

Approved 5/18/2020

Town of Chelmsford Board of Selectmen Minutes
Chelmsford, MA 01824

Virtual meeting via Zoom

Regular Meeting MINUTES
May 4, 2020

Attending

Kenneth Lefebvre, Chairman
Patricia Wojtas, Vice Chairman
George Dixon, Selectman
Virginia Crocker Timmins, Selectman
Emily Antul, Clerk (7:15PM)

RECEIVED
2020-05-19
2:47 PM
TOWN OF CHELMSFORD
PATRICIA E. DZURIS
TOWN CLERK

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. Chairman Lefebvre called the meeting to order at 7:02 PM, and read the following statement into the record:

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitation on the number of people that may gather in one place, this meeting of the Town of Chelmsford Board of Selectmen will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by members of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at www.chelmsfordma.gov For this meeting, members of the public who wish to watch the meeting may do so by accessing the Chelmsford Telemedia website www.chelmsfordtv.org No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real time, via technological means. In the event that we are unable to do so, despite best efforts, we will post on the Town's website an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting.

Approval of Meeting Minutes

BOS Regular Session Minutes 1-20-2020

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of January 20, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Abstained

Motion carries, unanimous, 3-0.

BOS Executive Session Minutes 1-20-2020

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of January 20, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye

Selectman Wojtas: Aye

Selectman Timmins: Aye

Chairman Lefebvre: Abstained

Motion carries, unanimous, 3-0.

BOS Executive Session Minutes 1-27-2020 Parts 1, 2, and 3

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of January 27, 2020, Parts 1, 2 & 3, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye

Selectman Wojtas: Aye

Selectman Timmins: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Executive Session Minutes 2-10-2020

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of February 10, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye

Selectman Wojtas: Aye

Selectman Timmins: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Regular Session Minutes 2-25-2020

Motion: by Selectman Wojtas to approve the Regular Session Meeting Minutes of February 25, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye

Selectman Wojtas: Aye

Selectman Timmins: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Executive Session Minutes 2-25-2020

Approved 5/18/2020

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of February 25, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Regular Session Minutes 3-5-2020

Motion: by Selectman Wojtas to approve the Regular Session Meeting Minutes of March 5, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Executive Session Minutes 3-5-2020 Part 1

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of March 5, 2020, Part 1, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Abstained

Motion carries, unanimous, 3-0.

BOS Executive Session Minutes 3-5-2020, Parts 2 & 3

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of March 5, 2020, Parts 2 & 3, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 4-0.

BOS Regular Session Minutes 3-9-2020

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of March 9, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:

Selectman Dixon: Abstained

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Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 3-0.

BOS Regular Session Minutes 3-27-2020

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of March 27, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:
Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

BOS Regular Session Minutes 4-9-2020

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of April 9, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:
Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

BOS Regular Session Minutes 4-21-2020

Motion: by Selectman Wojtas to approve the Regular Meeting Minutes of April 21, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:
Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

BOS Executive Session Minutes 4-21-2020

Motion: by Selectman Wojtas to approve but not release the Executive Session Meeting Minutes of April 21, 2020, as presented. Seconded by Selectman Timmins.

Roll Call:
Selectman Dixon: Aye
Selectman Wojtas: Aye
Selectman Timmins: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 4-0.

Finance Director John Sousa: Board of Selectmen Approval of General Obligation Refunding Bonds

Mr. Sousa explained his request is to approve the refunding of certain maturities for 2012 and 2013 municipal bonds which were taken out to fund the new Fire Station Headquarters construction project and the ESCO contract. Approving this refunding will generate significant savings of \$927,829.00 in present day dollars for the Town. The Town has maintained its AA plus bond rating, which is helpful and significant in light of all the present financial uncertainty. The proposed motion drafted by Bond Counsel is three pages long.

Once approved, Bond Counsel will forward appropriate paperwork in which each selectman will sign several documents electronically and return to Mr. Sousa. If physical signatures are needed, they will be mailed for signatures.

Selectman Antul joined the meeting during this discussion, reviewed the appropriate documents, and stated she was prepared to join in the vote.

Motion: by Selectman Wojtas to approve the refunding of Municipal Bonds as prepared by Bond Counsel. Seconded by Selectman Timmins.

Roll Call:

Selectman Wojtas: Aye
Selectman Dixon: Aye
Selectman Timmins: Aye
Selectman Antul: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

Superintendent of Schools Dr. Jay Lang: Board of Selectmen Authorization to Submit a Statement of Interest to the Massachusetts School Building Authority for Chelmsford High School

Dr. Lang explained that this application must be submitted by Wednesday, May 6, 2020, and is similar to past applications filed by the School Department under this annual program. They try to get into the state pipeline every year, as this is a very competitive process, and a new application must be filed every year. Dr. Lang requested authorization to submit the application and the Statement of Interest. The project being requested under this application was listed in a Facilities Assessment which was done several years ago, which identified a number of projects. This project would be to construct a new high school, and move the middle schools to the current high school building. Parker Middle School would become an elementary school, and the McCarthy Middle School would be closed. Dr. Lang believes it is important to annually apply to this program to let the MSBA know there is continued interest in receiving funding.

Motion: by Selectman Wojtas that having convened in an open meeting on Monday May 4, 2020, prior to the closing date, the Board of Selectmen of Chelmsford, in accordance with its charter, by-laws, and ordinances, has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest Form dated April 21, 2020 for Chelmsford High School located at 200 Richardson Road which describes and explains the

following deficiencies and the priority category(s) 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 City/Town/Regional School District to filing an application for funding with the Massachusetts School Building Authority. Seconded by Selectman Timmins.

Roll Call:

Selectman Wojtas: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Selectman Antul: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

Town Counsel Paul Haverty: Board of Selectmen Response to an Open Meeting Law Complaint

Town Counsel Paul Haverty prepared a draft response to this Complaint, which was sent to the Board electronically.

If this response is approved by the Board, it will be sent out tomorrow. Amendments to the date of the response and a change of the Board's title from Selectboard to Board of Selectmen will be made.

The response was read into the record. The Complaint was filed by Samuel Chase in regard to the proceedings in the Board's Executive Session Meeting held on January 27, 2020. Draft Minutes for this session were released inadvertently, and included with the complaint. The word "draft" will be added in three places where minutes are mentioned.

The complaint alleges that discussion was held regarding the Board's intent to remove the Town Manager, versus discussing strategy on the renewal of the Town Manager's contract, as was published in the Agenda. The complaint alleges that any attempt to remove the Town Manager must be done in a public meeting, not an Executive Session.

Motion: by Selectman Wojtas to direct Atty. Paul Haverty to submit the letter of response as amended, which addresses the Open Meeting Law Complaint filed by Samuel Chase as presented. Seconded by Selectman Antul.

Roll Call:

Selectman Wojtas: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

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Selectman Antul: Aye
Chairman Lefebvre: Aye
Motion carries, unanimous, 5-0.

Town Manager Paul Cohen: Board of Selectmen Approval of Solid Waste Disposal Tipping Agreement with Covanta Haverhill Associates

Mr. Cohen explained this is the renewal and extension of the contract with Covanta Haverhill Associates, which will be effective from July 1, 2021 to June 30, 2024. This contract is done in conjunction with six other communities. Limited capacity for solid waste disposal is still a concern. Disposal markets are volatile, and many have experienced significant cost increases due to a lack of interested companies. There are limited facilities to take the waste, and no new waste facilities are being built. There will be a 20% price increase because of increased difficulties in disposal and related costs.

The Town currently pays \$73/ton of waste. This will increase to \$74.50 in July, 2020. In July 2021, the cost will be \$90/ton; in 2022, the cost will be \$93.60/ton, and in 2023, the cost will be \$97.34/ton.

Mr. Cohen advised that this is the most cost effective solution. Wheelabrator in No. Andover presented even higher costs. No other local facilities are available. A five year contract was even more costly, therefore, a three year contract is recommended.

Selectman Timmins asked if the year-over-year percentage increases in this proposed contract are comparable to previous contracts. Mr. Cohen stated that they are.

Mr. Cohen believes that in the future, there will be programs created to allow more things to be recycled, such as mattresses and other household goods.

Selectman Antul asked if there are plans to offer more composting resources. Mr. Cohen advised that the collection costs are making this prohibitive. Restaurants must do this now. Residential composting is under consideration by the Recycling Coordinator and the Recycling Committee.

Motion: by Selectman Wojtas to approve the Town Manager's Bid Award for a three year Solid Waste Disposal Tipping Contract to Covanta Haverhill Associates, as presented. Seconded by Selectman Antul.

Roll Call:

Selectman Wojtas: Aye
Selectman Timmins: Aye
Selectman Dixon: Aye
Selectman Antul: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

UMass Lowell West Campus Building Demolition Report

Building Commissioner Shaun Shanahan explained that a roof collapsed on one of the buildings, making the entire building unstable. He was aware there were many pedestrians who cross this area, and was worried about an injury. The building is down and covered, and he is awaiting DEP's approval on disposal.

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Selectman Wojtas asked about the status and plans for the three remaining buildings. Mr. Shanahan stated that two more buildings are slated to be demolished, and another building will be renovated.

A Demolition and Abatement Order and fine letter was issued in February, 2020, and the property owner has been working to comply with a plan.

Selectman Timmins questioned why three months passed since the Building Inspector's February 12, 2020 demolition order which was presented to the BOS on February 24, 2020 before any abatement took place and asked if the property owner has been assessed the fines in the demolition order. Mr. Shanahan cited access issues and interior damage, necessitating that much is done by robotics. Testing takes more time. Rodent mitigation has been active since day one of the notice. The Town has not collected fines from the property owner due to hazardous waste and abatement process circumstances causing delays.

Selectman Dixon asked if the town has any liability should someone be injured by this situation. Mr. Shanahan stated that the conditions under the February demolition order releases the town from liability. Costs are the responsibility of the property owner.

Selectman Timmins asked if the abatement and rodent mitigation companies are part of the government's essential workers list. Mr. Shanahan stated that they are considered essential. The delays are more attributed to safety issues in the buildings and making sure the proper planning and methods are in place to complete their testing without putting human lives in danger. Mr. Shanahan stated that rodent mitigation has been active.

In response to a question by Mr. Dixon, Mr. Shanahan stated his understanding that they are trying to save the third building for uses that may include a community center or apartments. Mr. Cohen stated that future development plans are uncertain at this time; no proposals have been presented by the property owner to any Town Board, or the Town Manager's office.

Further discussion can be added to the next agenda.

Adjourn

Motion: by Selectman Wojtas to adjourn the meeting at 8:07PM. Seconded by Selectman Dixon.

Roll Call:

Selectman Wojtas: Aye
Selectman Timmins: Aye
Selectman Dixon: Aye
Selectman Antul: Aye
Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

Respectfully Submitted,

Vivian W. Merrill

Approved 5/18/2020

Recording Secretary

Supporting Documents:

-Meeting Minutes

-Supporting Documents for the General Obligation Refunding Bonds

-Supporting Documents for the MSBA Application and Statement of Interest for Chelmsford High School Construction Project

-Supporting Documents for Open Meeting Law Complaint

-Supporting Documents for the Solid Waste Disposal Tipping Agreement