



**TOWN OF BILLERICA
SELECT BOARD MINUTES
MAY 23, 2025**

Members Present: Chair Michael Rosa, Secretary Jillian Pavidis, Member John Burrows, Member Dina Favreau, and Member Daniel Darris-O'Connor

Members Absent: None

Staff Present: Acting Town Manager Christopher Dillon

Call to Order 12:00 PM

Chair Rosa called the meeting to order at 12:00 PM.

The Pledge of Allegiance was recited.

Chair Rosa stated that this meeting was called by Member Burrows and Member Darris-O'Connor under Section 7-10 of the Town Charter. There is no Open Microphone. In prep of meeting, he reached out to Town Counsel and read the following email: "Hi Paul below is an attachment I received scheduling a special Select Board meeting for this Friday. In the Select Board Policies and Procedures, 1.0 that states when we make appointments and they are done only once after the annual town election. Please note the highlighted section. I copied and pasted the entire Section 1.0 into the e-mail so he had it. Please note the highlighted sections of the policy use the word shall and call out one specific meeting to do the reorganization. Which makes it a yearly appointment. My questions are, is the attached meeting agenda the appropriate method to try to remove someone from a one-year appointment. The second question was because we were unable to vote a vice chair at the required meeting. Could it be done at a special meeting?"

MOTION - Member Burrows made a motion to appoint Jillian Pavidis as Chair. The motion was seconded by Member Darris-O'Connor. Chair Rosa stated that we have not opened up nominations yet.

Chair Rosa read Town Counsel's response "Dear Chair Rosa, you requested an opinion regarding whether the notice issued for the Select Board meeting to take place on May 23, 2025 with the agenda item reorganization of the Select Board is the appropriate method for removing a Select Board member from an annual officer position. We do not believe it is the Select Board policies and procedures Section 1.0 provides that officers annually shall be elected at a meeting following the annual town election but does not contain any specific methods for removal of an officer. As such, if there were reasons to remove someone from office position, then the Select Board should follow the procedure outlined in the open meeting law MGL, Ch. 30. A. Section 21 A, which has not been followed here. Additionally, you requested an opinion regarding whether Vice Chair can still be chosen even though the Vice Chair was not chosen at the first meeting of the Select Board. Following the annual town election, I reviewed the recording of the April 7, 2025 meeting of the Select Board at which the reorganization of the Select Board took place in noted that despite multiple nominations and votes, no member nominated for Vice Chair received sufficient votes to choose for the position. With such good faith effort to comply with the Select Boards Policies and Procedures, Section 1.0 already having occurred. In our opinion, the answer is yes to your question. Yes, the Select Board may proceed at another meeting to choose a vice chair."

Member Favreau asked for a point of privilege, there are additionally two other opinions from Council that are relative to this matter and she would like to read it into the record. The first has to do with the illegal release of the investigative report. "Where Council finds that while the report may be a public document that would be subject to release through a request only if the Select Board intends to take specific action to make it available. Then it should do so through the action of the Select Board by a vote and that report was released illegally."

Member Darris-O'Connor called a Point of Order. Member Favreau stated that a Point of Privilege cannot be interrupted or debated. Member Darris-O'Connor stated that this was not specific to what is on the agenda. Member Favreau stated that it is because it is specific to whether you get nominated for something,

Member Favreau stated there is a separate opinion with respect to the use of the town seal. "This message is in response to question regarding unauthorized use of town seal on a Facebook page. We have been informed that the individual member of the Select Board has used the town seal on his Facebook page without authorization. We offer



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the opinion to provide guidance to the Select Board members regarding the proper use of the town seal MGL. Chapter 40, section 47, states each town shall have a seal established at town meeting to be kept by the town clerk's papers and documents issued from any office or board of the town may be attested therewith. In our opinion, this provision authorizes the town clerk to be the custodian of the town seal. It requires that the use of the town seal is only by the Town Clerk such as to attest documents from the town offices or boards and prohibits the use of the town seal without authorization by the Town Clerk. In our opinion, the unauthorized use of the town seal such as the involved here risks confusion that the Facebook page is authorized by the town or that the image and statements on the Facebook page are endorsed by the town. Also, Mass General Law, Chapter 268, Section 35 states whoever without being duly authorized thereto print stamps and graves, or fixes or causes to be printed, stamped, engraved or fixed to any paper or other article representation of the seal of the town in the Commonwealth with intent to give such the paper or article an official character which is which it does not possess or without being duly authorized thereto and with the intent to assume an official character, which he does not possessed cast stamps and graves or makes or has in his possession a badge of or a thing in the likeness of an official badge of a police officer, member of the Fire Department or other officer appointed in the town of the Commonwealth or by the Department of any such town shall be punished by a fine of not more than \$50. We also note that the individual's Facebook page appears to include campaign related images. Guidance on the web page of the Massachusetts Office of Campaign and Political finance states that MGL chapter 55. Sections 13 through 17 are designed to separate government activity from political campaign activity in states. No public resource may be expended or utilized in order to promote or oppose the nomination or election of any candidates to public office. In our opinion, the individuals Facebook page could be found to utilize the town seal to promote or oppose the election of a candidate and to improperly conflate governmental activity and political campaign activity in violation of Mass General Law Chapter 55, Sections 13 through 17."

Member Favreau stated that before the recent election, she made a concerted effort to educate the candidates about the impending reorganization of our board, highlighting the potential for increased dysfunction and recommended a policy to Selectman Burrows that would neutralize the politicization of the chairman's seat. Unfortunately, we are now witnessing multiple instances where these issues are materializing. My concern here is that the newest members lack experience with the processes and statutes that pertain to open government, exacerbating the challenges we face. This was on full display during Tuesday's meeting when the original agenda violated the open meeting law. Additionally, the targeted investigation appears to have been strategically timed to facilitate the consolidation of control over the board, and when that didn't happen, the unauthorized release of confidential personnel records by individuals involved in the board's reorganization today raises serious legal and ethical concerns. The sudden shift in support by the individuals, who adamantly opposed Selectman Burrows previously, suggests a pattern of behavior that warrants a more thorough examination. Without immediate and decisive action to reform our leadership selection process and address these ethical and legal concerns, we risk perpetuating the dysfunction that has hindered our local government's ability to serve its constituents effectively. In principle, she fully supports Selectwoman Pavlidis, and she looks forward to the opportunity to collaborate with her, but she cannot support a vote for an individual to be installed as a de facto chairman.

Mr. Burrows stated that there was an investigation done on him a few years ago and it was public before he even saw it. What he says, he owns it.

MOTION - Member Burrows made a motion to appoint Jillian Pavidis as Chair. The motion was seconded by Member Darris-O'Connor. No vote was called.

Chair Rosa stated that we haven't even read off the first item on the agenda. Secretary Pavidis read the first and only item on the agenda.

1. Reorganization of the Select Board

Chair Rosa stated that based on the legal opinion he will call for nominations for Vice Chair.

MOTION - Member Darris-O'Connor made a motion to vacate the Chair position. The motion was seconded by Member Burrows. Chair Rosa stated that he is not going to entertain the motion.



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Member Favreau stated that point of order, she doesn't believe that it's a legal motion.

Member Burrows stated that we are not removing Chair Rosa from the Board, we are just reorganizing. He is not an employee.

Chair Rosa stated that the opinion from Council says that you have to follow the procedure outlined in Open Meeting Law, MGL, Chapter 30, Section 21, which has not been followed here. That is the process, so that is not a legal motion he is not going to recognize it. Are there any motions for Vice Chair?

Member Burrows stated that this has been going on for a week and this email from Town Counsel comes out right before the meeting seems convenient. Chair Rosa stated that he requested this on May 22nd at 10:53 AM and he asked Mr. Dillon to send out all of the information with his town manager's update .

Member Favreau stated that it's generally the responsibility of the individual board member who is requesting an item to provide the supporting docs so she would wonder why the other Members didn't seek an opinion from Counsel on their own prior to doing this. She is also confident that Town Counsel knows the difference between remove and reorganization and they said they watched the April 7th meeting.

Member Darris-O'Connor stated that the agenda was posted with 48 hours' notice and there's nothing in the policies of procedures saying that we can't reorg throughout the year. It's common Parliament process, this is not a completely unprecedented. We requested the meeting per the Charter; we have a quorum and there was a motion that should be voted on.

Member Burrows stated that you don't get the same process as a Town Employee or appointment position. You are an elected official and Town Counsel is wrong. There is nothing in the Charter or our policies that say we can't reorganize over and over again. The Chair appointment does not say it's for a year.

Chair Rosa asked if Secretary Pavidis had anything she wanted to say.

Secretary Pavidis stated that she received a lot of questions on why she would be participating in all this. The reorganization of the board is not a decision made lightly. She does not doubt all of the contributions that Chair Rosa has made to the Town of Billerica. The original intent of the leadership roles on this board was to reflect the will of the voters. There needs to be collaboration. Without a vice chair, and the last of leadership for the two newly elected members serving in leadership roles, she felt that the current structure did not align with what the town clearly expressed that it wanted. She feels that Chair Rosa is not speaking for the best interest of the Town and that there should be a neutral party in the Chair role. She believes that she can foster the kind of meaningful change in forward momentum that our town desperately needs. What we are doing here is a disservice to the Town and she is disappointed.

Chair Rosa stated that he also agrees that this is a disservice and in his original statement when we reorganized, he stated that he wanted to keep the board at a high level of professionalism. He has worked with Secretary Pavidis and Member Darris-O'Connor on many things since they joined the Board.

MOTION - Member Darris-O'Connor made a motion to vacate the Chair position. The motion was seconded by Member Burrows. Chair Rosa stated that he is not going to recognize the motion.

Chair Rosa stated that the Town Charter, Section 7-7 specifically states any appointed officer or employee of the town with respect to removals and suspension so in removing an officer, you need to have cause and so again he refers to Town Counsel's opinion that the proper processes are not being followed.

Member Burrows stated that using the word reorganize is not the same as using the word removal. It's an elected board. It's a leadership position among the board.

Chair Rosa stated that it is an officer's position and you have to have cause. You must demonstrate cause. Member Burrows stated that he doesn't agree with the direction of the board.



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MOTION - Secretary Pavidis made a motion to adjourn the regular meeting of May 23, 2025 at 12:43 PM. The motion was seconded by Member Favreau and voted 3-1-1. Member Darris-O'Connor opposed and Member Burrows abstained.

*Respectfully Submitted by Dawn McDowell,
Recording Secretary*

Exhibits for the Select Board Meeting – May 23, 2025

1. **Reorganization of the Select Board** – No Exhibits

Approved On: June 16, 2025