

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

Regular Meeting MINUTES  
January 10, 2022

Attending:

Virginia Crocker Timmins, Chair  
Kenneth Lefebvre, Vice Chair  
Patricia Wojtas, Board Member

Paul Cohen, Town Manager  
John Sousa, Finance Director  
Darlene Lussier, Town Accountant  
Paul Haverty, Town Counsel

Absent:

Mark Carota, Clerk  
George Dixon, Board Member

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

Chair Timmins called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

**PUBLIC SERVICE ANNOUNCEMENTS**

Nomination papers for the April 5, 2022, local election are available at the Town Clerk's office for town-wide offices as follows:

- Two Select Board members for three years.
- Two School Committee members for three years.
- Two Planning Board members for three years.
- One Board of Health member for three years.
- Two Trustees of Public Library for three years.
- One Cemetery Commission member for three years.
- One Housing Authority member for five years.

Town Meeting Members

To bring their vote for election of 165 town meeting members due to redistricting, 15 representatives from Precincts 1 through 11 for terms based on election results:

- First third in order of votes received shall serve for three years.
- Second third for two years.
- Remaining for one year from date of annual town election.

Last date to obtain nomination papers from the Town Clerk's office is Friday February 11, 2022 at 5:00PM.

Moderna COVID booster clinic will be held on January 18<sup>th</sup> from 2:00-6:00PM at the Town Hall Gym; parking is available at the rear of the building; pre-registration is required at Town website or Board of Health website; masks are required; 18+ years or older and six months post COVID vaccination series; insurance and vaccination cards are required; wear short-sleeve shirt; call Board of Health if assistance is needed 978-250-5241.

Assessor Frank Reen stated that the third quarter real estate tax bills have been sent out. If a resident has not received the bill, he/she can call his office at 978-250-5220 or Collector's office at 978-250-5210. Assessed values are based on activity of sales as of the end of calendar year 2020. If the property owner

feels that the assessed value is greater than market value, an appeal for abatement may be filed no later than February 1, 2022. Forms are available on the Town website or at the Assessor's office. Information about exemptions was also included in the bill with regard to elderly or veteran residents. Residents are urged to review the guidelines for exemptions and contact his office for further information or to file an appeal.

### **PUBLIC INPUT**

Brian Latina, 15 Jessie Road appeared via Zoom before the Board. He expressed concern over the tax bill he received based on market value. He stated that if this trend continued, retirees will not be able to afford to live in Town any longer. He also stated that the administration could improve communications with residents. He reported hearing from residents in his precinct about ice on the road, holes in the pavement and blocked storm drains. Although at times over-plowing occurs, after a recent snowfall, roads were not adequately plowed. He stated that resident abutters were not informed of an addition to the chemical plant in his precinct, and that development of this type of industrial business is continuing at an alarming rate. While he expressed appreciation for being able to address the Board, three minutes of time was not adequate to address problems. He asked that the administration allow for better communication with its residents.

Chair Timmins responded that this issue will be taken under advisement at the time of the agenda item of resident communications objective.

### **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.

### **PUBLIC HEARINGS**

#### **Application for a Class II Auto Dealer License for J&S Autosshop LLC on the premises at 110 Middlesex Street, Unit 13.**

Sadek Elsaidi of Fairfield Street in Lowell appeared before the Board. He is requesting approval of his present auto repair shop to include the buying and selling of automobiles, not to exceed five cars on the property at any one time.

Discussion ensued. Board Member Wojtas noted that the lease of the premises stated that use of the premises as an auto mechanic repair business and for no other purpose. Mr. Elsaidi responded that the lessor had intended that the business not be run as a typical dealership with "shoppers" coming and going on the premises. Mr. Elsaidi stated that he intended to buy a car at auction, repair it and offer it for sale on a one-by-one basis and not high volume.

Vice Chair Lefebvre stated that a recent visit to the site revealed trash and debris, and that he had received phone calls with regard to parking of cars between the buildings. Mr. Elsaidi responded that it is not his trash but that of the adjacent businesses. He intends to keep any cars for sale at the back of the business with no cars for sale signs at the front of the business. The front of the business will be used for customer parking.

No one from the public came forward during this public hearing.

**Motion:** by Vice Chair Lefebvre to close the public hearing. Seconded by Board Member Wojtas.  
**Motion carries 3-0, unanimous.**

Discussion continued. Board Member Lefebvre expressed concern there have been many used car dealers which have gone out of business along that stretch of Route 3A. However, this business would not

advertise itself as a typical used car business. Mr. Elsaidi was advised to limit the number of cars for sale and to keep them parked at the back of the building, and that operations be limited to the parameters of the license. Mr. Elsaidi confirmed that he is committed to abide by the conditions of the license.

**Motion:** by Vice Chair Lefebvre to approve the application for a Class II Auto Dealer License for J&S Autoshop LLC, to be operated on the premises at 110 Middlesex Street, Unit 13. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

**Change of Manager on All Alcoholic Beverages Restaurant License:  
KMP Restaurant Group, Inc. DBA Moonstones, 185 Chelmsford Street**

Justin Hayes appeared via Zoom before the Board. The change of manager is requested because the original person is longer with the business. The hours of operation will continue from 8:00AM to 1:00AM and 9:00AM to 1:00AM.

**Motion:** by Vice Chair Lefebvre to approve the application for change of manager on all alcoholic beverages restaurant license for KMP Restaurant Group, Inc. DBA Moonstones, 185 Chelmsford Street. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

**DEVELOPMENT AGREEMENT REGARDING TRAMMELL CROW RESIDENTIAL  
PROPOSED REDEVELOPMENT OF 255 PRINCETON STREET  
(FORMERLY UMASS WEST CAMPUS)**

Chair Timmins noted that the Board did not have a quorum available that can participate in discussion of the Development Agreement. The Board would take no action during this meeting and this item will be discussed at the next meeting when a quorum is present.

**SIGN WARRANT FOR FEBRUARY 24, 2022 SPECIAL TOWN MEETING**

Town Manager Cohen stated that he had developed a warrant which was reviewed by Town Counsel for a Special Town Meeting to be held on February 24, 2022, at the Chelmsford High School Gymnasium. He stated that the primary purpose of the meeting was to address the rezoning of the former UMass West Campus at 255 Princeton Street listed as Article 5. Article 6 seeks to appropriate funding of affordable housing from the housing stabilization fund and the community preservation general fund at the same location. He then outlined the remaining articles as follows:

- Article 1 – easement of Esther Drive property for the construction of a bus turnaround on Ledge Rd.
- Article 2 - resident donation of .04 acres of land abutting existing town-owned land.
- Article 3 – appropriation of funding for collective bargaining agreement.
- Article 4 – appropriation of funding for ice-rink refrigeration system at Chelmsford Forum.

Discussion ensued with suggestions for minor grammatical references and change of two-thirds to majority vote on the zoning article.

**Motion:** by Vice Chair Lefebvre to approve the February 24, 2022, Special Town Meeting warrant as amended. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

**AMERICAN RESCUE PLAN ACT FUNDING REQUESTS**

Town Manager Cohen reviewed the funding worksheet as revised to reflect the actions taken by the Board, the remaining projects categorized by description and premium pay for essential workers by department, position, number of staff and premium amount.

He also updated the Board on the Department of the Treasury issuance of the final rules and regulations pertaining the to state and local funding.

- \$10M standard deduction for lost revenue under the provisions of the act.
- Up to \$10M can be expended for any general governmental purpose, with the exception of other post-employment benefits, and other listed restrictions.
- In addition to COVID-related funding with regard to health and safety, these monies could be expended for roadway infrastructure, fire apparatus and PFAS remediation of 54 Richardson Rd.

Town Manager Cohen noted that information has not been available on how neighboring or similar communities are addressing premium pay for essential workers.

Discussion ensued on ways to detail information on the worksheet to reflect not only the decisions made by the Board but also the rationale of discussions. The additional of a “comments” column would reflect funding available from other sources. As a permanent record, this worksheet would accurately reflect the full deliberations of the Board in considering funding requests.

Darlene Lussier, Town Accountant, noted that the original requests were considered under COVID relief, and with the final regulations, considerations of fundings has been expanded. Projects typically considered for capital funding and other tax-appropriated funding could now be considered for ARPA funding.

Town Manager Cohen noted that an initial discussion with the chair of the Community Preservation Committee indicated that the MacKay library may not qualify for capital funding, but in any event a decision will be made at its meeting on January 19<sup>th</sup>.

Chair Timmins asked the Town Manager to compile another list of general funding possibilities. Deliberations of funding requests will resume at the next meeting when all members of the Board are present.

### **STRATEGIC PLANNING SERVICES PROPOSAL**

Town Manager Cohen reported that he had spoken with the facilitator and discussed the details of the proposal for long-term three-to-five year strategic planning services to the Select Board. Included in the services would be a) creating the context of the culture, core values and character of the Town; b) connecting the dots of vision, mission and values and c) identifying the Board’s specific SMART goals that can be articulated in writing and measured.

Chair Timmins noted that the Board has vetted a core list of values through a community-wide process and these values were formally adopted by the Board. Town Manger Cohen will review this list with the facilitator as a starting point. He will schedule the first of two meetings in February.

### **TOWN MANAGER REPORTS**

#### **Citizen Petition Warrant Articles for 2022 Spring Annual Town Meeting**

Town Manager Cohen reported as a result of the January 3rd deadline for citizen petition warrant articles, he had received one petition from Chris Oak of Joy Street to investigate, with appropriate time and funds, implementing a school bus tracking system to allow parents to see the status of their child’s drop-off time. The Town Clerk certified the request, and it has been submitted to the School Committee and Superintendent Dr. Lang. Mr. Oak will be given the opportunity to present to the School Committee, Finance Committee, Select Board, and Town Meeting.

#### **Fitness Park Location**

Town Manager Cohen reported that possible locations were looked at including the area behind Old Town Hall. This was deemed unsatisfactory as it is used for snow storage. The 38x38 location at Wilson Street was deemed to be of high visibility and close proximity to the rail trail. The grant provider has

deemed it as an acceptable location. Mr. Cohen noted that the balance of the funds needed for the park would be requested from the CPC and approval sought by Town Meeting in April.

### **Lowell 5 Donation**

Town Manager Cohen reported that a \$4,000 donation had been received from the Lowell Five Cent Savings Bank to fund public safety first responder purposes: a) Fire Department purchase of new software to enhance tracking of fire vehicle maintenance and additional COVID-19 test kits; and b) Police Department replacement of automated external defibrillators (AEDs), medical gear, new portable radios and audio visual system upgrades in the training room.

### **December Sewer Flows**

Town Manager Cohen reviewed sewer flows as of December with the least amount of flow. He added, however, that the permitted flow is 2.66M gallons/day and we are running precipitously close to the limits at 2.59M gallons/day.

### **Cancellation of Winterfest**

Town Manager Cohen reported that after consultation with the directors of the health department, senior center and library, the decision was made to cancel February Winterfest event again this year because of concerns for COVID-19.

Vice Chair Lefebvre noted that the Board needs to have a discussion about the safety of holding the Special Town Meeting in February.

### **Reserve Fund Transfer to Byam School and Harrington School Boilers**

Gary Persichetti, DPW Director, appeared via Zoom before the Board. He gave a history of the life of the boilers at both Byam School and Harrington School. He is proposing to upgrade the plant at the Byam School from three boilers to two boilers and move the third boiler to Harrington School. The Board agreed with the plan.

### **TOWN MANAGER APPOINTMENTS**

Town Manager Cohen reported that he is proposing to reappoint John Floria to the Holiday Decorating Committee for a one-year term to expire December 31, 2022.

**Motion:** by Vice Chair Lefebvre to reappoint John Floria to the Holiday Decorating Committee for a one-year term to expire on December 31, 2022. Seconded by Board Member Wojtas.

**Motion carries 3-0, unanimous.**

### **MEETNG MINUTES**

Chair Timmins announced that the determination of the releasability of Executive Session Minutes of November 15, 2021, Segment 1 were reviewed and deemed releasable. The following minutes were reviewed and determined not releasable: September 13, 2021; October 25, 2021, Segments 1, 2 and 3; November 15, 2021, Segment 2; and November 29, 2021.

### **Regular Session Minutes of November 15, 2021**

**Motion:** by Vice Chair Lefebvre to approve the regular session minutes of November 15, 2021. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **Open Session Prior to Executive Session Minutes of November 29, 2021**

**Motion:** by Vice Chair Lefebvre to approve the open session prior to Executive Session minutes of November 29, 2021. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **Regular Session Minutes of November 29, 2021**

**Motion:** by Vice Chair Lefebvre to approve the regular session minutes of November 29, 2021, after Executive Session as amended. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **Regular Session Minutes of December 6, 2021**

**Motion:** by Vice Chair Lefebvre to approve the regular session minutes of December 6, 2021. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **Triboard Minutes of December 13, 2021**

**Motion:** by Vice Chair Lefebvre to approve the joint meeting minutes of the Select Board, School Committee and Finance Committee of December 13, 2021. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **MASSACHUSETTS MUNICIPAL ASSOCIATION (MMA) RESOLUTION AND VOTING DELEGATE**

Town Manager Cohen reported that a voting delegate for the Town needs to be appointed to attend the Annual Meeting of the MMA to be held at the Hynes Convention Center on January 22, 2022.

**Motion:** by Vice Chair Lefebvre to approve Board Member Wojtas as the voting delegate to the Massachusetts Municipal Association Annual Meeting on January 22, 2022. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

**Motion:** by Board Member Wojtas to support the annual business meeting resolution as presented. Seconded by Vice Chair Lefebvre. **Motion carries 3-0, unanimous.**

### **VOTING DELEGATE FOR MIA ANNUAL MEMBERS BUSINESS MEETING**

Town Manager Cohen reported that a voting delegate for the Town needs to be appointed to attend the annual MIA business meeting.

**Motion:** by Vice Chair Lefebvre to appoint Board Member Wojtas as the eligible voting delegate to the MIA Annual Business Meeting on January 22, 2022. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **PATH FORWARD ON SELECT BOARD AND TOWN MANAGER GOAL #8 REGARDNG RESIDENT COMMUNICATION**

Chair Timmins began the discussion on the goal to improve communications with residents. She noted that the regular channels of communication through the newspaper are no longer effective. Some do not have internet access. Discussion ensued. It was suggested that the Town Manager's report that is included in the Senior Center's monthly Messenger newsletter be posted on the website, and that the website be relied on as a vehicle of communication. With regard to major developments, Chair Timmins suggested "over-communicating." She used the example of the asphalt plant permit process and notifying not just abutters to the property but those in the general area. Formalizing and institutionalizing forms of communication is needed to reach more residents in the community.

It was agreed that the discussion will continue at the next meeting when all members of the Board are present.

### **LIAISON REPORTS AND REFERRALS**

Board Member Wojtas:

- Congratulations to the three young men who have become Eagle Scouts, Jake Walsh, Joseph Wholey and Seth Rigby. She hoped for more Eagle Scout ceremonies in the coming year.

Board Member Lefebvre:

- Condolences to Board Member Dixon and his family.

Chair Timmins:

- Planning Board Public hearing for the Riverneck Road development this Wednesday, January 12 @ 6:30PM at the Performing Arts Center.

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### **PRESS QUESTIONS**

No press were present.

### **ADJOURNMENT TO EXECUTIVE SESSION TO RETURN TO OPEN SESSION**

**Motion:** by Vice Chair Lefebvre at 7:29PM to adjourn to Executive Session to return to Open Session, to discuss the Dispatchers' Union collective bargaining agreement and to review the Executive Session minutes of December 13, 2021, joint meeting with the School Committee.

Seconded by Board Member Wojtas. Roll call vote:

Chair Timmins-Aye

Vice Chair Lefebvre-Aye

Board Member Wojtas-Aye

**Motion carries 3-0, unanimous.**

### **RETURN TO OPEN SESSION**

The meeting returned to open session at 7:37PM.

### **Vote on Collective Bargaining Agreement – Dispatchers' Union**

**Motion:** by Vice Chair Lefebvre to approve the Memorandum of Agreement between the Town of Chelmsford and AFSCME Local 1703 Council 93 Dispatchers Union as presented. Seconded by Board Member Wojtas. **Motion carries 3-0, unanimous.**

### **Adjournment**

**Motion:** by Vice Chair Lefebvre to adjourn at 7:39PM. Seconded by Board Member Wojtas.

**Motion carries 3-0, unanimous.**

**NEXT REGULAR MEETING DATE: January 24, 2022**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

Supporting documents:

- Notice regarding nomination papers
- Committee vacancies
- Class II auto dealer license documents
- Application for change of manager
- Draft development agreement
- Modified document CHOICE development agreement
- February 24, 2022 Special Town Meeting warrant
- ARPA project financing worksheet
- Strategic planning proposal
- School bus tracking system citizen petition warrant article
- Fitness Park proposed location
- Lowell 5 donation
- Sewer flow through December 21
- Reserve fund transfer for Byam School and Harrington School boilers
- Meeting minutes 11/15, 11/29, 12/06 and Triboard 12/13/2021
- MIIA and MIIA annual business meeting voting packets
- Goals Town Manager/Select Board
- Resident communication list