

Approved 5/20/2019

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TOWN OF CHELMSFORD  
PATRICIA E. DZURIS  
TOWN CLERK

Town of Chelmsford Board of Selectmen Minutes  
50 Billerica Rd., Room 204  
Chelmsford, MA 01824

Regular Meeting MINUTES  
April 8, 2019

Attending:

Kenneth Lefebvre, Chairman  
Patricia Wojtas, Vice Chairman  
Emily Antul, Clerk  
George Dixon, Selectman  
Virginia Crocker Timmins, Selectman

Paul Cohen, Town Manager  
Michael McCall, Asst. Town Manager

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Rd., Chelmsford, Mass. The meeting was recorded by Chelmsford Telemedia and the Chelmsford Independent. Chairman Lefebvre called the meeting to order at 7:00 PM.

### **PUBLIC SERVICE ANNOUNCEMENTS**

#### **Jim Curley: Minuteman March, April 15th**

Mr. Curley announced this march will begin at 4:00AM from Chelmsford Common and will end at the Minuteman National Park in Concord, MA by 9:00AM. This is the eighth year for hosting this event. All scouts and parents and others are invited to join them. Scouts will receive a patch for participation. The walk has several stops, and includes an enactment of "The Shot Heard Around the World".

#### **Marian Currier: Town of Chelmsford Scholarship Month, April 2019**

Neil Lerer, 4 Manahan St., thanked everyone who has supported them over the years. This will be the 62<sup>nd</sup> anniversary of this program. Last year the Committee awarded \$75,500.00 in scholarships. All the money is raised through donations. Proclamation was read by Selectman Wojtas and accepted by Mr. Lerer.

#### **Kate Crawford, Chelmsford Garden Club: Arbor Day Proclamation**

Ms. Crawford announced this year's event will occur on April 26, 2019 at 3:30PM, when a Hawthorn Tree will be planted at Red Wing Farm Reservation and they will rededicate the Butterfly Garden at this site to Gwen Makepeace. Everyone is welcome to attend. The proclamation was read by Selectman Wojtas, and accepted by Ms. Crawford.

#### **Tom Christiano, Chelmsford Historical Society: Annual Dinner & Guardian Award, May 4th**

Mr. Christiano invited everyone to their Annual Dinner. This year's Guardian Award will be given to the Chelmsford Center for the Arts. The dinner begins at 4:30PM, at the Barrett-Byam Homestead at 40 Byam Rd. Contact information was provided.

#### **Earth Day Proclamation**

Proclamation was read by Selectman Wojtas. No one was present to accept the Proclamation.

#### **Christina Papadopoulos, Town Engineer: Stormwater Presentation, Chelmsford Public Library, April 9th; Rain Barrels; Storm Drain Stenciling**

Ms. Papadopoulos, Town Engineer, will be at the library tomorrow at 7:00PM to present this information. Everyone is welcome to attend. The rain barrel promotion is ongoing; residents can obtain one for \$69.00 in one of 3 colors from Great American Rain Barrel, and they hold 60 gallons of water. Barrels can be

ordered through April 23, 2019, and can be picked up on April 30, 2019. The Community Drain Stenciling project is now underway, and would make a great group activity. Materials are available for free from the DPW. Interested residents can contact Ms. Papadopoulos for more information and materials.

**Chelmsford Town-Wide Cleanup, April 22nd**

Selectman Wojtas read the announcement. Interested parties can contact Nick Parlee for more details, gloves and bags.

**Chelmsford Housing Authority**

The CHA has announced the availability of apartments at the development on 104 Turnpike Rd. There will be a meeting on April 25, 2019 at the CHA office on Wilson St. Applications are due by June 14, 2019.

**OPEN SESSION**

John Wojcik, 80 Littleton Rd., requested follow-up information on his comments from two weeks ago. Mr. McCall explained he met with a manager of Aggregate Industries, and they have agreed to add more signs and speak with their contractors about proper driving routes. He will continue to work on this and follow up with him. Mr. Wojcik advised that he wants the existing regulations to be followed, and to know what is actually being done at this location. He felt speed limits should be lowered. Chairman Lefebvre advised this topic would be an agenda item for the next meeting.

Brian Latina, 15 Jessie Rd., explained he would drive down Littleton Rd. at 3:00AM in the summer and the smells are very bad. He suggested a limited use road to Rt. 495 be constructed from Aggregate, so the drivers would not have to come through the center of town. Mr. Latina reported that a section of Rt. 129 is being strip mined of trees as part of project work being done there. He criticized stormwater drain covers on Ansie Rd., and is not happy as he now has to pay a stormwater fee. The potholes and patches in the roads are not safe for people in wheelchairs, of which there are many due to nearby group homes with handicapped people. Mr. Latina is still upset about the variance that was granted to the housing project on Turnpike Rd. A 12% ramp grade is not acceptable or safe for handicapped people in wheelchairs. Mr. Latina requested that Article 10 be rejected, based on information he sent to the Board. There is not enough room for drive through restaurants, and there is too much traffic in this area already. Roads would require significant reconfiguration. Mr. Latina feels that proposed projects are dictating zoning changes, which is wrong. Zoning should not need to be changed more than once every ten years.

Frank Goode, 4 Longspur Rd., President of the Chelmsford Superior Officers Union, provided a copy of the dissenting opinion from the last union agreement to the Board. Mr. Goode stated he was denied a place on the agenda, so he is raising his concern in Open Session. Mr. Goode recounted actions taken at the Special Town Meeting regarding the lack of approval of the Union's arbitration award. Mr. Goode showed the legal invoices that took place from January 14 to February 15, 2019, and he believes the Town was privy to draft awards before they were issued. The Union feels it was not given opportunity to see this information. Mr. Goode questioned why there was a line item on the legal invoice to draft the dissenting opinion that was credited to a panel member of the arbitration board. He raised concerns about other line items, and felt the dissenting opinion was drafted by the Town's Labor Counsel, which raises legal and ethical issues for the Town, and that Town Meeting Representatives were not given adequate information about the Award. The union has filed complaints with the State Labor Board. The overall process has cost taxpayers over \$31,000.00 to date. Three union groups have gone to arbitration in the last year. Mr. Goode advised that Mirik-O'Connell may not be able to continue representing the town in this matter because of these conflicts.

Jerry Flynn, Executive Director of NEPBA explained he has represented this Union for over 25 years, and felt the Town's administrators circumvented the process. He described problems with past negotiations.

Mr. Cohen advised that the JLMC has scheduled a hearing in April, and the other matter involving him and legal counsel will be heard in June. The Board was advised that if there was a concern with legal counsel, they can hire special counsel. Selectman Dixon made a motion that the Board hires an independent attorney. Selectman Wojtas advised this motion cannot be made at this time as this discussion is not on the agenda and would violate Open Meeting Law. She advised this can be discussed in Executive Session. Mr. Cohen advised that the Board can schedule a special meeting for emergency sessions, and the Board needs to hear the counsel's side of the story. Selectman Antul advised that she has called the JMLC and the Attorney General's office, and the Mass. Bar Association. They will have a meeting next week.

### **COMMITTEE VACANCIES**

Selectman Wojtas read the list of current vacancies. Interested applicants can apply online at <http://www.townofchelmsford.us> or through the Town Manager's office.

### **PUBLIC HEARINGS**

#### **Transfer of All Alcoholic Beverage Restaurant, Common Victualer, and Entertainment License: from Shi Sushi, Inc. to Fang Yanagi, Inc. DBA Yanagi Sushi, 83 Parkhurst Road, Unit 1**

Atty. Chris Coleman spoke for the applicant. The restaurant will keep its name, floor plan, employees and menu. One brother is selling his 75% ownership share to another brother who is currently an employee. The remaining 25% partner will remain silent. The current assistant manager was present, and has been there since 2014.

This being a Public Hearing, the Chairman asked for public comment. No one came forward.

Per policy, the Board requires that the vote on this type of license be deferred until the next meeting, in order to receive additional comments.

Selectman Dixon suggested waiving the two week waiting period until he was advised that the new owner does not have TIPS certification.

**Motion:** by Selectman Wojtas to continue the Public Hearing for Yanagi Sushi to April 22, 2019. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

### **LICENSES**

#### **One Day Beer & Wine License: Chelmsford Public Library, 25 Boston Road, 6/4/19**

No one was present on behalf of the Library; there have been no issues with previous licenses.

**Motion:** by Selectman Wojtas to approve a One Day Beer and Wine License for the Chelmsford Public Library for June 4, 2019 to be exercised on the premises at 25 Boston Rd. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

### **REPORTS AND PRESENTATIONS**

#### **Superintendent of Schools Dr. Jay Lang: Vote on the Submission of a Statement of Interest to Massachusetts School Building Authority**

Dr. Lang explained the previously approved Accelerated Repair Project is being reviewed by the MSBA.

This request is for consideration of a larger project involving the High School. The application process was described. The application would take 3-4 years for any approval, and it would be 5-8 years before any work could be begin.

**Motion:** by Selectman Wojtas to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 5, 2019 for Chelmsford High School located at 200 Richardson Road which describes and explains the following deficiencies and the priority category(ies) for which an application may be submitted to the Massachusetts School Building Authority in the future, including the elimination of existing severe overcrowding; prevention of severe overcrowding expected to result from increased enrollments; replacement, renovation or modernization of school facility systems, such as roofs, windows, boilers, heating and ventilation systems, to increase energy conservation and decrease energy related costs in a school facility; and replacement of or addition to obsolete buildings in order to provide for a full range of programs consistent with state and approved local requirements; and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building authority, or commits the Town School district to filing an application for funding with the Massachusetts School Building Authority. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

## **SELECTMEN RECOMMENDATIONS ON TOWN MEETING WARRANT ARTICLES**

### **Article 1-Reports of Town Officers/Committees**

The Economic Development Commission and the Council on Aging will have presentations. No action needed on this article.

Mr. Cohen suggested a Consent agenda for Articles 3, 8, 11, 12, 13, 15, 16, 17, 18, 20, 21, & 24. Town Meeting will vote on whether to accept the Consent Agenda.

### **Article 2-Amend Fiscal Year 2019 Operating Budget**

Four amended items in the operating budget will be discussed. A summary was that there will be a Municipal Administrative Expense for an extra employee in the Accounting Department, a Public Safety Expense for the Snow/Ice Budget to move funding to allow for road repairs, and a Municipal Facilities Expense to cover unexpected expenses to various facilities.

**Motion:** by Selectman Wojtas to recommend approval of Article 2. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

### **Article 3-Funding for Collective Bargaining Agreements**

No action needed as there are no agreements to approve.

### **Article 4-Nashoba Valley Technical School District FY20 Assessment**

**Motion:** by Selectman Wojtas to recommend approval of Article 4. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

### **Article 5-Nashoba Valley Technical School District Roof, Windows and Door Replacement Project**

**Motion:** by Selectman Wojtas to recommend approval of Article 5. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 6-Fiscal Year 2020 Chelmsford Public Schools Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 6. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 7-Fiscal Year 2020 General Government Operating Budget**

Mr. Cohen summarized how the Town's operating budget is comprised and funded, as well as operating budget changes. A suitable candidate to fill the OSHA Compliance Officer position is still being looked for. DPW Director Gary Persichetti explained the advertised salary is \$70,000.00, where the industry is paying between \$90,000.00 to \$170,000.00 in salary to fill this type of position. In response to questions from Chairman Lefebvre, Mr. Cohen noted that new regulations requiring that the town follow all OSHA rules will demand additional documentation, which is more onerous than that previously submitted to the state.

**Motion:** by Selectman Wojtas to recommend approval of Article 7. Seconded by Selectman Antul. Chairman Lefebvre opposed, all others in favor. **Motion carries, 4-1.**

**Article 8-Finance Committee Reserve Fund**

**Motion:** by Selectman Wojtas to recommend approval of Article 8. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 9-Fiscal Year 2020 Capital Budget**

Line items were summarized.

**Motion:** by Selectman Wojtas to recommend approval of Article 9. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 10-Zoning Bylaw Amendment-Drive Thru Restaurants Along Rt. 129 BAOD**

Community Development Director Evan Belansky and Business Development Director Lisa Marrone were present to discuss this article. Selectman Timmons suggested tabling this discussion to the next meeting.

Ms. Marrone summarized the study work being done on Rt. 129 at multiple properties in this area. Multiple companies have moved into buildings in the area, however, there are still considerable vacancies. The market demands amenities, which are not available in these buildings. Potential tenants are demanding food services, and companies are leaving because there are no services. Building owners will not modify their buildings if they do not have a dedicated tenant.

Mr. Belansky explained this vision has been discussed since 2013. Past actions were summarized. A project narrative for 330 Billerica Rd. was presented to the Board as an example which includes a variety of restaurants and retail spaces. The BAOD overlay is a dynamic document as market needs change. A list of upscale fast casual drive-thru style restaurants were listed. Restaurant uses were previously approved under the BAOD, but the drive-thru component is new, and is being requested now. Eligible properties were shown on a map.

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Selectman Antul agreed that “upscale fast casual dining” is becoming popular. Mr. Belansky feels the Town should be compelled to take all opportunities under consideration.

**Motion:** by Selectman Wojtas to recommend approval of Article 10. Seconded by Selectman Antul. Selectman Timmons opposed, all others in favor. **Motion carries. 4-1.**

**Article 11-Fiscal Year 2020 Sewer Enterprise Fund Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 11. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 12-Progress Avenue Sewer Pump Station Upgrade**

No action will be needed at this Town Meeting.

**Article 13-Sewer System Inflow and Infiltration Assessment**

No action will be needed at this Town Meeting.

**Article 14-Fiscal Year 2020 Stormwater Management Enterprise Fund Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 14. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 15-Fiscal Year 2020 Forum Ice Rink Enterprise Fund Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 15. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 16-Fiscal Year 2020 PEG Access and Cable Related Enterprise Fund Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 16. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 17-Fiscal Year 2020 Golf Course Enterprise Fund Operating Budget**

**Motion:** by Selectman Wojtas to recommend approval of Article 17. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 18-Annual Authorization of Departmental Revolving Funds**

**Motion:** by Selectman Wojtas to recommend approval of Article 18. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 19-Increase Funding for Senior Citizen Property Tax Work-Off Program**

Approval of this request will increase funding for this program to \$150,000.00 from \$100,000.00.

**Motion:** by Selectman Wojtas to recommend approval of Article 19. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 20-Cemetery Improvement and Development Fund**

**Motion:** by Selectman Wojtas to recommend approval of Article 20. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 21-Community Action Program Fund**

**Motion:** by Selectman Wojtas to recommend approval of Article 21. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 22-Community Preservation Fund: FY20 Debt Service, Admin Expenses & Reserves**

**Motion:** by Selectman Wojtas to recommend approval of Article 22. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 23-Community Preservation Fund: Recreational and Open Space Capital Improvement Funds**

**Motion:** by Selectman Wojtas to recommend approval of Article 23. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 24-Community Preservation Fund: Façade & Signage Improvement Program**

No action will be needed at this Town Meeting.

**Article 25-Community Preservation Fund: Affordable Senior Housing at 86 Richardson Rd.**

**Motion:** by Selectman Wojtas to recommend approval of Article 25. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 26-Community Preservation Fund: Varney Playground Tennis Court and Pickleball Court**

**Motion:** by Selectman Wojtas to recommend approval of Article 26. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Article 27-Street Acceptances-Alyssa Way, Fay Street, Galloway Road, Hall Road, Mission Road.**

**Motion:** by Selectman Wojtas to recommend approval of Article 27. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

There is a one article Special Town Meeting proposed for a “Payment in Lieu of Taxes” agreement for a solar farm at 100 Wotton St. It will be a 20 year agreement.

**Motion:** by Selectman Wojtas to sign and post the warrant for a Special Town Meeting to be held on May 2, at 7:29PM. Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

**Motion:** by Selectman Wojtas to recommend approval of Article 1 of the Special Town Meeting. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**TOWN MANAGER REPORTS**

**Update on Ledge Road Traffic Mitigation**

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Mr. Cohen and Mr. McCall met with the Westford and Tyngsboro Town Managers regarding this situation. Both Managers agreed they would discuss the proposed alternative truck routes with their boards, although they were not enthusiastic about the prospect of directing additional truck traffic through their communities.

The traffic camera is up at Ledge Rd.

NMCOG should start doing traffic counts towards the end of the month. The Police Department has a traffic counting box, and it will be installed on Ledge Rd. Steadman St. traffic was recently counted.

#### **LED Exterior Signage for Senior Center**

Lowell 5 Savings Bank has donated funding for this sign, which was added to the donation from the Friends of the Senior Center. DPW will install it when it is ready.

#### **TOWN MANAGER APPOINTMENTS**

##### **Constable: Edwin Paul Eriksen, 1 year term exp. 6/30/2020**

Charlie Wojtas had previously been elected to this position. It is now an appointed position, and Mr. Wojtas declined the opportunity to continue serving in this capacity.

**Motion:** by Selectman Wojtas to recommend approval of the Town Manager's and Police Chief's Appointment of Edwin Paul Erikson as Town Constable for a term to expire June 30, 2020.  
Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

##### **Energy Conservation Committee: Aaron Cunningham, 3 year term exp. 6/30/2021**

Selectman Wojtas suggested combining this group with the Recycling Committee.

**Motion:** by Selectman Wojtas to recommend approval of the Town Manager's Appointment of Aaron Cunningham to the Energy Conservation Committee for a term to expire June 30, 2021.  
Seconded by Selectman Antul. **Motion carries, unanimous. 5-0.**

#### **APPROVE BOARD OF SELECTMEN MEETING SCHEDULE**

Discussion was tabled.

#### **MEETING MINUTES**

##### **BOS Regular Session Minutes 02-11-19**

**Motion:** by Selectman Wojtas to recommend approval of the Regular Meeting Minutes of February 11, 2019. Seconded by Selectman Antul. Selectman Crocker Timmons abstained, all others in favor. **Motion carries, 4-0.**

#### **SELECTMEN LIAISON REPORTS & REFERRALS**

Selectman Dixon:

No reports this evening.

Selectman Antul:

No reports this evening.

Selectman Wojtas:



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- Condolences were given to the family of Peter Dulchinos, who was a Registrar, and volunteered on several other committees. He will be missed.
- Chairman Lefebvre, Mr. Cohen and Selectman Wojtas attended the Ribbon Cutting Ceremony for The Shack store by Roberts Field.
- The Friends of the Library is hosting a mini book sale being on April 12 and 13, 2019.
- Voters were thanked for re-electing her for another term.

Selectman Crocker Timmons:  
No reports this evening.

Chairman Lefebvre:  
No reports this evening.

### **PRESS QUESTIONS**

No one came forward at this time.

### **EXECUTIVE SESSION**

#### **Strategy with Respect to Collective Bargaining with the Police Superior Officers (Sergeants) Union**

**Motion:** by Selectman Wojtas to enter into Executive Session, not to return to Regular Session, at 10:25PM to discuss Strategy with Respect to Collective Bargaining with the Police Superior Officers (Sergeants) Union. Roll Call Vote:

Selectman Crocker Timmons: Aye  
Selectman Wojtas: Aye  
Selectman Dixon: Aye  
Selectman Antul: Aye  
Chairman Lefebvre: Abstained

**Motion Carries, 4-0.**

Next Regular Meeting Date: April 22, 2019

Respectfully Submitted,

Vivian W. Merrill  
Recording Secretary

#### Supporting Documents

- Announcement of Patriots Day March by the Chelmsford Minutemen
- Proclamation for Chelmsford Scholarship Month
- Proclamation for Arbor Day
- Flyer for Chelmsford Historical Society
- Proclamation for Earth Day, and supporting event documents
- Letter written by Brian Latina which was provided to the Board during the meeting
- List of Committee Vacancies

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- Supporting Documents for Yanagi Sushi
- Supporting Documents for One Day License
- Spring Annual Town Meeting Warrant
- Special Town Meeting Warrant and Supporting Documents
- Memo of April 4, 2019 from Dr. Jay Lang regarding the MSBA Application
- Letter of Recommendation for Constable Appointment
- Committee Application
- BOS Meeting Schedule
- Draft Meeting Minutes