



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 06, 2025**

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.

A roll call vote was taken due Member Conway being remote. Member Conway was Present, Member Riley was Present, Vice Chair Favreau was present, Secretary Rosa was Present and Chair Burrows was present.

1. Open Microphone

There was no one in person or via Zoom for Open Microphone.

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

4. Introduction – New Council on Aging (COA) Director – Hemali Shah

Mr. Main introduced Hemali Shah. She was last working in Lexington and she will start on January 21st.

5. Introduction – New Paramedic (EMS) Director – Robert O'Brien

Mr. Main introduced Robert O'Brien. He has been with Billerica for 20 years and will start in this position on January 20th. Chief Roy Frost joined the meeting. Chief Frost stated that Mr. O'Brien has been an outstanding employee and had a great interview. He is going to do a fantastic job.

Public Hearing

6. Public Hearing Per MGL, Chapter 148 for Rivertech Property Owner C/O Griffith Properties dba Nuvera Fuel Cells, LLC, located at 129 Concord Road, Building 1 – To Amend the Hazardous Material Storage License to Increase the Amount of Gaseous Hydrogen from 206,00 Scf to 450,000 Scf and Liquid Hydrogen from 0 Gallons to 9,000 Gallons

MOTION - Secretary Rosa made a motion to open the public hearing for Nuvera Fuel Cells at 6:08 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted Aye, Member Riley voted Aye, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

David Martin, PM for Nuvera, Neil Gilligan, from Nuvera, Mike Patella from Nuvera, Jim Armstrong property owner, Dan Dowd from AirGas and Deputy Fire Chief Stephen Kennedy joined the meeting. Mr. Martin stated that Nuvera makes products for clean energy fuel cells. They are restricted by hydrogen delivery.

Deputy Kennedy stated that this is for 9,000 K storage tank. There has been a third-party review and he would support the new install.

Member Riley stated that as long as the Fire Department is ok, he has no questions.

Vice Chair Favreau stated that she supports this application with the Fire Department conditions.



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Secretary Rosa stated that he has no questions.

Zoey Larson of 187 Concord Road – Ms. Larson asked if there will be additional light and noise. She can hear the gas deliveries. Mr. Patella stated that this tank will actually greatly reduce the deliveries and it will reduce the deliveries to monthly or bi-weekly. Mr. Martin stated that there will be two additional light poles but will be facing inward.

MOTION – Secretary Rosa made a motion to close the public hearing at 6:17 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 to amend the hazardous material storage license to increase the amount of Gaseous Hydrogen from 206,00 Scf to 450,000 Scf and Liquid Hydrogen from 0 Gallons to 9,000 Gallons subject to the inclusion of the Fire Department recommendations. 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. 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 – 2nd Violation

MOTION – Secretary Rosa made a motion to open the public hearing for the Show Cause Public Hearing for 700 Boston Road at 6:19 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.

Attorney John Mooradian and Mr. Patel joined the meeting. Attorney Mooradian stated that this second violation was done by the same employee as the first violation. She was fired. He is asking if there is a suspension, it be held in abeyance or held on a Monday or Tuesday.

Member Conway stated that this happened within a couple of weeks of the previous violation, the employee has been fired and they upgraded their scanning equipment. Attorney Mooradian replied that was correct. She would agree to hold a suspension in abeyance.

Secretary Rosa stated that he did not know about the second offense when they were discussing the first offense. He thought the employee was fired after the first offense. If he had known about the second offense, he would not have agreed to a warning on the first. Secretary Rosa asked when the id machine was ordered. Mr. Patel replied about six months ago. Secretary Rosa stated that if we suspend the license, it should not be a Monday because that will not have an impact. The employee should have been fired after the first violation. Attorney Mooradian stated that they retrained the employee and made them take a TIPS course after the first offense. Secretary Rosa stated that it would have been different if you notified us after the second violation. We take liquor licenses very seriously and we make the final decision. Attorney Mooradian stated that we worked with Lt. Coffey, we fired the employee and purchased a new scanner. Secretary Rosa stated that a one-day suspension is not sufficient and he would look at a two- or three-day suspension.

Member Riley stated that after the first offense, they retained the employee but after the second violation she was terminated. There is nothing nefarious going on. At the time of the meeting, the employee was already fired. He would agree with Lt. Coffey on the one-day suspension.

Vice Chair Favreau stated that there are aggravating and mitigating factors. The regulations allow us to issue a 5–10-day suspension. She doesn't agree with a one-day suspension. In 2024, there were 94 at risk referrals for underage drinking. We should follow our policies and procedures and issue a five-day suspension and it should be the week of St. Patrick's Day.

Chair Burrows stated that he is in the middle. He does want to hurt a business but there have been two violations in a short time but he appreciates the efforts of the business.



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Member Conway stated that she could support a one-day suspension. If they let us know of the second violation during the first hearing, we would have looked at it differently and that is not fair. Everyone should be identified.

Vice Chair Favreau stated that she doesn't disagree with Member Conway's statement. These are two distinct instances.

Secretary Rosa stated that according to Section 22.14, the employees should have already been trained. Our policies were written with the help of our Police Department to prevent instances of violations. It is the responsibility of the owner to make sure underage sales do not happen.

Chair Burrows agreed that all employees should be TIPS certified.

There were no questions from the audience or online.

MOTION - Secretary Rosa made a motion to close the public hearing for the Show Cause Public Hearing for 700 Boston Road at 6:44 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.

MOTION - Secretary Rosa made a motion that the Select Board suspend the license for Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road for two-days – Friday and Saturday, January 24th and January 25th. Vice Chair Favreau seconded it for discussion. After discussion, the motion was amended that the suspension will be two-days – Monday, March 17th and Tuesday, March 18th, 2025. The motion was voted 3-2-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted No, Member Riley voted No, Vice Chair Favreau voted Aye and Chair Burrows voted Aye.

Member Riley stated that for discussion, he would agree with a one-day suspension but if it is a two-day then it should be a Wednesday and Thursday and not the weekend.

Vice Chair Favreau stated that for discussion, we should follow our own policies. If we want to be lenient, we should change the policies. We should make sure if we suspend the license for only two days, it should be Monday, March 17th and Tuesday, March 18th.

Secretary Rosa stated that he would take Vice Chair Favreau as a friendly amendment.

8. Public Hearing for a Pole Petition for National Grid and Verizon - #31006529 – Webb Brook Road- National Grid to install (1) JO Pole (13-50) on Webb Brook Road beginning at a point approximately 345' southwest of the centerline of the intersection of Jennifer Circle between P13 & P14 on Webb Brook Road

MOTION - Secretary Rosa made a motion to open the public hearing for National Grid for Webb Brook Road #31006529 at 6:47 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.

Paulo Sathler from National Grid joined the meeting via Zoom.

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 audience or online.

MOTION - Secretary Rosa made a motion to close the public hearing for National Grid for Webb Brook Road #31006529 at 6:49 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.



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MOTION - Secretary Rosa made a motion to open the public hearing for National Grid for Webb Brook Road #31006529 to install (1) JO Pole (13-50) on Webb Brook Road beginning at a point approximately 345' southwest of the centerline of the intersection of Jennifer Circle between P13 & P14 on Webb Brook Road. 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.

9. Transfer of All Alcohol §12 Restaurant License, Common Victualler, and Entertainment License (7 Days) – FROM Stelio's Corporation dba Stelio's Family Restaurant TO Food District Inc. dba Stelio's Restaurant located at 293 Boston Road

MOTION - Secretary Rosa made a motion to open the public hearing for the Transfer of the All-Alcohol, Common Victualler and Entertainment License for Stelio's Restaurant at 6:51 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.

Kannan Kesavalo and Ashokraja Raman appeared for the transfer of license for Stelio's Restaurant. Mr. Kesavalo stated that he has been in the restaurant business for 15 years. They are not changing anything to start.

There were no questions from the Board or the audience.

MOTION - Secretary Rosa made a motion to close the public hearing for the Transfer of the All-Alcohol, Common Victualler and Entertainment License for Stelio's Restaurant at 6:52 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 to approve the liquor license transfer for Stelio's Restaurant with the hours of operation of 8:00 AM to 11:00 PM Monday – Saturday and 10:00 AM to 11:00 PM Sunday. 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 to approve the transfer of the common victualler license for Stelio's Restaurant with the hours of operation of 7:00 AM to 11:00 PM Monday – Saturday and 10:00 AM to 11:00 PM Sunday. 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 to approve the transfer of the entertainment license for Stelio's Restaurant with the hours of operation of 7:00 AM to 11:00 PM Monday – Saturday and 10:00 AM to 11:00 PM Sunday. 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 manager of record for Stelio's Restaurant will be Kannan Kesavalo. 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)

Wayne Smith of 6 Chadwick Street – Mr. Smith stated that he signed up for open microphone. He would like to the residents to know that they can get a better electrical rate than National Grid. He will give the information to the Town Manager.



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10. Change of Hours Request – Caipirinha’s Sports Bar and Grill located at 512 Middlesex Turnpike for their Liquor License and Entertainment License - Monday-Saturday 9:00 AM – 1:00 AM and Sunday 10:00 AM to 1:00 AM

Attorney Stephen Nelson appeared for the request to change the hours of Caipirinha’s Sports Bar and Grill. They would like to reinstate the hours that were taken away at the Show Cause Hearing held on September 9th. This Board rolled back the Liquor License and Entertainment Licenses. They held a neighborhood meeting and listened to the neighbors. They have a building permit to build an interior vestibule and they have added acoustic panels on the ceiling and windows. They have also agreed to have police details with large shows. On Sunday, they are proposing to stop at 11:00 PM for the entertainment and alcohol. The proposed hours are 9:00 AM to 1:00 AM Monday through Sunday and 10:00 AM to 11:00 PM on Sunday.

Lt. Sean Coffey joined the meeting. They have had no complaints since the hours were rolled back. They have also confirmed the mitigation inside. They have no objection to restoring the hours.

Member Conway stated that she is glad that they have taken action to help but asked if we could make it for six months.

Secretary Rosa stated that he also appreciates the mitigation but he would not support the 1:00 AM stop time and 10:00 PM is more reasonable on Sunday. Secretary Rosa stated that the vestibule needs to be complete before the hours can change. Attorney Nelson stated that they would agree with a 10:00 PM stop on Sunday. Secretary Rosa stated that if the neighbors complain, we will be back here.

Member Riley stated that the Police support the changes and he agrees with rolling back the hours on Sunday to 10:00 PM.

Vice Chair Favreau stated that she appreciates the steps being taken and she likes the fact that they met with the neighbors. Vice Chair Favreau asked when you are planning to go to the new hours. Attorney Nelson replied they hope at the end of the month.

There were no questions from the audience or online.

MOTION - Secretary Rosa made a motion to approve the change in hours for alcohol, common victualler and entertainment for Caipirinha’s Sports Bar and Grill to 9:00 AM to 1:00 AM Monday-Saturday and 10:00 AM to 10:00 PM on Sunday subject to confirmation of completion of construction on the interior vestibule. 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.

Appointments

11. Water/Sewer Oversight Board

a) Stephen Choate (Expiration 6/30/27)

MOTION - Secretary Rosa made a motion to appoint Stephen Choate to the Water/Sewer Oversight Board with an expiration date of June 30, 2027. 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.

b) Richard Skorik (Expiration 6/30/27)

MOTION - Secretary Rosa made a motion to appoint Richard Skorik to the Water/Sewer Oversight Board with an expiration date of June 30, 2027. 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.



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c) Lucas Stefanich (Expiration 6/30/26)

MOTION - Secretary Rosa made a motion to appoint Stephen Choate to the Water/Sewer Oversight Board with an expiration date of June 30, 2026. 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.

12. Financial & Compliance Audit

a. Lucas Stefanich (Expiration 6/30/27)

MOTION - Secretary Rosa made a motion to appoint Stephen Choate to the Financial & Compliance Audit with an expiration date of June 30, 2027. 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.

Old Business

13. Town Managers Report

• **Professional Recognition**

Mr. Main thanked Paul McCarthy from the Recreation Department for setting up the winter wonderland.

MOTION - Secretary Rosa made a motion to put a letter of recognition in Paul McCarthy's file. 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.

• **Assistant Town Manager Search**

Mr. Main stated that the Town has received over 50 applications for the Assistant Town Manager position as of the day prior to the deadline. This diverse pool includes highly qualified candidates, with approximately 20 demonstrating strong potential and 12 standing out as exceptional. Among the applicants are 5 current or former Town Managers/Town Administrators, 6 current Assistant Town Managers, and professionals serving as Town Counsels, Economic Development Directors, Planners, CFOs, Directors of Administrative Services, State Government Officials, Cable Access Directors, Town Clerks, Assessors, Council on Aging Directors, and a former anchor on WEEI. To ensure the Town selects the best candidate, he will have an internal committee consisting of Elaine Russo, Dawn McDowell, and Mark LaLumiere. An internal review will take place next week and interviews in mid-January.

Vice Chair Favreau stated that it is impressive with the number of applicants. It shows that our town is sought after by competent professionals willing to serve in a community as diverse as ours. Looking forward to hearing about the finalists.

Secretary Rosa stated that it is a great pool of applicants and he looks forward to seeing who is selected.

Member Riley stated that he is glad that you used Community Paradigm. You should look at someone with an Economic Development background.

• **Budget Update**

Mr. Main stated that both articles passed the Town's budget meetings will conclude by Tuesday, January 7th. This is about two weeks in advance of previous years. Adjustments have been made to non-union salary schedules to maintain competitiveness in the municipal market and ensure parity among like roles. The municipal job market remains small and competitive, with recruiting firms actively targeting talent as you can see from the Assistant Town Manager search. Most departmental budgets reflect increases tied to settled contracts. Cost of living can range anywhere from 3% - 3.5%. This does not include additional items that were added throughout contracts. Some new positions have been proposed, I am holding off on further action until a full assessment of overall budget impacts is completed.



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Additionally, some positions have been combined or eliminated through attrition. Completing the budget process ahead of schedule allows ample time to analyze and identify potential savings.

Vice Chair Favreau stated that she is glad that this is being done early. There is community wide concern about the tax increases, so we need to be diligent and fiscally prudent in managing priorities

Secretary Rosa stated that we need to knuckle down and take a hard look at the School Department budget. We need to look at the administration positions and not teachers. The School Committee and Superintendent needs to come to the table and hold the line with the increases. They need to look at grants and be creative. Mr. Main stated that he is going line by line of every budget to see what can be reduced.

Member Conway stated that she is concerned with staying to the 2% increase.

Member Riley asked if new positions are being added now. Mr. Main replied that we need to look down the road. Mr. Riley stated that he values education and the school should be a fully funded budget. We need more Chapter 70 funds. Everyone in the school system is an asset.

Chair Burrows stated that we have to wait to see what the school budget comes in at.

- **Accessory Dwelling Units (ADUs)**

Mr. Main stated that he met with the Director of Permitting Services and the Interim Director of Planning and Community Development to discuss Accessory Dwelling Units (ADUs) under the new state law. While ADUs are permitted under zoning regulations, the lack of final state guidelines presents challenges. Currently, towns can regulate four aspects of ADUs: setbacks, Title 5 requirements, site plan review, and short-term rentals. Our preliminary decisions include maintaining current setbacks, enforcing Title 5 requirements without relief, and not requiring site plan review. Discussions about short-term rentals may arise in the future as well as additional Title 5 capacity. Additional challenges exist as we believe at this time ADUs may be considered two family units under building codes, triggering requirements such as the stretch energy code, firewalls, and other regulations. There will be additional requirements internally for trash pickup, water, and sewer hookups.

Vice Chair Favreau asked what the expected due date is for this. Mr. Main stated that the State guidelines go into effect on February 2nd but the regulations are not released yet. Vice Chair Favreau asked if we need language EOHLC. Mr. Main replied he is not sure but will check.

Secretary Rosa asked if ADUs have shared utilities. Mr. Main replied he was not sure because the final regulations are not out yet.

Member Conway asked if ADUs will be connected to sewer and will they go against our 10% and will they be considered affordable. Secretary Rosa stated that he has read that they count against our housing stock and they are not counted as affordable.

Member Riley stated that he spoke with the Building Commissioner and there is a lot of confusion on the ADUs.

- **Zoning Recodification**

Mr. Main stated that the Planning Board will hold a public meeting on January 27th at 5:00 PM to discuss the zoning recodification efforts.

Member Conway stated that this should not be held at 5:00 PM because people are still working.

- **Park Projects**

Mr. Main stated that all three park project bids have come in under budget. Skate Park: The project included all bid alternate wish list items and still had funds to spare. Phase 1 of the Old Ditson Project: This project came in under budget, but work cannot begin until July 1, 2025, due to PARC grant regulations. Kohlrausch Park: This project also came in under budget and is ready to proceed in the spring.



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Vice Chair Favreau stated that this is great news and asked if the contract was awarded for the skate park. Mr. Main replied yes, it came in about \$10,000-\$15,000 under budget.

Secretary Rosa stated that this is great news.

Chair Burrows stated that this is great but we need to do a better job keeping up with them and maintaining it. There are broken nets down at PHR.

- **MBTA Catalyst Fund Grant**

Mr. Main stated that the grant application for the MBTA Catalyst Fund is complete and will be submitted on Tuesday morning. I am considering two potential projects for the grant: Faulkner and Old Elm or Old Elm and Talbot Ave. Preference is given to projects supporting affordable housing, which makes Talbot Ave appealing, but it is outside the district. He has inquired about how they weigh being fully inside the district vs affordable housing outside the district. The grant also gives special consideration to a 10% match, which we can provide through a combination of capital account and ARPA funds. He recommends including this match to strengthen the application. Letters of support from Senator Friedman and Representative Lombardo will accompany the application.

Vice Chair Favreau stated that she would like Wilson Street to be paved under this grant. She would support the 10% ARPA match and is glad to see both representatives provided letters of support. Mr. Main stated that the capital money is \$1.1 million.

Secretary Rosa stated that we need to focus on impacted areas. He is concerned with the 10% match with the budget being tight.

Member Conway stated that she agrees with Secretary Rosa on the 10% match unless it helps our application get approved.

- **ARPA Funds**

Mr. Main stated that all ARPA funds were successfully allocated before the December 31, 2024, deadline. Several projects, including water line improvements, came in under budget. Surplus funds from these projects were allocated to completed capital account or roadway projects as they had bills readily available to pay. A report detailing what is left should be available by next meeting.

- **Town Owned Farm Land**

Mr. Main stated that the RFP has been completed and is ready to be published. Currently the rate for farmland is \$50 an acre per month. The plot of land is about +/- 9 acres. My recommendation is to charge no rent for the first five years but they have to provide some community benefit that can be proposed as part of the bid. I plan to also include some sort of discount on water in the first few years. This will allow the winning proposal time to get up and running. He is looking for a sense of the Board on those items.

Vice Chair Favreau stated we should look at a co-op and student option, look at working with the Food Pantry, and SNAP certification. She is concerned with the exits on to the Griggs property. Mr. Main stated that Mr. Griggs has said that he will work with the right person. That makes him uneasy and we should just move forward with the curb cut and run the water line. Vice Chair Favreau added that there should be no food crops grown near Boston Road because of the car emissions. There should be a buffer.

Secretary Rosa stated that we could have the parking lot along Boston Road to provide a buffer. We should also look at using one acre for more community gardens. He is concerned with reducing the water rates if the enterprise fund is 100% self-funding.

Member Conway stated that she is ok with not changing at the beginning but she would like to see what we can get in return. The water credit should only be at the very beginning. Mr. Griggs has not paid his taxes and we won't let this property be connected to water through his property.



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Member Riley asked what happens after five years. Mr. Main stated that we can extend it an additional five years. He agrees with not relying on someone for access for water.

Chair Burrows stated that we should reach out to Shawsheen Tech to collaborate on this project.

- **Boston Road North**

Mr. Main stated that the following is the traffic pattern change for the Boston Road North project.

TMP Phase IIA

Starting on Monday, January 6th at 8:00 am the traffic flow will be changed to allow for the construction of the next phase of Boston Road. In the first operation the southbound lane will be shifted to the west side on the new road while the northbound lane will remain unchanged creating a work zone in between. Mulberry Lane will be restricted to making a right turn only onto Boston Rd. during the day work shift hours on Jan. 6th & 7th. U-Turns on Boston Road at Heritage Road and at Good Street will be permitted for all non-truck passenger vehicles. Trucks and Buses can reverse direction on Boston Rd. NB by using Pollard Street and on Boston Rd. SB by continuing to Concord St. at the Town Center.

TMP Phase IIB

On Monday January 20th at 8:00 am Phase IIB is expected to be implemented, shifting the Boston Road Northbound Lane to the west side on the new pavement along the Southbound Lane to create our work zone on the east side of the road (mirror image of our current phase). During this phase northbound and southbound can be accessed by all properties and side streets on both sides of Boston Road.

Secretary Rosa stated that Boston Road is a disaster.

Member Conway stated that she agrees that this is a disaster but this is a State run

- **Capital Plan**

Mr. Main stated that he will be submitting a Capital Plan as required by the Charter in the first meeting in February. This plan will be a working copy as the Select Board needs to identify their goals and priorities for many long-term items before it can be finalized. The long-term Capital Plan will affect next year's tax increase significantly. At this time, we have a debt stabilization appropriation of over a million dollars in the budget. With the current projects in the queue, it could add an additional million dollars to the budget. Depending on shifting priorities this number will fluctuate and will need to be dealt with in the fall.

Vice Chair Favreau stated that we should work on a hybrid model for Town Meeting. She is working on a starter home zoning district. The top priorities should be clean water, roads and economic development.

14. Discussion and Possible Vote to Waive (Pro-Rate) the 2025 License Renewal Fee of 22 Commune, Inc – Requested During the License Renewal Process

Secretary Rosa stated that Mr. Patel has asked for a waiver of the 2025 license fee. Secretary Rosa stated that this is in the Val. This was never intended for a full restaurant; it was permitted to be a coffee shop. This started off as a 100 seat restaurant but the ZBA brought it down to 40 seats. This was a gift because there are parking issues. He would not support this. He could have returned the license and then reapply when ready.

Member Conway stated that she would support this.

Member Riley stated that he would support this. Mr. Patel has been a great partner and he supports the local business.

Vice Chair Favreau asked if we know the time frame to open. She would be amenable to pro-rating the fee. She would like to hear from the owner.



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Chair Burrows stated that this is a tough project because there is not enough parking. The original proposal was for a take-out, quick turnaround business like a small coffee shop.

Member Conway asked we not vote on this and ask Mr. Patel to come in and explain to us the ask. She would like to get an update from the building department on the status of the permit.

New Business

15. Intro and Discussion of Calendar Year 2025 Goals

Mr. Main presented the introduction for the 2025 goals. He is not planning on discussing this tonight but would like to get the Board thinking about them.

16. Vote to Approve \$1,650,000 per Article 19 (Actual Amount will be \$1,141,825) Bond to Be Issued to the Mass. Clean Water Trust and Execute Related Document – Requested by Town Treasurer

Town Treasurer Elaine Russo joined the meeting. The Board needs to vote on a bond for Article 19 from Town Meeting.

MOTION - Secretary Rosa made a motion that he, the Clerk of the Select Board of the Town of Billerica, Massachusetts (the “Town”), certify that a meeting of the board held January 6, 2025, of which meeting all members of the board were duly notified and at which a quorum was present, the following vote was passed, all of which appears upon the official record of the board in my custody and move to adopt the vote to authorize the bond pursuant to the vote prepared by the bond counsel and in writing before the board. 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.

17. Discussion and Vote on Gift Acceptance – Cash and Checks for the Council of Aging (COA)

Mr. Main stated that there were some accounting practices at the COA that were not in adherence to business practices. These issues have been corrected and there is \$4,210.05 in donations that need to be accepted by the Board. Going forward, we will use the attached form that Ms. McDowell provided for all donations.

Vice Chair Favreau appreciates the corrective actions taken to fix the issue. Was there gift cards also? Mr. Main stated that Market Basket was able to refund the gift cards and this is part of the money that is being discussed.

MOTION - Secretary Rosa made a motion to accept the donations of \$4,210.05 for cash and checks for the COA. 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. Discussion and Vote of New Town Accountant – Amit Chhayani

Mr. Main stated that Amit Chhayani was unanimously selected by the Subcommittee. He has 10 years of municipal service and will be a great addition to the staff.

Member Conway stated that herself and Secretary Rosa were on the subcommittee and we unanimously voted to support Mr. Chhayani. He lives in Billerica and has audit experience which is very important.

Mr. Chhayani joined the meeting. He is currently working in Gloucester and he is very excited to join the Town of Billerica.

Vice Chair Favreau thanked the subcommittee for all their work and she appreciates she appreciates the due diligence that went into making the recommendation. After reviewing the candidate’s resume, it appears that he has the strong financial acumen that our town needs.

Secretary Rosa stated that he was very excited that Mr. Chhayani has experience in Munis and has worked with schools which is very encouraging. We had some good candidates but Mr. Chhayani stood out.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 06, 2025**

MOTION - Secretary Rosa made a motion that the Select Board appoint Mr. Amit Chhayani as the Town Accountant starting January 21, 2025. 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. Deleted

This agenda item was deleted.

20. Deleted

This agenda item was deleted.

21. Discuss and Possible Vote to Sign the Purchase and Sale Agreement for 176 Boston Road for the New Fire Station

Mr. Main presented the Purchase and Sale Agreement for 176 Boston Road. Mr. Main stated that there were some minor changes to button up some issues that were brought up. This updated copy was dropped off by Attorney Nelson.

Secretary Rosa stated that the P & S is signed by the Select Board but the motion is to authorize the Town Manager. Mr. Main stated that the authority is the Select Board, the motion is to give him the authority to move forward with the sale.

MOTION - Secretary Rosa made a motion pursuant to the vote taken under Article 14 of the 2024 Annual Town Meeting to purchase a piece of land for the North Billerica Fire Station located on Boston Road from 188 CF LLC and to execute and authorize the Town Manager to execute on behalf of the Select Board the purchase and sale agreement, acceptance of deed and all other documents and actions that may be appropriate. 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.

22. Discussion and Possible Vote on Due Dates and Interest of Water/Sewer Bills

Mr. Main stated that do to issues internally and externally, the water bills went out a month late. There were technical issues with Munis, so they started looking at other vendors. They are going to maintain the current read cycles but will waive the late fees until June 30th.

Member Conway stated that she discussed this with Mr. Main and she appreciates raising the awareness of this issue.

Member Riley agreed, it's good to get this out in the open.

Vice Chair Favreau thanked Mr. Main for the transparency and owning the mistake as well as correcting them. She asked what the likelihood of success is. Mr. Main stated that they are working hard to rectify the issue and will work with other vendors to make sure this doesn't happen again. He will keep the Board up to day.

Secretary Rosa stated that this is not all on Mr. Main. The Select Board voted three years ago to go to quarterly payments and it should have been done years ago. This was not done by the previous Town manager because of billing levels 3 times a year and what residents were being charged. He appreciates you getting this done finally. Fully support this.

Chair Burrows stated that we need to move forward and we are going in the right direction.

MOTION - Secretary Rosa made a motion that the Select Board as Water Commissioners waive the interest for late fees for water/sewer bills on this cycle and next until June 30, 2025. 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
JANUARY 06, 2025**

23. Discussion and Possible Vote for a No Left Turn at Eveready Circle

Chair Burrows stated that in May 2022, Deputy Magnan agreed that a sign for no left turn for trucks was added to Standard Electric. He is requesting that the same sign be added at the end of Eveready Circle due to neighbor complaints on the number of trucks going down the road.

Member Conway asked if we already voted on this. Chair Burrows replied that he thought we voted on it. Member Conway stated that we usually have the traffic officer review this and come in with a recommendation. She would recommend continuing this until the safety officer provides a report.

Member Riley agreed with Member Conway and asked the new safety officer to look at this request.

Chair Burrows stated that he suggested they review the minutes.

Vice Chair Favreau stated that she was not on the Board when this was first discussed. She wants to make sure that we avoid any missteps and asked that the supports be provided to her for review to ensure that we have all the information to ensure that the action is legal.

Secretary Rosa stated that we can make a motion contingent on approval of the safety officer.

Member Conway stated that we should do this the right way.

MOTION - Secretary Rosa made a motion that the Select Board approve a no left turn for truck traffic sign to be installed at the end of Eveready Circle subject to the approval of the safety officer. The motion was seconded by Vice Chair Favreau and voted 2-3-0. On a roll call vote: Secretary Rosa voted Aye, Member Conway voted No, Member Riley voted No, Vice Chair Favreau voted No and Chair Burrows voted Aye. The motion failed.

Meeting Schedule

January 27, 2025 and February 3, 2025

Executive Session

24. Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review and Approval and Possible Redaction of Executive Session Minutes of December 16, 2024

MOTION - Secretary Rosa made a motion to go into Executive Session to G.L. c. 30A, § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review and Approval and Possible Redaction of Executive Session Minutes of December 16, 2024. The Town of Billerica at 8:53 PM. 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 Aye and Chair Burrows voted No.

25. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Community Care Collective

26. Deleted

This agenda item was deleted.

MOTION - Secretary Rosa made a motion to go into Executive Session to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Community Care Collective The Town of Billerica at 8:53 PM. 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 Aye and Chair Burrows voted No.



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 06, 2025**

Secretary Rosa stated that we will only return to regular session to adjourn.

MOTION - Secretary Rosa made a motion to adjourn the regular meeting of January 06, 2025 at 9:32 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*



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 06, 2025**

Exhibits for the Select Board Meeting – January 06, 2025

Call to order 6:00 PM

1. **Open Microphone** – No Exhibits

Announcements

2. **Vacancies on Boards and Committees** – Vacancy List dated 12/30/24
3. **All other announcements may be viewed on the Town of Billerica website**– No Exhibits
4. **Introduction – New Council on Aging (COA) Director – Hemali Shah**– No Exhibits
5. **Introduction – New Paramedic (EMS) Director – Robert O’Brien**– No Exhibits

Proclamation and Public Recognition

Public Hearings

6. **Public Hearing Per MGL, Chapter 148 for Rivertech Property Owner C/O Griffith Properties dba Nuvera Fuel Cells, LLC, located at 129 Concord Road, Building 1 – To Amend the Hazardous Material Storage License to Increase the Amount of Gaseous Hydrogen from 206,00 Scf to 450,000 Scf and Liquid Hydrogen from 0 Gallons to 9,000 Gallons** – Billerica Application undated, Memo from S. Kennedy dated 12/09/24, FY-002A License Application, Section 6.0 of SB Policies and Procedures, Abutters List dated 11/22/24, Lowell Sun Advertisement dated 12/23/24, Site Plan
7. **Show Cause Public Hearing for Violations of MGL, Chapter 138 §64, Section 22.17 of the Rules and Regulations for the Licensing and Sale of Alcoholic Beverages for the Town of Billerica and 204 CMR 2.05(2) – Ramnivash3, Inc. dba Town Wine and Spirits located at 700 Boston Road – 2nd Violation** – Memo dated 12/19/24 from Select Board, Memo from Lt. Coffey dated 11/22/24, Police Report dated 10/31/24, Section 22.0 of SB Policies and Procedures, Acknowledgement Form dated 10/30/23, Public Hearing Notification
8. **Public Hearing for a Pole Petition for National Grid and Verizon - #31006529 – Webb Brook Road- National Grid to install (1) JO Pole (13-50) on Webb Brook Road beginning at a point approximately 345’ southwest of the centerline of the intersection of Jennifer Circle between P13 & P14 on Webb Brook Road** – National Grid Application dated 11/19/24, DPW Comments dated 12/11/24, Contractor Acknowledgement Form dated 01/02/25, Electrical Inspector’s Comment dated 12/26/24, Safety Officer Comments dated 12/23/24, Abutters List dated 12/02/24, Public Hearing Notice
9. **Transfer of All Alcohol §12 Restaurant License, Common Victualler, and Entertainment License (7 Days) – FROM Stelio’s Corporation dba Stelio’s Family Restaurant TO Food District Inc. dba Stelio’s Restaurant located at 293 Boston Road** – Billerica Application dated 12/20/24, Memo from Lt. Coffey dated 12/18/24, ABCC Application dated 11/08/24, Lowell Sun Posting dated 12/23/24

New Business (Quick Items)

10. **Change of Hours Request – Caipirinha’s Sports Bar and Grill located at 512 Middlesex Turnpike for their Liquor License and Entertainment License - Monday-Saturday 9:00 AM – 1:00 AM and Sunday 10:00 AM to 1:00 AM** – Billerica Application dated 12/17/24, Memo from Shea, Dangora & Nelson dated 12/19/24, ABCC Application undated, Entertainment License, Abutters List dated 12/19/24, Public Hearing Notice, Email from Lt. Coffey dated 12/30/24

Appointments

11. Water/Sewer Oversight Board

- d) Stephen Choate (Expiration 6/30/27) – Application dated 12/15/24
- e) Richard Skorik (Expiration 6/30/27) – Application dated 12/16/24



**TOWN OF BILLERICA
SELECT BOARD MINUTES
JANUARY 06, 2025**

- f) Lucas Stefanich (Expiration 6/30/26) – Application dated 12/16/24

12. Financial & Compliance Audit

- b. Lucas Stefanich (Expiration 6/30/27) – Application dated 12/16/24

Presentation

Committee Reports

Old Business

- 13. Town Managers Report** – Town Manager’s Report dated 01/06/25

- 14. Discussion and Possible Vote to Waive (Pro-Rate) the 2025 License Renewal Fee of 22 Commune, Inc – Requested During the License Renewal Process** – Memo from D. McDowell dated 01/03/25

New Business

- 15. Intro and Discussion of Calendar Year 2025 Goals** – Memo from C. Main dated 01/01/25,

- 16. Vote to Approve \$1,650,000 per Article 19 (Actual Amount will be \$1,141,825) Bond to Be Issued to the Mass. Clean Water Trust and Execute Related Document – Requested by Town Treasurer** – Memo from E. Russo dated 01/03/25, Email from B. McDonough dated 12/18/24

- 17. Discussion and Vote on Gift Acceptance – Cash and Checks for the Council of Aging (COA)** – Memo from C. Main dated 12/30/24, Gift Acceptance Form

- 18. Discussion and Vote of New Town Accountant – Amit Chhayani** – Memo from C. Main dated 01/01/25

- 19. Deleted**

- 20. Deleted**

- 21. Discuss and Possible Vote to Sign the Purchase and Sale Agreement for 176 Boston Road for the New Fire Station** – Purchase and Sale Agreement undated

- 22. Discussion and Possible Vote on Due Dates and Interest of Water/Sewer Bills** – Memo from C. Main dated 01/01/25

- 23. Discussion and Possible Vote for a No Left Turn at Eveready Circle** – No Exhibits

Approval of Meeting Minutes

Meeting Schedule

January 27, 2025 and February 3, 2025

Executive Session

- 24. Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review and Approval and Possible Redaction of Executive Session Minutes of December 16, 2024** – See Executive Session Minutes

- 25. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Community Care Collective**– See Executive Session Minutes

- 26. Deleted**

Approved On: March 17, 2025



**TOWN OF BILLERICA
SELECT BOARD
EXECUTIVE SESSION MINUTES
JANUARY 06, 2025**

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

Members Absent: None

Staff Present: Town Manager Clancy Main, Administrative Services Director Robert Maynard, and Recording Secretary Dawn McDowell

Chair Burrows called the meeting to order at 9:00 PM.

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

24. Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review and Approval and Possible Redaction of Executive Session Minutes of December 16, 2024

Attorney Noemi Kawamoto from Brooks and DeRensis joined the meeting.

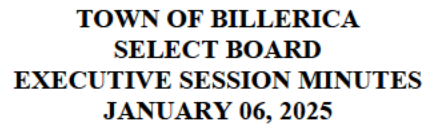
[REDACTED]

MOTION – Secretary Rosa made a motion that the Select Board votes to approve and release the Select Board Executive Session minutes of December 16, 2024, as redacted with the exception that all motions and votes be unredacted. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

25. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Community Care Collective

Attorney Kawamoto stated [REDACTED]

[REDACTED]



Meeting Held - 365 Boston Road, Billerica, MA 01821 – 978-671-0939
www.town.billerica.ma.us



**TOWN OF BILLERICA
SELECT BOARD
EXECUTIVE SESSION MINUTES
JANUARY 06, 2025**

[REDACTED]

MOTION - Secretary Rosa made a motion to come out of Executive Session at 9:31 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted No, Member Riley voted No and Chair Burrows voted Aye.

MOTION - Secretary Rosa made a motion to adjourn the regular meeting of January 06, 2025 at 9:32 PM. The motion was seconded by Vice Chair Favreau and unanimously voted 5-0-0. On a roll call vote: Member Rosa voted Aye, Vice Chair Favreau voted Aye, Member Conway voted Aye, Member Riley voted Aye and Chair Burrows voted Aye.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*

Exhibits for the Select Board Executive Session Meeting – January 06, 2025

Executive Session

24. Executive Session Pursuant to G.L. c. 30A § 21 (7) to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – Open Meeting Law, G.L. c. 30A § 22(f), (g) – Review and Approval and Possible Redaction of Executive Session Minutes of December 16, 2024 – [REDACTED]

25. Executive Session Pursuant to G.L. c. 30A, § 21 (3) to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body and the chair so declares – Community Care Collective [REDACTED]

Approved On: January 27, 2025

Released On: January 27, 2025 (Redacted)