for 7 one-day wine and malt as well as entertainment licenses.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Thursday, February 8, 2024 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Saturday, February 24, 2024 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Thursday, February 29, 2024 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Saturday, March 9, 2024 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.



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MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Thursday, March 21, 2024 from 5:00 PM to 8:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Saturday, March 23, 2024 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

MOTION - Secretary Deslaurier made a motion to approve the request for a one-day special wine and malt license and entertainment license for KHD, Inc on Saturday, March 30, 2024 from 11:00 AM to 3:00 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

15. Tax Work Off Program Discussion and Possible Vote

Jean Bushnell appeared to discuss the possible changes to the Tax Work Off Program. There are currently 77 people in the 125 allotted positions. Of these positions, 36 were immediately qualified and 41 went on a wait list. She is proposing eliminating the asset threshold. She would hold 50 spots for lower-income participants, but this change will attract a broader volunteer base. This would get more help for the seniors and the town.

Member Rosa stated that he likes the fact that 50 spots would be reserved for the low-income participants, and he would agree with removing the asset restriction. He thought it was too low when we discussed it. Of the 50 low-income slots they will have to provide asset verification to get them. Ms. Bushnell stated that we would get rid of the requirement altogether, but we know who the people are. Member Rosa stated that you could reserve these spots and have them provide their asset information and this would give them priority. There wouldn't be a set amount, but if they are low income and prove it then they get a priority spot. Ms. Bushnell replied that is adding a layer of complexity. Member Rosa stated that he is trying to protect the neediest. If they choose to show their assets, then they get priority and are guaranteed a spot. Mr. Curran stated that he is not sure that we can treat a group of people differently. Member Rosa stated that if you eliminate the asset cap, you may max out of the number of applicants.

Secretary Deslaurier stated that this is trying to fill both ends of the spectrum. If we remove the income portion it will fill the openings and bring new people in. This is the right thing to do.

Vice Chair Conway stated that there are 125 slots. If we take away the financial requirement and it becomes overfilled, then we can revisit it.

Member Burrows stated that you may get overwhelmed, and he is concerned that we won't know who is really in need and they may be outplaced. Everyone always wants something that is free. Ms. Bushnell stated that they have to work the 100 hours and they are matched with the tasks that are requested. She will make sure that it's available to the people who need it.

Chair Riley stated that the law doesn't have a financial requirement. We are not filling out the available spots even after we increased the assets. He agrees with Mr. Curran, we can't treat people differently.

Member Rosa stated that if we remove the asset requirement on 125 spots, but we reserve 50 spots who are low income and willing to prove it, he doesn't see how that is treating people differently. You know of 36 people who are low income but what about the ones you don't know about. If a person is willing to show their financials and they are low income they should be guaranteed a spot.

Ms. Bushnell stated that she is going to offer available workers to BATV, Meals on Wheels, the Food Pantry and the Historic Society. Mr. Curran stated that he doesn't believe they can work for a non-town department. He will check on this, but he would suggest not sending people out to these organizations until he gets back to her.



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MOTION - Vice Chair Conway made a motion to eliminate the financial asset requirement for the Tax Work Off Program. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Secretary Deslaurier voted Aye, Member Rosa voted Aye, Member Burrows voted Aye, Vice Chair Conway voted Aye and Chair Riley voted Aye.

16. Update on Billerica Housing Authority (BHA) - Waiver from Town Appointment for Tenant Board Member – Requested by Member Burrows

Member Burrows stated that he was contacted by a resident that the BHA received a waiver for the town appointment and asked why the Select Board liaison never contacted us about the change. Mr. Curran stated that the waiver was granted by the State for the tenant member. This position was previously elected, now it will be appointed by the Select Board. The State superseded the Town Charter. There is 1 member appointed by the Commonwealth, 3 members are elected, and one will be appointed by the Town. Chair Riley stated that we have received one application, but this will be advertised with all the open positions in April and appointed in June.

Member Rosa stated that they must be a resident of the Housing Authority and asked if Housing Authority had advertised. Mr. Curran replied he was not sure but the law states that the Housing Authority needs to advertise.

Approval of Minutes

9. December 18, 2023

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of December 18, 2023 as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Yes, Secretary Deslaurier voted Yes, Vice Chair Conway voted Yes, Member Burrows voted Yes and Chair Riley voted Yes.

10. January 8, 2024

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of January 8, 2024 Regular Session as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Yes, Secretary Deslaurier voted Yes, Vice Chair Conway voted Yes, Member Burrows voted Yes and Chair Riley voted Yes.

11. January 12, 2024

MOTION - Secretary Deslaurier made a motion to approve the Select Board minutes of January 12, 2024 Regular Session as presented. The motion was seconded by Member Rosa and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Yes, Secretary Deslaurier voted Yes, Vice Chair Conway voted Yes, Member Burrows voted Yes and Chair Riley voted Yes.

Appointments

Old Business

12. Town Managers Report

• **FY2025 Budget**

Mr. Curran stated that the budget process is ongoing. Some of the major budget changes are \$700,000 increase to Waste Management, \$1 million increase to the pension assessment, a \$75,000 appropriation to fulfill the new debt stabilization policy of \$10 million and the addition of the Assistant DPW Director and Finance Director. An additional consultant has been engaged to review the school budget.



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Member Rosa asked if the \$75,000 was coming from free cash. Mr. Curran replied no. Member Rosa stated that \$1.8 million comes from free cash into debt stabilization. Mr. Curran replied that is still be done for the two schools and sewer work for the debt stabilization. The Board voted to increase it from \$9 million to \$10 million to the levy. Member Rosa stated that he agrees that the school budget needs to be since the entire management team has left. You put a lot of faith in the previous superintendent. Is this an overall audit process. Mr. Curran replied yes. He is reserving judgement until the audit process is done. We lost a lot of institutional knowledge on the school management side. The budget process needs to be different because the schools and towns budget processes are completely different and shouldn't be. Member Rosa agreed completely and asked that the audit process be fast tracked, and the Board be kept informed.

Secretary Deslaurier asked if the Select Board would have access to the management review. Mr. Curran replied yes, it is a public document. Secretary Deslaurier asked that the results be put on the agenda when they are complete.

Member Burrows asked what the starting pay will be for the DPW Assistant Director and Finance Director. Mr. Curran replied that Finance Director will be between \$185,000 to \$200,000 and the DPW Assistant Director will be between \$110,000 and \$150,000. Member Burrows stated that Mr. Curran stated that he could do this job alone but now your office has added Clancy and Robert and now you want to add a Financial Director that is a hefty price tag for administration.

Vice Chair Conway stated that she appreciates transparency.

Chair Riley stated that we should get this Board and the School Committee together to talk about the budget process.

Member Rosa stated that in the job description for the Finance Director, a lot of the duties listed are duties that fall under the Town Manager. He has put together a great team, but he doesn't think we need to spend \$200,000 for the Financial Director. Mr. Curran stated that Mr. Watson is very involved, and we want to be able to hire a high caliber person when he retires. Member Rosa stated that we want to make sure that the job description of the Town Accountant, who we appoint, is correct and includes what Mr. Watson has done.

- **480 Boston Road**

Mr. Curran stated that the attorney for RD Management has been working with Town Counsel and the Engineering Department on the easements. This is expected to come before the Board in March.

Member Rosa stated that they are doing work now on where the easements are. Mr. Curran replied he was not sure but can check with engineering.

Member Burrows stated that they have been doing horrible work since day one and he is not sure how they have a permit without the easements being in place and approved.

- **North Billerica Fire Station**

Mr. Curran stated that on January 23rd, the Town sat down with Galante Architecture to kick off the project. Captains Paskiewicz and Bukoziemski and Chief Cole participated in the meeting.

Member Rosa asked if a cost analysis has been done. Mr. Curran stated that will be done in time for the fall Town Meeting.

- **Black History Month**

Mr. Curran stated that the Town will host Muqeedah Salaam on February 22nd in recognition of Black History Month. He is a historian and lecturer of African American History. This will be held in the Buck Auditorium.



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- **Boston Road North**

Mr. Curran stated that Tropeano is working on underground conduit crossings for the remainder of the winter. The utility conduit up to Good Street is complete. Mass Electric is still in process of scheduling the fiber transfer. Your office sent a letter to Mass DOT Director and Representative Lombardo and Senator Friedman regarding the status of the road. We called DOT following the most recent weather and they responded with patching crews.

Member Rosa stated that the letter should have been signed by the entire Board and would like a copy. Chair Riley stated that he and Secretary Deslaurier reviewed the memo and Secretary Deslaurier signed it. Mr. Curran stated that they have fixed some of the patches, but they are still digging the road up. Member Rosa stated that this is the poorest road project he has ever seen.

- **11 Concord Road**

Mr. Curran stated that construction is moving along, and the project is on schedule and expected to be complete in April 2024. There have been change orders due to code issues. These haven't impacted the timeline but has impacted the ability to request change orders on the finishes.

Member Burrows asked what change orders are being denied. Mr. Curran replied that they are wants not needs.

Chair Riley stated that he would like to address comments made by Mr. Volpe earlier tonight. He would never tolerate attacks on a 95-year-old woman. He was slandered on social media saying he was an arsonist. This Board does not tolerate this. Member Rosa had a point of order. These were comments made by a resident during open mic and the Chair should not be responding to them especially after the gentleman has left.

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

MOTION - Secretary Deslaurier made a motion to go into Executive Session to pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares. The Board will come out of Executive Session to adjourn and no other business will be conducted. The motion was seconded by Member Rosa and voted 4-1-0. On a roll call vote: Member Rosa voted Yes, Secretary Deslaurier voted Yes, Vice Chair Conway voted Yes, Member Burrows voted No and Chair Riley voted Yes.

8. **Executive Session Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24**

MOTION - Secretary Deslaurier made a motion to go into Executive Session to pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24. The Board will come out of Executive Session to adjourn and either take action on the Executive Session minutes or no other business will be conducted. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Member Rosa voted Yes, Secretary Deslaurier voted Yes, Vice Chair Conway voted Yes, Member Burrows voted Yes and Chair Riley voted Yes.

Member Rosa asked when does this end. If we go into Executive Session to review a set of minutes, then another set of minutes gets created. It doesn't make sense. He called for a Special Meeting at 7:30 to approve and release these Executive Session minutes but we received a letter from Town Counsel that this could be done in Executive Session, so the special needed is not needed.



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Secretary Deslaurier agreed, this is like a death spiral and where does it end. He agrees with Member Rosa, and we can't keep creating Executive Session minutes to discuss and approved Executive Session minutes. It doesn't make sense. We haven't approved and released Executive Session minutes in a while, but we always did it in regular session.

Vice Chair Conway stated that we did not receive any minutes to review. Mr. Curran stated that the minutes are not a public document until they are approved so they can't be given out to individual members until they are approved in Executive Session. Vice Chair Conway stated that was a 2-hour meeting and she does not remember a time when the minutes were not provided ahead of time, so they review them. She is not going to sit here and have someone read them to her. She does not agree with this.

Member Rosa agrees with Vice Chair Conway. He can never remember a time when they could not have the minutes beforehand. We were the ones at the meeting, and we know what was said.

Secretary Deslaurier stated that the next meetings are February 26, 2024 and March 4, 2024.

The Board adjourned into Executive Session at 10:04 PM

MOTION - Secretary Deslaurier made a motion to adjourn the Select Board meeting of February 5, 2024 @ 11:21 PM. The motion was seconded by Member Rosa and voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Secretary Deslaurier voted Aye, Vice Chair Conway voted Aye, Member Burrows voted Yes, and Chair Riley voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*



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Exhibits for the Select Board Meeting – February 05, 2024

Call to order 7:00 PM

1. **Open Microphone - No Exhibits**

Announcements

2. **Vacancies on Boards and Committees- Vacancy List**
3. **All other announcements may be viewed on the Town of Billerica website - No Exhibits**
4. **IBEW Local 103 and the Antonellis Family - Proclamation**

Presentation

5. **NMCOG Update – Executive Director Jenny Raitt - No Exhibits**
6. **Stabilization Fund Warrant Article – Shawsheen Tech – Stabilization Fund Information**

Executive Session

7. **Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares – LISTED IN EXECUTIVE SESSION MINUTES**
8. **Pursuant to G.L. c. 30A, Section 21 (A)(3) to discuss strategy with respect to litigation if an open meeting may have a detrimental effect on the litigating position of the public body and the chair so declares - Dina Favreau vs. John Burrows & Others – Review of Executive Session Meeting Minutes of 01/12/24 – Executive Session Minutes 01/12/24**

Approval of Minutes

9. **December 18, 2023 – Select Board Minutes 12/18/23**
10. **January 8, 2024 – Select Board Minutes 01/08/24**
11. **January 12, 2024 (Regular) – Select Board Minutes 01/12/24 Regular Meeting**

Old Business

12. **Town Managers Report – Town Manager’s Report dated 02/01/24, Assistant DPW Director Job Description, Finance Director Job Description**

New Business

13. **Change of Hours – Common Victualler’s License – Chicken Bites, Inc. dba Augusta Subs and Salads – Billerica Application dated 01/19/24**
14. **KHD Inc. d/b/a High Octane Harley Davidson located at 1 Chelmsford Road – Applications for (7) 1-Day Special Wine & Malt License and Entertainment License for Thursday, February 8, 2024 from 5:00 PM to 8:00 PM, Saturday, February 24, 2024 from 11:00 AM to 3:00 PM, Thursday, February 29, 2024 from 5:00 PM to 8:00 PM, Saturday, March 9, 2024 from 11:00 AM to 3:00 PM, Thursday, March 21, 2024 from 5:00 PM to 8:00 PM, Saturday, March 23, 2024 from 11:00 AM to 3:00 PM, and Saturday, March 30, 2024 from 11:00 AM to 3:00 PM- Billerica Applications dated 01/22/24, Memo from Lt. Coffey dated 01/19/24, TIPS Certifications Mazza & Dalton, Workers Comp Affidavit & Binder, Assessor’s Abutters List, Public Notice**
15. **Tax Work Off Program Discussion and Possible Vote – Memo from J. Bushnell dated 02/01/24**
16. **Update on Billerica Housing Authority – Waiver from Town Appointment for Tenant Board Member – Requested by Member Burrows – Memo from Executive Office of Housing and Livable Communities dated 09/29/23, Charter, Email from M. Reich dated 01/22/24, Email from D. McDowell dated 02/01/24**

Meeting Schedule

February 26, 2024 and March 4, 2024

Approved On: March 18, 2024