

Approved 2/28/2022

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

Regular Meeting MINUTES
February 14, 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
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.

PUBLIC SERVICE ANNOUNCEMENTS

Arts and Technology Education Fund (ATEF) Grant Applications

Evelyn Thoren, Chair of the Arts and Technology Education Fund, appeared before the Board. She stated that applications for grants are now available. She stated that the Fund was approved in 1996 by vote of Town Meeting. There are currently nine members with one vacancy and the Superintendent is a permanent member.

Anonymous contributions to the Fund are made by residents through their real estate and excise tax bills. Interviews of the applicants are conducted and grants are provided to meet specific criteria for equipment, supplies and materials to support the curriculum in the schools. Examples of recent grants include supplies for a biology teacher to do field work and funds to support the music, science, math and technology fields of study as well as special education programs. Count clickers for use at Town Meeting were also used in the classroom. Applications are available on the school website and must be postmarked no later than March 31st.

Town Manager Cohen reported that at the next Select Board meeting on February 28th a presentation will be made on the town pavement inventory as well as a five-year plan of investment in roadway and sidewalk infrastructure. In-person or Zoom participation of the public is encouraged.

Vice Chair Lefebvre reported that at the Select Board meeting on March 14th the Board will vote to appoint one representative and one alternate representative to the Nashoba Technical Valley High School Committee for three-year terms. Applications are available at the Town Manager's Office and on the Town website. Deadline for submissions is March 9th.

PUBLIC INPUT

Michael Rigney, Chair of the Center Village Master Plan Committee, appeared before the Board. He stated that the committee had recommended in its plan of 2013 the purchase of the lot behind Santander Bank for the purpose of municipal parking. He urged the Board to seriously consider the opportunity to make progress toward this long-standing goal in its Executive Session deliberations to purchase the property.

Brian Latina, 15 Jessie Road, and Town Meeting Representative, appeared before the Board. He expressed on behalf of his constituents (formerly precinct four and now precinct nine) their anger with several issues: a) the traffic issues on Turnpike Road; b) the high Town tax rate; c) Route 3 being named the Northeast Expressway; and d) the community being designed as an MBTA community. He also requested that information be made available on the re-precincting. He also encouraged a resident of Chelmsford to run for the state representative seat representing Chelmsford, Carlisle, Concord, Acton, with Chelmsford representing the largest voting block. He noted that the Town Republican GOP Caucus will be held at the Police Station on February 17th at 7:00PM, to select delegates to attend the state GOP convention in Springfield.

COMMITTEE VACANCIES

Vice-Chair Lefebvre read the list of current vacancies. Interested applicants can apply online at <http://www.chelmsfordma.gov> or through the Town Manager's office.

REPORTS AND PRESENTATIONS

Mr. George Zaharoolis, chair of the Master Plan Update Committee, appeared before the Board. He presented the Master Plan PowerPoint update including the following highlights:

- Final draft plan and letter to residents
- Planning Board endorsement of the Plan and appointments of Implementation Committee
- Provide report to Town Meeting
- Committee members
- Advisors to the Master Plan
- Input from others
- Timeline of meetings and presentations
- What is a Master Plan
- Meetings section by section
- Committee process
- Sections of 2010 vs. 2021 Master Plan
- Principle goals of the Master Plan sections
- Vision statement
- Summary
- Role of Implementation Committee
- Master Plan document and letter to residents

SELECT BOARD MEMBER APPOINTMENT TO THE PLANNING BOARD'S MASTER PLAN IMPLEMENTATION COMMITTEE

Following discussion, Chair Timmins appointed Vice Chair Lefebvre as the Select Board member the Planning Board's Master Plan Implementation Committee.

JEN MELANSON AND JOHN BOWLES: AMERICAN RESCUE PLAN ACT FUNDING REQUEST

Jen Melanson, Community Services Director, appeared before the Board. John Bowles appeared via Zoom. She presented the revised request for funding of the Chelmsford Supplemental Volunteer Transportation Program. She stated the request emanates from the Age-Friendly Initiative. Mr. Bowles serves as the lead for the transportation work in consultation with Deb Siriani, Elder Services Director, and Connie Donahue of the Housing Authority. This transportation program will provide for services to a segment of the adult population not previously served and the opportunity to address a gap in services fully embracing the age-friendly concept for all ages and bringing much needed relief to those impacted by the pandemic.

Ms. Melanson referenced the documents submitted to the Board including the first-year budget, a list of FAQs based on questions proposed in other communities and a sample release and indemnity agreement used by another community. In consideration of the limits of ARPA funds, the request is decreased to \$100K to level service an estimated budget for three years. The goal is to make the program self-sustainable, and other sources of funds, including personal and corporate contributions and state and private grants will be pursued. The program follows the model of the senior center providing safe and reliable service and expands on when its services end at 2:00PM and continues through 6:00PM. An estimate budget of expenditures for gas and maintenance of two town-owned sedan vehicles is also submitted.

The program will take up to six months to implement, allowing for ample time to hire the part-time position of a nineteen-hour non-benefitted dispatcher/coordinator and training on the transportation scheduling software and the recruitment of volunteer drivers.

Mr. Bowles indicated that some neighboring communities provide regional services and have both volunteer and paid drivers. The decision was made to have volunteer drivers in the Chelmsford program for its lower cost, and also noted the interest of a number of residents available to volunteer for short-term medical appointments and short trips.

In answer to the question of liability, Town Manager Cohen stated that the town-owned vehicles are covered by town insurance and a blanket policy covers the volunteer drivers. While the drivers are not employees and therefore not entitled to workers compensation benefits, they would be covered for personal medical expenses. He noted that the town's insurance company would be notified of this new transportation program, and did not anticipate any problems in coverage as this type of program is in existence in many municipalities. If the program is approved, Town Counsel will be asked to review from the standpoint of liability.

Mr. Bowles noted that the program would follow the same requirement as the senior center that drivers sign a waiver that they will indemnify the town of liability, and all drivers will be subject to background CORI checks.

Discussion ensued including the timely need for this type of program and ensuring the program's success. Also discussed was the option of providing startup monies for the program for an initial period of time in order to get the program up and running. At the conclusion of the initial period firm numbers will be known to sustain the program for three years will be known.

Motion: Vice Chair Lefebvre made a motion to approve the allocation of \$50K to initially fund the startup of the Supplemental Transportation Program and defer \$50K until further budgetary numbers are known and presented to the Board. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

TOWN MANAGER BID AWARDS

Municipal Auditing Services Procurement Results

Finance Director John Sousa, appeared in-person and Town Accountant Darlene Lussier, appeared via Zoom before the Board. Mr. Sousa reported that RFPs for auditing services were sent to three firms: CLA (Clifton Larson Allen LLP), Lynch, Marini & Associates, Inc., and Roselli Clark & Associates. CLA was the only firm that responded. The other two firms were contacted and stated that they were unable to take on new clients at this time.

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Mr. Sousa stated that CLA's price proposal for FY22 is \$56K, representing an increase of \$9,500 or 20.4% above the \$46,500 fee charged by Powers & Sullivan for the FY21 audit. CLA's proposed price increases by \$3K or 5.4% to \$59K for FY2023 and increases by \$3K or 5.1% to \$62K for FY24. Over the three-year period, the increase would amount to \$37K.

Mr. Sousa suggested three options: a) reissue the RFP; b) contact Melanson and Heath, previous auditors in 2013 to check for their availability; and c) contact Powers & Sullivan to conduct audit for FY23 with a different manager and staff from last year, and then reissue RFP.

Discussion ensued. Ms. Lussier noted that there were only four auditing firms qualified to handle audits for municipalities the size of the Town. She also noted that Chelmsford was unique among municipalities for having a charter that requires a change of auditor every three years. Most municipalities have the same firm but change the management team that conducts the audit on a regular basis.

Board Member Carota noted that the current workforce demands of the market did not allow for auditing firms to take on new clients. He noted, however, that since the first year of the audit is front-loaded to come onboard, there may be room for negotiation with CLA in the percentage of increase for the following years. Town Manager Cohen noted that he could pursue negotiations based on a reduction in the overall contract over the three-year period.

Discussion ensued on the lead time needed for the pre-audit and audit, and the submission of financial data for the last four years to get the new firm up and running prior to the audit.

Motion: Vice Chair Lefebvre made a motion to authorize Town Manager Cohen to engage CLA (Clifton, Larson Allen LLP) in negotiation of the contract, to reduce the three-year cost, and award the contract. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

The Board agreed with Chair Timmins that based on the above discussion, a three-year change in auditing firms may be too restrictive. A future agenda item will consider whether to propose a possible change in the charter.

TOWN MANAGER REPORTS

Truck Exclusion Route Criteria and Map

Town Manager Cohen reported that he had worked with Police Chief James Spinney and Assistant Town Manager Steve Maffetone to develop baseline information and a graphic map on truck exclusion route criteria for those vehicles two and one-half tons or larger. He stated that the routes are under the oversight authority of the MassDOT, and approval from the state is required to adopt route exclusions. This was done recently for those impacted on residential roadways of Carleton Road and Sprague Avenue, as depicted on the map.

The state's criteria is that an alternate route lie within the community entirely. It can, however, be partially within an adjacent community but only via a state highway, or if not, written permission is needed from the adjacent community. In reviewing the map, he noted that there are not a lot of roads where exclusionary routes could be created. As a result of listening sessions, Swain Road was identified as a possible exclusionary route.

Toward that end, Town Manager Cohen stated that he had reached out to NMCOG to assess this route in a truck count to commence in April, in addition to working with the traffic safety team in continued monitoring.

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Discussion ensued. Vice Chair Lefebvre noted that he had received several emails from residents with samples of exclusionary routes in other towns that may not be achievable in Chelmsford with three major highways dissecting the town. Chair Timmins noted that some roads were excluded on the map due to previous grandfathering clauses.

Draft Annual Town Meeting Warrant

Town Manager Cohen updated the Board on additions to the draft warrant as follows:

- Article 9 for the purchase of 1 Billerica Road/44 Central Square for the Town Center Municipal Parking Lot.
- Article 10 for the Reconstruction of Chelmsford High School Tennis and Basketball Courts and the Conversion of the McCarthy Middle School Tennis Courts into Additional Parking for the school and Police Department, and to remove and reinstall very deteriorated tennis and basketball courts to ensure future use.
- Article 12 Special Education Reserve Fund – Chapter 40, Section 13E allows the Town to create a reserve fund for accepting funds to meet unforeseen costs of special education.
- Article 17 Chelmsford Telemedia Parker School Studio upgrade facilities.
- Article 25 Center School Playground to receive Community Preservation funds and PTO funds for reconstruction of playground.
- Articles 30-34 Grant and Accept Easement articles – discussion ensued.
- Article 35 Street acceptance.

A final warrant will be submitted to the Board for signature at the February 28 meeting.

Green Communities Grant Award

Town Manager Cohen reported that the Town had been awarded a Department of Energy Resources (DOER) Green Communities Division grant for \$17,782 for the following projects:

- \$3,500 South Row Elementary School – steam trap repairs
- \$7,102 High School – transformer
- \$5,000 Town – hybrid vehicle
- \$2,180 Town - building operator certification training

Electric Vehicle Fast Charging Station Grant Award for Forum

Town Manager Cohen reported that the Town had been awarded a grant for the installation of two fast-charging stations (time to charge of approximately one-half hour) at the Chelmsford Forum. The grant of \$84,152 would cover the installation and maintenance of the electric vehicle charging stations.

Chelmsford Center for the Arts RFP

Town Manager Cohen stated that, in view of the fact that Susan Gates, the Executive Director of the Center, is retiring in May, he is considering options in the private market to hiring her replacement “to achieve what she could not achieve in a decade.” The biggest constraint is the two-hundred seat capacity of the facility. Ms. Gates stated that even if every event was sold out, she would not break even in cost.

The Town Manager proposed that the facility be made a public facility that would operate as a performing arts center, a conference center, or a venue for catering services like weddings on the Common. After research into similar facilities in Lexington and Lowell, he reviewed the RFP he drafted for qualified professionals to book performances and manage the Chelmsford Center for the Arts venue. This proposal would be mailed in the next few weeks with an eye toward approval by April.

Discussion ensued on the proposal based on the business model of the Country Club. The facility would be managed by the operator, and the operator would pay the utilities. It was also suggested that the high school hospitality and performing arts programs could expand their programs under the oversight of the

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facility operator. Manger Cohen will reach out to Dr. Pigeon of Nashoba Tech to gauge interest, as well as review the documents with Town Counsel.

January Sewer Flows

Town Manager Cohen reported that sewer flow numbers were down from the prior two years. Congresswoman Lori Trahan has committed to Lowell that funding was available for water treatment plants with combined sewer overflow. Town Manager Cohen has spoken to her about his additional concerns with regard to capacity.

USE OF STATE BUDGET EARMARK OF \$200,000 FOR PARK IMPROVEMENTS

Town Manager Cohen reported that \$200K was now available for park improvements. This money has been targeted to improve the surface of Varney Field, the home field of the high school baseball team and amenity for the neighborhood. The pickle ball and tennis courts and outdoor basketball court, retaining wall and parking area have been completed. Resurfacing of the playing field is the last major piece of reconstruction. He will work with Board Member Dixon and the High School Athletic Director to make the necessary improvements. Discussion ensued.

Motion: Vice Chair Lefebvre made a motion to authorize the Town Manager to appropriate \$200K for improvements to the Varney Field and playground field surface. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

MEETING MINUTES

Approval of the Regular Session Minutes of January 24, 2022

Motion: by Vice Chair Lefebvre to approve the above regular session minutes. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

Approval of the Regular Session Minutes of January 31, 2022

Motion: by Vice Chair Lefebvre to approve the above regular session minutes. Seconded by Board Member Carota. **Motion carries 4-0, with Board Member Dixon abstaining.**

Announcement of Determination of Continued Non-Disclosure of Previously Approved and Withheld Executive Session Minutes

October 1, 2018; April 8, 2019; July 8, 2019 Segments 1 & 3; September 23, 2019 Segment 1; October 7, 2019; January 27, 2020 Segment; March 5, 2020 Segment 1; June 1, 2020 Segment 3; August 31, 2020' September 28, 2020; November 2, 2020; May 3, 2021; May 10, 2021 Segment 2; May 17, 2021; May 25, 2021; June 1, 2021; June 14, 2021; June 28, 2021; June 29, 2021; July 22, 2021; July 26, 2021; August 9, 2021 Segments 1-7; August 23, 2021; September 7, 2021 Segments 1-2; September 13, 2021; October 4, 2021 Segments 1-3; October 25, 2021 Segments 1 & 3; November 15, 2021 Segment 2; November 29, 2021; and December 13, 2021 (Joint w/ School Committee).

LIAISON REPORTS AND REFERRALS

Board Members Carota and Dixon: no report.

Vice Chair Lefebvre: no report

Board Member Wojtas:

Police department promotions are as follows: Sergeant Nick Zaminsky; Lieutenant Jeff Bernier and Deputy Chief Colin Spence. Congratulations to all.

- The Library One Book for 2022 is entitled "On Earth We're Briefly Gorgeous" by Vietnamese writer Ocean Vuong. Copies are available at the circulation desk at the Main Library. The author will be making a presentation at the Library in April.

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- In celebration of Black History month, works of local artists are on exhibit in the meeting room and lobby of the Library.

Chair Timmins:

- The FY23 school budget is posted on the school website. There will be a public hearing on March 1st.
- On Monday, the School Committee will meet to discuss the state's relaxing of the mask mandate in public schools as of February 28th.
- The Finance Committee is holding detailed departmental budget reviews and will be posted on its agenda for Thursday night meetings in February and March.
- The Planning Board will have a public hearing on February 23 at 7:00PM at the McCarthy School to discuss the Riverneck Road project. Those intending to participate may log into the Zoom meeting, but those attending and not participating as asked to watch the meeting broadcast or livestream.
- The public is advised that the Planning Board supports the Select Board evaluating the purchase of additional parking in the town center.
- Vinal Square Strategic Action Committee is seeking residents and business owners to take part in the Conceptual Plan Implementation Committee.
- The age-friendly community welcomes the new Deputy Chief Colin Spence and looks forward to working with him.

Chair Timmins followed up on the Board's discussion at its goal setting meeting to support the LGBTQIA community and consider hosting a listening session. Board Member Wojtas will follow up with the Diversity Equity and Inclusion Committee to discuss steps going forward at a future meeting of the Board.

PRESS QUESTIONS

No press were present.

VOTE TO ADJOURN TO EXECUTIVE SESSION AND NOT TO RETURN TO OPEN SESSION

Motion: by Vice Chair Lefebvre at 8:13PM, to enter Executive Session and not to return to Open Session to a) consider the purchase of the real property at 1 Billerica Road/44 Central Square; and b) to review previously approved and withheld Executive Session minutes for potential release.

Roll Call vote:

Chair Timmins-Aye

Vice Chair Lefebvre-Aye

Board Member Carota-Aye

Board Member Dixon-Aye

Board Member Wojtas-Aye

Motion carries 5-0, unanimous.

NEXT REGULAR MEETING DATE: February 28, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

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- NVTTHS vacancies
- Committee vacancies
- Chelmsford Master Plan presentation
- Master plan letter to residents
- FAQs Supplemental Transportation program
- Waiver and indemnity
- Revised budget of STP
- Memo FY23 Audit RFP
- Auditing Services RFP
- CLA proposal for audit services
- Truck exclusion route criteria and map
- FHWA vehicle classification
- Spring ATM list of warrant articles
- Spring ATM town meeting draft warrant
- CPT Award letter
- Electric vehicle fast charging station grant award
- CCA request for proposals
- Sewer flow through January 2022
- Minutes of January 24, 2022
- Minutes of January 31, 2022
- Held Executive Session minutes log