

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

Regular Meeting MINUTES  
October 7, 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 7:00 PM.

### **PUBLIC SERVICE ANNOUNCEMENTS**

#### **Board of Health: Town-Wide Flu Clinics**

Selectman Wojtas read the announcement that the clinics will be held on October 16, 2019, from 3:30PM-7:00PM at the Senior Center, at the Town Offices on November 12, 2019, from 4:00-7:00PM, and at the Chelmsford High School and middle schools for students, on October 22, 2019. Participants must bring their health insurance cards with them.

### **OPEN SESSION**

Jerry Hall, 34 Lovett Lane, wished to discuss the Rt. 40 warrant articles. He feels the Committee's findings offer good long term solutions. He asked the Board to support this article. The future of electric cars will reduce the need for gas stations, and many businesses like banks, pharmacies and grocery stores offer online or mail order services. Restaurants are closing due to no demand. No high density housing or big commercial development may be needed. The grant is a waste of taxpayer money, as no more development is needed.

Eric Meikle, Board of Health, was opposed to Article 23 of the Town Meeting Warrant. He has many concerns with creating high density senior living close to an asphalt plant.

Richard Freitas, Precinct 4, thanked the DPW for work done at Turnpike and Mill Roads. The residents appreciate their efforts.

Kim Bennett, 25 Lovett Lane, stated she agrees with comments made by Jerry Hall.

Donald Van Dyne, member of the Planning Board, but was speaking as a resident. He agreed that senior housing is not needed next to an asphalt plant. He will ask the Planning Board to withdraw Article 23. This does not represent what Chelmsford is.

Pam Armstrong, Chairman of the Rt. 40 Study Committee, asked the Board to vote in favor of Article 23. The residents have been fighting about air quality, and many tried to fight the plant coming in. This was heard in court, and the plant was still approved. No one took this lightly. The EPA decided there was no

risk having a continuing care facility or hotels or restaurants near such a plant, and there are no health risks. This plan will work for the community.

### **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**

#### **Class II Auto Dealer, Change of Location: Eduard Gukasov DBA Broadway, from 103 Tyngsboro Rd. to 123 Princeton St. (Currently PS Car Sales)**

Mr. Gukasov was present, and requested to move his business so he can have a larger area to do business. There is no lease agreement, as it is contingent on approval of this application. He would be leasing from Mr. St. Hilaire, who owns the property and has a similar business at this location.

There is a 45 car limit already on the new lot, Mr. Gukasov would have 12 cars. Chairman Lefebvre noted the lots have been empty.

**Motion:** by Selectman Wojtas to approve the Class II Auto Dealer License Change of Location for Eduard Gukasov DBA Broadway to 123 Princeton St. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **Class II Auto Dealer: BS Motors, Inc., 103 Tyngsboro Rd. (Currently Broadway)**

Atty. Brian Akasian, spoke for the applicants Bruno Sales and Sonia Quinn.

Mr. Sales was a partner in a business on Middlesex St.; he is leaving that business, and joining with Ms. Quinn in a new venture. The request is for 9 cars, they will be leasing space from Phil & Lynn Smith.

Ms. Quinn has a valid Mass. Driver's license. Mr. Sales is working on renewing his driver's license, and expects the issue to be resolved between December, 2019 and March, 2020.

**Motion:** by Selectman Wojtas to approve the Class II Auto Dealer License for BS Motors, to be exercised on the premises at 103 Tyngsboro Rd. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **One Day All Alcoholic Beverages Licenses: Daniel Barooshian for Sts. Vartanantz Armenian Church, 180 Old Westford Road, 11/2/19, 11/22/19, 11/23/19**

The applicant was not required to be present, and there have been no issues with previous licenses.

**Motion:** by Selectman Wojtas to approve three One Day All Alcoholic Beverages Licenses for Sts. Vartanantz Armenian Church, for November 2, 2019, November 22, 2019, and November 23, 2019, to be exercised on the premises at 180 Old Westford Rd., as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

### **SELECTMEN RECOMMENDATIONS ON TOWN MEETING WARRANT ARTICLES**

#### **Article 1, Reports of Town Officers and Committees**

No motion needed.

#### **Article 2, Rescind Remaining Unissued Borrowing for Chelmsford Forum.**

**Motion:** by Selectman Wojtas to recommend Approval of Article 2. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 3, Rescind Unexpended Appropriation for Progress Ave Sewer Pump Station**

**Motion:** by Selectman Wojtas to recommend Approval of Article 3. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 4, Rescind Unexpended Appropriations from the Community Preservation Fund**

**Motion:** by Selectman Wojtas to recommend Approval of Article 4. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 5, Cemetery Improvement**

**Motion:** by Selectman Wojtas to recommend Approval of Article 5. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 6, Commonwealth Transportation Infrastructure Fund**

**Motion:** by Selectman Wojtas to recommend Approval of Article 6. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 7, Collective Bargaining Agreement**

**Motion:** by Selectman Wojtas to recommend Approval of Article 7. Seconded by Selectman Antul. Chairman Lefebvre abstained, all others in favor. **Motion carries, 4-0.**

**Article 8, Amend FY20 Operating Budget**

No action.

**Article 9, Sewer Construction Stabilization Fund**

**Motion:** by Selectman Wojtas to recommend Approval of Article 9. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 10, South Row Elementary School Roof**

**Motion:** by Selectman Wojtas to recommend Approval of Article 10. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 11, Fire Department Breathing Air Compressor Unit**

**Motion:** by Selectman Wojtas to recommend Approval of Article 11. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 12, Rectangular Rapid Flashing Beacons**

**Motion:** by Selectman Wojtas to recommend Approval of Article 12. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 13, DPW Alpha Road Facility Bituminous Concrete Top Coat**

**Motion:** by Selectman Wojtas to recommend Approval of Article 13. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 14, Chelmsford High School Parking Lot**

**Motion:** by Selectman Wojtas to recommend Approval of Article 14. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 15, Transfer Free Cash to Reduce Fiscal Year 2020 Property Tax Levy**

No action

**Article 16, Transfer Free Cash to General Stabilization Fund**

No action.

**Article 17, Community Preservation Fund Roberts Field Ballfields**

**Motion:** by Selectman Wojtas to recommend Approval of Article 17. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 18, Community Preservation Fund Pedestrian Bridge Across Beaver Brook**

**Motion:** by Selectman Wojtas to recommend Approval of Article 18. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 19, Community Preservation Fund Building Facade Program**

It was noted that the State may rule this is invalid, in which case, nothing will happen. The Community Preservation Committee has recommended approval of the Article; Town Counsel has reviewed the Article as well.

**Motion:** by Selectman Wojtas to recommend Approval of Article 19. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 20, Sewer Capital Projects**

**Motion:** by Selectman Wojtas to recommend Approval of Article 20. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Article 21, Town Charter Amendment Board of Selectmen to Select Board**

**Motion:** by Selectman Wojtas to recommend Approval of Article 21. Seconded by Selectman Antul. Selectman Dixon opposed, all others in favor. **Motion carries, 4-1.**

**Article 22, Zoning Bylaw Amendment Route 40/Groton Road**

**Motion:** by Selectman Wojtas to recommend Approval of Article 22. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

### **Article 23, Zoning Bylaw Amendment Continuing Care Community Overlay District**

Selectman Wojtas stated that she wanted to hear more about concerns in this Article and suggested tabling the vote. In addition, a Planning Board member is asking for a withdrawal of this Article.

Selectman Antul disagreed, stating that this is still a good zoning tool. Selectman Timmins summarized past actions regarding this initiative, and she is concerned about the inconsistencies. She agreed there was a lot of thought and input behind this initiative and it was well thought out. She would support a vote tonight.

**Motion:** by Selectman Antul to recommend Approval of Article 23. Seconded by Selectman Timmins.

It was decided to defer a vote tonight.

### **Article 24, Zoning Bylaw Amendment Amend CEIOD to Allow Multi-Family in Industrial Areas**

Selectman Timmins stated she understands the concerns against this Article, especially the concern that it dilutes the commercial use of these areas.

Selectman Antul disagreed, as every other city acknowledges that residential development must occur before commercial development so the people will go to the commercial areas. Streets, sidewalks, and amenities are required to create a livable community.

**Motion:** by Selectman Wojtas to recommend Approval of Article 24. Seconded by Selectman Antul. Selectman Timmins opposed, all others in favor. **Motion carries, 4-1.**

### **Article 25, Zoning Bylaw Amendment: Pre-Existing, Non-Conforming Residential Lots**

**Motion:** by Selectman Wojtas to recommend Approval of Article 25. Seconded by Selectman Timmins. **Motion carries, unanimous, 5-0.**

### **Article 26, Zoning Bylaw Amendment: Minor Updates to Cluster Open Space**

Selectman Timmins felt the Article as written removes too many checks and balances put in place by the Planning Board, and this type of development should still be by Special Permit.

**Motion:** by Selectman Wojtas to recommend Approval of Article 26. Seconded by Selectman Antul. Selectmen Timmins, Lefebvre, and Antul opposed, Selectmen Wojtas and Dixon in favor. **Motion fails, 2-3.**

### **Article 27, Zoning Bylaw Amendment: Historic Preservation and Reuse**

Selectman Dixon wants to know more about the opportunities for 3 family development in these historic houses. Selectman Timmins was concerned about allowing subdivision of already very small lots.

The Board agreed to defer on this vote. No action taken.

**Motion:** by Selectman Antul to recommend Approval of Article 27. Seconded by Selectman Timmins. **Vote deferred, no action taken.**

### **Article 28, Zoning Bylaw Amendment: Eliminate Sign Advisory Committee**

**Motion:** by Selectman Wojtas to recommend Approval of Article 28. Seconded by Selectman Timmins. **Motion carries, unanimous, 5-0**

**Article 29, Zoning Bylaw Amendment: Rear Lots**

No Action.

**Article 30, Real Estate Tax Exemption for Parents/Guardians of Deceased Active Service Members**

**Motion:** by Selectman Wojtas to recommend Approval of Article 30. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0**

**Article 31, Waive Dog License Fee for a Dog Owned by a Person Aged 70 or Older**

**Motion:** by Selectman Wojtas to recommend Approval of Article 31. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0**

**Article 32, General Bylaw Amendment – Retail Use of Single-Use Plastic Checkout Bags**

**Motion:** by Selectman Wojtas to recommend Approval of Article 32. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0**

**REPORTS AND PRESENTATIONS**

**Business Development Director, Lisa Marrone: Route 129 Business Amenity Grant**

This program was started last year. This year, Ms. Marrone requested twice the amount from last year, and was awarded \$100,000.00, which will be used on encouraging business amenities on Rt. 129.

Models for proposals used in Marlboro and Hudson were used to develop this year’s program. The goal is to receive proposals for equipment and fit-up costs for a public access restaurant. Support will be shared with brokers and property owners. Once the amenities are in place, it is hoped there will be more attraction for other businesses to locate in the Rt. 129 area, too.

Rather than having a third party administrator such as was done for the last program, all the vetting will be done in-house.

This program will be offered along with other programs to entice businesses to come to Rt. 129. A lot of spaces have been filled, but there are still a lot more available.

**Assistant Town Manager, Michael McCall: Traffic Safety Committee Updates**

A memo was provided to the Board, providing cost estimates for sidewalk installation in the Ledge Rd. and Dunstable Rd. area. Initial cost estimates for the Ledge Rd. area are about \$200,000.00, and the area by Dunstable Rd. to Dunshire Rd. are about \$300,000.00. Areas of Dunstable Rd. that are in Tyngsboro, and not Chelmsford, cannot be constructed with Chelmsford funds.

Asst. Town Engineer Steve Jahnle explained that much of the layouts are all over the right of ways. Easements in some places are a foot, others are 12 feet. A survey is needed to make the easements consistent. There is not enough room for sidewalks on both sides of the road and to keep a two lane road. Similar issues are faced on Dunstable Rd.

Mr. McCall summarized improvements in other areas of town, such as intersection improvements in Chelmsford Center, North Rd., Littleton Rd., and Westford St.

Police Chief James Spinney provided updated data on motor vehicle stops, citations issued, and accidents.

Further discussion will be continued to the November 4, 2019 meeting.

### **TOWN MANAGER REPORTS**

#### **Odd Fellows Building Property Redevelopment Meeting on October 15<sup>th</sup>**

This televised meeting will hear a mixed use proposal for the parcel, and will be held at the Police Station Community Room; multiple town committees will be in attendance.

The Planning Board Hearing for redevelopment at 9 Acton Rd. has been rescheduled to October 29, 2019.

It is hoped that both of these projects will encourage the State legislature to appropriate traffic funds previously earmarked for other work in the center and the Brook Walk. The underground utilities project is still pending, dependent on National Grid and Verizon funding.

#### **Grinder Pump Appeal Policy**

Insurance counsel has recommended adopting a formalized policy, which was provided to the Board. Further appeals can be requested through the court system.

A typographical error in the document will be corrected.

**Motion:** by Selectman Wojtas to approve the Grinder Pump Appeal Policy, as amended.  
Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

#### **Planning Assistance Grant for Route 3 Interchanges**

Chelmsford will receive a grant award of \$50,000.00 for improvements at four highway interchanges off Rt. 3. The Town Manager is awaiting paperwork from the State to get more details. This project will most likely involve a Citizens' Committee being formed.

The Board noted that the Elements Hotel looks very nice. The Town is still awaiting status of Hannaford and Stop and Shop proposals.

Chairman Lefebvre requested that two poles be removed from the grassed area near the hotel.

#### **MSBA/South Row School Roof Project update**

The State has approved funding, a manager has been assigned to the project, and a designer has been chosen. Meetings are beginning. Bids will be requested in January, 2020, and work is expected to begin in July, 2020.

#### **Other Reports:**

The Student Opportunities Act was approved by the Senate last week; the House is expected to vote soon. Mr. Cohen voiced concern to State Representatives that there is no transparency on impacts to communities. Communities need more Chapter 70 funding to keep up with real costs for operations. More information will be coming.

### **TOWN MANAGER APPOINTMENTS**

#### **Cultural Council: Tricia Mescall, unexpired 3-year term exp. 6/30/2021**

**Motion:** by Selectman Wojtas to approve the Town Manager's appointment of Tricia Mescall to the Cultural Council for an unexpired term ending June 30, 2021. Seconded by Selectman Antul.  
**Motion carries, unanimous, 5-0.**

## **2020 TOWN MANAGER EVALUATION FORM**

A revised form was presented.

Mr. Cohen requested that this be discussed at the meeting on November 4, 2019, to include input from the Board on what is expected over the next 6 months.

Selectman Timmins requested clarification on how to rate the goals, and how to rate the categories in the evaluation.

Selectman Wojtas listed additional proposed changes.

A final draft will be discussed at the November 4, 2019 meeting, as requested.

The Board was reminded that the Annual Tax Classification Hearing and Town's financial audit report will be heard at the second November meeting.

## **DISCUSS APPOINTMENT OF TOWN LEGAL COUNSEL**

Labor Counsel provided expenses as the Board requested; Town Counsel was not able to provide itemized expenses.

Atty. Paul Haverty was present at this time, and explained that entries were not segregated as a cost containment feature. This can be done moving forward.

Selectman Wojtas noted that proposals were received from three qualified firms. The current firm has done an excellent job on land use issues. She felt the Board lost some beneficial information from what KP Law was able to provide, such as periodic news updates and seminars. She also noted that staff comfort level with using different firms is different if one firm is more familiar with Town issues than another. Selectman Wojtas stated she would support retaining KP Law for Town and labor matters, and keep the Haverty firm for land use matters.

Chairman Lefebvre noted that all Town departments were very positive toward the current firm, and this firm provides extreme accessibility.

Selectman Timmins had concerns with KP Law over conflict of interest with other Towns they also represent.

Selectman Dixon supported retaining the current firm.

Mr. Cohen advised that he would like to use Atty. Brian Maser at KP Law as labor counsel again; he has no concerns in retaining the current firm.

**Motion:** by Selectman Wojtas to appoint KP Law as General and Labor Counsel, and Blatman, Bobrowski & Haverty, LLC as Land Use Counsel, through June 30, 2021. Seconded by Selectman Antul. Selectmen Dixon, Lefebvre, and Timmins opposed, Selectmen Wojtas & Antul in favor. **Motion fails, 2-3.**



**Motion:** by Selectman Dixon to appoint Blatman, Bobrowski & Haverly, LLC as General and Land Use Town Counsel, and KP Law as Labor Counsel, through June 30, 2021. Seconded by Selectman Timmins. **Motion carries, unanimous, 5-0.**

This vote will become effective immediately.

### MEETING MINUTES

**BOS Executive Session Minutes 9-23-19 Part 1**  
**BOS Executive Session Minutes 9-23-19 Part 2**  
**BOS Executive Session Minutes 9-23-19 Part 3**  
**BOS Executive Session Minutes 9-23-19 Part 4**

Selectman Wojtas explained each Section is done by topic.

**Motion:** by Selectman Wojtas to approve but not release Parts 1, 2, and 3 of the Executive Session Meeting Minutes of September 23, 2019, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

**Motion:** by Selectman Wojtas to approve but not release Part 4 of the Executive Session Meeting Minutes of September 23, 2019, as presented. Seconded by Selectman Antul. Chairman Lefebvre abstained, all others in favor. **Motion carries, 4-0.**

### VOTE ON COLLECTIVE BARGAINING AGREEMENT WITH LIBRARY EMPLOYEES UNION

**Motion:** by Selectman Wojtas to approve the Memorandum of Understanding (MOU) between the Town of Chelmsford and the Chelmsford Federation of Teachers, Local 3569, Library Personnel, as presented. Seconded by Selectman Antul. **Motion carries, unanimous, 5-0.**

### SELECTMEN LIAISON REPORTS & REFERRALS

Selectman Dixon:

No Reports this evening.

Selectman Timmins:

- There will be a Capital Planning Committee meeting on November 14, 2019, beginning at 7:00PM.
- The Chelmsford Public School Committee presented a video by Project 351, which is a non-profit organization that focuses on youth led service. CHS graduate Isabel Cole was featured as an ambassador.
- The School Committee will host a Public Input Session as part of their Strategic Plan Update on October 22, 2019, at the Elks Club on Littleton Rd. Everyone is welcome.

Selectman Antul:

- The Stormwater Management Committee will hold its next meeting tomorrow, October 8, 2019, beginning at 7:00PM.

Selectman Wojtas:

- The Library will be open on Sundays starting on October 20, 2019, until May, 2020. There will be a Costume event on the same day, to start their 2020 membership drive.

Chairman Lefebvre:

No Reports this evening.

**PRESS QUESTIONS**

No one came forward at this time.

**ADJOURN TO EXECUTIVE SESSION**

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

**Motion:** by Selectman Wojtas to enter into Executive Session at 9:30PM, not to return to Regular Session, for the purpose of discussing Strategy with Respect to Potential Litigation Regarding Ledge Road Commercial Trucking. Seconded by Selectman Antul.

Roll Call Vote:

Selectman Crocker-Timmins: Aye

Selectman Wojtas: Aye

Selectman Dixon: Aye

Selectman Antul: Aye

Chairman Lefebvre: Aye

**Motion Carries, 5-0.**

**NEXT REGULAR MEETING DATE:** November 4, 2019

Respectfully Submitted,

Vivian W. Merrill  
Recording Secretary

Supporting Documents:

- Public Flu Clinic Flyer
- Committee Vacancies List
- Supporting Documents for Class II Auto Dealer Relocation
- Supporting Documents for Class II Auto Dealer License
- One Day License Applications
- Final 2019 Fall Annual Town Meeting Presentation
- Supporting Documents for the Business Amenity Incentive Grant
- Traffic Safety Committee Update
- Memo regarding the Oddfellows Building Redevelopment
- Grinder Pump Appeal Policy
- Committee Application
- 2020 Town Manager Evaluation Form
- Supporting Documents for Discussion of Town Legal Counsel