

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

Regular Meeting MINUTES
September 9, 2019

Attending:

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

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 7:02 PM.

PUBLIC SERVICE ANNOUNCEMENTS

Chelmsford Friends of the Library: Book Sale, Sept. 20 -22

Maureen Foley, Co-President of the Friends of the Library, announced the Annual Book Sale will be held this month. Hours of the sale were listed. On Sunday, they will offer \$5.00 boxes. Proceeds from sale benefit programs at the library.

On September 14, 2019, there will be an International Dot Day celebration, in conjunction with a children's book.

Chelmsford Lions Club: Fall Fest, Sept. 28, 10:00 AM – 3:00 PM

Charlene Swenson invited everyone to the event which includes food, fun, and entertainment. A list of activities and performers was provided. The event will happen Rain or Shine.

Chelmsford Historical Society: Farm Fair, Sept. 21, Noon – 4:00 PM (Rain Date Sept. 22)

Tom Christiano, 6 Drew Circle, announced that everyone is invited to the 18th Annual Farm Fair at the Barrett-Byam Homestead. Admission is free, activities and vendors listed.

Chelmsford Military Community Covenant Tack Force: 9/11 Remembrance Ceremony, Sept. 14, 9:00 AM

Selectman Wojtas announced this annual ceremony will be held at the Fire Station Headquarters. Scheduled events were listed, everyone is welcome.

Board of Health: Presentation - Understanding Anxiety & Helping Your Child Cope with Worries, Sept. 17, 7:00 PM

All parents are welcome to this event; topics for discussion were summarized.

Board of Health: 6th Annual Candlelight Overdose Vigil, Sept. 29, 6:30 PM

Everyone is welcome to this event held on the Town Common; event activities were summarized, and contact information was provided.

OPEN SESSION

Linda Cacchieri, 82 Swain Rd., wished to emphasize the seriousness of heavy truck traffic on Ledge Rd., Swain Rd., and Main St. The residents are looking for solutions, as the situation has negative impacts on noise, pollution, and child safety.

Nicole Stromberg, Swain Rd., explained that their security camera caught 130 trucks at between 7-7:30AM. She leaves home at 5:30am, and they are already rolling.

Karen Spengler, 27 Ledge Rd. stated her family was concerned about traffic when moving in to their home. Over the last year, truck traffic has tripled. Kids can't wait at the bus stop safely, and the trucks impede bus travel. Alternate locations for bus stop are not feasible.

Linda Cacchieri, 82 Swain Rd., asked if the Board would allow questions after the presentation on truck traffic. Chairman Lefebvre will allow questions.

Mark Workman, 10 Dunshire Drive, noted there are pedestrian safety concerns for kids waiting for school busses, and from gravel spray from overloaded trucks.

Ron Scranberg, 63 Swain Rd., advised the noise on this street is disturbing. There are no sidewalks here, and the trucks travel fast. It is dangerous to walk down the road.

Patty Bryan, 4 Dunshire Dr., wished to reinforce the issues with the busses. Kids cannot wait on the corner, and gravel spray could injure one of them. The trucks did not travel here when the police were present. They found another route, so it can be done.

Brian Latina, 15 Jessie Rd. stated he was in Chicago last week, in the same area he was 10 years ago, and the development there has been unbelievable. There are many more traffic lights, and many of the buildings are the same as we are seeing here. Traffic is also worse. Mr. Latina suggested the Traffic Committee should have a mission statement and goals. Mr. Latina cited an incident on Turnpike Rd. involving trucks and school buses. Kids are darting across the street, and it is scary. ADA ramps also need to be reviewed for compliance with OSHA standards. People are still running red lights. Mr. Latina provided a letter to the Board noting his objections to the eight zoning articles being heard at Fall Town Meeting. To adjust the zoning to match the variances that were made doesn't make sense. Littleton and Carlisle still look like Chelmsford did 20 years ago. Mr. Latina stated he is opposed to a five story elderly housing building being proposed on Rt. 40. IA districts should not have residential buildings because of

potential ground contamination concerns. These are all developer articles and do not help the residents. Traffic problems will compound. The Historic Preservation article was turned down once already, leave the homes alone. They should not be multifamily, and this will not maintain the character of Chelmsford.

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.

PUBLIC HEARINGS

Class II Auto Dealer: Ferreira Towing, Inc., 293 Littleton Rd.

Sharon McNulty and Christian Nason were present. The application is for up to 6 vehicles for sale. Their equipment and employee vehicles would put about 40 vehicles on the lot. There was a previous dealer license on this property about 15 years ago. They will sell to people and other dealers. They have historically sold abandoned vehicles from their towing operation. They would sell cars for people who want them to sell their car, such as a consignment agreement. The lot was paved earlier this year. Selectman Dixon recommended having a designated area for the cars for sale.

Casey Tyler came up to clarify the photos that were included as part of the application. The applicant has several facilities, two in Chelmsford, one in Billerica, and a pending purchase of a lot in NH. A neighbor has four businesses on his lot and has far less space. They actually anticipate having 1-2 cars at any time, 6 would be an anomaly.

Public comments:

Dr. Brian Holeb, owns Countryside Veterinary Hospital on other side of these properties. In 2009, the employee parking violated zoning bylaws. He hired an attorney to address this violation. Currently, there are cars parked on this lot that impede sight lines. There needs to be a new curb cut, but there is no room. He described the issues he experienced when he updated his property. His wife died in 2010, and he changed focus from objecting to this situation. Existing setbacks are not right, and the proposed design cannot be done as it is illegal. He is requesting their lot be made conforming. No permits were pulled previously.

Ms. McNulty stated this is the first she's heard of these issues. She described operations as she was told, and the side driveway is not paved. Selectman Antul suggested the application needs a site plan review.

Dr. Holeb believed there is no statute of limitations on zoning bylaw violations.

The Building Inspector will be asked to do a site plan review. Dr. Holeb requested that he be included in the process.

Brian Latina, 15 Jessie Rd., explained that he was renting a car from Enterprise and called the police about vehicles parked on the roadway. Road lines need to be repainted. Cars are parked in dangerous locations. Mr. Cohen advised that this is a state road, and the state can be contacted.

Motion: by Selectman Wojtas to continue the Hearing for Ferreira Towing, Inc., 293 Littleton Rd. to September 23, 2019. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

REPORTS AND PRESENTATIONS

Assistant Town Manager, Michael McCall:

Heavy Commercial Vehicle Exclusions for Carleton Avenue and Sprague Avenue

Ledge Road Update

Mr. McCall explained the estimated engineering costs would be over \$100,000.00-\$135,000.00 to widen the end of Ledge Rd. Construction costs would be an estimated \$150,000.00-\$175,000.00. Land takings and other costs would raise this figure.

One issue that has been brought up is finding a viable alternative route in order to create a truck exclusion on Ledge Rd. There is no way to turn around on Dunstable Rd., and a community cannot direct traffic into another community. The towns of Tyngsboro and Westford are not responsive to any requests for discussion on this topic.

Regarding noise complaints from the trucks coming in from Westford, jake braking laws are not enforceable as this practice is allowed under Federal law. Police stopped numerous vehicles, and did not find overloaded trucks, therefore they could not identify this as a problem. State police assisted in one exercise, and subsequently eighteen operators were cited for various things. Speed was not an issue.

The quarries have maintained that their property rights predate the residents, as they've been there longer than the residents.

The Traffic Committee is still looking for alternate truck routes, which will take a lot of cooperation from many parties, and will take time, and will need Town Counsel input.

Mr. McCall noted that there are 32000 vehicle excise tax bills issued annually; there is a lot of traffic overall.

The quarries have seasonal truck traffic, the previous owner was winding down his business, the new owners are maximizing their business, which contributes to the impacts that residents are experiencing. Noise ordinances target construction vehicles, and a town cannot regulate a business from another town. Bylaw revision may not be an option, as the town can't target a particular area. Traffic calming measures to slow down vehicles could be considered.

Police Chief Spinney explained his department understands the frustration. They agree there is a volume problem. Officers were deployed over 50 days, and 360 stops were made. The trucks see the marked car, and the word gets out among the truckers. When using unmarked cars, no significant speed issues were noted. The trucks are large, loud and dusty. There are a lot of them. Minor violations were found, but drivers are very careful about violations or they lose their license. The Police Department will continue to monitor the situation.

The companies have advised they would try to lessen trips during school bussing times. The Town is looking at alternate places for school children to wait for the bus. They will continue to work with state police. The School Superintendent can be asked to look into using crossing guards.

Public Comments:

Derek Perry, 45 Ledge Rd., feels he knows the trucks can find an alternate route. The existing “No Right Turn” signs keep the trucks out of the Town of Westford. If the gates aren’t open yet, the trucks wait, running, outside his house. It’s frustrating. There is an alternate exit from Newport Materials which can’t be used because of the “No Right Turn” situation. Mr. McCall reminded the audience that the terms of the permit dictate how the aggregate can be transported. Traffic is supposed to be monitored by the Town of Westford once the plant goes into operation. Mr. Cohen noted traffic on a public way is directed by the state.

Mrs. Breshnowski felt land crossing is a separate matter. Several of the companies inherited rights to access these roads, and they do not plan on relinquishing them. Property owners may need to contract their own attorneys.

Karen Spengler, 27 Ledge Rd., thanked everyone for working with the residents. She listed issues with winter conditions, bus congestion, and walking hazards. Parents parking while waiting for busses to arrive is also causing congestion; maybe sidewalks are an option. Selectman Antul agreed the walking issue is very big , especially in areas with a lot of housing, and that more sidewalks are needed.

Mr. McCall suggested perhaps widening Ledge Rd. at Dunstable Rd, and moving the pole and boulder to make the left turns easier might be the easiest option where there are no viable alternate routes, and other towns are not cooperative in offering an alternate route. He agreed to begin getting quotes for this work. It won’t help with volume, but it could help with accessibility.

Derek Perry, 45 Ledge Rd., advised that the sewer project reconfigured the end of Ledge Rd., and that is why it is how it is. He supported convincing the truckers that they don’t want to use Ledge Rd.

Linda Cacchieri, 82 Swain Rd., asked whether a truck exclusion could be put on Swain Rd. Mr. McCall stated he showed an idea to Mass DOT, and they advised that it wasn’t feasible because then you would be directing traffic to Tyngsboro and Westford. Mrs. Cacchieri felt the traffic could be directed to Drum Hill Rd. to get on Route 3.

Patty Bryan, 4 Dunshire Dr., stated that she likes the speed bump idea. Mr. Cohen advised that installing speed bumps would increase noise. Ms. Bryan asked if air quality would be monitored, and was advised that the federal government does this.

Traffic calming and sidewalks will be discussed with DPW, and will also be discussed at the next Board meeting.

Carlton and Sprague Ave.

Mr. McCall reported that residents on Brick Kiln Rd. were concerned about UPS truck traffic. Carlton and Sprague Avenues were being used as cut-through and turn around areas. Traffic counts and monitoring was done, but levels were not severe enough. The problem was created when the Town of Billerica changed a speed limit and installed traffic calming devices on one of their roads which caused the traffic to divert to Carlton and Sprague. The State was notified, and subsequently would support truck exclusions on these streets. Legal notice for a public hearing on September 23, 2019 will be held and has been published. The Board would need to ratify the exclusion to make it enforceable.

Follow-Up Regarding Veterans Honor Roll and Central Square Flags

This issue was previously brought up by Mary Donovan. Mr. McCall and Fred Merriam researched what happened to the structures. Town Meeting records indicate that in 1954, the Town voted to remove the honor roll, and create a new monument. No one can find the original honor roll structure. No one knows where it went. Walter Hedlund used to store the flags in Town Offices, however, the flags are gone, and have been gone for over 20 years. No one will know where they went, but knowing Mr. Hedlund's reputation, they were taken care of properly.

Town Accountant Darlene Lussier: Fiscal Year 2019 Budget Report and Free Cash Certification

Mrs. Lussier announced that the year ended favorably. There were about \$1.3 million in turn backs, of which the largest was the Fire Department. Salary line items are still pending. Revenue collected was about \$134 million. All overages become a part of Free Cash. Accounts were summarized. Investment income did much better than expected. Recurring revenue payments in lieu of taxes did very well. Solar SRECs did very well this year, better than last year. A FEMA reimbursement came in from a storm 2 years ago.

Free cash was certified at \$1.76 million, or about 1.3% of the overall budget. Amounts being experienced by other communities confirm that the Town is budgeting properly. Undesignated fund balances went up by 1.5 million, which is very good news to the bond rating agencies, and contributes to the Town's stability.

Other free cash certifications of the enterprise funds were summarized. Many of them had no major projects. Storm water will see larger expenditures next year as their work gets underway.

Stabilization and trust funds are about 11 million, or about 8.1% of the overall budget, which is considered a good level. Earnings and investment income for this account were very strong.

In-house auditors are starting their work, and have noted no concerns to date. There will be a final presentation in November. Mrs. Lussier stated she likes working with the firm of Powers and Sullivan, as they are easy to work with, and helpful.

TOWN MANAGER REPORTS

Overview of Fall Annual Town Meeting Warrant Articles

The process of preparing for Fall Town Meeting was summarized. The warrant will have 32 Articles.

Consent agenda articles will be heard after Reports of Town Officers and Committees. Detailed presentations before the Board will start happening at the next Board meetings. This list of articles and initial estimated funding amounts was read into the record. The reasoning behind many of the funding articles was described and explained.

Vandalism at Former UMass Lowell West Campus

Police Chief Spinney explained there have been incidents in the past. For this incident, a building was broken into, and the potential for a catastrophic incident is there. The parcel was not being patrolled, and “partying” is happening. The property owner was notified, and a private security firm has been hired to patrol the parcel. The Police Department now has keys to access the buildings, and National Grid is addressing low wires.

Other Reports:

Chairman Lefebvre asked to review legal bills at the next meetings. The Town Accountant will be asked to prepare the report.

A complaint was received that people parking off John St. near the soccer fields are blocking residents’ driveways. The residents will be advised to contact the police.

TOWN MANAGER APPOINTMENTS

Capital Planning Committee: Christopher Lavalley, 1-year term ending 6/30/2020

Capital Planning Committee: Michael Curran, 1-year term ending 6/30/2020

CCA Advisory Committee: Barbara Reilly, 1-year term ending 6/30/2020

Conservation Commission: Karl Bischoff, unexpired 3-year term ending 6/30/2021

Cultural Council: Barbara Reilly, 3-year term ending 6/30/2022

Parade Committee: Ryan Reveley, 1-year term ending 6/30/2020

Parade Committee: Richard Romano, 1-year term ending 6/30/2019

Motion: by Selectman Wojtas to approve the Town Manager’s appointments as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

SIGN ANNUAL FALL TOWN MEETING WARRANT

Motion: by Selectman Wojtas to approve and sign and post the Fall Annual Town Meeting Warrant to begin on October 21, 2019, at the Chelmsford Senior Center. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

BOARD OF SELECTMEN POLICIES

Non-Government Flags

After discussed with Town Counsel, two options were presented. Selectman Dixon supports Option 2, which is not to allow any non-government flags to be flown from Town Buildings. Selectman Wojtas agreed this option lessens liability and claims of arbitrary decisions.

Selectman Antul supported Option One, because it allows more legal flexibility.

Selectman Timmons explained there are 5-25 things that are “awareness” topics, and countless sub-topics publicized every month. Municipal government should not be making these types of calls, as no social or political agendas should be promoted by a government since that’s not the government’s role. Grass roots groups have created many causes, and this is not the Board’s place to promote any of them. Government needs to be non-partisan.

Motion: by Selectman Wojtas to support Option Two as the Board Policy for the display of non-government flags on municipal buildings. Seconded by Selectman Dixon. Selectman Antul opposed, all others in favor. **Motion carries, 4-1.**

GENERAL DISCUSSION OF TOWN LEGAL SERVICES

The contract for Legal Services expires this year.

The Board requested that the Town manager obtain written proposals for land use and labor, and municipal law from several firms for further discussion at next meeting. The current bills will be reviewed.

CIVIC COMMITTEE

Currently, there is no Board member appointed to this committee, and one member remains, with one new application pending. The last activity was done about 5-8 years ago. In general, there is less public engagement in municipal activities. The Town Clerk’s office is trying to work on voter participation. The Board does proclamations and some other types of recognition..

Motion: by Selectman Wojtas to dissolve the Civic committee, and return any available funds back to the Board of Selectmen. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

MEETING MINUTES

BOS Regular Session Minutes 8-22-19

BOS Executive Session Minutes 8-22-19

Motion: by Selectman Wojtas to approve the Regular Session Meeting Minutes of August 22, 2019, as presented. Seconded by Selectman Antul. Chairman Lefebvre abstained, all others in favor. **Motion carries, 4-0.**

Motion: by Selectman Wojtas to approve but not release the Executive session Meeting Minutes of August 22, 2019, as presented. Seconded by Selectman Antul. Chairman Lefebvre abstained, all others in favor. **Motion carries, 4-0.**

SELECTMEN LIAISON REPORTS & REFERRALS

Selectman Timmins:

- The School Committee announced that the new school year is off to a smooth start.
- The Planning Board is holding hearings in regard to their warrant articles.
- The Vinal Square Strategic Action Plan Committee will be meeting on September 16, 2019.

Selectman Wojtas:

- Eight veterans from Chelmsford received Korea’s Ambassador for Peace medals at a ceremony in Dracut, in recognition of their service in Korea.
- A tribute for Richard Fraitus was done yesterday at the Chelmsford Center for the Arts. There was amazing turnout, which was good to see.

Chairman Lefebvre:

- Wished his wife a Happy Anniversary.

Selectman Dixon:

No Reports tonight.

Selectman Antul:

- The Storm Water Committee is working to look at all culverts and drains. There is a problem with dog owners dumping their poop bags in the drains. Residents were asked to refrain from doing this, and to dispose of their bags properly. It impacts water in swimming areas. Feces from geese are a separate problem.
- Residents were reminded to shovel out nearby fire hydrants this winter.

Chairman Lefebvre added:

- The Master Plan Update Committee is working through the 2010 Master Plan document; Public Input will be needed and requested.
- September 23 is “Thank a Police Officer Day”.

ADJOURN TO EXECUTIVE SESSION TO RETURN TO OPEN SESSION

Discuss Strategy with Respect to Collective Bargaining with the Police Patrol Officers Union

Motion: by Selectman Wojtas to enter into Executive Session at 10:21PM, to return to Regular Session to discuss Strategy with Respect to Collective Bargaining with the Police Patrol Officers Union. Roll Call Vote:

- Selectman Crocker-Timmons: Aye
- Selectman Wojtas: Aye
- Selectman Dixon: Aye
- Selectman Antul: Aye
- Chairman Lefebvre: Abstained

Motion Carries, 4-0.

Regular session was resumed at 10:50PM.

VOTE ON COLLECTIVE BARGAINING AGREEMENT WITH POLICE PATROL OFFICERS UNION

Selectman Wojtas announced that the Board has met in Executive Session, and is ready to vote on this agreement.

Motion: by Selectman Dixon to accept the Collective Bargaining Agreement with the Police Patrol Officers Union, as presented. Seconded by Selectman Antul. Chairmen Lefebvre abstained, all others in favor. **Motion carries, 4-0.**

Mr. Cohen explained the agreement changes in compensation schedule include a 2% increase in 2019, 2020, and 2021. In 2019, the bottom step is eliminated, and all others will move up one step. The top step stays the same, resulting in a reduction of steps. Educational incentive stipends have been changed based on what type of degree is being pursued. The physical fitness program is now the standard test, with no compensation for taking the test. The test is not mandatory.

This agreement will be voted on at Town Meeting.

PRESS QUESTIONS

No one came forward at this time.

Adjourn

Motion: by Selectman Wojtas to adjourn at 10:55 PM. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

NEXT REGULAR MEETING DATE: September 23, 2019

Respectfully Submitted,

Vivian W. Merrill
Recording Secretary

Supporting Documents:

- Library Book Sale Flyer
- Fall Fest Flyer
- Farm Fair flyer
- 9-11 Remembrance Ceremony Flyer
- Anxiety Event Flyer
- 6TH Annual Overdose Vigil Flyer
- List of Committee Vacancies

- Supporting Documents for Ferreira's Towing
- Supporting documents for Reports and Presentations
- 2019 FALL Annual Town Meeting List of Warrant Articles & Warrant
- Committee Applications
- Draft Board Policy Documents Regarding Non-Governmental Flags
- Civic Committee Charge document
- Draft Minutes