

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

Regular Meeting MINUTES  
April 9, 2018

Attending:

Glenn Diggs, Chairman  
Kenneth Lefebvre, Vice Chairman  
Emily Antul, Clerk  
George Dixon, Selectman  
Patricia Wojtas, 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 Diggs called the meeting to order at 7:00 PM.

**PUBLIC SERVICE ANNOUNCEMENTS**

**Jim Curley: Minuteman March**

Mr. Curley announced this 10-mile costumed reenactment starts from Chelmsford Common and travels to Concord. The march starts at 4:00AM on April 16, 2018. Boy and Girl Scouts are encouraged to participate, and anyone interested is welcome to join them. Ceremony events were described.

**Chelmsford Town-Wide Cleanup, April 21st**

This event is held every year as part of Earth Day activities. Interested participants may contact DPW or email Nick Parlee for supplies.

**Chelmsford Historical Society: Annual Dinner & Guardian Award, May 5th**

Becky Warren, Chelmsford Historic Society president, announced that tickets are available for this annual event, and everyone is welcome. Dinner will start at 4:30PM, at 40 Byam Rd., Chelmsford. Fred Merriam will be the Guardian Award recipient this year.

**Marian Currier: Town of Chelmsford Scholarship Fund**

A proclamation was read by Selectman Lefebvre and accepted by Marian Currier.

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

A proclamation was read by Selectman Lefebvre and accepted by Kate Crawford. April 27 is Arbor Day, and the Garden Club will celebrate by planting a Cleveland pear tree at the Chelmsford Public Garden at 3:30PM.

**Earth Day Proclamation**

A proclamation was read by Selectman Lefebvre. Earth Day will be held on April 22, 2018.

**OPEN SESSION**

Marti Spaulding, 19 Moore St., wished to make several comments. Tax bills have been received, and she is very concerned that her bill increased by 14% over last year. She would like to see a warrant article in opposition to open burning and use of leaf blowers as both pollute the air with debris and mold and create a health hazard. She asked what was going on with the property at 101 Mill Rd. She was concerned about

Comcast and Verizon bills, and questioned whether the Town wants to continue using Facebook in light of the alleged information harvesting. She suggested that Town Meeting be moved to Saturdays, as people are tired after working all day. Ms. Spaulding felt the Town's website is hard to navigate, as it took her a long time to find the warrant articles for Spring Town Meeting.

**COMMITTEE VACANCIES**

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

**LICENSES**

**One Day Beer & Wine License: Huntington's Disease Society of America, Chelmsford Senior Center, 75 Groton Rd., 05/12/18**

No one was required to be present for this application, and there have been no issues with past licenses.

**Motion:** by Selectman Lefebvre to approve a One Day Beer and Wine License for the Huntington's Disease Society of America Trivia Night for May 12, 2018 from 6:00PM-10:00PM. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Common Victualer & Entertainment License: Chelmsford Pizza, Inc., 170 Concord Rd.**

George Giannetos, 26 South Main St., Derry, NH explained he is looking to open a pizza restaurant at 170 Concord Rd. by May 1, 2018. The site was a former pizza place and had seating for 60; no changes to interior are proposed. The request includes an entertainment license for a television.

**Motion:** by Selectman Lefebvre to approve a Common Victualer and Entertainment license for Chelmsford Pizza, Inc. to be exercised on the premises at 170 Concord Rd. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**SELECTMEN RECOMMENDATIONS OF TOWN MEETING WARRANT ARTICLES**

Mr. Cohen provided a summary of what each article will provide, as well as the recommendations of the Finance Committee.

**Article 1-Reports of Town Officers/Committees-no vote needed.**

**Article 2-Funding for Collective Bargaining Agreements**

Vote was tabled pending discussion on the arbitration award for the Firefighters' contract.

**Article 3- Amend Fiscal Year 2018 Operating Budget**

Discussion tabled, pending discussion on open items.

**Article 4-Fiscal Year 2019 Chelmsford Public Schools Operating Budget**

The overall budget reflects a 3% increase over last year.

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

**Article 5-Nashoba Valley Technical School District FY19 Assessment**

Chelmsford has the highest enrollment in this school.

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

**Article 6-Fiscal Year 2019 General Government Operating Budget**

Mr. Cohen summarized various parts of this budget.

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

**Article 7- Finance Committee Reserve Fund**

**Motion:** by Selectman Lefebvre to recommend approval of Article 7. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 8-Accept and Fund MGL Chapter 40 , Section 13E to Establish Special Education Reserve Fund**

This is a new fund. The School Committee will discuss this at their next meeting. If set up, expenditures must be approved by both the School Committee and the Board of Selectmen.

Since the next School Committee meeting will be held on April 24, this Board's recommendation was tabled to the April 30, 2018 meeting, prior to Town Meeting

**Article 9-Fiscal Year 2019 Capital Budget**

The budget amount is consistent with previous years' budgets.

Town Treasurer John Souza described how this budget is funded and financed.

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

**Article 10-Fiscal Year 2019 Sewer Enterprise Fund Operating Budget**

**Motion:** by Selectman Lefebvre to recommend approval of Article 10. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 11-Miland Avenue and Western Avenue Sewer Pump Stations Upgrades**

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

**Article 12-Establish Forum Enterprise Fund and Fiscal Year 2019 Forum Enterprise Fund Operating Budget**

This is a new fund now that the Town has acquired this asset.

**Motion:** by Selectman Lefebvre to recommend approval of Article 12. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 13-Fiscal Year 2019 PEG Access and Cable Related Enterprise Fund Operating Budget**

**Motion:** by Selectman Lefebvre to recommend approval of Article 13. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 14-Fiscal Year 2019 Golf Course Enterprise Fund Operating Budget**

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

**Article 15-Annual Authorization of Departmental Revolving Funds**

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

**Article 16-Cemetery Wreath/Floral Decorations Revolving Fund**

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

**Article 17-Cemetery Improvement and Development Fund**

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

**Article 18-Community Action Program Fund**

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

**Article 19-Recission of Unissued Borrowing Authority for Schools Modular Building Project**

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

**Article 20-Community Preservation Fund: FY18 Debt Service, Admin. Expenses, & Reserves**

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

**Article 21-Community Preservation Fund: Funding for Recreation Capital Improvement Fund**

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

**Article 22-Community Preservation Fund: Byam School Playground**

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

**Article 23-Transfer 9.89 acre Parcel of Land Located off of Technology Drive to Conservation Commission**

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

**Article 24-Transfer 1.72 acre Parcel of Land Located off of Oak Hill Rd. to Conservation Commission**

**Motion:** by Selectman Lefebvre to recommend approval of Article 24. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 25-Zoning Bylaw Amendment-Rt. 129 Commercial District Transitional Housing**

The Planning Board has recommended approval of this article.

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

**Article 26-Citizen Petition-Zoning Bylaw amendment-Multifamily Zone in Business Amenities Overlay**

The Finance Committee and the Planning Board recommended against this Article, as it was not clear what it is supposed to accomplish.

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

**Article 27-Citizen Petition-General Bylaw Amendment Town Meeting Conflict of Interest**

The Finance Committee recommended against approval of this Article, as Town Meeting Representatives are exempt from this law.

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

**Article 28- Citizen Petition-A Proposed Use of the Historic Adams House at 101 Mill Rd.**

The Finance Committee recommended against approval of this Article, as not enough information was provided on what is intended by this Article.

**Motion:** by Selectman Lefebvre to recommend against approval of Article 28. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 29-Bylaw Amendment-Disabilities Commission-Large Font Menus**

The Finance Committee recommended against approval of this Article.

Len Olenchak - ADA Coordinator, Commission on Disabilities, advised this article was created from feedback received from seniors and other impacted people. Having this option allows the person to read their own menu, and not requiring having someone read it to them. The bylaw could be enforced by the Building Commissioner or Board of Health. Violations could be finable per day, after a 14 day response period. Violations could be appealed through the Lowell District Court. Multiple warnings would be issued before a citation is issued. The request is a low impact cost to the restaurant owner, as only a few menus would be needed.

**Motion:** by Selectman Wojtas to recommend approval of Article 29. Seconded by Selectman Antul. Selectman Lefebvre opposed, all others in favor. **Motion carries, 4-1.**

**Article 30-Bylaw Amendment-Disabilities Commission-Blue Painted Accessible Parking Spaces**

Len Olenchak, ADA Coordinator, explained that the goal is to create uniformity among handicapped parking spaces in all parking lots throughout the town, and to conform to state law requirements. Proceeds from citations are used for scholarship awards to handicapped students. He has a stencil available that anyone can use.

**Motion:** by Selectman Lefebvre to recommend approval of Article 30. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 31-Street Acceptances**

**Motion:** by Selectman Lefebvre to recommend approval of Article 31. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**APPROVE STREET ACCEPTANCE**

**Steve Jahnle - Street acceptance vote for the following streets: Elm Street, Hunt Road, Locke Road, Park Road, Parker Road, Robin Hill Road**

Asst. DPW Director Steve Jahnle explained this is the next step of the acceptance process as the Planning Board has voted to officially accept these streets.

**Motion:** by Selectman Lefebvre to approve the layout of Elm St. as a public way known as “Elm Street” as shown on a plan entitled “Street Acceptance Elm Street Chelmsford, Mass.”, dated January 1, 2018, prepared by the Town of Chelmsford Department of Public Works, Engineering Division and to forward the proposed layout as shown on said plan to the Town Clerk for filing and acceptance.. Seconded by Selectman Antul. Selectman Wojtas abstained, all others in favor. **Motion carries, 4-0.**

**Motion:** by Selectman Lefebvre to approve the layout of Hunt Rd. as a public way known as “Hunt Road” as shown on a plan entitled “Street Acceptance Hunt Road Chelmsford, Mass.”, dated January 1, 2018; to approve the layout of Locke Road as a public way known as “Locke Road” as shown on a plan entitled “Street Acceptance Locke Road Chelmsford, Mass.”, dated January 1, 2018; to approve the layout of Park Road as a public way known as “Park Road” as shown on a plan entitled “Street Acceptance Park Road Chelmsford, Mass.”, dated January 1, 2018; to approve the layout of Parker Road as a public way known as “Parker Road” as shown on a plan entitled “Street Acceptance Parker Road Chelmsford, Mass.”, dated January 1, 2018; and to approve the layout of Robin Hill Road as a public way known as “Robin Hill Road” as shown on a plan entitled “Street Acceptance Robin Hill Road Chelmsford, Mass.”, dated January 1, 2018, prepared by the Town of Chelmsford Department of Public Works, Engineering Division and to forward the proposed layouts as shown on said plans to the Town Clerk for filing and acceptance. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**TOWN MANAGER BID AWARDS**

**Harrington Bathroom Renovation**

Four bids were received for this project.

**Motion:** by Selectman Lefebvre to approve the Town Manager's Bid Award for Harrington Elementary School Bathroom Renovations to Builders Systems, Inc. in an amount not to exceed \$286,784.00, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

### **TOWN MANAGER REPORTS**

#### **Massachusetts Joint Labor-Management Committee Arbitration Award for Firefighters Union**

Mr. McCall summarized the union negotiation, mediation, and interest arbitration process. The award document was provided to the Board. If the award is not approved by Town Meeting, the arbitration process starts again. An overview of the award was described. This will be a three year agreement from July 1, 2016-June 30, 2019. Items granted and not included in the award were listed. Total costs for funding Fiscal Year 2017 will be \$109,841.65, Fiscal Year 2018 will be \$247,643.63, and for Fiscal Year 2019 will be \$424,372.00. The total cost for all three years is \$781,857.28.

Funding for Fiscal Year 2019 will come from the Town's tax levy. The funding for FY17 & FY18 will be funded from the Town's reserve accounts.

Two police union contracts are still not resolved.

Fire Chief Gary Ryan explained the issue of having three firefighters on duty at all times at one station; currently there are two firefighters on duty at all times at each of the five station. At this time, the third firefighter will be assigned to Engine 2 in North Chelmsford. The department has a budgeted \$200,000.00 overtime expense for this change based on FY17 rates, as 261 times out of the last 365 days there have been shortages that are paid in overtime. Hiring more firefighters would require 4 additional firefighters. Chief Ryan is recommending closing one station and moving people around. Response per engine time analysis information was provided to the Board. Previously, Engine 5 in South Chelmsford was closed for 3 years from 2008-2011. Another time, stations were closed on a rotating basis. Various configurations have been considered over the years. Industry standard is four firefighters per apparatus, however, funding constraints make this difficult. The only way to meet the agreement and stay within the budget is to close a station.

Selectman Antul stated she would like to see insurance rate increases for the area impacted by a station closing. She would also like the Board to consider looking at the cost of having an in-house ambulance service again. Mr. Cohen agreed to send her the report that was done in 2008. Mr. Cohen agreed the award must be complied with, and this will be a perpetual situation. Most communities do not have five stations; many have two or three stations. Chelmsford is unique because it is divided by three highways, and firefighters do respond to calls on the highways.

Another option was to close two stations, and build a new station to service a larger area. Town Treasurer John Souza advised that to finance a new station could cost up to \$8 million, and an estimated 20-year bond could cost \$600,000.00 annually, which does not include land acquisition cost.

No vote is being requested of the board at this time.

Discussion will be continued to the next meeting. Chief Ryan agreed to obtain more data on Burlington and Marlboro, as well as other data, Mr. Cohen will compile information on the prior ambulance study.

#### **Underground Utility Project Financial Report**

Verizon collected \$171,571.00 on surcharges last year, and so Phase One of the underground utility work is now paid off. National Grid already has their funding for the next phase. DPW Director Gary

Persichetti will be asked to begin discussions with both utilities to begin Phase Two work through much of the Center Village. This will be very expensive because of the brook and the large number of trunk lines.

### **Regulations for Signs on Municipal Property**

Issues came up during the last election on the placement of signs, mostly in regard to Freedom of Speech vs. dimensional requirements under the town's bylaws which cover private property. For municipal property such as right of ways the Town has allowed signs for water bans, town fundraising activities and similar sandwich board announcements. The Town can allow or not allow the signs, but cannot control the content. The Board can discuss creating a policy to address this issue if they wish.

### **SolSmart Gold Designation**

This program recognizes a community as a desirable location for solar installations. Chelmsford received a gold plaque for its commitment to promoting solar energy.

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

A proposed schedule was provided to the Board, which can be adjusted as needed. At this time, July 30, 2018 meeting will be eliminated, and the August 20<sup>th</sup> meeting will be changed to August 13, 2018.

### **MEETING MINUTES**

#### **BOS Regular Session 01-29-18**

**Motion:** by Selectman Lefebvre to approve the Regular Session Minutes of January 29, 2018, as presented. Seconded by Selectman Wojtas. Selectman Antul abstained, all others in favor.

**Motion carries, 4-0.**

#### **BOS Regular Session 02-12-18**

**Motion:** by Selectman Lefebvre to approve the Regular Session Minutes of February 12, 2018, as presented. Seconded by Selectman Wojtas. Selectman Antul abstained, all others in favor.

**Motion carries, 4-0.**

#### **BOS Regular Session 02-26-18**

**Motion:** by Selectman Lefebvre to approve the Regular Session Minutes of February 26, 2018, as presented. Seconded by Selectman Wojtas. Selectmen Antul & Dixon abstained, all others in favor. **Motion carries, 3-0.**

#### **BOS Regular Session 03-12-18**

**Motion:** by Selectman Lefebvre to approve the Regular Session Minutes of March 12, 2018, as presented. Seconded by Selectman Wojtas. Selectmen Antul and Dixon abstained, all others in favor. **Motion carries, 3-0.**

#### **BOS Regular Session 03-26-18**

**Motion:** by Selectman Lefebvre to approve the Regular Session Minutes of March 26, 2018, as presented. Seconded by Selectman Wojtas. Selectman Antul abstained, all others in favor.

**Motion carries, 4-0.**

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

Chairman Diggs:



-A plaque was presented to Selectman Wojtas for having served as Chairman of the Board last year.  
-Chairman Diggs explained the purpose of the Reports and Referrals Section for the audience's and Selectman Antul's benefit.

Selectman Dixon:  
No reports this evening.

Selectman Antul:  
No Reports this evening.

Selectman Wojtas:  
- The Chelmsford Wellness Program has been recognized for its efforts in this program through a nomination for a National award. Mr. Cohen expects to hear in two weeks if the Town will receive the Award, in which case Jeanne Parziale will be sent to Washington, DC to accept the award. The Wellness Program is a very active year-round program.  
-Sunny Acres Nursing Home celebrated their 70th year in business and was presented with a proclamation.  
-The Friends of the Library will host a Spring book sale on April 20-21, 2018 at the gym in Town Offices.

Selectman Lefebvre:  
-A discussion about a split tax rate study was requested to the Board. Chairman Diggs advised that a committee will be organized, and this will be discussed at the next Board meeting.

**PRESS QUESTIONS**

No one came forward at this time.

**NEXT REGULAR MEETING DATE: April 23, 2018**

**ADJOURN**

**Motion:** by Selectman Lefebvre to adjourn the meeting at 10:11PM . Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Respectfully Submitted,

Vivian W. Merrill  
Recording Secretary

Supporting Documents:

- Invitation from the Chelmsford Minuteman Company
- Announcement for Chelmsford town-wide Clean-up
- Invitation from Chelmsford Historical Society
- Proclamation for Chelmsford Scholarship Month
- Proclamation for Arbor Day
- Proclamation for Earth Day
- Committee Vacancies
- One Day License Application
- Supporting documents for Chelmsford Pizza, Inc.

| Approved 5/14/18

- 2018 Spring Annual Town Meeting Warrant
- Supporting documents for Street Acceptances
- Memo of April 2, 2018 regarding Bid Award for Harrington School
- Interest Arbitration Award document for Firefighters Local 1839
- Letters of March 26, 2018 and March 28, 2018 regarding Utilities Revenue Data
- Supporting documents regarding signage discussion
- Letter of March 8, 2018 regarding the SolSmart Award
- Proposed BOS meeting schedule
- Draft Minutes