

Approved 9/14/2020

Town of Chelmsford Board of Selectmen Minutes
Chelmsford, MA 01824

Virtual meeting via Zoom

Regular Meeting MINUTES
June 29, 2020

Attending

Kenneth Lefebvre, Chairman
Virginia Crocker Timmins, Vice Chairman
George Dixon, Clerk
Patricia Wojtas, Selectman
Emily Antul, Selectman 7:10PM

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.

PUBLIC SERVICE ANNOUNCEMENTS

Deadline for Submission of Citizen Petition Warrant Articles for October 19, 2020 Fall Annual Town Meeting: Monday, August 3rd by 4:00 PM

Selectman Timmins read this notice into the record. The process to complete a submission was detailed.

Diversity, Racial Equity, and Inclusion Virtual Listening Session: June 30th at 7:00 PM

Selectman Timmins read the announcement. This session will be done via Zoom as a virtual meeting. Written comments are welcome also.

OPEN SESSION

No one came forward at this time

COMMITTEE VACANCIES

Selectman Timmins read the list of current vacancies. Interested applicants can apply online at <http://www.chelmsfordma.gov> or through the Town Manager’s office.

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PUBLIC HEARINGS

Continuation from June 1, 2020 - National Grid and Verizon Pole Petition: Gorham St. & Columbus Ave.

Landowner Shaun McDonough explained the pole will be moved to the other side of Columbus Ave. He discussed this with National Grid and they came to an agreement.

Mr. Cohen advised that the DPW has no issues with the new location.

No other comments were received.

Motion: by Selectman Timmins to Close the Public Hearing for the National Grid and Verizon Pole Petition for Gorham St. and Columbus Ave. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 4-0.

Motion: by Selectman Timmins to approve the joint Pole Petition filed by Massachusetts Electric, dba National Grid and Verizon for Gorham St. and Columbus Ave. as presented on Plan Number WR29136766 Dated June 11, 2020. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 5-0.

National Grid and Verizon Pole Petition: Turnpike Rd.

National Grid Engineer Paul Pellegrini explained the request is to put an encloser device on a pole on Turnpike Rd. This will help reduce power outages.

The location of the work is Pole 65 near the water tanks near Mill Rd.

A Motion to open the pole petition hearing for Turnpike Rd. was made by Selectmen Timmins, and seconded by Selectman Dixon, but was rescinded, as it was not necessary.

No comments were received from the public.

Motion: by Selectman Timmins to close the Public Hearing for National Grid and Verizon Pole Petition for Turnpike Rd. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 5-0.

Motion: by Selectman Timmins to approve a Pole Petition from National Grid and Verizon to install a device on Pole 65, as presented on Plan Number WR29658297 on Turnpike Rd.

Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

National Grid Underground Conduit Petition: Frederick St.

National Grid Engineer Paul Pellegrini explained that the customer at 5 Frederick St. is putting his service underground. The home is at the end of the street. The request is to connect the service to the pole across the street.

Deborah Qualters recommended looking at the photos, as the plan picture is deceiving because the actual road doesn't extend that far, and the photos show the work more accurately.

The DPW issued permits. The Water District, DPW, and National Grid had no issues with the proposal.

No other comments were received from the audience.

Motion: by Selectman Timmins to close the Public Hearing for National Grid Underground Conduit Petition for Frederick St. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

Motion: by Selectman Timmins to approve the Underground Conduit Petition filed by National Grid for 5 Frederick St. as presented on Plan Number 29768625. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

LICENSES

Common Victualer License: Old Mill House Coffee LLC, 24 Central Square

Eileen DeChaves, owner of The Artisan's Exchange, explained she would like to put in a coffee shop in her building to complement existing retail and classroom space. There will be outdoor seating in the patio.

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Plans were shown. The barista bar will be in the front room. She will also be adding an ADA compliant bathroom.

Selectman Timmins noted that the Board of Health had not signed off on the application yet. Ms. DeChaves explained that sink placements and minor other details are being resolved. There will be no food cooking. Just an espresso machine and coffee pots.

No comments were received from the audience.

Motion: by Selectman Timmins to approve the Common Victualer License for Old Mill House Coffee, LLC, contingent on Board of Health approval. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

CONSIDERATION OF A WILDLIFE FEEDING BYLAW

This process was started because a resident advised someone was ground feeding turkeys. The flock has gotten large, with over 12 birds. This is creating conflicts for neighbors. The proposed bylaw was crafted similar to what is used in Westford. The proposed bylaw document was shown and parts were read into the record.

Deer will be added to the list of animals that this applies to.

The bylaw includes penalties for non-compliance.

If the Board supports the bylaw as written, it will go to Town Meeting for formal approval.

Letter from Police Chief Spinney noted no concerns.

Animal Control Officer Mark Cianci suggested that section 11-32F, which addresses feeder height, may be redundant as the feeder may need to be removed if it creates a public nuisance, such as attracting bears. Residents have been cooperative over the last couple of years in removing feeders when necessary.

Selectman Antul asked if overfeeding contributes to overpopulation. Mr. Cianci advised that any kind of seed draws in turkeys, and there has been no issue with overpopulation of other smaller birds. This could depend on the number of feeders present.

Selectman Timmins pointed out that Chelmsford does not have a Natural Resources Officer or an Environmental Officer, yet the bylaw refers to both as the enforcement authority. Mr. Cianci explained that he does work with such officers at the State level. Selectman Timmins felt the bylaw should focus on local officers, and could reference the State Officers. In addition, Selectman Timmins asked how Paragraph A would impact people with domestic animals like goats and chickens, and she suggested additional agricultural exceptions besides waterfowl. In Paragraph F, limits need to be clarified, as there are other types of feeders besides bird feeders, such as squirrel feeders and bat houses. Overall, Selectman

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Timmins felt this was done based on one incident in town, and she asked whether there was anything else in place where the town has some ability to enforce something to reduce the attraction of wildlife in general.

Mr. Cianci noted the State discourages people from feeding animals, because when they stop, the animals die. Turkeys will fight for the food, which may draw in predatory animals. This would create different problems and conflicts for people.

Town Counsel will be asked to review the bylaw, and there will be further discussion at the Board's July 27, 2020 meeting.

REPORTS AND PRESENTATIONS

Town Counsel Paul Haverly: Town Acceptance of Charles Way as a Public Way

Attorney Paul Haverly summarized a letter received from Attorney Douglas Hausler dated May 28, 2020, regarding Charles Way.

The Town is being asked to accept Charles Way as a public road. The road was never completed, as the developer and the bank went bankrupt. Assistant Public Works Director Steve Jahnle has acknowledged that improving Charles Way was a long term goal. Estimated costs to complete this work are \$132,000.00. Atty. Hausler's client wants to develop Charles Way, and has offered to assist with these costs. The funding wouldn't be given until his proposal is approved by the Planning Board and the road is accepted as a public way. The entity that owns Charles Way needs to be determined. An eminent domain taking would require Town Meeting approval. There is a need to do this, but it was not a priority.

Atty. Hausler noted that the road past the first house is about 700 feet long. Previously, the town authorized an easement to the Sewer Department, even though the Town didn't own the road. There are no records explaining how or why that happened. In the proposed development, two houses will have frontage on North Rd. There will be six homes built on Charles Way, and two of them would have a common driveway. The developer would provide up to \$100,000.00 toward the cost of making Charles Way a public road.

Selectman Antul asked whether there were any concerns about the economy declining in light of the pandemic. Atty. Hausler advised that the market has remained very strong on residential construction. His client feels the homes will sell. Accepting this offer will resolve a problem that has existed for 35 years.

Public Comments:

Sam Phillips, 13 Charles Way, explained there were no sewer and water services when he first moved in to his home in February, 1990. They were charged to connect to the sewer. The street has deteriorated since sewer was installed, as Town support was stopped when it was discovered the Town didn't own the street. The street was taken care of very well before the sewer installation.

Mr. Jahnle explained that a pond and drainage was done as part of the subdivision development. DPW does plow the snow, and will repair around the catch basins because they own them.

Kevin Gillis (14 Charles Way) feels the Board is on the right path. This is a good proposal.

Bob Brown (7 Charles Way) stated that he was looking for more information on the new development. Will it include sidewalks?

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Atty. Hausler advised there are no details on any sidewalk yet. Conceptual plans would be presented to the abutters for their input. After this, they would proceed to the Planning Board.

Mr. Jahnle added that the plans for the original subdivision showed sidewalks, however, they were not built. Mr. Gillis also added that the sidewalks were in the right of way, not their private property. Irrigation systems were installed, and waivers were granted on sidewalks.

Mr. Jahnle explained that rebuilding the detention pond and drainage improvements are part of the DPW's estimated costs.

Atty. Hausler requested that the Board authorize Town Counsel to work with him on an MOU between the Town and his client.

Motion: by Selectman Timmins to authorize Town Counsel to work with Atty. Douglas Hausler to create a Memorandum of Understanding for the acceptance of Charles Way, as presented. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

TOWN ACCOUNTANT PERFORMANCE APPRAISAL

The Annual Review form was shown. All goals were completed.

Town Accountant Darlene Lussier reported that the new version of MUNIS is working very well. Two staff members were added to the department, and both are working out very well. They will be continuing their training. All current vendors are up to date and annual W-9 forms from vendors are on file, as required by the IRS and the auditing firms.

Mrs. Lussier also reported there recently was a payroll glitch with Enterprise Bank. The bank had implanted security measures, which stopped the Town's payroll files from being processed because of the amount of the payroll. Payments were delayed by one day. This has been resolved.

Comments from the Board were read into the record. All were favorable.

The Town Accountant was given a rating by the Board of "Exceptional Performance".

Motion: by Selectman Timmins to give the Town Accountant a rating of Exceptional Performance with a grade change from Grade 9 Step 5 to Grade Nine, Step 6. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye

Selectman Antul: Aye

Selectman Timmins: Aye

Selectman Dixon: Aye

Chairman Lefebvre: Aye

Motion carries, unanimous, 5-0.

New goals and objectives for the Town Accountant were read into the record.

Mrs. Lussier advised that she will be monitoring revenues and expenditures closely in light of the economic impacts of the pandemic. They anticipate impacts going into the next two years. Chairman Lefebvre asked for more information on what could happen if revenues decline by 10 or 20 percent. Mrs. Lussier advised that the FY2021 budget is already taking this into consideration. Meals and hotel taxes are expected to be the biggest hit. They will watch the figures monthly.

Mr. Cohen announced that the State is delaying tax payments, which may cause delays up to six months. Motor Vehicle Excise will be an important commitment.

DISCUSS APPROVALS RELATED TO GRANTS

Selectman Timmins requested having this as an informal discussion. Last year she had asked if the Board could be more involved in competing for grants. She asked why the Board is asked to vote their acceptance on approvals for some grants, but not others.

Mr. Cohen explained that some grant programs require the Board's approval, such as the MSBA or DLTA program grants. It depends on the program. He suggested giving the Board a list of available grants, which the Town accountant can provide. Many are administrative grants and department heads take care of them. Policy level grants tend to require Board support.

Once the list is reviewed, the Board can discuss further at the next meeting.

Selectman Wojtas requested more information on future agenda items like this, as she was not aware of the intended purpose of this agenda item.

Selectman Antul felt that Board involvement helps with getting the word out about things that are happening in the town. This could drive some community engagement.

TOWN MANAGER REPORTS

Fourth Quarter Report on Annual Goals

Mr. Cohen provided this update as part of regular updates. The pandemic has created impacts for several goals, also.

The Vision and Values update will be presented at a meeting in July.

Mr. Cohen is tracking impacts from the tax rate split, which will also be affected by the COVID 19 situation. This is a multi-year goal, and more time will be needed, as many of the impacts are unknown. The Assessor's Office has announced that some re-evaluation data will be delayed as some businesses aren't open for inspections.

The Fire Station Analysis Report was presented previously. The North Fire Station was planned for renovation. This has been put on hold, due to COVID-19 budget considerations.

Discussions regarding egress for Vinal Square on to Wotton St. are being held in Executive Session.

Efforts to re-open businesses since the pandemic quarantine were summarized.

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Oddfellows and Fiske House redevelopment discussions are being heard by the Planning Board.

Town officials are trying to get information to the public as soon as possible via the Town's website, as newspapers are not following most of the developments in Chelmsford.

Traffic safety issues will be discussed at the next meeting. Positive feedback has been received on some measures that have been taken. Traffic patterns are not what they were, as there are less people on the roads at this time.

Chelmsford's response rate to the 2020 Census was 79%, which is the highest in the region.

Efforts to review new revenue sources, and how to supplement were summarized. Licensing fees and school programs were reviewed, other changes taken were listed.

The State is still releasing monthly budgets and everyone is still watching the pandemic for impacts to school operations and economic activity. The future is very uncertain at this time.

Structural Report for Roof Mounted Solar Arrays at the Center Town Hall & North Town Hall

The full reports are available on the Town website. Both structures cannot support roof mounted solar arrays. This study was done per the Board's request.

The Sewer capacity study should be available soon; the Planning Board is also waiting for this information. Assistant Public Works Director Steve Jahnle summarized that the sewer system is moving 2.66 million gallons per day, and full capacity is 3.01 million gallons. The study considered recent development, projects in the pipeline, and potential future projections. A formal presentation will be forthcoming.

Chairman Lefebvre asked whether there would be a return to septic systems for new development. Mr. Jahnle advised that new small treatment plants might be an option. Bylaw changes may be needed. Consideration could be given to develop some private systems for new bigger developments. Currently, the Radisson Hotel and the Mills have their own treatment plants.

Mr. Cohen announced that Chelmsford Telemedia and School Superintendent Dr. Lang are exploring whether the 10 person limit makes it possible for small boards to meet in person and Zoom televise from the meeting. Mr. Pedulla advised that meeting rooms would need to be configured, which may be done by the end of July. This could benefit multiple committees.

TOWN MANAGER APPOINTMENTS

Reappointment - Military Community Covenant Task Force: Brian Fredriksson, 3-year term exp. 6/30/2023

Motion: by Selectman Timmins to approve the Town Manager's reappointment of Brian Fredriksson to the Military Community Covenant Task Force for a term to expire June 30, 2023. Seconded by Selectman Dixon.

Roll Call Vote:

Selectman Wojtas: Aye
Selectman Antul: Aye
Selectman Timmins: Aye
Selectman Dixon: Aye

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

MEETING MINUTES

Executive Session Minutes 06-01-2020 Part 1

Motion: by Selectman Timmins to approve and release the Executive Session Meeting Minutes of June 1, 2020, Part 1, as presented. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 5-0.

Executive Session Minutes 06-01-2020 Part 2

Motion: by Selectman Timmins to approve but not release the Executive Session Meeting Minutes of June 1, 2020, Part 2. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 5-0.

Executive Session Minutes 06-01-2020 Part 3

Motion: by Selectman Timmins to approve but not release the Executive Session Meeting Minutes of June 1, 2020 Part 3. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, 4-0.

SELECTMEN LIAISON REPORTS & REFERRALS

Selectman Wojtas:

-Residents were reminded that only hand-watering is allowed under the Level Three water restriction which is still in effect.

-Mr. Persichetti confirmed that a new recycling flyer would be sent to residents once it is printed. It is currently on the Town website.

-Trash pickup this week will follow the normal schedule, as Friday is not the legal holiday. Mail will be delivered, banks are open, and trash will be picked up.

-There will not be a Farmer's Market on the Town Common this summer, as there were not enough organizers.

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- The Town Manager's Office received no requests for any "Shared Streets and Spaces" funding. This funding was being provided by the State to help restaurants create outdoor seating areas. The concept was considered for businesses on Summer St., however, no proposals have been received.
- Fire Department Chaplain Steve Burkette was wished well as he is retiring and will be moving to Maine. The Lowell Sun newspaper wrote an article about him.
- Residents were wished a happy July 4th Holiday.

Selectman Antul:

- Condolences were given to the School Committee and the School Department for several recent deaths.
- Local youths were congratulated for the efforts for their successful rallies for Juneteeth,
- Residents of all ages and backgrounds were encouraged to participate in the Board's Listening session on Diversity being held via Zoom on June 30, 2020.

Selectman Dixon:

- Steve Burkette will be greatly missed. Residents held a drive-by parade in his honor which had about 200 vehicles, fire trucks and police cars. A great tribute to a wonderful man.

Selectman Timmins:

- The Planning Board Hearings for developments of the Oddfellows Building, Fiske House and a duplex development on Groton Rd. are remaining open at this time.
- A Historic Preservation Bylaw hearing will be held by the Planning Board after July 8, 2020.

Chairman Lefebvre:

- Chaplain Burkette will be missed.
- Residents were encouraged to stay safe during the July 4th holiday.
- There will be a one person parade down North Rd. on July 4.

PRESS QUESTIONS

No one came forward at this time.

ADJOURN

Motion: by Selectman Timmins to adjourn the meeting at 10:01PM. Seconded by Selectman Dixon.

Roll Call Vote:

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

Motion carries, unanimous, 5-0.

NEXT REGULAR MEETING DATE: July 13, 2020

Respectfully Submitted,
Vivian W. Merrill,
Recording Secretary

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Supporting Documents:

- Legal Notice for Submission of Citizen Petition Articles for Fall Town Meeting
- Announcement of the Diversity, Racial Equity, and Inclusion Listening Session
- List of Committee Vacancies
- Supporting documents for Pole and Underground Conduit Petitions
- Supporting Documents for Common Victualer License
- Supporting Documents for the Wildlife Feeding Bylaw
- Supporting Documents regarding 150 North Rd./Charles Way
- Supporting Documents for the Town Accountant's Annual Performance Review
- Town Manager's Fourth Quarter Goals Status Report
- Supporting Documents for the rooftop Solar Array Structure Assessments