

Approved 4/21/2020

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**2020-04-22**

**2:29 PM**

**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  
January 27, 2020

Attending:

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

Paul Cohen, Town Manager  
Michael McCall, Asst. Town Manager

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Rd., Chelmsford, Mass. The meeting was recorded by Chelmsford Telemedia. Chairman Lefebvre called the meeting to order at 7:00 PM.

**PUBLIC SERVICE ANNOUNCEMENTS**

**George Simonian, CHS Alumni Hall of Fame**

Mr. Simonian announced this ceremony will be held on March 21, 2020 at the UMass Lowell Conference Center in Lowell, starting at 6:00PM. Nominees and their accomplishments were read into the record. Ticket information was provided.

A proclamation was handed to Mr. Simonian.

**ATEF Grant Applications Available**

Evelyn Thoren, Chairman of the ATEF Committee, described what the Fund does, and the requirements to qualify for a grant award. Applications are due by March 31, 2020. Applications can be obtained through the Public Schools website. The Program is funded by Town taxpayer donations.

**Winterfest, January 31st – February 2nd**

Selectman Wojtas read the information from the flyer into the record regarding the various events being held throughout this weekend.

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**Board of Selectmen Values and Vision Statement Public Input Session, January 29<sup>th</sup>**

Selectman Timmins announced this session will begin 7:00PM at the Chelmsford Senior Center. Everyone is welcome.

**2020 Census Complete Count Kick-Off Event, February 7th**

Selectman Wojtas read the information regarding this event into the record. The event will be held at the Chelmsford Center for the Arts, from 10:30AM-11:30AM.

**Rabies Vaccination Clinic, February 8th**

Selectman Wojtas read the information into the record; this event will be held from 10:00AM-12PM.

**Other Public Service Announcements**

Selectman Wojtas announced that NMCOG will be hosting a SWOT session for their Comprehensive Economic Strategy Plan for Greater Lowell at the Chelmsford Police Station on February 2, 2020, from 6:00PM-8:00PM. This Plan is updated every five years. Everyone is welcome to attend.

Town Clerk Trish Dzuris was congratulated on her work on Chelmsford's Annual Town Report. Selectman Wojtas reported that the Town was awarded a recognition plaque at this year's Annual MMA Conference for exceptional Annual Town Reports.

**OPEN SESSION**

Phil Stanway, 6 Lantern Lane, announced that all of the Town's Open Space reservations are now compliant for handicap parking. Next projects include reducing the ban on helmets at Roberts Field for one piece of equipment. COSS is looking to make three more trails more handicapped accessible. It is hoped to have a mile of accessible trail by the end of the year.

**COMMITTEE VACANCIES**

Selectman Wojtas read the list of current vacancies. Interested applicants can apply online at <http://www.townofchelmsford.us> or through the Town Manager's office.

**LICENSES**

**Hearing Regarding Office Structure, Class II Auto Dealer: Capital Motor Group LLC, 154 Middlesex St., Bldg. 2**

Capital Motor Group owner, Rodrigo Silva, requested an extension on the renewal of his annual Class II Dealer's permit. He has made arrangements to use some space in the existing building at MAACO until a different building can be constructed. Building Inspector Shaun Shanahan will be inspecting the site tomorrow. Plans to build a permanent structure are being developed.

Town Counsel Attorney Paul Haverty explained the Board allowed a temporary structure for one year. That year has expired. Any new permit will need to confirm there is at least 100SF of office space for this use.

The license application is for an extension using the space in an existing structure at the same address. The applicant will still need to return before the Board once the new structure is constructed.

Mr. Silva explained that MAACO has a second floor space that he will use as his office. The property owner did not provide the permanent building as was promised, and now he can't sell vehicles. Mr. Silva indicated that he may request an expansion to sell more vehicles on the lot after his space is compliant.

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**Motion:** by Selectman Antul to approve a Class II Auto Dealer License for Capital Motor Group, LLC, contingent upon the new office space passing inspection by the Building Inspector, not to exceed 35 vehicles. Seconded by Selectman Dixon. **Motion carries, unanimous, 5-0.**

**One Day Beer & Wine License: Chelmsford Public Library, 25 Boston Road, 01/31/2020**

**Motion:** by Selectman Wojtas to approve a One Day Beer & Wine License for the Chelmsford Public Library for January 31, 2020, from 6:30PM-9:30PM. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**BOARD OF SELECTMEN APPOINTMENTS**

**Values and Vision Committee**

Tonight's vote is to appoint two resident members of this Committee. Candidates were asked to speak before the Board.

Deirdre Connolly, 19 Billerica Rd., explained that she applied to this committee as she feels this is an important thing to look at, and she is looking forward to hearing community concerns. Her past committee work and Town Meeting work was described. She has kids in school, works as physician in town, and wants patients' needs met as well. She hears many concerns and issues through her clients and patients.

Aaron Cunningham, 67 Billerica Rd., described his experience that would make him a suitable candidate. He is currently on the Recycling Committee, and his wife has worked in the schools for 20 years. His perspective would be as a new resident. He has served on two Town committees. He believes participation matters and civic service is important.

Will Wagner was not present.

Badhri Uppiliappan has been on several committees and a Town Meeting Representative. He noted that he has been vocal in the past, and believes his experience may be useful. Resident needs are important and should be looked at economically, environmentally, and culturally.

Branden Morris was not available.

Polling of Board choices:

Selectman Dixon: Dr. Connolly & Mr. Cunningham  
Selectman Antul: Dr. Connolly & Mr. Uppiliappan  
Selectman Timmins: Dr. Connolly & Mr. Cunningham  
Selectman Wojtas: Dr. Connolly & Mr. Uppiliappan  
Chairman Lefebvre: Dr. Connolly & Mr. Cunningham.

Dr. Connelly and Mr. Cunningham were congratulated on their appointments.

**REPORTS AND PRESENTATIONS**

**Building Commissioner Shaun Shanahan: Letter Regarding Zoning at 54 Richardson Road**

Building Commissioner Shaun Shanahan reviewed the letter from the North Chelmsford Water District. In his opinion, the parcel is a pre-existing non-conforming property, as confirmed by previous Zoning Board decisions.

Town Counsel Attorney Paul Haverty also reviewed the prior complaints, noting that the ZBA issued a lengthy decision previously, and a prior appeal on the same matters was dismissed in Superior Court. The North Chelmsford Water District would need to provide more detailed information on how this situation is different than the previous situation. They can file another appeal with the ZBA. The Determination was filed on January 21, 2020. The appeal period would expire on February 20, 2020.

North Chelmsford Water District Superintendent Bruce Harper explained that the District's goal is to protect the water supply, and the protection is not there. National Grid trucks do not belong at 54 Richardson Rd. He described the resource areas around this parcel. PFAS chemicals will cost millions of dollars to be removed from the water supply. As it is, there are 5000 known contaminants in water. Just because the use is grandfathered, doesn't make it right. He has noticed clean-up efforts since the letter was issued, and was disappointed that it shouldn't have to come to this to get a space cleaned up.

DPW Director Gary Persichetti advised that the trucks will be at 54 Richardson Rd. for another month. Asplundh is working in Westford and Chelmsford, mostly Chelmsford, to clear power lines of limbs and branches, with the benefit of experiencing less power outages. Asplundh trucks are continually serviced, he meets with them weekly. This benefits everyone. Selectman Dixon asked if there was trouble with the areas heavy with pine trees. Mr. Persichetti advised that if the branches are not a hazard, the limbs are not removed. Work is done on a rotating three year basis.

Selectman Timmins asked whether clean-up efforts could be a standard practice. Mr. Persichetti advised this has been an ongoing process, however, there is not enough room on Alpha Rd. for everything they need. Trailers and equipment have been removed, and the site is monitored better. In the Spring, the sand bank needs to be stabilized and wood chips will stabilize the hill so grass can grow. Gate improvements will be done in the next two months.

Bruce Clark, Chairman of the North Chelmsford Water District, was very concerned that a private contractor is servicing their vehicles at this site. The trucks have nothing to do with the DPW. He feels many things in the bylaws are being violated. Mr. Persichetti acknowledged that only minor work is being done, like repairing things that break during work so work can continue.

Atty. Paul Haverty noted there is nothing different happening at this location, and there is no visible evidence of expansion of a non-conforming use. Mr. Shanahan provided pictures from 2003, 2017, and another year that shows a decreased use over time. Chairman Lefebvre agreed the DPW is doing what they can for the benefit of the Town.

**Building Commissioner Shaun Shanahan: Concerns Regarding the Brightness of the Holiday Inn Express Sign**

Building Commissioner Shaun Shanahan explained the complaint was received over a year ago. The owner was asked to reduce the illumination. A film was applied to protect the sign from burning, which reduces the light even more. The owner is willing to do what they can to accommodate the request. The light will be looked at and certified. Dimming will be done as well, when they can. The owner is following up with a plan in the next week or so. The reduced lighting would be in force year round. The sign is in compliance with the current zoning bylaws.

Dottie Jones, 23 Buckman Drive, said she was speaking for their neighborhood. The light shines directly into their yards. It is very bright. The signs are extremely large and bright. Concern is with the sign behind the building. The Radisson sign is much smaller and not nearly as bright. Overhead lights on

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Route 495 are not helping the situation. She believes the rooftop signs may be not permitted under the bylaw, and are still higher than the trees.

Chairman Lefebvre advised there was a variance approved for the signs. Mr. Shanahan explained the variance was for the size, the number of signs, and installing a sign in excess of building height.

**DPW Director Gary Persichetti: Handicapped Parking Signs at Town Open Space Properties**

DPW Director Gary Persichetti announced signs have been or will be installed at Southwell Park, Thanksgiving Forest, Roberts Field, Crooked spring Reservation, and East Field.

**TOWN MANAGER REPORTS**

**Draft Spring Annual Town Meeting Warrant**

The first draft of the Warrant was presented to the Board. The Annual Town election will be held on April 7, 2020, and Spring Town Meeting will begin on April 27, 2020. Other timeline activities leading up to Town Meeting were provided to the Board.

The list of 27 articles to date was summarized for the Board's information.

Chairman Lefebvre suggested adding a placeholder for easements on Dunstable Rd. Mr. McCall advised that there is no project or plans to date, so this might not be possible. The proposals are still in research and design mode.

**Proposed Fiscal Year 2021 Operating and Capital Budgets**

Working budget documents were provided to the Board. There is still information being awaited from the state which may make some minor changes.

The budget is \$141.8 million this year, which is a 3.33% increase over last year. Figures were broken down by School Department, General Government, Nashoba Technical High School Assessment, Benefits and Insurance costs, and debt service. The proposed budget maintains existing services, creates no new positions, includes capital infrastructure at \$3.8 million, and includes OPEB and Retiree Health Benefit liability payments.

Several budget line item changes were summarized. Revenue summary from Property Taxes, State Aid, Local Receipts, and Available Funds was listed. Areas of state underfunding were summarized, such as funding for schools and Chapter 90 which funds road improvements and maintenance.

Historic expenditure comparisons and other data were provided.

Previous efforts at controlling costs were summarized, of which many were rejected by Town Meeting or resident push back. Many costs are beyond the Town's control such as Health Insurance costs, school costs, trash pickup, assessments, etc. There is no way to reduce the levy limit as costs increase at a higher rate than revenue sources. Taxes are increasing in all communities.

Continued efforts to lobby with legislators suggested.

**Ledge Road Update**

Mr. McCall provided a memo to the Board. Traffic monitoring continues. There are still no viable alternative routes for traffic exclusions available. Past efforts were summarized again. The Traffic Safety Committee is still researching widening and reconfiguration options, and they are talking to neighborhood

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property owners and quarry owners about mitigation options and alternatives. Executive session briefings with Town Counsel continue. Discussions will continue. Current cost estimates do not include easements or input from abutting communities. The committee is willing to meet with residents on a case by case basis.

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

This random audit revealed that one establishment was 100% compliant, and the other was 78% compliant.

**DLTA Grant Application for Additional Funding for the Planning Board's Master Plan Update**

Mr. Cohen announced that an application has been filed for \$25,000.00 to complete this update report.

**Sand Buckets for Senior Citizens**

Over 100 5-gallon buckets were donated. Several responsible people were thanked for putting this program together.

**MEETING MINUTES**

**BOS Regular Session Minutes 11-18-2019**

**Motion:** by Selectman Wojtas to approve the Regular Session Meeting Minutes of November 18, 2019, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**SELECTMEN LIAISON REPORTS & REFERRALS**

Selectman Dixon:

No reports this evening.

Selectman Timmins:

-The School Committee is starting their budget process, and there will be opportunities for Public Input at their February meetings.

-Everyone is welcome to attend a Ribbon-cutting celebration for Village Consignment on January 31, 2020, at 11:30AM

-The Age Friendly Initiative Committee has partnered with Chelmsford Telemedia to air a show that makes residents aware of what services are available.

-The Conservation Commission will open the hearing on their Notice of Intent for tree removal at the Cranberry Bog Reservation on February 18, 2020.

-Mr. McCall was asked about whether he had received any existing air quality studies related to the asphalt plants. Mr. McCall advised he is waiting to hear back from several people he reached out to, and he is looking to get more information from the EPA as well.

Selectman Antul:

-The Community Preservation Committee is sponsoring three articles on the Spring Town Meeting Warrant. Town Clerk Trish Dzuris was thanked for her work in preserving vital town records going back to 1700's. A second Article will address more work at Roberts Field.

-The Permanent Building Committee is continuing to research standards in relation to renovations at the North Fire Station.

Selectman Wojtas:

-Condolences were given to the families of Peggy Dunn, Millie Hehir, and Patrick Daley, who all recently passed away.

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Chairman Lefebvre:

-On behalf of the Board, Condolences to Mr. Cohen on his Father's passing.

**PRESS QUESTIONS**

No one came forward at this time.

**EXECUTIVE SESSION TO RETURN TO OPEN SESSION**

**Strategy with Respect to Potential Litigation Regarding Ledge Road Commercial Trucking**

**Strategy with Respect to Collective Bargaining with the Firefighters Union**

**Strategy with Respect to Negotiations with the Town Manager Regarding a New Employment Agreement**

**Motion:** by Selectman Wojtas to enter into Executive Session at 9:40PM, to return to Regular Session, to discuss Strategy with Respect to Litigation Regarding Ledge Rd. Commercial Trucking, Strategy with Respect to Collective Bargaining with the Firefighters Union, and Strategy with Respect to Negotiations with the Town Manager Regarding a New Employment Agreement. Seconded by Selectman Antul.

Roll Call Vote:

Selectman Timmins: Aye

Selectman Wojtas: Aye

Selectman Dixon: Aye

Selectman Antul: Aye

Chairman Lefebvre: Aye

**Motion Carries, 5-0.**

**VOTE ON NEW EMPLOYMENT AGREEMENT WITH THE TOWN MANAGER**

Selectman Wojtas announced that the Vote was tabled, as negotiations will continue in future Executive Sessions.

**ADJOURN**

**Motion:** by Selectman Wojtas to adjourn this meeting at 12:05AM. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

NEXT REGULAR MEETING DATE: February 10, 2020

Respectfully Submitted,

Vivian W. Merrill  
Recording Secretary

Supporting documents:

-List of 2020 CHS Alumni Hall of Fame Nominees and Proclamation

-Winterfest Flyer

-Flyer for the 2020 Census Complete Count Kick-off

-Rabies Clinic Poster

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- List of Committee Vacancies
- Supporting documents for Capital Motor Group
- Supporting documents for One Day License
- Committee Applications for the Values & Vision Committee
- Letter Regarding Zoning at 54 Richardson Rd.
- Draft Spring Annual Town Meeting Warrant
- Supporting Documents for the Proposed FY2021 Operating and Capital Budgets
- Memo Regarding Ledge Rd.
- OCBAR Lemon Law Audit Results
- DLTA XIII Grant Application Descriptive Document
- Draft Minutes

Approved & Held 5/4/2020  
Released 5/18/2020

Town of Chelmsford Board of Selectmen Minutes  
Town Offices, Room 201  
50 Billerica Rd.  
Chelmsford, MA 01824

RECEIVED  
2020-05-19  
2:39 PM  
TOWN OF CHELMSFORD  
PATRICIA E. DZURIS  
TOWN CLERK

Executive Session MINUTES – Segment 3  
January 27, 2020

**Attending:**

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

Brian Maser, Town Labor Counsel  
(via telephone)

Note that the minutes for Executive Session on this date are provided in three segments. This is the third segment.

The purpose of this Executive Session was to discuss strategy with respect to negotiations with the Town Manager regarding renewing his Employment Agreement. Discussion of this topic began at 10:20PM.

Chairman Lefebvre asked Attorney Maser what the financial effect would be, should the Board decide not to renew the Town Manager's employment agreement. Mr. Maser replied that Mr. Cohen would be entitled to six months of severance, in addition to payment for any unused paid time off.

Selectman Wojtas objected to beginning this discussion on that note, given that no Board members had made any comments regarding their thoughts on whether the agreement should be renewed.

Selectman Dixon stated that he does not feel that Mr. Cohen respects him. He related a conversation regarding a potential location for the new fire headquarters, in which his suggestion was not passed on to the Permanent Building Committee. Subsequently, Selectman Dixon spoke personally with a member of the PBC, and Selectman Dixon's suggestion turned out to be the selected location. He also feels that Mr. Cohen favors certain local builders over others, noting that a development in the Center received waivers and special treatment not offered other builders. He gave additional examples when he felt ignored or snubbed in other ways.

Selectman Timmins stated that she felt Mr. Cohen's behavior is disingenuous, and that it is time for a change in the Town Manager position.

Selectman Antul noted that her feelings regarding Mr. Cohen are not personal. However, she stated that he is inconsistent, coming across as hot and cold. She is also concerned about union negotiations, which have raised hostility. She noted that she has heard from many residents who have shared gripes about Mr. Cohen with her and feel it is time for a change in the Town Manager position.

Selectman Wojtas stated that Mr. Cohen is respected by his peers, and many in the community, and feels that he done a good job as Town Manager. Therefore, she does not want to lose him as the Town Manager.

Chairman Lefebvre stated he is not in favor of renewing Mr. Cohen's contract. He gave several examples of situations when he has butted heads with Mr. Cohen, and does not feel that he has responded to his requests and suggestions in an appropriate manner. He also stated that he feels Mr. Cohen, when questioned, provides the facts, but not necessarily the truth.

**Motion:** by Selectman Wojtas to renew the Town Manager's employment agreement. The motion failed for lack of a second.

**Motion:** by Selectman Dixon not to renew the Town Manager's employment agreement. Seconded by Selectman Timmins.

**Roll call vote:**

Selectman Dixon: Aye  
Selectman Timmins: Aye  
Selectman Wojtas: No  
Chairman Lefebvre: Aye  
Selectman Antul: Aye

**Motion passes, 4-1.**

Mr. Cohen was called into the meeting at this point. Chairman Lefebvre told him the result of the vote.

Mr. Cohen stated that he is stunned, and asked for the reasons for the vote.

Chairman Lefebvre noted that the two of them have butted heads, and that little things have added up to result in his vote.

Selectman Dixon stated that his disappointment began with the way the proposals for Route 40 redevelopment were rolled out.

Selectman Timmins reiterated her and Selectman Antul's previous comments about the general sentiment that it is time for a change in the Town Manager position.

Chairman Lefebvre asked if it would be helpful if the Board did not take a public vote tonight, so that he could look for a new position in an effort to be more hireable. Mr. Cohen would remain as Town Manager until June 30, then receive six month's of his salary as severance, in addition to his unused paid time off (approximately 240 hours).

Mr. Cohen asked that the Board not announce a vote tonight, so that he can process this action. The Board agreed to do that. All sides agreed to keep these Executive Session discussions confidential.

**Motion:** by Selectman Wojtas to adjourn the Executive Session at 12:01am, and announce that the Board has voted to take no action on this agenda item at this time. Seconded by Selectman Timmins.

**Roll call vote:**

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

Approved & Held 5/4/2020  
Released 5/18/2020

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

Respectfully Submitted,

Pat Wojtas  
Board of Selectmen

Supporting Document:  
Employment Agreement between Town of Chelmsford and Town Manager dated September 11, 2017