

Approved 10/21/2019

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

Regular Meeting MINUTES  
July 29, 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. Chairman Lefebvre called the meeting to order at 7:01 PM.

**PUBLIC SERVICE ANNOUNCEMENTS**

**Military Community Covenant Task Force: Veterans Appreciation Cookout, August 13<sup>th</sup>, 5:00 – 7:00 PM**

Jim Curley announced that everyone is invited to this free event, being held at the Elks on Littleton Rd.

**Nashoba Valley Technical High School Committee Applications due by August 14, 2019**

Selectman Wojtas announced that a joint meeting with the Chelmsford School Committee will be held on August 19, 2019 to fill a vacancy created by the passing of Richard Defreitas.

**Chelmsford School Committee Applications due by August 14, 2019**

Selectman Wojtas announced that this vacancy resulted from the resignation of Al Thomas. This meeting will also be held on August 19, 2019.

**Monday, August 5th by 4:00 PM: Deadline for Submission of Citizen Petition Warrant Articles for October 21, 2019 Fall Annual Town Meeting**

Selectman Wojtas explained that every petition must have a minimum of ten signatures of registered voters, certified by the Town Clerk's Office.

**Christina Papadopoulos, Town Engineer: Detention Basin Maintenance and Stormwater Master Plan Advisory Committee**

Maintenance work has begun on the 55 detention basins throughout town. Work will involve brush trimming and tree cutting. A list of streets was provided, and a letter will be put on the door of the impacted residences to let them know this is happening. Residents were reminded that yard waste should not be disposed of near these basins or in wetlands. Photos were shown of work being done in various areas, one outlet was found five feet under collected leaves and debris.

Selectman Wojtas stated she has received complaints from several residents about water collecting in their driveways. Ms. Papadopoulos advised that residents with concerns should call her office with questions.

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Regarding the formation of a Stormwater Master Plan Advisory Committee, Weston and Sampson has finished their evaluations. The Committee will work with this data and put together a pro-active plan for future stormwater management that will comply with the new Federal Stormwater Regulations. A list of members will be posted on the website soon, and was read into the record.

Selectman Timmins asked whether a representative of the business community should be on the committee. Ms. Papadopoulos agreed to consider this.

The Committee's Master Plan document is due in May, 2020. The first meeting will be held on July 31, 2019, at 7:00PM, in Room 205 of the Town Offices. Future meetings will be once a month.

#### **Traffic Detour-Groton Rd.**

Mr. Cohen announced that there will be a traffic detour from July 31, 2019 through August 4, 2019 in order to complete a culvert replacement in Westford, and because of work being done at 515 Groton Rd. Work will be done around the clock until it is complete. The Police Department will provide a detail officer during this entire time.

#### **OPEN SESSION**

No one came forward at this time.

#### **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**

##### **All Alcoholic Beverages Restaurant, Common Victualer, and Entertainment License: Paxton 20, LLC DBA Max & Leo's Artisan Pizza, 20 Boston Road**

Atty. Robert Dionisi spoke on behalf of Heather Simpson and Maximillan and Leo Candidus, who were also present. Many improvements will be done to the site. They have three other restaurants in Boston, Newton, and Sudbury. The applicants requested a waiver of the waiting period, as the ABCC approval time is very slow, and they want to be open by October, no later than December of 2019.

There will be seating for 85 people on the main floor. Total occupancy is 99 people as some seating will be outside. The kitchen will be in the basement.

Selectman Wojtas noted a question on whether the landlord will receive a percentage of the alcohol sales in addition to lease payments was left unanswered. Mr. Candidus advised this is a flat lease, and no profits are shared. A letter of amendment will be included in the filing to the ABCC.

A bulkhead to the basement is being turned into an egress. The applicant is working with the Building Department to finalize how this will be done.

There were no comments received from the public.

The waiting period would be three weeks, due to the next Board meeting being scheduled for August 19, 2019. The Board was supportive of the waiver request, as this is not their first restaurant.

**Motion:** by Selectman Wojtas to waive the waiting period and to close the Public Hearing for Paxton 20, LLC. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Motion:** by Selectman Wojtas to approve an All Alcoholic Beverages License, Common Victualer License, and Entertainment License for Paxton 20, LLC., to be exercised on the premises at 20 Boston Rd. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

### **LICENSES**

#### **One Day Beer & Wine License: Mary Moriarty for Table of Plenty, Event at Chelmsford Senior Center, 75 Groton Rd., 10/17/19**

Table of Plenty has been providing free meals every Tuesday for nine years. On average, 90 guests are served per meal. The group has about 200 volunteers that do all the work. The event is a Volunteer Appreciation Dinner; expected attendance will be between 100-120 volunteers. TIPS Certification is on file.

**Motion:** by Selectman Wojtas to approve a One Day Beer and Wine License for Table of Plenty for October 17, 2019, to be exercised on the premises at 75 Groton Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **One Day All Alcoholic Beverages License: Terry McSheehy for Chelmsford High School Alumni Association, Event at American Legion Post 313 Parking Lot, 90 Groton Road, 08/17/19**

This event is the Annual Block party, which has been approved in previous years with no concerns.

**Motion:** by Selectman Wojtas to approve the One Day All Alcoholic Beverages License for Chelmsford High School Alumni Association for August 17, 2019, to be exercised outside the premises at 90 Groton Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **One Day All Alcoholic Beverages Licenses: Daniel Barooshian for Sts. Vartanantz Armenian Church, 180 Old Westford Road, 8/11/19, 9/29/19, 10/2/19**

The Church's Annual Picnic will be held on August 11, 2019, and there will be two scholarship dinners on September 29, 2019 and October 2, 2019. There were no concerns from the Board.

**Motion:** by Selectman Wojtas to approve the One Day All Alcoholic Beverages Licenses for Sts. Vartanantz Armenian Church for August 11, 2019, September 29, 2019, and October 2, 2019, to be exercised on the premises at 180 Old Westford Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **One Day Expansion of Entertainment License: Center Brickhouse Pizza, 1 Central Sq., 8/31/19**

Michael Brown was present for any questions. The request is to hold a similar event for Labor Day as they hold for July 4, from 4:00PM-10:00PM outside. The Police and Fire Departments submitted responses. A police detail was recommended for easier ingress and egress. Police noted prior noise concerns.

The Fire Department requested set-up be ready at noon on the prior Friday for fire inspection.

The anticipated audience is expected to be families. Chairman Lefebvre questioned whether a detail was actually needed, as it could be cost prohibitive. The Board agreed to waive the requirement for this year, with the understanding that if a problem was reported, a detail would be required.

**Motion:** by Selectman Wojtas to approve the One Day Expansion of Entertainment License for Center Brickhouse Pizza to be exercised on the premises at 1 Central Square on August 31, 2019, from 4:00PM to 10:00PM, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Expansion of Entertainment License: KMP Restaurant Group DBA Moonstones, 185 Chelmsford St., various dates – Summer 2019**

Sadettin Yildirim requested an expansion of the Entertainment license for live entertainment on the patio throughout the month of August. These will be acoustic guitar events on Thursdays, from 6:00PM-9:00PM. They expect attendance to be about 40 people. The Board noted that the events actually started on July 25, 2019, when the Police Department received a noise complaint. Mr. Yildirim explained that he didn't know he had to ask for permission for these events, and he heard about the complaint today. He stated he measured decibels of 70-80, and he doesn't want to upset people. Mr. Yildirim understood that if more complaints are received, he may have to stop the events. No one called or visited the restaurant to complain.

**Motion:** by Selectman Wojtas to approve an Expansion of Entertainment License for outdoor entertainment for Moonstones, for August 1,8,15,22, and 29, 2019, to be exercised at 185 Chelmsford St. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Transfer of Stock (ABCC requested addition to previously approved multi-amendment) for Wines & Malt Beverages License: Padee Corp. DBA Yoong Tong II Thai Restaurant, 61 Central Square, Unit 6**

Mr. Cohen explained the previous application did not note the transfer of stock that was part of this transaction, and the ABCC wanted to make the Board aware of this oversight.

**Motion:** by Selectman Wojtas to approve the Transfer of Stock in addition the other licenses previously approved for Padee Corp. DBA Yoong Tong II Thai Restaurant, 61 Central Square, Unit 6. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**REPORTS AND PRESENTATIONS**

**Lisa Marrone, Director of Business Development: Report on Recent Economic Development Activities & the Release of the Cross Roads at Route 129 Website**

This is a regular quarterly update; a year-end review was presented in January. A listing of available space was shown. The new website at <https://chelmsfordcrossroads129.com> was displayed, and will be an ongoing development. A group of professionals have come forward who are interested in attracting tenants for this area, which could lead to a tenant proposal package. A brochure was created, a copy of which was provided to the Board. Real Estate Brokers have been very interested in the brochure, which have been getting distributed at events that Ms. Marrone attends. The tenant recruitment team has been focusing on bio-tech and life science companies to occupy some of the available space. A list of activities completed since January, 2019, was presented. The team is continuing to work on many of these initiatives presented. A listing of FY20 goals and objectives was also presented to the Board. These initiatives go beyond Rt. 129, and include Center Village and Summer St. She will return in October with another update.

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**Frank Reen, Director of Assessing: Payment in Lieu of Taxes Agreement for Atrius Health, Inc. at 228 Billerica Road**

On an unrelated note, Mr. Reen announced that Kit Bianci will be retiring; she was wished well and she will be missed.

The original 10 year agreement expires this year, and a new agreement was summarized for the Board's information. The new agreement provides less funding than the previous agreement. During the term of this agreement, Atrius will pay 15% of the amount that would be due if the property were not exempt from real estate taxes.

**Motion:** by Selectman Wojtas to approve the Payment in Lieu of Taxes Agreement for Atrius Health, Inc. AKA Harvard-Vanguard Healthcare at 228 Billerica Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**TOWN MANAGER REPORTS**

**Chelmsford Earmarks in the Fiscal Year 2020 State Budget**

This year's State budget included three earmarks for Chelmsford. The first was up to \$40,000.00 for improvements at Roberts Field, up to \$100,000.00 for a business grant program, and up to \$40,000.00 for Age-Friendly initiatives. If the budget is approved, the impacted groups have until the end of the year to use the funding.

The earmark process will be done again next year, for anyone that has projects to be considered.

No other major changes to the budget are expected.

**Town Clerk Patricia Dzuris has achieved Certified Municipal Clerk Designation**

This was a three year process. Ms. Dzuris was congratulated for her achievement.

**Complete Count Committee for 2020 Census**

The Census will begin April 1, 2020. This committee will be comprised of the Town Clerk, Town Manager, Selectman Pat Wojtas, Mike Rigney, and Mike Kowalyk. Their work will promote a positive response to completing the census. Selectman Timmins requested the Town Manager reach out to the Town's Democratic and Republican Committees.

**Draft Fall Annual Town Meeting Warrant**

This first draft document was provided to the Board for review. There are 28 Articles at this time, which were summarized for the Board's information. There is still time to add Citizen Petitions if any are received. The board was asked to provide any requested changes.

**Traffic Hearing Update**

A document with data categorizing what was discussed at the Public Input Session on this matter was provided to the Board. Mr. McCall explained how the table was organized. The Traffic Safety Committee will meet monthly until further notice. Tree trimming and road improvements are continuing to be completed, as is research on creating Truck Traffic Exclusion areas.

**APPOINTMENTS**

**Annual Election Workers Appointments**

A list was provided by the Town Clerk.

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**Motion:** by Selectman Wojtas to approve the Election Workers Appointments, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

## **BOARD OF SELECTMEN POLICIES**

### **Flags at Half-Staff**

Selectman Wojtas provided some ideas on when the flags should be lowered. The document is for informational purposes at this time, and will be brought forward for approval at the next meeting. Board members were asked to review the document and provide their input.

### **Non-Government Flags**

This document was also provided for the Board's review. Other communities have not commonly addressed this topic in detail. Advocacy initiatives can be discussed by the Board. Mr. Cohen cautioned the Board about potential Free Speech arguments, and he recommended obtaining opinion from Town Counsel. Further discussion will be continued to the next meeting.

## **MEETING MINUTES**

**BOS Executive Session Minutes 07-08-19 part 1**

**BOS Executive Session Minutes 07-08-19 part 2**

**BOS Executive Session Minutes 07-08-19 part 3**

**Motion:** by Selectman Wojtas to approve but not release the Executive Session minutes of July 8, 2019, Parts 1 & 2, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Motion:** by Selectman Wojtas to approve but not release the Executive Session minutes of July 8, 2019, Part 3 as presented. Seconded by Selectman Antul. Chairman Lefebvre abstained. **Motion carries, 4-0.**

## **SELECTMEN LIAISON REPORTS & REFERRALS**

Selectman Timmins:

- The School Committee announced that Al Thomas will receive a Lifetime Achievement Award from the State at a conference in November. Mr. Thomas was congratulated.
- Residents were reminded that students riding the bus will need to register, even if they are not required to pay the fee. This helps with scheduling.
- The Planning Board will be meeting on August 14, 2019 to discuss draft warrant articles, a hearing for a 278-282 Mill Rd. proposal, and a proposal for 9 Acton Rd.
- The Vinal Square Strategic Action Plan Committee will meet on August 15, 2019 at Varney Boathouse to discuss how to improve Varney Playground. They may discuss forming a Park and Playground Subcommittee.

Selectman Dixon:

No reports this evening.

Selectman Antul:

No Reports this evening.

Selectman Wojtas:

-The Youth Public Safety Academy sponsored by Sheriff Koutougian's Office graduation was held last week. Different activities were summarized; this is a great program for kids. Participants were congratulated.

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-Resident Jean Kydd was congratulated for being part of a Bridge Team that was named the International Champions for Bridge at a meet in Las Vegas.

-Residents were reminded that everyone is welcome to attend the Veterans Appreciation Cookout being held at the Elks on August 13, 2019.

Chairman Lefebvre:

No reports this evening.

### **PRESS QUESTIONS**

No one came forward at this time.

### **EXECUTIVE SESSION**

**Discuss appointment of outside labor counsel to investigate allegations related to arbitration process with Joint Labor Management Committee**

**Motion:** by Selectman Wojtas to enter into Executive Session at 9:01PM, not to return to Regular Session, to discuss appointment of outside labor counsel to investigate allegations related to the arbitration process with the Joint Labor-Management Committee. Seconded by Selectman Antul.

Roll Call:

Selectman Dixon: Aye

Selectman Antul: Aye

Selectman Crocker Timmins: Aye

Selectman Wojtas: Aye

Chairman Lefebvre: Aye

**Motion carries, unanimous, 5-0.**

**NEXT REGULAR MEETING DATE: August 19, 2019**

Respectfully Submitted,

Vivian W. Merrill

Recording Secretary

Supporting Documents:

- Flyer for Veterans Appreciation Cookout
- NVTSH School Committee Vacancy Notice
- School Committee Vacancy Notice
- Citizen Petition Deadline Announcement
- Detention Basin Maintenance & Stormwater Master Plan Presentation
- List of Committee Vacancies
- Supporting Documents for Max & Leo's Artisan Pizza
- One Day License Applications
- Supporting documents for Center Brickhouse Pizza
- Supporting documents for Moonstones
- Supporting documents for Padee Corp.
- Presentation for Recent Economic Development Activities
- Agreement for Atrius Healthcare
- FY20 State Budget Earmarks
- Memo regarding IIMC Town Clerk Certification

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- Memo regarding 2020 Census Complete Count Committee
- 2019 Fall Town Meeting List Of Warrant Articles
- 2019 Fall Annual Town Meeting Warrant
- List of Election Worker appointments
- Board Policies for Flags at Half-Staff and the Display of Non-Government Flags