

Approved 3/28/2022

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

Regular Meeting MINUTES
March 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
Paul Haverly, Town Counsel

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.

JOINT MEETING WITH SCHOOL COMMITTEE AND TOWN MODERATOR

Additional Attending Joint Meeting:

Jon Kurland, Town Moderator
Dennis King, School Committee Chair
Maria Santos, School Committee
Jeff Doherty, School Committee

Absent:

John Moses, School Committee
Donna Newcomb, School Committee

Jon Kurland, Town Moderator, appeared before the Board and School Committee. He stated there are two elections: one to appoint a representative to the Nashoba Valley Technical District School Committee for a three-year term and one to appoint an alternate, also for a three-year term. The two candidates for the first appointment were absent, so Mr. Kurland asked for nominations to the alternate position.

Chair Timmins made a motion to appoint Claire Jeannotte as the alternate representative. Seconded by Board Member Dixon.

Clare Jeannotte appeared before the Board and School Committee. She stated that she was first appointed to fill an unexpired term two years ago, and the appointment has been a "good fit" for her. She has participated in several subcommittees, i.e. curriculum, finance and budget, as well as the policy subcommittee. She is interested in continuing her role, and asked that the Board and Committee also consider Don Ayer for reappointment as a representative.

Mr. Kurland initiated a roll call vote to appoint Ms. Jeannotte as an alternate member. Ms. Wojtas-Y, Mr. Lefebvre-Y, Mr. Dixon-Y, Chair Timmins-Y, Chair King-Y, Mr. Doherty-Y and Ms. Santos-Y. **Motion carries 8-0, unanimous.**

Mr. Kurland stated there are two applicants for the representative position: Brian Stripp and Don Ayer.

Board Member Dixon made a motion to appoint Don Ayer as representative. Seconded by Board Member Wojtas.

Vice Chair Lefebvre made a motion to appoint Brian Stripp as representative. Seconded by Chair Timmins.

Mr. Kurland initiated a roll call vote to appoint a representative. Ms. Wojtas-Mr. Ayer, Mr. Lefebvre-Mr. Ayer, Mr. Dixon-Mr. Ayer, Chair Timmins-Mr. Ayer, Chair King-Mr. Ayer, Mr. Doherty-Mr. Ayer and Ms. Santos-Mr. Ayer. **Mr. Ayer is appointed by unanimous vote**
Board Member Dixon made a motion to adjourn the joint meeting at 6:08pm. Seconded by Board Member Wojtas. **Motion carries 8-0, unanimous.**

PUBLIC SERVICE ANNOUNCEMENTS

Land Acknowledgement Proclamation

Latosha Dixon, Chair of the Diversity, Equity and Inclusion Committee, appeared before the Board. Vice Chair Lefebvre read the Land Acknowledgement Proclamation signed by the Select Board and Town Clerk. Ms. Dixon gratefully accepted the Proclamation to be shared with the Town's boards and committees.

Town Election April 5, 2022 – Polls open 7:00AM-8:00PM

Vice Chair Lefebvre stated that the deadline to register to vote in the local election is Wednesday, March 16, 2022, at 8:00PM. Due to the increase in population as reflected in the decennial Census, Chelmsford added two additional precincts and one additional polling location. The precincts and polling locations and list of candidates are available on the town website at www.chelmsfordma.gov Town Clerk's section.

Chelmsford Minuteman Company

The public is invited to join the 11th annual Patriot's Day March from Chelmsford to Concord on Monday, April 18th to start at 4:00AM at the Chelmsford Common and end at the Minuteman National Park, Old North Bridge, Concord at 9:00AM. For more information contact Captain John Greenwood at 6thmiddlesex@gmail.com.

PUBLIC INPUT

There was no public input.

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.

LICENSES

Common Victualler License transfers: GL Donuts, LLC DBA Dunkin Donuts

18 Boston Road, Suite 300B – currently issued to Crosspoint Donuts, Inc.

105 Chelmsford Street – currently issued to Adie-Conway, Inc.

80 Drum Hill Road – currently issued to Drum Hill Donut Corp.

Common Victualler License termination; 81 Tyngsboro Road

Emily Fitzgerald of GL Donuts, LLC appeared before the Board. She stated that the company had taken ownership of the above-noted donut shops and she is seeking transfer of licenses for three of them and termination for one of them, as it is not required.

Motion: by Vice Chair Lefebvre to transfer the common victualler licenses at 18 Boston Road, 105 Chelmsford Street and 80 Drum Hill Road to GL Donuts LLC DBA Dunkin Donuts and terminate the 81 Tyngsboro Road victualler license. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

LGBTQ+ LISTENING SESSION PATH FORWARD

Chair Timmins reported that Latosha Dixon of the Diversity, Equity and Inclusion Committee included this topic on the DEIC's last agenda. The DEIC suggested that the Select Board host a listening session for the LGBTQ+ community between April 11 and May 16 in advance of Pride Month. Following discussion, Monday, May 9th was chosen at a possible location of the McCarthy auditorium for an in-person and virtual presentation. Town Manager Cohen will pursue the availability of the location and the Board will confer with Ms. Dixon to work out the details.

AMBULANCE CONTRACT RENEWAL

Town Manager Cohen reported that the ambulance contract with Trinity Emergency Medical Services expires on June 30, 2022.

John Chemaly and Brian Shanley, Senior Vice President Corporate Strategy and Executive Vice President of Trinity/Pridestar EMS, appeared before the Board. Mr. John Chemaly reported that on December 20, 2021, Trinity EMS was acquired by PRIDESTar EMS, and the entire management team of Trinity will be maintained at PRIDESTar. He stated that he is looking forward to maintaining the continuity of services provided to the Town over the last twenty-five years. The combined resources of both companies result not only in robust added staff but a fleet of over one hundred vehicles servicing the 495 corridor.

Town Manager Cohen noted that because ambulance services are partially federally funded, the Town is prohibited from going out to bid for service. However, the Town receives a 10% apportioned share of the dispatched calls cost, at an approximate annual amount of \$80K.

Motion: by Vice Chair Lefebvre to approve the ambulance contract with PRIDESTar EMS for a three-year term with two one-year options. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

SIGN ORDER OF TAKING FOR LEDGE ROAD EASEMENT

Town Manger Cohen stated that at the Special Town Meeting a vote was taken to authorize the Select Board to sign the formal order of taking of Esther Drive off of Ledge Road. The document was prepared by Town Counsel and the resident's attorney in preparation for signed authorization of the Select Board.

Motion: by Vice Chair Lefebvre to approve the order of taking to improve and expand Esther Drive. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

TOWN MANAGER REPORTS

State's FY23 Chapter 90 Local Transportation Funding Letter

Town Manager Cohen reported that he had received notification that, pending final passage of the bond authorization, the Town's apportionment of the \$200M statewide Chapter 90 funds is \$1.158M for FY2023. The additional \$100M submitted for approval in the supplemental budget did not pass. Representative Golden supports the MMA continuing to lobby for additional Chapter 90 funds in the annual authorization or special budget.

February Sewer Flows

Town Manager Cohen updated the Committee on the sewer flow numbers for February, which were below the numbers from the previous February. He added that a meeting will be held next week to

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discuss the exploratory infiltration project. The PFAS measurements taken on Richardson Road will be available in the new few weeks.

APPOINTMENTS

Town Manager Cohen reported that there are three candidates for the Clean Energy and Sustainability Committee: Jordan Vachon, Eric Tatara, and Mark FitzHanso.

Eric Tatara, 8 Tanglewood Drive, appeared via Zoom before the Board. He stated that he is passionate about mitigating the effects of climate change on the planet. His approach is not to reduce or eliminate fossil fuels but to promote the techniques of regenerative agriculture.

Discussion ensued. Board Member Wojtas stated that she is in favor of appointing a member to the committee with a similar background to the member who resigned. She recommended Jordan Vachon. All members were in agreement.

Chair Timmins thanked all candidates for their interest. Both she and Vice Chair Lefebvre stated that the Town's agricultural commission and Sunny Meadow Farms in particular would benefit from Mr. Tatara's educational knowledge. Chair Timmins offered to put him in touch with a point person on the commission.

Motion: by Vice Chair Lefebvre to approve the appointment of Jordan Vachon to the Clean Energy and Sustainability Committee. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

SELECT BOARD GOAL – TOWN COMMON IMPROVEMENTS DISCUSSION

Chair Timmins stated that the Board had decided at the time of its initial goal setting meeting to address the goal of town common improvements in the fourth quarter. Discussion ensued. It was decided that collaboration within the context of the larger center beautification projects would yield the most cohesive design and utilization impact and aesthetic benefit to the project. It was the consensus of the Board to have its first listening session on June 13th at the CCA. Members of the public will be invited to attend, as well as community stakeholders, i.e. Center Village Committee, Historical District Commission, the Master Plan Committee, Economic Development Commission and various other committees and interested parties.

SELECT BOARD GOAL – MEETING MINUTES PROCESS

Board Member Carota stated that he was charged with drafting a policy that the Select Board would follow with regard to the approval of regular meeting minutes and executive session minutes with the least amount of red tape. Accordingly, he reviewed the two documents he had created with regard to the overall policy for posting meeting notices, agendas and minutes for both the Select Board and other public bodies. The Select Board will maintain a policy which it will update, modify, adjust and improve as needed or as Open Meeting Law changes. The policy will reside in the Select Board policies and procedures manual. The second document states the overall policy with regard to posting meeting notices, agenda and minutes for other Town boards and committees, both elected and appointed.

Discussion ensued. Appointed boards that meet infrequently often do not post minutes of meetings in a timely manner, but elected boards sometimes fall behind in posting minutes as well. A process needs to be developed to provide oversight and reminders when minutes are not generated in a timely manner.

It was suggested distribution and compliance tracking of minutes policies with regard to both appointed and elected boards and committees reside with the Town Clerk. At the time a board member is sworn in, the four-page concise policy statement would be made available. Also, for sitting members, the policy can

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be distributed to guide members as to their responsibilities under Open Meeting Law to post meetings and produce minutes for approval within the required time period.

Town Counsel Paul Haverty noted the importance of compliance with the Open Meeting Law. Continued violations would result in fines to the board. Guidance and oversight to boards and committees is in the best interests of the Town and a benefit to the boards and committees. Sworn members to boards and committees need to know the full legal responsibilities and obligations of their participation, including the proper recording of minutes. If a board member is in deliberate non-compliance, members may not be reappointed. The Select Board will be kept in the loop on the progress of minutes for each board and committee and may intervene to offer assistance. In this way the Board is fulfilling its Open Meeting Law responsibility as the Board overseer.

Town Manager Cohen will discuss the matter with the Town Clerk and define what collaborative role of the Town Clerk's Office and the Town Manager's Office will be in distributing and maintaining the policy and oversight of the boards and committees as to compliance. He will report back to the Board and Board Member Carota will finalize the policies for distribution and will work with Attorney Haverty on language for incorporating these policies as a formal section(s) in the Select Board Policy document.

ROAD IMPROVEMENS AND ACCEPTANCE OF CHARLES WAY

Town Manager Cohen reported that this has been an unresolved issue for the past fifteen years. The bank that held the bond for the roadway construction failed, so there was no surety for the Town to complete the roadway after the lots were sold. An adjoining property owner had an interest in developing a rear portion of his property and sought to have Charles Way approved granting frontage. The neighbors were adamantly against it, and the road condition of the roadway continued to deteriorate with drainage issues. The adjoining property owner has reinstated his interest.

The Town did not have ownership of the roadway, and the Town cannot spend public monies to take by eminent domain and then complete improvements, and later return to the Tom Meeting for acceptance of the roadway. The cost of the work is estimated to be \$150K.

Town Counsel Haverty noted that Massachusetts statute states that the property owner has ownership of the road to the center line of the roadway unless the original developer retained rights. The deed specifically reserves the right to the original developer. The bank that held the surety on the bond failed and the work was not completed. The original development corporation has been dissolved. Research is being done to identify who retains any rights in order to formally give notification of the taking by eminent domain. Failure to do so could invalidate the taking.

Discussion ensued. The participants discussed the interdependencies between an eminent domain taking and the maturation of an MOU between the town and the property owners. Town Manager Cohen reported that a third party engineering company has been hired to assess the condition and cost of improving the roadway. He will ascertain if the applicant is willing to share in the cost of restoring the roadway and report back to the Board.

MEETING MINUTES

February 22, 2022 Work Session

Motion: by Vice Chair Lefebvre to approve the February 22, 2022 work session minutes.
Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

February 28, 2022 Regular Meeting

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Motion: by Vice Chair Lefebvre to approve the February 28, 2022 regular meeting minutes. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Members Lefebvre and Dixon – no report

Board Member Wojtas

- Ribbon cutting at Push Muscular Restoration in Vinal Square.
- Ribbon cutting at Crystal Cave in the Center.

Board Member Carota

- Recycling Committee Committee was attended by him and he commended their work and organization.

Chair Timmins

- Board of Health on March 7 voted unanimously to rescind mask requirements and adopt Mass. Department of Health guidance that went into effect on March 1st. Information posted on website.

PRESS QUESTIONS

No press was present.

EXECUTIVE SESSION

Motion: by Vice Chair Lefebvre to adjourn to Executive Session at 7:52PM, not to return to regular session to discuss strategy with respect to Ledge Road; strategy with respect to litigation; PFAS impact on North Chelmsford Water District Wells; consider the purchase of real property at 1 Billerica Road/44 Central Square; and review Executive Session minutes of February 14, 2022, segments 1-3. 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.

NEXT REGULAR MEETING DATE: March 14, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- NVTHS vacancies
- Proclamation Land Acknowledgement
- PSA April 5th Local Elections
- PSA March to Concord 2022
- Committee vacancies
- Common Victualler license transfer documents
- Ambulance contract renewal letter
- Trinity renewal letter

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- Trinity cost analysis for dispatch
- Order of taking Ledge Road
- Chapter 90 allocation
- Sewer flow through February 2022
- CESC applications
- FY22 goal – Town Common
- Draft policy Select Board minutes 030922 formatted
- Draft policy for meeting and minutes of public bodies 030922
- Draft Memorandum of Agreement for Charles Way
- Charles Way proposed plans
- Emails regarding Charles Way Town Warrant article
- 02-22-2022 SB minutes – work session
- 02-28-2022 SB minutes – regular session