

Town of Chelmsford, MA
Select Board Meeting
April 12, 2021
Hybrid Virtual Meeting

Members Present:

Virginia Crocker Timmins, Chair
Kenneth Lefebvre, Vice Chair
Mark Carota, Clerk
George Dixon, Board Member
Patricia Wojtas, Board Member

Also Present:

Paul Cohen, Town Manager

1. CALL TO ORDER

Chair Timmins called the meeting to order at 6:02 p.m., and read aloud the following announcement:

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, General Law, Chapter 30A, §18, and subsequent orders imposing strict limitations on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by a member of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at www.chelmsfordma.gov. For this meeting, members of the public who wish to watch the meeting may do so by accessing the Chelmsford Telemedia website at www.chelmsfordtv.org. No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real-time, via technological means. In the event that we are unable to do so, despite best efforts, we will post an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting on the Town's website.

Chair Timmins stated it was the Board's practice to disable the "chat bubble" to minimize distractions and undue influence on the discussions, but should the chat be enabled anything typed would become part of the public record.

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Road, Chelmsford, MA. The meeting was recorded by Chelmsford Telemedia.

2. PUBLIC SERVICE ANNOUNCEMENTS

Board Member Lefebvre read aloud the following public service announcements:

- Kate Crawford, Chair, Chelmsford Garden Club: Arbor Day Proclamation – April 30, 2021

Board Member Lefebvre read the Arbor Day Proclamation into the record. Kate Crawford thanked the Board on behalf of the Chelmsford Garden Club. Ms. Crawford commented they would plant a tree at the Pocket Park and they needed the proclamation in order to do that.

- Earth Day Proclamation – April 22, 2021

Board Member Lefebvre read aloud the Earth Day Proclamation into the record.

- Town-Wide Cleanup

Board Member Lefebvre stated there would be a town-wide cleanup and if residents wished to participate they could sign up, and pick up yellow trash bags at the DPW located Alpha Road between Monday, April 12th and Friday, April 16th during regular business hours. The actual dates for cleanup would occur the week of Monday, April 19th through Sunday, April 25th. He added before and after photos could be sent to mjoyce@chelmsfordma.gov and Melissa Joyce, Sustainability Manager could be contacted at 978-250-5203.

3. PUBLIC INPUT

Town Meeting Representative Brian Latina, 15 Jessie Road, commented at the April 8th meeting there had been a lot of discussion regarding changing the date of the April 26th Town Meeting due in part to COVID and in part because it was scheduled to occur at the senior center. He said a letter was sent out to the Town Meeting Representatives by the Town Moderator that the Town Meeting would be rescheduled to Thursday, June 17, 2021, at 7:30 p.m. to be located at the high school gymnasium. He said his concern was that the Town Meeting members were not informed in advance of the possible change in venue or the date. Mr. Latina said he did not feel that the Town Moderator followed the procedures for an emergency in order to reschedule a Town Meeting. He said per law, the original date for the Town Meeting was April 26, 2021, and he said he felt the letter sent out by the Town Moderator was not accurate. Mr. Latina encouraged his fellow Town Meeting Representatives to follow the Town Charter and attend on April 26th and if there was not a quorum due to the letter that was sent that they should decide when the Town Meeting should occur and where it should occur.

4. COMMITTEE VACANCIES

Board Member Lefebvre read aloud the list of current committee vacancies and noted that interested applicants could apply online at www.chelmsfordma.gov or through the Town Manager's Office at tmoffice@chelmsfordma.gov or by calling 978-250-5202.

5. PUBLIC HEARINGS

- National Grid and Verizon Pole Petition: Gorham Street and Columbus Avenue (Continuation)

Paulo Sasser was present representing National Grid and said there was an existing wire that ran across private property and the customer had asked National Grid to relocate the lines and that was why he was requesting to install three poles to adjust the lines. He noted there was an abutter who expressed concern about the relocation of the poles and one of National Grid's engineers met with the abutter in the field and explained why the pole petition was put forth. He added another issue was it was thought there was a requirement to notify all abutters within a 300' distance from any public right-of-way pole relocation but per Kristina Bruce, Support Services Coordinator, it was not a distance requirement but an abutter notification requirement and, everyone who needed to be notified had been.

Chair Timmins asked if there were members of the public who wished to speak. There were none.

MOTION: Board Member Lefebvre made a motion to close the public hearing for the Gorham Street and Columbus Avenue pole petition. Board Member Carota seconded the motion.

A vote of the Select Board was taken, which resulted as follows:

The motion carried 5 – 0.

MOTION: Board Member Lefebvre made a motion to approve the pole petition for Gorham Street and Columbus Avenue as presented. Board Member Dixon seconded the motion.

A vote of the Select Board was taken, which resulted as follows:

The motion carried 5 – 0.

6. LICENSES

- Common Victualer License: Summer Street Grocers, LLC, 7 Summer Street, Unit 7-8

Frank Francione, 23 Parker Road, was present to speak on behalf of the application.

Applicant Francione stated he wanted to open a small, independent grocer on Summer Street in Chelmsford. He said he had worked in the industry for over twenty years and was a lifelong resident of Chelmsford. He added the concept was to have locally sourced produce, artisan dry goods, and very limited seating of two to eight seats. Mr. Francione indicated he would like more information regarding seasonal outdoor seating on Summer Street.

Board Member Wojtas commented the Board generally received a layout of how the seating would be prior to granting a Common Victualer License; noting the applicant did not need to ask the Select Board to open a grocery store. Mr. Francione replied he did submit a floor plan to the Town Manager's office. He added he would like to place two tables in front of the two windows on the sidewalk. He said the sidewalk was approximately 5' to 6' wide.

Chair Timmins commented she felt the fire department and Board of Health would have to review the outdoor seating plan. She further explained to the applicant that the matter of outdoor seating was a separate issue and would need to be approved at a later date.

MOTION: Board Member Wojtas made a motion to approve the Common Victualer License for the Summer Street Grocers, LLC located at 7 Summer Street for an inside seating capacity of four and the hours of operation as presented. Board Member Carota seconded the motion.

The motion carried 4 – 0. (Abstained – Board Member Lefebvre)

7. REPORTS AND PRESENTATIONS

- Finance Director John Sousa:
 - Standard & Poor’s Credit Rating Report

Finance Director Sousa stated on March 30th Standard & Poor issued a report that the Town of Chelmsford’s bond rating at an AA+ with a stable outlook. He said some of the things they noted were the management of the Town, financial management practices, and Chelmsford was located in a geographical area with a strong economy. He also noted that they would like to see the Town continue to make progress on funding their OPEB liability over the years ahead.

- Select Board Approval of Bond Sale

Mr. Sousa commented that the previous Tuesday they had a successful bond auction having received bids from nine firms on \$14.2 million worth of municipal bonds. He said the lowest bidder was BofA Securities, Inc. which was an affiliate of the Bank of America. Mr. Sousa said they bid a total interest cost of just over 1.152% and he added the proceeds from the bond would be used to finance three projects; the North Fire Station renovation, the purchase of the Warren-Pohl property and to finance the FY 2021 capital budget that totaled approximately \$7.57 million. He said the remaining \$6.6 million was used to do a refinancing of outstanding bonds that the Town issued in 2012 and 2013. He added the refunding transaction would save the Town over \$393,000 on future interest costs over the remaining nine-year life of the bond.

MOTION: Board Member Lefebvre made a motion to approve the sale of the general obligation municipal purpose loan of 2021 bonds for the Town dated April 22, 2021, as presented by Finance Director John Sousa. Board Member Carota seconded the motion.

The motion carried 5 – 0.

***Recorder’s Note: The motion, in its entirety, as provided by Bond Counsel is located at the end of this document.**

- Auction of Tax Foreclosure Parcel 73-326-10 on Billerica Road

Mr. Sousa explained there was a piece of land located on Billerica Road that the Town had foreclosed upon due to unpaid taxes. He further explained that every time there was a piece of land that was acquired through a foreclosure there had to be a public auction. Mr. Sousa stated it was posted on the Town’s website, notifications were sent to all of the abutters, and direct abutters received notifications via certified mail/return receipt requested.

Mr. Sousa said the auction would be held on Wednesday, April 28th, at 10:00 a.m., behind the Town office building.

- DPW Director Gary Persichetti & Assistant DPW Director Stephen Jahnle
 - Report on 54 Richardson Road Immediate Response Action Plan & North Fire Station

Assistant DPW Director Jahnle stated groundwater sampling had been performed from the well locations. He said they also performed scans of two areas; one was where the temporary fire department trailer would be located and the other area was where the wastewater drums were. He further said the scan revealed three anomalies where the trailer was located but it had been confirmed they were old metal objects. He said they also found a concrete footing that was approximately 4 ½ feet below the surface as well as some remnants of telephone poles.

Mr. Jahnle said they had not done any digging in the back of the site yet but it appeared there were some larger objects which could be rocks or concrete and they would further explore the area after receiving the report from Hager-Richter Geoscience.

Mr. Jahnle explained he was in the process of getting quotes to have the entire site scanned.

DPW Director Gary Persichetti said he expected to have the modular units in by the beginning of the following month.

- Ledge Road & Dunstable Road Intersection Road Intersection Reconstruction

Manager Cohen explained there was an Article placeholder on the Warrant because the project involved the taking of easements.

Mr. Jahnle provided the Board with pictures of the site and noted the one property that would be affected located at 248 Dunstable Road. He said the easement would be for a little under 7,400 square feet and the property was a total of 34,000 square feet.

Mr. Jahnle noted if the project were to move forward it would include obtaining some wetland permitting and the relocation of three telephone poles.

Board Member Lefebvre commented that two houses would be significantly affected and he felt the Board needed to not lose sight of that fact. He said he felt it was important to hear from the residents.

Board Member Carota said he was trying to understand what the benefit would be from a traffic standpoint. He asked how many trucks would benefit from being able to go left versus going right. Board Member Dixon said there were presently approximately 200 trucks going through the intersection per day. Board Member Lefebvre commented if a truck were to take a left it would hit one light and then be on the highway. Further, he said if a truck took a right it would have to go through neighborhoods and go through a few intersections to get to the highway.

Town Manager Cohen stated he would send notifications to abutters and would invite them to speak at a future meeting. Since this was planned to be an advisory public input session regarding the concept and not a formal hearing, the Board requested that the notifications extend beyond the legal abutters to include residents on Ledge, Dunstable and Swain Roads.

- Ledge Road Bus Turnaround Construction

Mr. Jahnle said the plans were in the process of being finalized but the project was currently on hold for a short period of time.

8. TOWN MANAGER REPORTS

- Access Agreement for North Chelmsford Water District Property Monitoring Wells

Manager Cohen reported that Paul Haverty, Town Counsel had informed him that the agreement had been sent out, and as soon as it was executed he would inform the Board.

- Senior Center Building Rooftop Solar Array – Town Meeting Vote Required to Lease Roof

Gary Persichetti, DPW Director, informed the Board that a new roof had been installed and the next step was to enter a power options agreement. Mr. Persichetti said the project would consist of an 86.7 kilowatt array on the roof and the annual Photovoltaic (PV) for the first year 100,000 kwh (kilowatt-hours) which was an avoidance over the twenty years of 1,500 tons of carbon. He said the savings over the twenty years to the senior center was approximately \$127,000 and the cost for the rental of the panels was \$15,820.

Manager Cohen pointed out that there needed to be a favorable vote at Town Meeting in order to lease the roof and there was not an Article on the Warrant for the Spring Annual Town Meeting which left two options; one was to wait until the Fall Town Meeting and the other was to schedule a Special Town Meeting around the June 2021 Spring Town Meeting dates.

- Steadman/Stedman Street Name Change – Town Meeting Vote Requested

Manager Cohen explained the Town had received correspondence from Resident John Langener who lives on Steadman/Stedman Street in which he expressed the difficulties of living on a road that abutted a road with the same name in Lowell that was spelled a different way. Manager Cohen said Mr. Langener's suggestion was to go to Town Meeting and have it corrected to make the spelling of the street uniform, which would be to drop the "A" from Stedman Street. He said he had contacted Paul Haverty, Town Counsel, but had not yet heard back from him.

- Firefighter Safety Equipment Grant Award

Gary Ryan, Fire Chief, addressed the Board and stated he was happy to announce that the fire department had received over \$10,000 from the Department of Fire Services to purchase a washer extractor machine. He added in the past year the fire department had received a grant for over \$13,000 in which they purchased an additional extractor machine.

- Planning Board Approval of 330 Billerica Road – Future Home of Pressed Café

Manager Cohen informed the Board that the Planning Board granted the approval of a permit at 330 Billerica Road which would be the future home of the Pressed Café.

- Sale of 199 & 201 Riverneck Road Commercial Property

Manager Cohen stated there was recently a sale at 199 & 201 Riverneck Road which was the former Mercury Computer site. He said the property was purchased by the Davis Companies for \$15 million and he expected the Town would be contacted at some point in the future regarding the proposed use of the property.

- Redevelopment of 255 Princeton Street/Former UMass Lowell West Campus

Manager Cohen stated the developer was seeking to develop a first-class apartment complex and was looking forward to working with their neighbors in Chelmsford. He added David Hedison, Executive Director of the Chelmsford Housing Authority, wanted to make sure the affordable units were, in fact, affordable, and would be meeting with the Housing Advisory Board.

- Double Pole Request

Manager Cohen provided the Board with a list of double poles located in the Town.

- Removal of Fire Alarm Call Boxes

Chief Ryan stated the DPW and the fire department had worked together to remove 150 fire alarm boxes that were deemed to be a liability because they were no longer working. He said within the past week the fire department had safely removed the fire alarm wiring from 20 of the 42 double poles. He said they needed an outside qualified vendor to remove the remaining 22 fire alarm cables because they were connected to the Town's fiber optic cables.

- Hotel Room Excise and Meal Tax Quarterly Report

Manager Cohen stated that the Town received its meal and hotel excise tax on a quarterly basis and they just received the third quarter amounts for the fiscal year. He further stated through the first three quarters of the fiscal year (June through March) the Town received \$266,000 in room occupancy tax which is approximately \$128,000 less than the prior year. Manager Cohen said to date the Town had collected \$439,000 in meals tax which was \$116,000 less than the prior year.

- Sewer Flow Report

Manager Cohen provided the Board with the calendar year flow for 2020 as well as the fiscal year flow for the current year. He stated they were basically running level. He added the Town had commissioned Weston & Sampson to perform a capacity study and he would keep the Board updated.

- State Budget

Manager Cohen noted that the House had released the state budget this week. He that requested funding be included for several items in Chelmsford, including for sidewalks from Vinal Square to Williamsburg, rehabilitation of the monument in Vinal Square which honors local

soldiers killed in the Vietnam War, and improved pedestrian crossing signage and markers at the Mill Road/ Billerica Road intersection.

9. MEETING MINUTES

- Meeting Minutes Approval Process

After some discussion, the Board collectively decided that Board Member Carota would be the contact person for the Recording Secretary and he would send her one document that reflected all of the Board Members edits.

- Select Board Regular Session Minutes of January 25, 2021

Board Member Lefebvre made a motion to approve the minutes of the January 25, 2021 meeting as presented. Board Member Dixon seconded the motion.

The motion carried 4 – 0. (Abstained – Board Member Carota)

- Select Board Regular Session Minutes of February 22, 2021

Board Member Lefebvre made a motion to approve the minutes of the February 22, 2021 meeting as amended. Mr. Dixon seconded the motion.

Page 4, Last Paragraph – the word “lever” was changed to “level”.

The motion carried 4 – 0. (Abstained – Board Member Carota)

10. SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Wojtas

- April 23rd – Annual Poetry Slam at the Library – 7:00 p.m.
- Parade Committee – Veteran’s Banners for Memorial Day – Information can be found at Chelmsfordparade.org

Chair Timmins

- Assessor’s Office – Final tax bill for Q4 would look similar to the Q3 bills because they were actual versus the estimated received in Q1 and Q2.
- The filing deadline for property tax exemptions had already passed.
- Board of Health – The Town was back in the red regarding COVID-19 cases and it was still important to wear masks, and social distance.

- School Committee – The elementary school successfully transitioned to full in-person learning and the middle and high schools were scheduled to do the same after the April vacation break.
- Finance Committee – Deliberated and voted for the Town Meeting Warrant Articles on April 8th.
- Planning Board – The next agenda would include a request for the reconsideration of the Odd Fellows Fisk Campus Project. The applicant was looking at redevelopment of only the Odd Fellows Building and some renovations regarding the installation of a restaurant.
- Age-Friendly Community Committee – With the approval of the Chelmsford Age-Friendly Action Plan by AARP they had formed an Implementation Committee and were starting to implement the goals and actions. The first Committee meeting was planned for Wednesday, April 28th at 9:00 a.m. and it was open to the public.

11. PRESS QUESTIONS

There were no questions.

MOTION: Board Member Lefebvre made a motion to adjourn the meeting at approximately 8:20 p.m. Board Member Carota seconded the motion.

The motion carried 5 – 0.

Respectfully Submitted,

Trish Gedziun
Recording Secretary

NEXT REGULAR MEETING: APRIL 20, 2021

Supporting Documents:

1. ARBOR DAY 2021
2. EARTH DAY 2021
3. EARTH WEEK
4. COMMITTEE VACANCIES OF APRIL 12, 2021

5. POLE PETITION ABUTTER NOTIFICATION MEMO APRIL 8, 2021
6. GENERAL LAW – PART I, TITLE XXII, CHAPTER 168, §22
7. COMMON VICTUALER – SUMMER STREET GROCERS
8. SANDP RATING REPORT – CHELMSFORD, MASSACHUSETTS
9. BOND AUCTION RESULTS – APRIL 6, 2021
10. AUCTION NOTICE BILLERICA ROAD – APRIL 5, 2021
11. APRIL 7, 2021 – CHELMSFORD TEMP MODULARS – SITE
12. GPR LOCATION
13. LEDGE ROAD AND DUNSTABLE ROAD INTERSECTION
14. PROPOSED TOPIC FOR TOWN MEETING
15. FIREFIGHTER SAFETY EQUIPMENT GRANT AWARD
16. PRESSED CAFÉ
17. RE: 199 – 201 RIVERNECK ROAD CHELMSFORD – NEW OWNER
18. 255 PRINCETON STREET
19. MARI SEPTEMBER – ABBREV
20. HOTEL MEALS TAX
21. SEWER FLOWS
22. JANUARY 25, 2021 MINUTES
23. FEBRUARY 22, 2021 MINUTES

***VOTE OF THE BOARD OF SELECT BOARD**

I, the Clerk of the Select Board of the Town of Chelmsford, Massachusetts (the “Town”), certify that at a meeting of the board held April 12, 2021, of which meeting all members of the Board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: That in order to reduce interest costs, the Treasurer is authorized to issuerefunding bonds, at one time or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund a portion of the Town’s (i) \$9,396,161 General Obligation Municipal Purpose Loan of 2012 Bonds dated July 1, 2012, maturing on June 15 in the years 2022 through 2025, inclusive, and 2029 and (ii) \$23,125,144 General Obligation Municipal Purpose Loan of 2013 Bonds dated August 6, 2013, maturing on May 15 in the years 2022 through 2025, inclusive (collectively, the “Refunded Bonds”) and that the proceeds of any refunding bonds issuedpursuant to this vote shall be used to pay the principal, redemption premium and interest on the Refunded Bonds and costs of issuance of the refunding bonds.

Further Voted: that the sale of the \$13,195,000 General Obligation Municipal Purpose Loan of 2021 Bonds of the Town dated April 20, 2021 (the “Bonds”), to BofA Securities, Inc. at the price of \$14,720,729.43 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on April 15 of the years and in theprincipal amounts and bear interest at the respective rates, as follows:

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2022	\$2,220,000	5.00%	2032	\$155,000	2.00%

2023	2,235,000	5.00	2033	155,000	2.00
2024	2,185,000	5.00	2034	155,000	2.00
2025	1,975,000	5.00	2035	155,000	2.00
2026	650,000	5.00	2036	155,000	2.00
2027	405,000	5.00	2037	155,000	2.00
2028	400,000	5.00	2038	155,000	2.00
2029	775,000	4.00	2039	155,000	2.00
2030	400,000	2.00	2040	155,000	2.00
2031	400,000	2.00	2041	155,000	2.00

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 31, 2021, and a final Official Statement dated April 6, 2021 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post-issuance federal tax compliance procedures and continuing disclosure procedures in such forms as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that any certificates or documents relating to the Bonds (collectively, the "Documents"), may be executed in several counterparts, each of which shall be regarded as an original and all of which shall constitute one and the same document; delivery of an executed counterpart of a signature page to a Document by electronic mail in a ".pdf" file or by other electronic transmission shall be as effective as delivery of a manually executed counterpart signature page to such Document; and electronic signatures on any of the Documents shall be deemed original signatures for the purposes of the Documents and all matters relating thereto, having the same legal effect as original signatures.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public, that no vote was taken by secret ballot, that a notice stating the place, date, time, and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building that the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth

in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays, and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting, that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25, as amended, and all as further suspended, supplemented or modified by the Executive Order of the Governor of The Commonwealth of Massachusetts Suspending Certain Provisions of the Open Meeting Law, Chapter 30A, §20 dated March 12, 2020.

Clerk of the Select Board

Date