

Approved 1/24/2022

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

Work Session MINUTES  
January 3, 2022

Attending:

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

Paul Cohen, Town Manager  
Paul Haverty, Town Counsel  
John Sousa, Finance Director  
Darlene Lussier, Town Accountant

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.

Chair Timmins called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

### **ADJOURN TO EXECUTIVE SESSION TO RETURN TO OPEN SESSION**

**Motion:** by Chair Lefebvre to adjourn to Executive Session and to return to open session to discuss strategy with respect to litigation regarding 24-30 Second Lane and to review Executive Session Minutes of November 29, 2021. Seconded by Board Member Carota.

Roll call vote:

Board Member Wojtas: Aye

Board Member Dixon: Aye

Board Member Carota: Aye

Board Member Lefebvre: Aye

Chair Timmins: Aye

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

### **RETURN TO OPEN SESSION**

The Select Board returned to open session at 6:18PM.

### **AMERICAN RESCUE PLAN ACT FUNDING REQUESTS**

Chair Timmins noted that the original spreadsheet was set up as a tool for discussing and prioritizing requests for funds. It was suggested that the column entitled "funded" be changed to "recommended for funding" since this is the first meeting of the Board to discuss, prioritize and make decisions to fund, not fund or defer. She asked those who were not at the original meeting to present their requests or have something new to add to come forward.

Projects 56-57 – 272 Old Westford Road – Construction and Grease Trap

Peter and Sarah Morin of 241 Old Westford Road appeared before the Board. Mr. Morin stated he and his wife are in the process of purchasing The Shack property at 272 Old Westford Road and renovating it to be a window-service only ice cream stand with no indoor seating. He stated that it would be a complimentary business to the activities of the Town's Friendship Park and Roberts Field. The Board of Health requires that an interior and exterior grease trap be installed. He is seeking funding of \$28,000 for that purpose. He is also seeking funding for the renovation of the business to walk-up window service only of \$11,200 for a total request of \$39,000.

Discussion ensued on the requirement of the installation of a grease trap. Town Manager Cohen reported that Sue Rosa of the Board of Health had stated that every food establishment is required to have a grease trap, and that there were no grounds for a variance.

Chair Timmins noted that the request would be divided into two line items, one for the installation of the grease trap and the second for general construction costs.

#### Project 37 – Mental Health Clinician

Police Chief Jim Spinney appeared via Zoom before the Board. After careful consultation with the Director of the Frontline Initiative, it was decided that the current program along with the Police Department's response policies with regard to mental health issues will continue to offer adequate resources for the community for the near future. He added, however, that there will come a time for a full-time person to be embedded with police officers. At this time he is rescinding his original request of \$195,000, but asked that \$81,000 in ARPA funds be allocated for Chelmsford's portion of the Frontline Initiative for the next three years.

#### Project 20 – MacKay Library HVAC System

Becky Herman, Library Director, appeared before the Board along with David Braslau, Library Trustee. She reported that after consultation with a structural engineer, it was decided to revise the project to allow for larger gatherings to take place at the North Chelmsford Community Center and Senior Center. This would allow the design of a code-compliant ventilation system from a thirty-person system down to a twelve-person system for occupancy of the first floor circulation center for children and popular materials. Additionally, the second floor would be renovated for storage purposes only.

Chair Timmins noted that the MacKay Library may be eligible for funds from the CPC because of its historic significance to the Town.

The request is being revised from \$417,886 to \$150,000 total.

#### Project 48 – Sewer Infiltration Investigation/Reconstruction

Town Manager Cohen noted that Weston & Sampson had revised its budget projection for remediation to \$350,000 for FY22, and \$1.5M for each of the fiscal years 23, 24, 25 and 26 for a total of \$6.4M.

Town Manager Cohen also stated that he had received a request from the North Chelmsford Water District for construction of a PFAS treatment facility of \$5,525,000.

#### Project 39 – Building Code Inspector - Residential

He also noted that Building Commissioner Negrón had withdrawn his request of \$150,000 for an additional inspector, since he now feels confident that the department can operate sufficiently with its current complement of inspectors.

#### Project 41 – Premium Pay

Frank Goode of the Superior Officers Union appeared via Zoom before the Board. He objected to the fact that every other request for funds had received a number on the list of requests except for the premium pay requests, which were lumped into one number 41 on the list. Chair Timmins noted that all premium pay requests were lumped into one total number with the intention of itemizing each request at the time of discussion scheduled for this evening. Mr. Goode asked that each of his members be addressed individually and receive \$5,000 each.

#### Project 42 – PFAS Crooked Springs Treatment Plant

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Andrew Reid, Superintendent of the Chelmsford Water District, appeared before the Board. He stated that in the event that the state would reimburse the Town for the capital costs and not design fees, he asked that the request be modified from \$5,500,000 for \$600,000 to cover the design costs of the project.

Project 1-15 – School Buildings HVAC - \$2,844,015

Project 16-25 – Town Buildings HVAC - \$3,835,818

Town Manager Cohen then reviewed the list of requests starting with the School's request for funds to address HVAC COVID-compliant air filtration systems and to keep school buildings viable into the future. He also addressed the HVAC needs for town office and service buildings, particularly the Senior Center. A professional engineering firm was hired to assess the HVAC needs of the buildings.

Gary Persichetti, DPW Director, appeared via Zoom before the Board. He reported that the first round of assessments was to identify equipment not working properly. The final assessment included repairs to the HVAC system of eight schools and the administrative building.

Board Member Dixon asked if there are any cost efficiencies to be gained by having the work done as a totality and not by individual school. Discussion ensued on the DCAM bid process and the timeline for procurement for a large project as opposed to individual projects. While cost efficiencies may be gained, it would take longer to complete the job. Ms. Lussier cautioned that the bid process for procurement be done properly.

Discussion also ensued on alternate funding from other sources, particularly for historic town structures, i.e. CPC. It was agreed that items 20, MacKay Library, 24 and 25, Old Center Town Hall and North Town Hall Ventilation systems be pursued under alternate funding. Mr. Sousa confirmed that the total for all HVAC including MacKay is \$4,416,325.

Project 26-29 – Senior Center Programs

Town Manager Cohen then reviewed the three items 26, 27 and 28 for Senior Center care programs. The transportation program was funded for one year, rather than the entire three-year program. John Bowles of Regina Road stated that grants are available through the MassDOT and next funded for January, 2023. He also stated that grant monies are available through local hospitals.

Jen Melanson, Director of Community Services, appeared via Zoom before the Board. She stated in addition to state and local grants, block grants are available on a much larger scale and require a lengthier application process and supervision of funds. Two part-time dispatchers for a total of forty-hours would need to be hired to supervise the funds, collect data and comply with reporting requirements.

Board Member Dixon commented that schools and other facilities covering transportation have faced a shortage of qualified bus drivers.

Chair Timmins questioned Ms. Melanson on a plan for continuing funding if only the first year of the program could be funded with ARPA monies. Ms. Melanson stated that an educated estimate would be made for the program to become self-sustaining in subsequent years.

Project Number 30 – Community Exchange (Food Pantry)

Project Number 31 – Table of Plenty

Town Manager Cohen stated that this funding is needed to support the elevated food needs of families caused by the pandemic. In addition, the Table of Plenty has not only served the food needs of the community, but also the social and emotional needs caused by isolation. Chair Timmins questioned the five-year commitment. Town Manager Cohen responded that certainly the widespread needs of the community are evident and will continue to grow.

Project 32 - Social Worker/Human Services – Health Department

Project 33 – Public Health Associate

Project 36 – Automated External Defibrillators

Sue Rosa, Health Director, appeared before the Board. She made an impassioned plea for funds to hire a full-time public health associate and social worker for three-five years. She stated that the pandemic has put significant pressure on her department and demand for mental health services has skyrocketed. She stated that with the increased workload her department is unable to perform the regular responsibilities like responding to violations of health compliance and restaurant inspections. She also asked for additional \$4K for AED's on every floor of town hall.

Darlene Lussier, Town Accountant, stated that the social worker position was being looked at as a shared position between the Police Department and the Board of Health. Now that Chief Spinney has rescinded his request for a full-time social worker, this would free up these monies. Ms. Rosa confirmed that Chief Spinney had indicated to her that he had indeed hoped these monies would flow to the Health Department. John Sousa, Finance Director, confirmed that the numbers of COVID have significantly increased since the holidays and the Health Department is struggling to keep up with its services.

Town Manager Cohen stated that \$2.5M was put into an unallocated fund since the future was uncertain as to the impact of the pandemic. The deadline for commitment of monies is December 31, 2024, and the Town has until December of 2026 to expend the funds. If full-time positions are created and not needed at the end of the five-year period, the cost of unemployment for elimination of those positions will be minimal. Ms. Rosa stated that the positions would be advertised as grant-funded positions.

Discussion ensued on the changing dynamics of the requests. It was suggested that the list be prioritized as direct COVID related expenses, and that the health of the community is of high importance and of an immediate need in the consideration of funding. Ms. Rosa asked that both positions be funded for at least three years.

Project 56 and 57 – 272 Old Westford Rd. Construction and Grease Trap

Ms. Rosa stated that it is written in the Board of Health regulations that any food establishment requires an external grease trap. This is for the protection of the town sewer system.

Chair Timmins asked for a clarification on the regulation for an external grease trap. Ms. Rosa stated that while she is an appointed authority to enforce the regulations, an applicant has the right to file an appeal before the Board of Health. She stated that there was only one situation where a variance had been granted and the property is pumped every month and the owner is required to submit reports.

Ms. Rosa also expressed her opinion that this request does not fall into the category for ARPA funds, and may set a precedent for other private individuals to open food establishments to apply for public funds.

Discussion ensued on the merits of approving funding for this project. Town Manager Cohen stated that one purpose of the funds is to support economic recovery. Given that the previous owners of the property did not survive the impact of the pandemic, the new owner is revitalizing the property. Given its proximity to Friendship Park and Roberts Field, it would have a positive complementary impact on the Town's revitalization of this field for the Town's recreational enjoyment. Also discussed was the improvement to the property that will maintain the permanent asset for future owners and also the positive tax impacts of an occupied business rather than a vacant property.

Board Member Carota asked the applicant if these funds were received, what the plan would be to maintain a sustainable business. Mr. Morin stated that he has knowledge that the business turned a profit

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prior to the pandemic. Additionally, the business model he is following is sound, i.e. coffee and pastry service and ice cream.

Discussion ensued and it was the consensus of the Board that Mr. Morin would file a request for a variance with the Board of Health at its next meeting in February. In the meantime, pending the Board of Health meeting, the Board commits half of the requested funds from \$39,000 to \$20,000 to offset any expenses with regard to the installation of the grease trap.

Project 38 – Cardiometabolic Screening – Police

Chief Spinney stated that cardiovascular disease is the number one killer of active and retired police officers. He asked that this proactive measure of assessment would lead to heightened awareness of his officers and give them the tools to maintain good health. The Board was empathetic to his request.

Project 39 – Building Code Inspector – Residential

This item has been withdrawn.

Project 40 – Varney Playground

This item has been withdrawn in light of alternative CPC funding and an earmark from state funds.

Project 41 – Premium Pay

Chair Timmins suggested that if Premium pay is considered, some criteria be set for it. One example absent any discussion might be to look at the first 6-12 months where people had to go in harm's way before there were vaccines available. She added that this suggestion is in no way to reflect opposition, but that more information is needed, i.e. how many employees will be eligible for this premium pay. , Board Members Carota and Lefebvre gave examples of more detail desired including itemizing requests by organizations and providing number of positions at different ranks in the first responder organizations. In response to questions, Town Manager Cohen noted that municipalities follow guidelines related to salaries but are not restricted by those guidelines.

Discussion ensued on the limited amount of funds and the impact of deferring funds. At the conclusion of funding, the amount left will not be enough to cover deferred items. Every project, however, must be discerned for its eligibility for funding within the context of the entire whole. Town Manager Cohen will work with Finance Director Sousa and Town Accountant Lussier to itemize the Premium Pay requests.

Project 42 – PFAS Crooked Springs Treatment Plant

Project 43 – Water Main Replacement

Item 42 has been reduced to \$600,000 to cover design fees.

Projects 44-48 – Sewer Related projects

Town Manager Cohen stated that the remainder of the expenses not covered by ARPA funding will be borne by the rate payers.

Discussion ensued on categorizing the projects by priority and rationale for funding.

Projects 49-53 – Drainage, Bridge and Culvert Enhancements

Town Manager Cohen stated that the remainder of the expenses of stormwater management not covered by ARPA funding will be reflected in the sewer rates.

Projects 54-55 – Chelmsford Telemedia

These items have been deferred.

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Town Manager Cohen noted that an important item not reflected in the requests is COVID-related testing kits. These were distributed to towns but Chelmsford did not receive a supply.

Chair Timmins began the discussion on the items to be voted this evening. The focus was on time sensitive items.

Projects 1-25 – HVAC Related Projects for School and Town Buildings

Town Manager Cohen suggested voting the projects on a lump sum basis. Discussion ensued on eliminating items 20, 24 and 25 for the possibility of CPC funding.

**Motion:** by Vice Chair Lefebvre to approve \$4,046,975 in funding for the HVAC improvements to various town and school buildings. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

Projects 32-33 – Social Worker and Public Health Associate Positions – Board of Health

**Motion:** by Vice Chair Lefebvre to approve \$100,000 in funding for a one-year social worker position for the Board of Health and \$200,000 for a two-year public health associate for the Board of Health. Discussion ensued.

The vote was amended as follows:

**Motion:** by Vice Chair Lefebvre to approve \$200,000 in funding for a two-year social worker position for the Board of Health and \$200,000 for a two-year public health associate for the Board of Health. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

Project 36 – Automated External Defibrillators – Board of Health

Project 37 – Mental Health Clinician Police Department

Project 38 – Cardiometabolic Screening – Police Department

**Motion:** by Vice Chair Lefebvre to approve \$4,000 in funding for automated external defibrillators for Town Hall, \$35,000 for cardiometabolic screening for the Police Officers and \$81,000 for the Frontline Initiative for the Police Department. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

Project 56-57 – 272 Old Westford Road – Construction and Grease Trap installation

**Motion:** by Vice Chair Lefebvre to approve \$20,000 in funding for the reconstruction of The Shack building located at 272 Old Westford Road. Discussion ensued on funding to be specific to the installation of the grease trap.

The vote was amended as follows:

**Motion:** by Vice Chair Lefebvre to approve \$20,000 in funding to offset any expenses toward the installation of the grease trap at The Shack building located at 272 Old Westford Road. Discussion ensued. Seconded by Board Member Carota. **Motion carries 4-1, with Board Member Wojtas opposed.**

Chair Timmins noted that the spreadsheet will be adjusted to reflect tonight's votes and the remaining items will be discussed at the next meeting.

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**Adjournment**

**Motion:** by Vice Chair Lefebvre to adjourn at 8:53PM. Seconded by Board Member Carota.  
**Motion carries 5-0, unanimous.**

**NEXT REGULAR MEETING DATE: January 10, 2022**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

Supporting documents:

- CPD withdrawal of request
- ARPA detail sheet Chelmsford Library revision
- 272 Old Westford road request
- ARPA project financing worksheet
- ARPA funding requests

This document contains Attorney-Client privileged communications

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

Executive Session Minutes – Segment 1  
January 3, 2022

**Attending:**

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

Paul Cohen, Town Manager  
Paul Haverty, Town Counsel

Note: The minutes for the Executive Session on this date are provided in two Segments.

The purpose of Segment 1 of this Executive Session was to discuss Strategy with Respect to Litigation Regarding 24-30 Second Lane. The Segment 1 began at 6:03 PM.

Select Board Member Wojtas left the room and recused herself from voting on this issue

This issue stems from an application that came to the building commissioner to tear down 4 “camp” structures and replace them with four private homes on one lot. The application was denied by the building commissioner and the issue was appealed to the ZBA. ZBA upheld the building commissioner’s decision. The decision is required to be filed within 90 days. The decision was not properly filed due to a mix up with the filing and communication (human error). This failure to file constitutes constructive approval of the application. The building commissioner has the authority to appeal the constructive approval with the approval from the Select Board.

**Motion:** by Vice Chair Lefebvre to approve the Building Commissioner to file an appeal of the constructive approval of the application regarding 24-30 Second Lane. Seconded by Board Member Carota.

**Roll call vote:**

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

**Motion passes, 4-0**

Respectfully submitted,

Mark Carota  
Select Board Clerk

Select Board Executive Session  
January 3, 2022