



SELECT BOARD MEETING AGENDA  
May 3, 2021  
Hybrid Virtual Meeting

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and subsequent orders imposing strict limitations on the number of people that may gather in one place, this meeting 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](http://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](http://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.

Topic: Select Board

Time: May 3, 2021 06:00 PM Eastern Time (US and Canada)

Join Zoom Meeting

<https://us02web.zoom.us/j/89549253441?pwd=WDVIRVBVQFFMZEZ0Zzh3TDk1VWgwUT09>

Meeting ID: 895 4925 3441

Passcode: 971506

Dial by your location: +1 929 205 6099 US (New York)

Find your local number: <https://us02web.zoom.us/u/kdvojmBMBz>

Please join the meeting 10 minutes prior to start time if possible, to allow for screening.

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**1. 6:00 PM CALL TO ORDER**

**2. PUBLIC INPUT**

**3. COMMITTEE VACANCIES**

Documents:

[COMMITTEE VACANCIES AS OF 2021-05-03.PDF](#)

**4. PUBLIC HEARINGS**

- Verizon New England Underground Conduit Petition: Cushing Place

Documents:

[UNDERGROUND CONDUIT PETITION - CUSHING PLACE.PDF](#)

**5. TOWN MANAGER REPORTS**

- Thank You to Mill Town Plumbing for Work at Varney Playground
- Aggregate Industries Consent Judgement

Documents:

[AGGREGATE INDUSTRIES.PDF](#)

**6. MEETING MINUTES**

- Select Board Regular Session Minutes 03-29-2021

Documents:

[CHELMSFORD - 03292021 - FINAL.PDF](#)

**7. SELECT BOARD MEMBER LIAISON REPORTS & REFERRALS**

**8. PRESS QUESTIONS**

**9. EXECUTIVE SESSION**

- To Discuss Strategy with Respect to Negotiations with Non-Union Personnel, i.e. the Town Manager, Pursuant to G.L. c. 30A, Section 21(a)  
(2)

NEXT REGULAR MEETING DATE: **May 10, 2021**

## **Committee Vacancies as of 5/3/2021**

### **Bicycle and Pedestrian Advisory Committee**

- *(1) unexpired 3-year term ending 6/30/2022*
- *(1) 3-year term ending 6/30/2023*

### **Board of Appeals**

- *(1) 3-year term ending 6/30/2024*

### **CCA Advisory Committee**

- *(2) 1-year terms ending 6/30/2021*

### **Center Village Master Plan Implementation Committee**

- *(2) 1-year terms ending 6/30/2021*

### **Commission on Disabilities**

- *(1) 3-year term ending 6/30/2023*

### **Community Action Program Committee**

- *(1) 1-year term ending 6/30/2021*

### **Council on Aging**

- *(1) unexpired 3-year term ending 6/30/2021*
- *(5) assoc. member positions - unexpired 3-year terms ending 6/30/21, '22, or '23*

### **Cultural Council**

- *(1) unexpired 3-year term ending 6/30/2021*

### **Dog Park Advisory Committee**

- *(1) unexpired 1-year term ending 6/30/2021*

### **Energy Conservation Committee**

- *(1) unexpired 3-year term ending 6/30/2021*
- *(1) 3-year term ending 6/30/2023*

### **Holiday Decorating Committee**

- *(1) 1-year term ending 12/31/2021*

### **Parade Committee**

- *All Applicants Welcome – 1-year terms ending 7/31/2021*

### **Permanent Building Committee**

- *(1) 3-year term ending 6/30/2023*

### **Personnel Board**

- *(1) 2-year term ending 6/30/2022*

### **Public Celebrations Committee**

- ***(5) 1-year terms ending 6/30/2021***

### **Recycling Committee**

- ***(1) 1-year term ending 6/30/2021***

### **Roberts Field Advisory Committee**

- ***(1) 1-year term ending 6/30/2021***

### **Tree Committee**

- ***(1) unexpired 3-year term ending 6/30/2021***
- ***(1) unexpired 3-year term ending 6/30/2022***

### **Committee Application**

If you are interested in serving on a Town board or committee, please **complete an application available on the town website or [Click Here.](#)**

For more information, please contact:

Town Manager's Office  
50 Billerica Road  
Chelmsford, MA 01824  
[TMoffice@ChelmsfordMA.gov](mailto:TMoffice@ChelmsfordMA.gov)  
978-250-5202

Karen Levesque  
Right of Way Manager



**verizon**<sup>v</sup>

385 Myles Standish Blvd  
Taunton, MA 02780

Office 774-409-3170  
Mobile 774-504-1279  
Karen.levesque@one.verizon.com

April 5, 2021

Town of Chelmsford  
Select Board  
50 Billerica Road  
Chelmsford, MA. 01824

Dear Select Board,

Enclosed find the following items in support of the above-referenced project:

1. Petition;
2. Petition Plans;
3. Order;
4. Abutters.

A Public Hearing and notice to abutters is required. A Verizon representative will attend the Public Hearing. Should any questions or comments arise concerning this matter prior to the hearing, please contact me at 774-409-3170. Your assistance is greatly appreciated.

Sincerely,

*Karen Levesque*

Karen Levesque  
Right of Way Manager

Enc

**PETITION FOR CONDUIT LOCATION**

To the **SELECT BOARD**

of **CHELMSFORD**, Massachusetts

VERIZON NEW ENGLAND INC. requests permission to lay and maintain underground conduits, with the wires and cables to be placed therein, under the surface of the following public way or ways:

**Cushing Place:**

**Place one (1) four-inch (4") PVC conduit approximately 75' and one (1) Hand Hole. Starting from existing pole, P.1 located on the southerly corner of Central Square and Cushing Place and extending in a northwesterly direction for ±25' and then running parallel along the northerly side of Cushing Place for ±50' to the new Hand Hole**

**This petition is necessary to new services along Cushing Place.**

Also for permission to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

Plan marked-VZ N.E. Inc. No. **4A0P8MJ** dated **April 2, 2021** showing location of conduit to be constructed is filed herewith.

VERIZON NEW ENGLAND INC.

By *Karen Levesque*  
Karen Levesque  
Manager - Rights of Way

Dated this 5th day of April, 2021.

## ORDER FOR CONDUIT LOCATION

By the **SELECT BOARD** of the Town of **CHELMSFORD**, Massachusetts.

Notice having been given and a public hearing held, as provided by law,  
It is **HEREBY ORDERED**:

That permission be and hereby is granted **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways as requested in petition of said Company dated the **2nd** day of **April, 2021**.

### **Cushing Place:**

**Place one (1) four-inch (4") PVC conduit approximately 75' and one (1) Hand Hole. Starting from existing pole, P.1 located on the southerly corner of Central Square and Cushing Place and extending in a northwesterly direction for ±25' and then running parallel along the northerly side of Cushing Place for ±50' to the new Hand Hole**

**This petition is necessary to new services along Cushing Place.**

Substantially as shown on plan marked- VZ N.E. Inc. No. **4A0P8MJ** dated **April 2, 2021** - filed with said petition. Also, that permission be and hereby is granted said **VERIZON NEW ENGLAND INC.** to lay and maintain underground conduits, manholes, cables and wires in the above or intersecting public ways for the purpose of making connections with such poles and buildings as it may desire for distributing purposes.

The foregoing permission is subject to the following conditions:

1. The conduits and manholes shall be of such material and construction and all work done in such manner as to be satisfactory to such municipal officers as it may appoint to the supervision of the work, and a plan showing the location of conduits constructed shall be filed with the Town when the work is completed.
2. In every underground main line conduit constructed by said Company hereunder one duct not less than three inches in diameter shall be reserved and maintained for the limited purpose of attaching one-way low voltage fire and police signaling wires owned by the municipality or governmental entity for public safety purposes only.
3. Said Company shall indemnify and save the Town harmless against all damages, costs and expense whatsoever to which the Town may be subjected in consequence of the acts or neglect of said Company, its agents or servants, or in any manner arising from the rights and privileges granted it by the Town.
4. In addition said Company shall, before a public way is disturbed for the laying of its wire or conduits, execute its bond in a penal sum of Ten Thousand Dollars (\$10,000) (reference being had to the bond already on file with said Town) conditioned for the faithful performance of its duties under this permit.
5. Said Company shall comply with the requirements of existing by-laws and such as may hereafter be adopted governing the construction and maintenance of conduits and wires, so far as the same are not inconsistent with the laws of the Commonwealth.

I hereby certify that the foregoing order was adopted at a meeting of the Select Board of the Town of **CHELMSFORD**, Massachusetts, held on the \_\_\_\_\_ day of \_\_\_\_\_ 2021.

\_\_\_\_\_  
Town Clerk

**ORDER FOR CONDUIT LOCATION**

We hereby certify that on \_\_\_\_\_ 2021, at \_\_\_\_ o'clock \_\_\_\_ M. at \_\_\_\_\_ a public hearing was held on the petition of the VERIZON NEW ENGLAND INC. for permission to lay and maintain underground conduits, manholes and connection, with the wires and cables to be placed therein, described in the order herewith recorded, and that we mail at least seven days before said hearing a written notice of the time and place of said hearing to each of the owners of real estate (as determined by the last preceding assessment for taxation) along the ways or parts of ways upon which the Company is permitted to construct the lines of said Company under said order. And that thereupon said order was duly adopted.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SELECT BOARD of the Town of CHELMSFORD,  
Massachusetts

**CERTIFICATE**

I hereby certify that the foregoing is a true copy of location order, and certificate of hearing with notice adopted by the Select Board of the Town of CHELMSFORD, Massachusetts, on the \_\_\_\_ day of \_\_\_\_\_ 2021, and recorded with the records of location orders of said Town, Book \_\_\_\_\_ Page \_\_\_\_\_. This certified copy is made under the provisions of Chapter 166 General Laws and any additions thereto or amendments thereof.

Attest:

\_\_\_\_\_  
Town Clerk



**ENGINEERING** 978-250-5228  
**FACILITIES** 978-244-3379  
**HIGHWAY** 978-250-5270



**PARKS** 978-250-5228  
**SEWER (OFFICE)** 978-250-5233  
**(OPERATIONS)** 978-250-5297

**DEPARTMENT OF PUBLIC WORKS**  
9 Alpha Road  
Chelmsford, MA 01824

**Gary J. Persichetti, CFM**  
Director

**Telephone: 978-250-5228**  
**Fax: 978-250-2416**

**Memorandum**

April 29, 2021

To: Chelmsford Select Board

From: Stephen Jahnle – Assistant Director of Public Works

**RE: Conduit Petition – Cushing Place**

Dear Board members,

This office has reviewed the conduit petition for the above referenced location. Based on our review of Verizon plan 4A0P8MJ dated April 2, 2021 and field observations of proposed location, this office recommends for approval of the petition.

Please note that this petition is part of the Cushing Place underground utility project.

Please do not hesitate to call if you have any questions.



**SELECT BOARD  
Town Offices**

**50 Billerica Road  
Chelmsford, MA 01824-2777  
(978) 250-5202 FAX: (978) 250-5252**

Virginia Crocker Timmins, Chair  
Kenneth Lefebvre, Vice Chair  
Mark Carota, Clerk

George R. Dixon, Jr.  
Patricia Wojtas

To: Abutters of Proposed Plan at Cushing Place  
From: Select Board  
Subject: Verizon Underground Conduit Petition  
Date: April 14, 2021

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Notice is hereby given that a Public Hearing will be held by the Select Board on **Monday, May 3, 2021 at 6:00 p.m.** on the petition of Verizon New England, Inc. for permission to lay and maintain underground conduits and manholes, with the wires and cables to be placed therein, under the surface of the following public way or ways:

**Cushing Place – Place one (1) four-inch (4”) PVC conduit approximately 75’ and one (1) Hand Hole. Starting from existing pole, P.1 located on the southerly corner of Central Square and Cushing Place and extending in a northwesterly direction for ±25’ and then running parallel along the northerly side of Cushing Place for ±50’ to the new Hand Hole. This petition is necessary to new services along Cushing Place.**

Substantially as shown on plan attached  
Verizon N.E. Inc. Plan #4AOP8MJ  
Dated 4/2/2021

This meeting will be conducted via remote participation. The agenda for this meeting will be posted on the Town’s website at [www.chelmsfordma.gov](http://www.chelmsfordma.gov) by 4:00 PM on Thursday, April 29, 2021. Virtual meeting information including a web link, meeting ID, and password will be included at the top of the agenda.

Please contact the Town Manager’s office at 978-250-5202 or [TMoffice@chelmsfordma.gov](mailto:TMoffice@chelmsfordma.gov) with any questions.

enc: plan #4AOP8MJ dated 4/2/2021

cc: Verizon New England, Inc.



EMERGENCY ALERTS

## Coronavirus Update

Preregister for the COVID-19 vaccine: Sign up to be notified about available appointments *Apr. 10th, 2021, 5:00 pm*

[Read more](#) ♦

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For the latest information on COVID-19: Guidance, regulations, case data, vaccine information *Apr. 28th, 2021, 5:00 pm*

[Read more](#) ♦

HIDE ALERTS

Mass.gov

PRESS RELEASE

# Asphalt Company to Pay \$1.45 Million Over Claims of Causing Emissions, Noxious Odors From Chelmsford Plant

## Air Pollutants Plagued Residents Up to Three Miles Away

FOR IMMEDIATE RELEASE:

4/28/2021

Office of Attorney General Maura Healey

MEDIA CONTACT

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**Chloe Gotsis**

**Phone**

(617) 727-2543 (tel:6177272543)

**Online**

[Chloe.Gotsis@mass.gov](mailto:Chloe.Gotsis@mass.gov) (mailto:Chloe.Gotsis@mass.gov)

**BOSTON** — A construction material supply company will pay up to \$1.45 million and repair and upgrade its Chelmsford plant to settle allegations that it produced asphalt in violation of its permit and caused emissions

and noxious odors that caused a public nuisance in the surrounding suburban neighborhood, Attorney General Maura Healey announced today.

“This company recklessly ignored the requirements of our environmental protection laws and the health and wellbeing of its neighbors when it continued to illegally manufacture asphalt and emit odors that deeply disrupted the surrounding community,” **AG Healey** said. “My office will continue to work with our state partners to hold accountable those who endanger our communities and the environment for their own benefit.”

The consent judgment, entered in Suffolk Superior Court on Tuesday, settles allegations that Aggregate Industries - Northeast Region, Inc. (Aggregate) violated the Massachusetts Clean Air Act and its regulations when it installed unauthorized equipment at its Chelmsford plant to produce crumb rubber asphalt pavement and thereafter failed to properly operate and maintain the plant over at least four months. This caused visible emissions of particulate matter and volatile organic compounds, as well as acrid, noxious odors that smelled like burning tires, caused throat irritation and respiratory issues for nearby residents and woke some from their sleep.

According to the AG’s complaint, the odors were detectable up to at least three miles from the plant. The complaint also alleges that Aggregate told the Massachusetts Department of Environmental Protection (MassDEP) that it had stopped producing the crumb rubber asphalt during MassDEP’s initial investigation, but actually continued producing the crumb rubber asphalt for months.

According to the complaint, Aggregate’s installation of unauthorized equipment, failure to inspect and maintain the plant, and emission of pollutants and noxious odors were also violations of its permit to operate the plant.

“MassDEP is committed to enforcing the law and ensuring a level playing field for all regulated industrial production facilities. Although most entities comply with the regulations that protect public health and the environment, this case demonstrates the cost of not properly operating and maintaining a facility,” said **Eric Worrall, director of MassDEP’s Northeast Regional Office in Wilmington**. “The community and the environment will benefit greatly from the substantial improvements to the Aggregate facility required under this agreement.”

Under the terms of the settlement, Aggregate will pay \$1.45 million in penalties, of which \$460,000 is suspended for two years pending compliance with the consent judgment. Aggregate is also required to seek a new permit from MassDEP and to perform extensive repairs and upgrades to equipment and operations at the Chelmsford plant.

The Massachusetts Clean Air Act, which regulates air pollution, including odor, requires persons who wish to conduct activity that emits pollutants to seek approval from MassDEP and to comply with those approvals once they are issued, including by monitoring and maintaining their facilities.

This case is being handled by Assistant Attorney General Louis Dundin of AG Healey’s Environmental Protection Division, with the assistance of Regional Counsel Jeanne Argento and Environmental Analyst Ed Braczyk of MassDEP’s Northeast Regional Office in Wilmington.

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# Media Contact

**Chloe Gotsis**

## Phone

(617) 727-2543 (tel:6177272543)

## Online

[Chloe.Gotsis@mass.gov](mailto:Chloe.Gotsis@mass.gov) (mailto:Chloe.Gotsis@mass.gov)



**Office of Attorney General Maura Healey** (/orgs/office-of-attorney-general-maura-healey)

Attorney General Maura Healey is the chief lawyer and law enforcement officer of the Commonwealth of Massachusetts.

**More** (/orgs/office-of-attorney-general-maura-healey)

**Town of Chelmsford, MA  
Select Board Remote Meeting  
March 29, 2021**

**Members Present:**

Kenneth Lefebvre, Chair  
Virginia Crocker Timmins, Vice Chair  
George Dixon, Clerk  
Patricia Wojtas, Board Member

**Also Present:**

Paul Cohen, Town Manager

**1. CALL TO ORDER**

Chair Lefebvre called the meeting to order at 6:00 p.m., and read aloud the following announcement:

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 limitations on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by a member 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](http://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 at [www.chelmsfordtv.org](http://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 an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting on the Town's website.

Chair Lefebvre also pointed out that should the "chat bubble" be enabled on the bottom of the participant's screen it would be a matter of public record even if the participant intended it as a "private chat."

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Road, Chelmsford, MA. The meeting was recorded by Chelmsford Telemedia.

**2. PUBLIC SERVICE ANNOUNCEMENTS**

Board Member Timmins read aloud the following public service announcement:

- Annual Local Election, Tuesday, April 6, 2021 – Polls Open 7:00 a.m. – 8:00 p.m.
  - Early Voting – In-person during regular hours outside of the Town Clerk's Office located at 50 Billerica Road.
  - Vote by Mail Application – Deadline to request a ballot is 5:00 p.m. on March 31<sup>st</sup>.

### 3. PUBLIC INPUT

Resident Frank Goode commented that he was surprised there was not an Executive Session regarding the Department of Labor Relations (DLR) hearing on the Sergeants' union Unfair Labor Practice complaints, considering the hearing proceedings just ended on March 10<sup>th</sup>. He further commented the Town had abruptly rested its case without calling all of its witnesses. He said the transcripts were a matter of public record. Mr. Goode stated there was another hearing regarding additional Unfair Labor Practice complaints which would begin on April 13<sup>th</sup>.

### 4. COMMITTEE VACANCIES

Board Member Timmins read aloud the list of current committee vacancies and noted that interested applicants could apply online at [www.chelmsfordma.gov](http://www.chelmsfordma.gov) or through the Town Manager's Office at [tmoffice@chelmsfordma.gov](mailto:tmoffice@chelmsfordma.gov) or by calling 978-250-5202.

### 5. PUBLIC HEARINGS

- National Grid and Verizon Pole Petition: Concord Road

Paulo Sasser was present representing National Grid and said the pole petition for Concord Road was for an intersection MASS DOT (Massachusetts Department of Transportation) project that was being improved upon and one of the poles had to be relocated by approximately 15 feet to accommodate the roadway.

Chair Lefebvre asked if there were members of the public who wished to speak. There were none.

**MOTION:** Board Member Timmins made a motion to close the public hearing for the Concord Road pole petition. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

**MOTION:** Board Member Timmins made a motion to approve the pole petition for Concord Road with the amendment to change 177 Concord Road to 177 Boston Road. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |



**The motion carried 4 – 0.**

- National Grid and Verizon Pole Petition: Gorham Street & Columbus Avenue

Mr. Sasser explained there was an aerial trespass on the Gorham Street lot and the property owner had requested to relocate the line. He said they proposed to add two poles; one pole (pole #8-50) was to relocate the line to support the new wire and the other (pole #8-84) would support the mechanical tension of the wire located across the street.

Board Member Wojtas pointed out that there were no abutters listed on Columbus Avenue and therefore, would not have been notified of the petition.

Chair Lefebvre asked if there were members of the public who wished to speak.

Resident Shaun McDonough, an abutter, commented that it was his understanding that the pole would be on the other side of Columbus Avenue. He indicated he had a meeting with the design engineer from the electric company the following Friday and requested that the item be tabled until the next Select Board meeting.

**MOTION:** Board Member Timmins made a motion to continue the public hearing for the pole petition for Gorham Street and Columbus Avenue until the next Select Board meeting, date-specific of April 12, 2021. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

- National Grid and Verizon Pole Petition: Pine Hill Road

Mr. Sasser explained the request was to relocate pole #32 by 5' to the north to provide power to a new solar farm. He also explained the pole needed to be adjusted slightly so there was no aerial trespassing to the neighboring property.

Chair Lefebvre asked if there were members of the public who wished to speak. There were none.

**MOTION:** Board Member Timmins made a motion to close the public hearing. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

**MOTION:** Board Member Timmins made a motion to approve the pole petition for Pine Hill Road as presented. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

Board Member Wojtas asked if the Board could be provided with a list of existing double poles in Chelmsford. Town Manager Cohen replied he would work on that.

## **6. LICENSES**

- Change of Hours on All Alcoholic Beverages Hotel License: Rushil Hospitality, LLC DBA Element by Westin, 25 Research Place

Chair Lefebvre informed the Board that there was no one present on behalf of the application.

Board Member Timmins noted the original license was for the hours 6:30 a.m. – 9:00 a.m. but stated alcohol was not to be served prior to 8:00 a.m. on weekdays and 10:00 a.m. on Sundays. She asked if the Board were to approve the proposed new hours of 6:30 a.m. to 12:00 a.m. if the same exception on times alcohol could be served would still apply. Board Member Wojtas replied that was a state law.

**MOTION:** Board Member Timmins made a motion to approve the change of hours on the All Alcoholic Beverages Hotel License for Rushil Hospitality, LLC DBA as Element by Westin located at 25 Research Place as presented. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

## **7. REPORTS AND PRESENTATIONS**

- **Town Moderator Jon Kurland: Dates for Spring Annual Town Meeting Sessions**

Moderator Jon Kurland addressed the Board and announced the Town Meeting would be held on Thursday, June 17, 2021. He said the only indoor location that could accommodate the Town Meeting was the gymnasium at the high school. He said the decision was made due to an increase in COVID-19 cases, as well as the fact that more people would be vaccinated by June 17<sup>th</sup>.

Moderator Kurland explained he would appear at the senior center at 7:30 p.m. on April 26, the previously posted date and location for Spring Town Meeting, to announce that they did not have a quorum and asked the Town Meeting Representatives to please not show up and he would officially continue Town Meeting to June 17, 2021.

Board Member Timmins shared that she had received phone calls from multiple precinct representatives who feel the Town should have the Town Meeting on April 26, 2021, and keep the June date as a backup. Moderator Kurland replied he had not received any inquiries or concerns about the date of the Town Meeting which he found odd as it was he who was responsible for making that decision. He said inquiries should be forwarded to him.

Town Meeting Representative Brian Latina addressed the Board and said it was his understanding according to the Town Charter that the spring Town Meeting would be held on a date certain which was the last Monday in April. He said there had been no known cases of COVID transmitted at previous Town Meetings. Further, Representative Latina suggested they should stick to the Charter and have the Town Meeting which only needed to be one night if only the financials were addressed. He also said the Board of Selectmen could readjust the Warrant Articles and push off the ones that were not critically important to health and safety.

Moderator Kurland stated that state law provided him with the ability, if there was not a quorum, to reschedule the date of the Town Meeting. He further stated he felt his proposal was the safest way to handle the situation.

Representative Latina said he felt the Representatives should be made aware of any potential changes.

Board Member Dixon shared that he had heard from multiple Town Meeting Representatives who expressed interest in having Town Meeting on the scheduled date in April or in early May.

Resident Frank Goode addressed the Board and stated he felt Moderator Kurland encouraged the lack of a quorum which he felt was inappropriate. He said it was not appropriate for Moderator Kurland to send out an email blast to the Town Meeting Representatives after unilaterally deciding to change the date of the Town Meeting.

Town Manager Cohen explained the Warrant was signed as scheduled at the Select Board meeting in February and the Warrant read "in accordance with the Charter it will take place the last Monday in April at 7:30 p.m. at the senior center." He added under the current state guidelines due to the pandemic, they could not hold Town Meeting at that location. Town Manager Cohen noted the topic was brought up at the last Select Board meeting to provide as much advance notice as possible and in the interest of public health, to move it out as far as possible to allow time for more people to get vaccinated as well as to develop immunity against COVID-19. He said in speaking with Dr. Lang he did not feel they could utilize the high school gymnasium until June 17<sup>th</sup>.

Board Member Timmins suggested sending out a survey to the Town Meeting Representatives asking them what they were comfortable with.

Town Meeting Representative Christine Bowman pointed out the Charter and the Town Codes specified the time and date certain for both the spring and fall Town Meetings. She said if there were any concerns regarding the location then the most appropriate place should have been scheduled, either the Chelmsford High School gym or the Performing Arts Center. She also said creating a situation that proposed discretion was inappropriate and it was within the Select Board's jurisdiction to select the location.

Town Manager Cohen reiterated they were in the middle of a pandemic and it was a health emergency. He said the intent was to push Town Meeting back to as late as possible, in this particular case, June 17<sup>th</sup>, to have enough sessions to end by June 30<sup>th</sup> in order to provide as much time and opportunity possible for the Town Meeting Representatives and the residents who wished to participate in the meeting, to become vaccinated and to develop immunity.

Town Manager Cohen stated in the interest of public health he could not conceive of any reason, other than the fact that the Town Meeting should be held as late as possible in order to provide the greatest public health opportunity for the community.

Board Member Timmins asked Town Manager Cohen if he felt there was a downside to polling the Town Meeting Representatives to get their input. Town Manager Cohen replied they did not poll the Town Meeting Representatives the previous year when the Town Meeting was postponed. He said the downside was the public's health. He added that public health trumped everything else in his opinion.

#### **\*Item 9 - Second Reading for Proposed Edits/New Policies (Taken out of Order)**

- **Vision and Values Acknowledgment**

Board Member Timmins explained the Select Board would finalize the Acknowledgment Form for the Vision and Values Statement and they had a policy drafted that stated: "appointed committees and town employees" would sign it. She asked Moderator Kurland if they could include the Finance Committee and the Town Moderator appointed committees as required to sign the acknowledgment form. Town Moderator Kurland replied he would encourage those members to sign the form but pointed out he could not compel them to do sign it.

- **Paul McKinlay, LSP, Weston & Sampson Engineers, Inc.: 54 Richardson Road  
Immediate Response Act**

Senior Project Manager Paul McKinlay stated the Town had sampled some existing monitoring wells on the property located at 54 Richardson Road the previous October and November and the contaminants PFAS (per-and poly-fluoroalkyl substances) in the wells. He said the DEP (Department of Environmental Protection) was notified of the contaminants on December 11, 2020, and it was considered a 72-hour reporting condition with an immediate response action and investigation mandated by DEP. Project Manager McKinlay explained they submitted an Immediate Response Action Plan to DEP on February 5, 2021. He said DEP reviewed the plan and provided a conditional approval. He added they asked for some targeted assessment at three potential sources: floor drains, septic system, and some drums that

were removed in the early 2000s. Project Manager McKinlay also said the DEP requested that four wells be relocated from where they originally proposed them on 54 Richardson Road to the North Chelmsford Water District property.

Project Manager McKinlay stated the investigation began on March 15<sup>th</sup> and they installed all of the monitoring wells that were requested by DEP except for production well #4 because they could not access it due to a screen. He said they would seek alternate access routes to install the wells and did the test pitting program and they were able to identify all three features that were of concern. He also said they collected soil samples and the data was still coming in.

Project Manager McKinlay said the investigation would lead to an indication as to where the PFAS (per- and poly-fluoroalkyl substances) source might be and DEP had implemented an interim deadline of October 11, 2021, to determine the source of the PFAS and if it was found on the property how it would be remediated.

Board Member Timmins suggested hiring an expert to sweep the whole area to see if there was anything else that was missed. Project Manager McKinlay replied that once they received the groundwater data on April 6<sup>th</sup> and 7<sup>th</sup> they would be in a better position to look at potential next steps.

- **Assistant DPW Director Stephen Jahnle: Traffic Safety Committee Monthly Report**

Assistant DPW Director Jahnle updated the Board as follows:

- Advisory Signage on Westford Street/Dalton Road
- Flashing LED stop signs at Graniteville and School Street, and Chelmsford Center at Fishbone's had a rectangular rapid flash crosswalk that was partially funded by Capital Sidewalks and partially funded from the Grist Mill Condominium Project
- Advisory stop ahead sign on the corner of Locke Road.
- Installation of a stop sign at Pilgrim and Graniteville Roads

Assistant DPW Director Jahnle stated they were looking into doing some advisory signage around the Byam and Locust Intersection which would advise people of the potential two-way traffic.

Assistant DPW Director Jahnle noted Board Member Wojtas had inquired about the possibility of putting a stop sign at Proctor Road and Acton Road but upon looking into it they found there was already a stop sign located on the other side of the common at Common Street and Acton Road so he requested the Board to take a formal vote on whether or not they could install an additional stop sign.

Assistant DPW Director Jahnle explained they had some discussions regarding the on-street parking through Central Square. He further explained he was currently rewriting most of the section in the Traffic Rules and Orders.

Board Member Dixon asked Assistant DPW Director Jahnle for his opinion on there being a light or a stop sign on Richardson Road and Princeton Street. Assistant DPW Director Jahnle replied they had started a process with MASS DOT (Department of Transportation) to fund a traffic signal at that location.

**MOTION:** Board Member Timmins made a motion to approve the installation of a stop sign at the intersection of Proctor Road and Acton Road. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

- **Finance Director John Sousa: FY21 Commonwealth Sewer Rate Relief Fund Award & Update on the Town’s Response to the FY20 Financial Audit Management Letter**

Finance Director John Sousa addressed the Board and stated he had submitted an application to the Department of Revenue in February. He said in the current year they received \$8,021 which was approximately \$2,800 more than they had received the previous year. He further said the money would be deposited into the Sewer Capital Construction Fund and would be used to pay for future debt service costs for the sewer system.

Finance Director Sousa informed the Board that the second part of his report dealt with the audit management letter recommendations. He said the previous fall, Powers & Sullivan presented the audit report to the Select Board and recommended the following:

1. Develop a Framework for Assessing and Improving Cybersecurity – Mr. Sousa stated he had engaged the services of a third-party cybersecurity firm.
2. Reconciliation of Health and Dental Insurance Bills – Mr. Sousa stated the spouses and dependent information had been entered into the system.
3. Personnel Records – Town Manager Cohen pointed out that they needed to have evidence of birth, evidence of marriage, and that information needed to be kept with the insurance forms. This pertained to both active employees as well as retirees.
4. Maintaining and Updating the Health Insurance Database – Mr. Sousa said they created a spreadsheet that detailed all of the health insurance information for each member that subscribed to the services. He added the Town had a customized database that tracked the retiree information.

## **8. NORTH FIRE STATION RELOCATION**

Gary Ryan, Fire Chief, addressed the Board and said the plans for the temporary modular unit were submitted and the move was expected to take place within the first couple of weeks of April. He said vendors which provided the Emergency Communications Equipment had been in contact with North Chelmsford water to tie off the existing maintenance bay to bring the water over to the temporary site.

He added they had been in touch with IT regarding the fiber connections.

Board Member Timmins stated she was concerned that they should even be moving the fire station to Richardson Road until they knew exactly what they were dealing with from a safety standpoint. Town Manager Cohen stated personnel were already using the site and did not think it would impede the Town's further investigation of the site.

Board Member Dixon asked how many trucks would be brought to the new site. Chief Ryan replied it was only Engine 2 and perhaps the boat as well.

Chair Lefebvre commented he felt there were two separate issues; one was the PFAS (per-and poly-fluoroalkyl substances) on the land and the other was the safety of the firefighters who would live/work there.

Mr. McKinlay indicated the groundwater results would be available in mid-April. He said his opinion was that the modular trailer would not impede the investigation that had to be completed by October 11, 2021.

Chair Lefebvre commented he would feel better if they knew if there were any hazardous materials buried on the site.

Board Member Timmins asked if there was any possibility they could take the samples earlier so the results could be put in the system and if there was a possibility of asking for a little bit of an accelerated timeline in getting the results of the samples back, and if there were any way to scan the area where the modular structure would be placed that would house the firefighters to ensure there were no issues underneath the ground that could disrupt operations or put the firefighter's safety in jeopardy.

Mr. McKinlay commented that the wells were completed on March 18th or March 19<sup>th</sup> and the DEP (Department of Environmental Protection) stipulated a two-week waiting period for the wells to equilibrate prior to sampling. He said he could possibly push the sampling up by a week and request expedited turn-around time from the laboratory but he noted there would be a cost associated with it. He also said in terms of the geophysical survey (the scanning of the ground) he could reach out to several firms that perform the service.

Board Member Wojtas commented that she felt the diagnostic procedures had already been accelerated in that it was being done in months as opposed to years. She said she was fine with having a scan done where the modular structure would be but she did not think they should keep putting off the temporary relocation of the fire station.

Chair Lefebvre commented he felt the property should be scanned just to be on the safe side but in the meantime, he did not see an issue with moving forward with the fire department temporary relocation during north fire station renovations.

Bruce Harper, Superintendent, North Chelmsford Water District, commented he thought there was an alternate site and it was his understanding it was part of the RFP. Chief Ryan replied he was not aware of an alternate site.

Chair Lefebvre asked if the modular trailer would be in the same facility as where they would test for PFAS (per-and poly-fluoroalkyl substances) and Project Manager McKinlay replied it was a possibility and they could move the trailer if need be.

Chair Lefebvre reiterated that he had no problem with putting the trailer on the property but he wanted the property scanned with something that would detect metal and other objects in the ground. He also said he felt the dog park should be scanned as well.

At the conclusion of the discussion, the Board members and participants agreed to perform a near-term geophysical scan of two areas. The two areas identified were the footprint where the modular structures will be placed to temporarily house the North Fire Station (Engine 2) firefighters during renovations and the area where the old drum was discovered and excavated. The remainder of the entire site including underneath the floors of existing buildings and the dog park will then be scanned. Mr. Cohen will work with the subject matter experts to obtain an quote and plan for scanning the entire site.

## **9. REVIEW OF SELECT BOARD POLICIES**

- **Second Reading for Proposed Edits/New Policies**
  - Code of Conduct
  - Contract/Bid Review
  - Licensing Pub Breweries
  - Issuing Proclamations and Resolutions

**MOTION:** Board Member Timmins made a motion to accept the policies for Code of Conduct, Contract/Bid Review, Licensing Pub Breweries, and Issuing Proclamations and Resolutions as presented. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

- Vision and Values Acknowledgment

**MOTION:** Board Member Timmins made a motion to delete the statement “I acknowledge that I will be required to uphold these Visions and Values”. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |



Chair Lefebvre: Aye

**The motion carried 4 – 0.**

**MOTION:** Board Member Timmins made a motion to accept the policy for the Vision and Values Acknowledgement and Review. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

**10. ARMENIAN NATIONAL COMMITTEE OF MERRIMACK VALLEY’S REQUEST FOR PROCLAMATION FOR THE 106<sup>TH</sup> ANNIVERSARY OF THE ARMENIAN GENOCIDE**

Chair Lefebvre stated although the Town of Chelmsford could not raise the Armenian Flag due to strict rules he would like to adopt a proclamation observing the day.

Board Member Timmins read aloud from the following proclamation:

**WHEREAS** Armenians fled increasing opposition from the Ottoman government during the 20<sup>th</sup> Century, coming to America in search of freedom where they could live in dignity without fear and oppression; and

**WHEREAS** like many ethnic groups Armenians settled in Chelmsford seeking a safe place to live, raise their families, practice their religion, and educate their children. They became an asset to the growth and vitality of the Town of Chelmsford through their strong work ethic, family values, and civic pride; and

**WHEREAS** the Armenian community of the Town of Chelmsford is comprised of the children, grandchildren, and great-grandchildren of the survivors of the Armenian Genocide; and

**WHEREAS** 1.5 million Armenian men, women, and children were victims of genocide perished in the Ottoman Empire from 1915 to 1923.

**NOW, THEREFORE**, the Town of Chelmsford does hereby issue this proclamation in remembrance of the Armenian Genocide of 1915 and urges all residents to take part in this observance, given this day of April 2021.

**MOTION:** Board Member Timmins made a motion that the Select Board sign the proclamation. Board Member Dixon seconded the motion.

A roll call of the Select Board was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |

Board Member Dixon: Aye  
Chair Lefebvre: Aye

**The motion carried 4 – 0.**

## **11. APRIL SELECT BOARD MEETING SCHEDULE**

The Board collectively decided to discuss the April meeting schedule on the same evening they did the reorganization of the Select Board.

## **12. TOWN MANAGER REPORTS**

- **American Rescue Plan Funding for Chelmsford**

Town Manager Cohen stated he had emailed the Board the estimated funding amounts. He pointed out the challenge was that they still did not have the program guidelines from the Internal Revenue Service that was controlling the federal funding. Town Manager Cohen said he would keep the Board updated.

- **AARP Approval of Chelmsford Age-Friendly Action Plan**

Town Manager Cohen stated the AARP had formally approved the age-friendly action plan. He said the certification was valid through February of 2024.

- **Cancellation of the 4<sup>th</sup> of July Parade**

Town Manager Cohen explained that the Parade Committee had met since the last Select Board meeting and unfortunately, under the Phase IV, Stage I guidelines, communities were not allowed to have a parade. He said they would keep monitoring the situation.

## **13. TOWN MANAGER APPOINTMENTS**

- **Bicycle and Pedestrian Advisory Committee: Janet Haouchine, 3-year Term to Expire on June 30, 2023**

**MOTION:** Board Member Timmins made a motion to approve the appointment of Janet Haouchine to the Bicycle and Pedestrian Advisory Committee for a 3-year term to expire on June 20, 2023. Board Member Dixon seconded the motion.

A roll call was taken, which resulted as follows:

Board Member Wojtas: Aye  
Board Member Timmins: Aye  
Board Member Dixon: Aye  
Chair Lefebvre: Aye

**The motion carried 4 – 0.**

#### 14. MEETING MINUTES

**MOTION:** Board Member Timmins made a motion to approve the Select Board Regular Session Minutes from November 30, 2020, and December 14, 2020. Board Member Dixon seconded the motion.

A roll call was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

**MOTION:** Board Member Timmins made a motion to approve the Select Board Regular Session Minutes from January 11, 2021. Board Member Wojtas seconded the motion.

A roll call was taken, which resulted as follows:

|                       |           |
|-----------------------|-----------|
| Board Member Wojtas:  | Aye       |
| Board Member Timmins: | Aye       |
| Board Member Dixon:   | Abstained |
| Chair Lefebvre:       | Aye       |

**The motion carried 3 – 0.**

**MOTION:** Board Member Timmins made a motion to approve the Tri-Board Regular Session Minutes from January 11, 2021. Board Member Wojtas seconded the motion.

A roll call was taken, which resulted as follows:

|                       |           |
|-----------------------|-----------|
| Board Member Wojtas:  | Aye       |
| Board Member Timmins: | Aye       |
| Board Member Dixon:   | Abstained |
| Chair Lefebvre:       | Aye       |

**The motion carried 3 – 0.**

**MOTION:** Board Member Timmins made a motion to approve the Select Board Special Meeting Minutes from March 18, 2021. Board Member Dixon seconded the motion.

A roll call was taken, which resulted as follows:

|                       |     |
|-----------------------|-----|
| Board Member Wojtas:  | Aye |
| Board Member Timmins: | Aye |
| Board Member Dixon:   | Aye |
| Chair Lefebvre:       | Aye |

**The motion carried 4 – 0.**

## 15. SELECT BOARD MEMBER LIAISON REPORTS & REFERRALS

### Board Member Dixon

- Announced the passing of Mr. Irwin Fletcher and expressed his condolences.

### Board Member Wojtas

- The Parade Committee would have Veteran banners displayed in the summer, similar to last year. She said if anyone wanted to recognize a family member or a friend they could go [Chelmsfordparade.org](http://Chelmsfordparade.org) or by emailing [chelmsfordparade@aol.com](mailto:chelmsfordparade@aol.com).
- Today was recognized as Vietnam War Veterans Day and a wreath was placed at the monument at Vinyl Square as well as at the Veterans Park.

### Board Member Timmins

- The Board of Health would like the public to know that they are trying to find second Moderna doses for teachers and would like to thank the Health Department staff for going above and beyond on behalf of the Town.
- The Chelmsford School Committee was working with the administration and staff to formalize plans to bring back the K – 4 students for full time in-person instruction beginning on April 5<sup>th</sup>, middle school students on April 28<sup>th</sup>, and high school students sometime after that.
- The Finance Committee would be voting on recommendations for Town Meeting at their meeting on April 8<sup>th</sup>.
- The Planning Board would be meeting on March 31<sup>st</sup> and would continue discussions and have a public hearing relating to the 330 Billerica Road reuse and site enhancements.
- The Roberts Field Committee had a short five-question survey on their website regarding how people used the park and how it could be used in the future.  
[www.robertsfield.org](http://www.robertsfield.org)

## 16. PRESS QUESTIONS

There were no questions.

**MOTION:** Board Member Timmins made a motion to adjourn the meeting at approximately 9:14 p.m. Board Member Dixon seconded the motion.

A roll call was taken, which resulted as follows:

Board Member Wojtas:                      Aye

Board Member Timmins: Aye  
Board Member Dixon: Aye  
Chair Lefebvre: Aye

**The motion carried 4 – 0.**

Respectfully Submitted,

Trish Gedziun  
Recording Secretary

**Supporting Documents:**

1. APRIL 6<sup>TH</sup> LOCAL ELECTION-PSA
2. COMMITTEE VACANCIES AS OF MARCH 29, 2021
3. POLE PETITION – CONCORD ROAD
4. POLE PETITION – GORHAM AND COLUMBUS
5. POLE PETITION – PINE HILL ROAD
6. CHANGE OF HOURS – ELEMENT BY WESTIN
7. TRAFFIC COMMITTEE UPDATE – MARCH 29, 2021
8. SEWER RATE RELIEF FUND – FY2021 AWARDS
9. POLICY PROPOSALS FINAL
10. ATTORNEY HAVERTY CLARIFICATION REGARDING VALUES AND VISION  
ACKNOWLEDGMENT ENFORCEMENT MARCH 23, 2021
11. ACKNOWLEDGEMENT OF RECEIPT OF VISION AND VALUES STATEMENT
12. MODEL PROCLAMATION FOR COMMEMORATION OF THE ARMENIAN GENOCIDE
13. APRIL 2021 MEETING SCHEDULE (PROPOSED)
14. ROUNDTABLE FOLLOW-UP – AMERICAN RESCUE PLAN
15. MA03 DIRECT AID AND SCHOOL ESTIMATES
16. CHELMSFORD, MA FEBRUARY 26, 2021 – SIGNED IMPLEMENTATION CERTIFICATE
17. BPAC – HAOUCHINE
18. NOVEMBER 30, 2020 SELECT BOARD MINUTES
19. DECEMBER 14, 2020 SELECT BOARD MINUTES
20. JANUARY 11, 2021 SELECT BOARD MINUTES
21. JANUARY 11, 2021 TRI-BOARD MINUTES
22. MARCH 18, 2021 – SPECIAL MEETING