

Approved 12/3/2018

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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  
September 10, 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. Chairman Diggs called the meeting to order at 7:00 PM.

#### **PUBLIC SERVICE ANNOUNCEMENTS**

##### **Chelmsford Friends of the Library: Book Sale, Sept. 21 -23**

Maureen Foley and Kathleen Cryan-Hicks announced this annual fundraising sale benefits the programs at the Library. Everyone is welcome, hours were listed. Sunday Specials were listed, and there will be a special T-shirt for sale as well. Volunteers are wanted; interested people can sign up on the Library's website. The Annual Meeting of the Friends of the Library will be held on November 1, 2018.

##### **Chelmsford Lions Club: Fall Fest, Sept. 22. 10AM – 3PM**

Selectman Lefebvre announced the activities that will occur during this free event, which is held annually on the Town Common. Everyone is welcome to attend.

##### **Chelmsford Historical Society: Farm Fair, Sept. 15, Noon – 4PM (Rain Date Sept. 16)**

Tom Christiano, 6 Drew Circle, and member of the Chelmsford Historical Society, announced this is the 17<sup>th</sup> annual Farm Fair. Everyone is welcome and general admission is free. The horse rides do have a fee. Many animals are there, and many things are being sold. Other scheduled events were listed. The event is being held at the Barrett-Byam Homestead at 40 Byam Rd.

##### **Board of Health: 5th Annual Candlelight Overdose Vigil, Sept. 30, 6:30 PM**

Selectman Lefebvre announced this event, and scheduled activities were listed. Everyone was encouraged to attend to hear the stories.

#### **OPEN SESSION**

John Harrington, Chelmsford Business Association, asked why the two week waiting period was waived for the alcohol license that was approved at the Board's previous meeting two weeks ago. He doesn't agree with this practice and requested that the two week policy be reinstated and followed.

Brian Latina, 15 Jessie Rd, Precinct 4, explained that his daughter was married in Wareham, MA last weekend. Nearby construction was ongoing, other facilities in the area were listed. He noticed a sign that advertised Wareham as the Gateway to the Cape (meaning Cape Cod). Tonight he saw two cars run a red light in Chelmsford, and he noted that this happens every day. The Mill Rd. 40B housing project is now occupied, and he has noticed that the bus kiosk is illegal, and the 10% inclined hill is illegal. He is worried about people sliding down the hill and hitting waiting people in the bus kiosk. His son was on a bus that was hit by a car last month. He requested that the traffic lights at Billerica Rd. and Turnpike Rd. be adjusted to accommodate additional drivers in this neighborhood.

Edward Buckley, 27 Buckman Dr., wished to discuss Fall Town Meeting Warrant Article 17, regarding square footage for livestock/chickens. Current bylaws require 40,000 SF to keep chickens. He has neighbors at 25 Buckman Dr. who keep chickens, and have done so for two years, on a 20,000 SF lot. He alleges they are dumping refuse, feces and waste in Golden Cove Brook which is behind their homes. He believes this activity is creating a rat issue in the entire neighborhood. He was advised that extermination will not work here because of the chickens and the water source. He does not support the article, and feels a 15,000 SF area is too small. The rats are destroying his vegetation in his yard. He requested that this Article be tabled, and an impact study be completed.

Dottie Jones, 23 Buckman Dr., explained the chicken and rat situation in this neighborhood is a serious health and safety issue that affects them in many ways. Odors are obnoxious, and dumping of feed and poop is occurring in the yard, by the brook, on an easement, and in the town trash. The residents at 25 Buckman Dr. do not have a permit for their chickens. Neighborhood residents went to the Board of Health and filed a complaint. She has grandkids that visit her weekly, and they stay inside because of the rats. They are very frustrated.

Board of Health staff member Richard Day was asked how to apply for a permit. He explained the application can be done online or in person. The department checks for zoning, and looks at the plot plan. They also look at the number of birds and the location of the coop. The application can be approved or denied. An inspector visits the property annually. Waste disposal is discussed. He has found that most people do not keep chickens for more than a year or two. The fee for a permit is \$30/first year, and \$15 for renewals. The permit can be revoked for violations. If a property owner has never had a permit, or if no one knows about the chickens, nothing can be done. Often, the Animal Control Officer finds them, or a neighbor makes a complaint. The Board of Health is currently working with the Planning Board and the Animal Control Officer as they are all not in agreement with the proposal in the warrant article. Free range chickens are not allowed by the Board of Health. Historically, the Board of Health has found issues with improper care of animals. These cases usually go to court.

Mr. Cohen explained that the Board of Health is an elected Board, and does not answer to his office nor the Board of Selectmen. As such, they have no authority to compel the Board of Health to do anything. If there is a Wetlands Act violation, the Conservation Commission will be notified of the problem. The Planning Board has voted to submit the Article to Town Meeting. Selectman Lefebvre confirmed that he has visited the property in question and there are rats present. Mr. Day explained rats are everywhere and they will adapt to their food source. In most cases, once garbage or animals or whatever is the food source is removed, the rats will go away. Bird feeders are an attractant, and even pristine places can attract the rats. Mr. Day has addressed multiple complaints about rats in the Westlands neighborhood.

Ryan Doherty, 4 Priscilla Ave., explained that he has seen rats running under and around his deck.

Approved 12/3/2018

Shaun Shanahan, Building Commissioner, explained that tightening up zoning ordinance and the permit application process only helps those doing things legally. Disposal procedures need to be addressed. He would support keeping chickens in a larger area. The Wetlands Act imposes a 100 foot protective buffer around a wetland. He agreed that enforcement is often done as a result of complaints. A citation has been issued to the homeowners at 25 Buckman Dr., which includes a daily fine. Mr. Day described issues with dealing with the court. The Board of Health is in the process of finalizing a Removal Order.

Mary Jo Sullivan, 5 Scott Dr., explained some people follow the rules, the offending family does not. She stated that another resident at 1 Scott Dr. was laughed at by a Board of Health employee in April, and told there were no rats. The skeletons are all over the neighborhood. She feels the owner at 25 Buckman Dr. should be forced to pay for the extermination. Something needs to be done as soon as possible, as the problem is spreading.

Mr. Buckley was advised by an exterminator that the chickens must be removed before he can treat the problem.

Selectmen Antul and Dixon suggested that the Board of Health convene an emergency meeting to address this issue in this neighborhood.

Helen Blasioli, 19 Augusta Way, asked who owns the wetlands. She was advised the wetlands are private property.

Tom Slowosky, 24 Buckman Dr., explained he had owned chickens when he lived elsewhere. He supports keeping the lot size large.

Mr. Shanahan agreed to obtain more information on exterminators. He advised the audience that holding one property owner responsible for other people's property may not be feasible.

Chairman Diggs advised that this will be discussed again at the next Board meeting. The next Planning Board meeting is this Wednesday, September 12, 2018.

Jim Mariolis, Local 12012 Gas Workers, wished to provide an update of the National Grid lock-out of gas employees. These employees have been locked out for 12 weeks now. Work being done is emergency work only. The Union has filed 50 complaints to the DPU, and certain work is not being done. Some cities and towns have accepted a moratorium on all work. Chairman Diggs agreed that this issue will be on the agenda for the next meeting. Mr. Mariolis asked the Town to consider accepting a moratorium for all work, as this is a huge safety issue for residents. He asked board members to call him to discuss further.

### **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.

### **PUBLIC HEARINGS**

#### **Class II Auto Dealer: Capital Motor Group, 154 Middlesex Street, vacant portion of lot (initial hearing held on 5/14/18)**

Rodrego Silva explained his request was on hold due to his having an out of state license. This has now been resolved, and he is now licensed in MA. He will operate out of a trailer for a year, while building a new office, and he plans to renew the lease for 5 years. Currently, he has no cars on this lot. Maaco is next

Approved 12/3/2018

door and has 10-15 cars on the lot there for repair. Eventually, he plans to have 47 cars on his lot. The lots will be divided by a fence and gate. His lot will be about 75% of the entire lot. The Fire Department has inspected the plans.

Abutters were re-notified, and legal notice was published, as requested by the Board.

Mary Bator, 151 Middlesex St., explained she received her notice, and she still feels this business does not belong in the neighborhood. She has seen people in Maaco's yard on a Sunday at 5PM.

Mr. Silva explained his hours will be 9:00AM-6:00PM Monday through Friday, 9:00AM-2:00PM on Saturdays, and no hours on Sunday.

Mrs. Bator, 151 Middlesex St., explained there are four businesses selling cars in this area already; accidents are common where the gate is located.

Mr. Silva explained he has been doing this work as a General Manager for 12 years in Swampscott, and he is now opening his own business. He will get his cars from auctions and dealers.

**Motion:** by Selectman Lefebvre to close the Public Hearing for Capital Motor Group. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Motion:** by Selectman Lefebvre to approve the Class II Auto Dealer License for Capital Motor Group, as presented. Seconded by Selectman Antul.

Discussion:

Selectman Dixon suggested that 30 cars be allowed, as this lot is smaller than what was previously approved for Northeast Transmission who was approved for 35 cars. Mr. McCall explained this lot is 1.9 acres, Mr. Silva is getting half of the lot. Northeast Transmission has one acre for both businesses. Mr. Silva advised that he would be comfortable with having 35 cars.

**Amended Motion:** by Selectman Lefebvre to approve the Class II Auto Dealer License for Capital Motor Group, 154 Middlesex St., for 35 cars with the hours of Monday-Friday from 9:00AM-9:00PM, Saturday 9:00AM-2:00PM, and no hours on Sunday. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

## **LICENSES**

**One Day All Alcoholic Beverages Licenses: Sts. Vartanantz Armenian Church, 180 Old Westford Rd., 09/29/18, 11/3/18, 11/16/18 & 11/17/18**

The applicant was not required to be present. There have been no issues with prior licenses.

**Motion:** by Selectman Lefebvre to approve One Day All Alcoholic Beverage Licenses for Sts. Vartanantz Armenian Church, 180 Old Westford Rd., for September 29, 2018, November 3, 2018, November 16, 2018 and November 17, 2018. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

## **REPORTS AND PRESENTATIONS**

**Introduction of New Building Commissioner, Shaun Shanahan**

Mr. Shanahan thanked the Board for this opportunity. He has ideas, and will work on enforcement issues.

**Board of Health: Chicken Regulations**

This item was previously discussed, and will be on next agenda.

**VOTE ON REGIONAL DISPATCH**

Public comments:

Shawn Brewer, Dispatcher and Chairman of the Dispatchers Union turned in signed petitions opposing joining a regional dispatch center. He provided statistics and qualifications of the current dispatchers, and listed issues with regional centers including slower response times and loss of personnel. He cited the Woodcrest Fire as an example where local knowledge is beneficial. Evaluation of a situation is easier for all parties. He also cited recent equipment upgrades and investments made to the current department. Concerns with unknown costs were listed, loss of revenues, and the uncertainty of state funding. He felt the risks outweigh the benefits, and he applauded the Board for its diligence and allowing the discussions to take place. The current dispatch center serves the community well.

Robert Walton, Precinct 9, Janet Rd., felt if the current system is not broken, don't fix it. He doesn't believe there are real savings to be realized, and he referenced the City of Houston's regionalization efforts. Once there was a major event, the system collapsed.

Brian Latina, Precinct 4, 15 Jessie Rd., explained that when his son's bus was hit he appreciated the coordinated response. The Town of Dracut is not connected to Chelmsford-they are completely different areas. This is not a good fit. The Fire Station/Ambulance study has not been done yet, and it may be too soon to consider this. The potential savings presented are not significant enough to warrant this change. That many towns don't want to be a part of a Regional Center is significant, in his opinion.

Jonathan Couture, 4 Clover Hill Dr., stated he is opposed to regionalization. He is an officer in a different town (Bolton) which converted into a regional center. They are a small town. Chelmsford is a large town joining with 2 other large towns. The net savings is not worth it. In a regional setting, you can be outvoted. You would be one of three. Grant funding is not guaranteed, and doesn't last forever. No towns that were opposed to this were invited to speak. He realizes the state is pushing regionalization, and he feels Chelmsford is too large for this. Chelmsford needs to stand up for itself and its residents.

Christine Bowman, Precinct 4, 3 Julio St., has been reading about regionalization. There are less than 100 centers now, but the State's goal is to have 240 by end of 2019. She noted the State is promising to pay start-up costs, but not much else. The State can't provide monies to towns as aid. Towns do not always pay their bills or refuse to pay. Residents of Chelmsford will not benefit from this. Do not vote for this.

Angela Dulac, 7 Lynch Way, suggested that the Town Manager's reports be audited. She felt that numbers can be manipulated. She asked the Board to think about the kids and the elderly and vote against this initiative.

Board discussion:

Selectman Wojtas acknowledged the excellence of the dispatchers. She has been monitoring the progress of this proposal, and feels the time to join a regional dispatch center is now. State of the art technology is there, and this approach has worked in areas across the country. The same people will be responding. Non-dispatch duties will still be addressed. An officer will still be at the station. Dispatchers have the knowledge to make this the best center in the state. There will be a learning curve, but they can make this work. They can make this succeed, and response will be enhanced.

Selectman Lefebvre explained that he didn't have the chance to visit a regional dispatch center, but he did visit the existing center. The current long term plan was to invest in the dispatchers. To lose this would be unwise. He has heard a lot of negative feedback, and doesn't support joining a regional center at this time.

Selectman Dixon advised that he voted against this proposal three years ago, and with all respect to Selectman Wojtas, he will still vote against this now.

Selectman Antul explained that the point of looking at this was to research all possible solutions, part of which was to look at an actual plan. This had nothing to do with the Essex Regional Center, as the plan they have is different. She visited the Nashoba Valley Regional Center, and she saw that the technology is there. She felt there was no lack of professionalism or experience. The turnover is not as bad as being discussed. They are not firing their dispatchers. All are being hired, plus 4 more. Access to the chiefs is not being broken. New people are trained all the time, some use dispatching as a stepping stone to other things, and for others it has been a solid career. She believes a position in a regional center opens doors to state and federal positions. This plan is not state run. Up-front costs are always the large costs. There will be long term costs. She sees regionalization happening everywhere eventually. Pages 7-9 of the 55 page plan lays out how things will be done, and it comes down to a question of trusting the department Chiefs and the Town Manager. She has no doubts about the technology, it works.

Chairman Diggs hoped everyone weighed in that wanted to, and he felt the Board took this seriously. He agrees the world is going to regionalization. He doesn't think response times will be impacted drastically. He visited the center at Devens, and he agreed they were very professional. He cited an example in Maine, near Machias, and noticed that morale was not as good, there was no comradery, and they're always looking for people.

**Motion:** by Selectman Lefebvre not to move forward with regionalizing the 9-1-1 Emergency Dispatch Operation in Chelmsford. **Motion fails for lack of a second.**

**Motion:** by Selectman Wojtas to join the proposed Regional Emergency Communications Center in Tewksbury. Seconded by Selectman Antul. **Roll Call Vote:**

Selectman Wojtas: Aye  
Selectman Lefebvre: Nay  
Selectman Dixon: Nay  
Selectman Antul: Aye  
Chairman Diggs: Nay

**Motion fails, 2-3.**

### **SIGN FALL ANNUAL TOWN MEETING WARRANT**

Article 24 for Melissa Way street acceptance was removed as it is not ready.

There will be 23 Articles on the Fall 2018 Town Meeting Warrant. Town Counsel has reviewed and approved the Warrant.

The Finance Committee will continue their deliberations. They have requested that a Board member be present at one of their meetings to discuss Article 5.

Articles 6 & 7 will be discussed later in the meeting. The Groton Rd. zoning article was withdrawn.

Approved 12/3/2018

Regarding Article 2, one arbitration award has been received; one more agreement is anticipated later this week.

The requested amount of \$85,000 was requested for Article 5, for the ambulance and fire station consolidation study. Selectman Antul explained she researched this cost, and expects this number is high. Chairman Diggs estimates this study will take at least a year. Fire Chief Gary Ryan stated the fire station issue was looked at in 2007, he doesn't expect the conclusions from that report to change. Mr. Cohen noted that the issue at the time was response time. Chairman Diggs felt the study will need professional expertise and takes away the special interest factors leading to a more objective conclusion.

Selectman Dixon asked Chief Ryan whether response times have been impacted by increased traffic in town. Chief Ryan indicated response times have increased. He didn't see three stations working, and he understands staffing concerns and union negotiations. This should not be about operations or management of the department.

**Motion:** by Selectman Antul to see if Town Meeting will appropriate \$85,000.00 to be spent by the Board of Selectmen for the purpose of hiring a consultant to study ambulance service and fire station consolidation. Seconded by Selectman Wojtas. **Motion carries, unanimous, 5-0.**

**DISCUSSION OF WARRANT ARTICLES FOR FUNDING OF THE NORTH TOWN HALL AND CHELMSFORD OPEN SPACE STEWARDSHIP (COSS)**

The Chelmsford Community Center has indicated they are not interested in being a part of this warrant article.

**Chelmsford Center for the Arts**

The Chelmsford Center for the Arts (CCA) is seen as an economic development piece. The organization raises about \$100,000 annually, and spends the same in expenses. The Town does some maintenance to the building, but does not pay for any operating costs. The CCA Director is looking for a technical director and advertising funds. They do well, but they need more. Chairman Diggs suggested that \$30,000.00 be provided to them annually. Mr. Cohen raised concerns with the increasing financial challenges faced by this community every year. Assessments come in higher every year and retirement costs, OPEB and healthcare costs are increasing rapidly. Collective bargaining costs are increasing. The state will continue to underfund all communities. The Town has not yet seen any results from the Rt. 129 development on the tax levy yet. There will not be any excess tax levy capacity this year as less local receipts are coming in and Free Cash is less than \$1 million. Consolidation and regionalization efforts have been bypassed. Marijuana revenues have been bypassed. The recent zoning change for Groton Rd. could be revenue generating, but it is being heavily opposed. School costs are increasing as Special Education and classroom sizes are becoming a more severe issue. The Board of Health needs an additional inspector for restaurant issues and now animal concerns. Doing this annually is not sustainable. Mr. Cohen acknowledged that he appreciates everything the CCA Director has accomplished, as she is tireless. Mr. Cohen stated the town is subsidizing playgrounds, while roads are not being repaired and there is not enough revenue to do what is essential because potential revenue opportunities difficult to pursue. He suggested this funding be allotted for one year, and evaluated in six months to a year. The Board was asked to evaluate its priorities, as the Police Chief wants a resource officer in the middle schools which could be a use for \$30,000.00.

**Motion:** by Selectman Lefebvre to recommend approval of Article 6 for a one time allowance for the Chelmsford Center for the Arts. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Chelmsford Open Space Stewardship:**

Phil and Joanne Stanway were present to request support for \$3,000.00 for materials and equipment for their program which supports multiple public areas throughout the Town. Funding would be used for gas, wood, nails, parts for tractors, support for four public events, clean-up events around town, and would help them greatly. They do get help from several other groups, but this would be a tremendous boost to the program.

Mrs. Stanway indicated that the value of donated services and materials is in the tens of thousands of dollars, and this would help in other areas to make things a lot easier. The group works on all kinds of town land, not just conservation land. In the past, they have declined town money, but they do need it for Sunny Meadow Farm, Heart Pond and Red Wing Farm since these areas need more work. They will still need private support.

**Motion:** by Selectman Lefebvre to recommend approval of Article 7, for COSS Funding in an amount of \$3,000.00 annually. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Sign Fall Town Meeting Warrant**

**Motion:** by Selectman Lefebvre to approve and sign the 2018 Fall Annual Town Meeting list of Warrant Articles. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**TOWN MANAGER REPORTS**

**Town's Free Cash Certification**

The report was received on September 4, 2018. Various fund balances were listed. There will be requests on the Fall Town Meeting Warrant to utilize this funding.

**MA Office of Consumer Affairs and Business Regulation (OCABR) Lemon Law Sticker Audit**

The audit demonstrated 100% compliance on the three sites that were tested in Chelmsford.

**Board Signature of Regulatory Documents for the 104 Turnpike Road Housing Development**

This is for a minor amendment to the regulatory agreement previously signed by the Board. It follows a Minor Modification approved by the Planning Board where the development was decreased from 35 to 32 units.

**Motion:** by Selectman Lefebvre to approve the amended Regulatory Agreement for 104 Turnpike Road, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**TOWN MANAGER APPOINTMENTS**

**North Town Hall Advisory Committee Re-Appointment: Paula Nawoichik, 1 year term ending 6/30/2019**

**CCA Advisory Committee: Michael Messier, 1 year term ending 6/30/2019**

**Parade Committee: Colleen Stansfield, 1 year term ending 7/31/2019**

**Vinal Square Strategic Action Plan Committee: 1 year term ending 6/30/2019 Bill Vines**

**Military Community Covenant Task Force: unexpired 3 year term ending 6/30/2019 Bradley Panton**

**Motion:** by Selectman Lefebvre to approve the Town Manager's appointments of Paula Nawoichik to the North Town Hall Advisory Committee for a term ending 6/30/2019, Michael

Approved 12/3/2018

Messier to the CCA Advisory Committee for a term ending 6/30/2019, Colleen Stansfield to the Parade Committee for a term ending 7/31/2019, Bill Vines to the Vinal Square Strategic Action Plan Committee for a term ending 6/30/2019, and Bradley Panton to the Military Community Covenant Task Force for a unexpired 3 year term ending 6/30/2019. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

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

Selectman Wojtas:

- Jon Puffer was congratulated on achieving Eagle Scout status.
- A ceremony for POW/MIA soldiers will be held on September 23, 2018 at 3:00PM at the Veterans Memorial Park. Everyone is welcome.
- A 9/11 memorial ceremony was held on Saturday, September 8, 2018 at the Fire Department Headquarters. Tomorrow is 9/11. This type of event is something we never want to experience again.

Selectman Lefebvre:

- Residents were encouraged to remember the events of 9/11.

Selectman Dixon:

- Sentiments were reiterated on remembering 9/11.
- Today is Selectman Dixon's 51<sup>st</sup> anniversary for him and his wife.

Selectman Antul:

- Director of Business Development Lisa Marrone is setting up some workshops for entrepreneurs. She has many great ideas for working with businesses.

Chairman Diggs:

- The Finance Committee will be meeting next week to introduce their newest member and begin working on the Town Meeting Warrant.

### **PRESS QUESTIONS**

No one came forward at this time.

**NEXT REGULAR MEETING DATE: September 24, 2018**

### **ADJOURN**

**Motion:** by Selectman Lefebvre to adjourn at 11:15PM . Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

Respectfully Submitted,

Vivian W. Merrill  
Recording Secretary

Supporting Documents:

- Flyer for Public Library Book Sale
- Flyer for 2018 Fall Fest
- Flyer for the Annual Farm Fair

Approved 12/3/2018

- Flyer for the Fifth Annual Overdose Vigil
- List of Committee Vacancies
- Supporting documents for Capital Motors
- Supporting Documents for One Day All Alcoholic Licenses
- Presentation and Supporting documents for Public Safety Dispatch
- Fall Annual Town Meeting Warrant
- Notification of Free Cash Approval
- Spring 2018 Dealership Lemon Law Sticker Audit Report
- Regulatory Agreement and Declaration of Restrictive Covenants for 104 Turnpike Rd.
- Committee Applications