

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

Regular Meeting MINUTES
June 27, 2022

Attending:

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

Paul Cohen, 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.

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

PUBLIC SERVICE ANNOUNCEMENTS

July 4th Parade and Activities

Jeff Hardy, Chair of the Parade Committee, appeared before the Board. He thanked the members of the Committee and department heads for their tireless work, as well as sponsors of the Parade and Parade Marshal, Charlie Zaher. The program consists of various events on Saturday-Monday, July 2-4th and all are invited to attend.

Deadline or Submission of Citizen Petition Warrant Articles for October 17, 2022

Fall Annual Town Meeting: Monday, August 1st by 4:00PM

Vice Chair Lefebvre stated that the Fall Town Meeting is scheduled for Monday, October 17, 2022. Articles to be included on the Warrant must be submitted to the Office of the Town Manager prior to 4:00PM on Monday, August 1st. Petitioned articles must carry the signatures of at least ten voters. More information may be obtained at the Town Manager's Office at 978-250-5202.

League of Women Voters Candidate's Forum for the 14th Middlesex State Representative Primary Race: June 30th at 7:00PM at the CHS Performing Arts Center

Vice Chair Lefebvre stated that the League of Women Voters Candidate Forum for the district which includes Chelmsford Precincts 7, 8, 9, 10 and 11 will be held on Thursday, June 30th at 7:00PM at the Chelmsford High School Performing Arts Center.

Diversity, Equity and Inclusion Committee - Juneteenth Celebration

Cherice Lattimore and Carly Conor of the Diversity, Equity and Inclusion Committee appeared before the Board. Ms. Lattimore reported that over 300 residents and visitors participated in the Juneteenth Celebration on the common. She thanked everyone including town officials and department heads and local churches for supporting this joyous event. Ms. Conor thanked the Board for posting the event in advance which led to the excellent turnout. She relayed the story of a recent immigrant who said that it was the first time he felt part of the community. This is the committee's mission to have everyone feel included and will continue to sponsor other events.

Beach Closure Guidelines

Chair Timmins announced that the Board of Health will continue to do weekly E.coli testing on both beaches. Vice Chair Lefebvre read the beach closure guidelines from June to August: Heart Pond or Freeman Lake may be closed due to no lifeguard on duty, exceeding levels of E. Coli, harmful algae bloom, exceeding levels of animal feces and dangerous wading conditions due to excess weeds. For more information visit the Health Department link on the town website.

Suicide Prevention Hotline Number Change

Vice Chair Lefebvre stated that the National Suicide Prevention Hotline Number will change to 988 starting July 16th.

PUBLIC INPUT

There was no public input.

COMMITTEE VACANCIES

Vice Chair Lefebvre read the list of current vacancies. Interested applicants can apply online at <http://www.chelmsfordma.gov> or through the Town Manager's office.

PUBLIC HEARINGS

Wine & Malt Beverages Restaurant License: Jala Enterprises Inc. DBA Egg Mania, 83 Parkhurst Rd., Unit 15

Sagar Shah and Ketlkumar Patel, President and Treasurer of Jala Enterprises Inc., appeared before the Board. There were several outstanding issues including the Police Chief's report on the CORI check, the receipt of abutter notifications and the Fire Department's signoff. Given the number of outstanding items, as well as Board policy, it was recommended that the hearing be continued to the next meeting on July 11th.

MOTION: by Vice Chair Lefebvre to continue the public hearing to July 11th. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Transfer of Stock, Change of Officers, Change of Manager on Wine & Malt Beverages Restaurant License Marimena Inc. DBA Jimmy's Pizza, 2 Alpine Lane

Thomas Traux, Attorney for John Gergos and Arnie Desouza, all appeared before the Board. As new officers and stockholders of Marimena Inc., Attorney Traux stated that both men had extensive experience in the restaurant business, and as alcohol licensees had no violations. Due to the absence of the Chief of Police's report on the CORI check, the hearing will be continued.

MOTION: by Vice Chair Lefebvre to continue the public hearing to July 11th. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

LICENSES

Transfer of Common Victualler License: St. Augustine Inc., DBA Brothers Pizza, 7 Summer St., Suite 26 (from St Abanoub and St. Mina DBA Brothers Pizza)

Romany Shenouda, representative of Brothers Pizza, appeared before the Board. He stated that the restaurant will provide good service and food. The layout of the restaurant will remain the same for at least a year when remodeling will be planned.

MOTION: by Vice Chair Lefebvre to approve the transfer of the common victualler license from St. Abanoub and St. Mina DBA Brothers Pizza to St. Augustine Inc. DBA Brothers Pizza located at 7 Summer St., Suite 5. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

REPORTS AND PRESENTATIONS

Finance Director – John Sousa

- **Standard & Poors Bond Rating Report**
- **Approval of June 21st \$7.055M Bond Sale**
- **Sale of 32,000 Square-Foot Tax Possession Vacant Parcel off of Summer Street (84-334-3)**

John Sousa, Finance Director, appeared before the Board. He reported that on June 21st the Town had issued a \$7.055M bond sale to finance a number of capital improvements. A requirement prior to that was a credit bond rating. He is pleased to report that on June 13th Standard & Poors reaffirmed the bond rating of AA+ with a stable outlook, with note of the Town's strong economy, demographics, strong growth in real estate valuation and strong financial management and positive budget performance. The Town was advised to continue to address its pension liability with Middlesex County and its OPEB liability.

On June 21st the first series of bonds was issued for \$5.81M for the purpose of financing the FY23 capital improvement plan: \$1.2M for refurbishment of the tennis courts, \$575K to complete the parking lot and land acquisition in the Center and a portion of bonds for the forum ice arena. Seven bids were received with the low bidder, Robert W. Baird & Co., Milwaukee, WI, with an interest rate of 2.782662%. An additional \$1.245M was issued for the Forum Ice Arena and four bids were received with the lowest bidder Robert W. Baird for a percentage of 4.400523%.

MOTION: I, the Clerk of the Select Board certify that at a meeting held on June 27th of which members were duly notified and a quorum was present the following votes were unanimously passed, all of which appear thereupon in the official record of the Board in my custody. Seconded by Vice Chair Lefebvre.

VOTED: to approve the motions as presented. **Motion carries 5-0, unanimous.**

Mr. Sousa reported that following the Town Meeting vote authorizing the disposition of an 0.73 acre parcel of land on Summer St. (Parcel ID#84/334/3), Mr. Sousa's office issued an invitation for sealed bids for the sale of this property on May 13, 2022 with submission deadline of June 15, 2022. A notice of the sale was mailed to all abutters and posted on the Town website. Two sealed bids were received from Thomas Abate in the bid amount of \$8,125.50 and The Dave Flores Memorial Partnership, Jeffrey P. Cleven, Partner in the amount of \$20,020.00. He asked for the Board's vote on his recommendation to award the sale of land to the highest bidder as aforementioned. Following the meeting, work will commence with legal counsel to complete the closing process.

MOTION: by Vice Chair Lefebvre to award the bid for the sale of land located on Summer Street (Parcel ID#84/334/3) to The Dave Flores Memorial Partnership, Jeffrey P. Cleven, Partner in the amount of \$20,020.00. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Town Accountant – Darlene Lussier: ARPA-Funded Project Financial Report

Darlene Lussier, Town Accountant, appeared before the Board and gave an update on projects approved for ARPA funding. While several projects have been completed, there are many others that have not yet gone out to bid. Since approval in January, there has been a 20% increase in costs of funding capital projects at an estimated \$650K in additional funding. However, some projects will not require additional funding. With a total ARPA funding of \$10.5M, \$7.9M has been appropriated with a remaining \$2,667,586. With increased costs, the remaining cost would most likely amount to \$2M. Ms. Lussier will return to the Board by the end of the summer to report further on hard numbers.

Town Manager Cohen reported that meetings are regularly held to discuss the progress of ARPA and Capital funded projects, with priority being given to school projects. With a ten-week window of time for

completion, over \$10M in projects are being prioritized. There has been a delay in completing projects due to the sheer volume of workload. The timeline designated by ARPA requires bids to be completed by the end of 2024 and work completed by 2026.

Public Works Director – Christine Clancy: Monthly Traffic Safety Committee Report

Christine Clancy, Public Works Director, appeared before the Board. She reviewed the PowerPoint presentation of the monthly Traffic Safety Committee Report including the following highlights:

- Current actions
- Pending actions
- Completed actions
- Summary of average annual daily traffic and truck percentages by traffic count location

Discussion ensued on the grant for installing a traffic signal at Richardson Road and Princeton Street. The state has recognized this improvement as a need because of its proximity to the high school. Town Manager Cohen reported that efforts are being made to bring this project under other funding as well.

Discussion also ensued on raising the speed bumps on streets with high truck traffic.

Northern Middlesex Council of Governments Regional Planner, Jeff Owen: Route 129 Sewer Study

Jeff Owen, Regional Planner for NMCOG, appeared before the Board. He reviewed the PowerPoint presentation of the Route 129 Commercial Property Wastewater Study including the following highlights:

- Overview of the business amenities overlay district
- Methodology focused on vacant commercial buildings as of November 2021
 - Estimating wastewater flow
 - Four scenarios developed to calculate usage under different occupancy situations
 - Square footage of buildings included in the study
- Key findings
 - Conclusion of four scenarios
 - Gallons per day under four scenarios

Discussion ensued. Chair Timmins asked if all vacancies in the study were converted into office space, would the Town be able to provide the additional 10K gpd needed. Town Manager Cohen responded that while there is an allocation reserved for community use, the study reaffirms that the Town is at the limit of capacity along the Route 129 corridor and its overall permit with Lowell. Accommodating a significant tenant like Thermo Fisher would be impossible. The information is being used to advise new resident and commercial projects to obtain capacity, similar to the recent West Campus project. Every project is being analyzed by DPW and reported the Planning Board.

Board Member Carota asked if there is a process in place for an applicant to move through the process of septic installation reasonably similar to what they have experienced in application for sewer. Town Manager Cohen responded that the volume in projects is being handled through contracted services under the supervision of the Board of Health. Board Member Carota suggested close follow-up with the service in order to ensure timely response to the increasing workload so as not to adversely affect the Town's master plan.

APPOINTMENTS

Select Board Appointments

Chair Timmins asked for and received the Board's approval to take the Select Board appointments out of order of the agenda.

Board of Registrars: three-year term exp 6/30/2024

In accordance with the MA statutes, the Republican Town Committee submitted three candidates for one open seat on the Board of Registrars – Curtis Barton, Brian Latina, and Mary Gail Leonard. The open seat is for a 3-year term expiring June 30, 2025. Incumbent applicant Curtis Barton submitted a letter of interest in continuing for another term and was present at the meeting.

MOTION: by Vice Chair Lefebvre to appoint Curtis Barton as the Republican member of the Board of Registrars for a term to expire on 6/30/2025. Seconded by Board Member Dixon.
Motion passes, 5-0, unanimous.

Diversity, Equity and Inclusion Committee: unexpired three-year term exp 6/30/2024

Diversity, Equity and Inclusion Committee: three-year term 6/30/22 – 6/30/2025

Milo Ransdell appeared before the Board and expressed his commitment to serving on the Committee.

Linda Morel appeared before the Board. She stated she has been a resident for twenty years. She is involved professionally with providing software for the disabled. She expressed her commitment to serving on the Committee.

MOTION: by Vice Chair Lefebvre to appoint Linda Morel to the unexpired three-year term to expire June 30, 2024, and to appoint Milo Ransdell to the full three-year term to expire on June 30, 2025, both to serve on the Diversity, Equity and Inclusion Committee. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

DISCUSSION ITEMS

LGBTQIA+ Listening Session Follow-up

Board Member Wojtas provided feedback on the LGBTQIA+ listening sessions that were sponsored by the Board last month. She noted that several of the speakers related their stories, whether they were of acceptance or rejection by friends, colleagues, etc. and most noted that Chelmsford residents are generally accepting of those in the LGBTQIA+ community. Board Member Wojtas noted that more needs to be done to encourage full acceptance. Speakers thanked the Town for establishing the Diversity, Equity and Inclusion Committee and support its mission.

Board Member Wojtas summarized the specific actions there were requested as follows:

1. Encourage the use of an individual's preferred pronouns on email signature blocks, nametags, Zoom names, etc. *The Board supports this request.*
2. Providing gender-neutral bathrooms in public buildings. *Board Member Wojtas noted that some municipal buildings have at least one gender-neutral bathroom. The Board supports this request.*
3. Reconsider the Select Board policy for flying the Progress/Pride Flag at Town Buildings. *The Board has reconsidered this policy and has maintained its original policy.*
4. More forceful denunciation of bigotry and hateful words and actions, including the destruction of Pride/Progress Flags. *The Board supports this denunciation and encourages residents to become more aware of any disrespectful words or actions to any person or group of persons.*
5. Be aware of the symbolism of official actions. *The Board supports this request.*
6. Creation of PFlag group. *Chair Timmins noted that this is under the purview of a private citizen to have Chelmsford become a chapter under the PFlag Boston Chapter.*
7. Celebrate Pride month with an event in June. *This celebration and other celebrations are under the purview of the Diversity, Equity and Inclusion Committee and require extensive planning. Chair Timmins suggested collaboration with the Rainbow Merrimack Valley Committee as well.*

Board Member Carota recalled a teacher at the Harrington School asking for assistance for teacher training in support of the LGBTQIA+ community. Board Member Wojtas will follow up with the School Committee on this and other school-related requests made.

Flag Policy Revision

Chair Timmins reviewed the revisions to the flag policy deleting the word “holiday” and adding the last sentence.

9-2 Display of Flags on Town Property

The only flags that are allowed to be flown on Town property are: the flag of the United States, the flag of the Commonwealth of Massachusetts; the flag of the Town of Chelmsford; the POW/MIA flag; and any departmental-specific flag. Notwithstanding the preceding language, the Town may allow banners to be flown on Town property recognizing the service of veterans, and may allow ~~holiday~~ decorations that include banners indicating the support of businesses, only where such banners are consistent with the form proscribed by the Town, and only so long as the Town reviews and approves the message on such banners in advance. Additionally, the Town may also continue to allow banners displaying public service announcements on behalf of the Town on granite posts in various locations throughout the Town.

MOTION: by Vice Chair Lefebvre to approve Section 9.2 Display of Flags on Town Property revision to Select Board policies, as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Town Center Listening Session Follow-up Process

Chair Timmins began the discussion on the Town Center listening session. Board Member Dixon was assigned to work with Manager Cohen and his staff to disposition the issues discussed at the listening session and bring recommendations to the Board at a future meeting for further discussion.

TOWN MANAGER REPORTS

Purchase of Municipal Parking Lot at 1 Billerica Road/44 Central Square

Town Manager Cohen reported that all documents had been submitted and monies wired to Town Counsel. He expects that the sale will be on record as of tomorrow morning.

Renewal of the Animal Control Intermunicipal Agreement with Tyngsborough

Town Manager Cohen asked for the Board’s approval of the renewal of the Intermunicipal Agreement with the Town of Tyngsborough to contract the services of the Chelmsford Animal Control Officer for FY23. The arrangement is going well and has not negatively impacted the Town’s services.

MOTION: by Vice Chair Lefebvre to approve a one-year extension for FY23 to the Intermunicipal Agreement with Tyngsborough. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Road Safety Audit of the Intersection of Chelmsford Street, Stedman Street and Golden Cove Road

Town Manager Cohen reported that a pre-meeting of the MassDOT, its engineer and town department officials was held recently with regard to the road safety audit of the intersection of Chelmsford St., Stedman St. and Golden Cove Rd. because of its high accident occurrence. This meeting was followed by a site inspection. Short-term remedial steps will be the restriping of the crosswalk, repair of walk buttons and signage. The long-term solution will include the installation of traffic signalization with a completion schedule in 2025. Mr. Cohen reported that he was surprised to hear that there were no plans for the nearby Route 495 bridge replacement at the current time.

Town Manager Appointments

Age Friendly Implementation Committee: Connie Donahue, three-year term exp 6/30/2025

CCA Advisory Committee: Mike Rigney, one-year term exp 6/30/2023

Tree Committee: Peter Spawn, three-year term exp 6/30/2025

Tree Committee: Ian Farley, unexpired three-year term exp 6/30/2024

Annual Re-Appointments

Arts and Technology Education Fund Reappointment: Carrie Suzawa Meikle, three-year term exp 6/30/2025

Permanent Building Committee Reappointment: Steven Roberts, three-year term exp 6/30/2025

Tree Committee: Brian Zuzelo, three-year term exp 6/30/2025

MOTION: by Vice Chair Lefebvre to approve the Town Manager's appointments and re-appointments as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

APPOINTMENT OF TOWN LEGAL COUNSEL

Board Member Dixon asked for clarification on the proposed fee increase of legal counsel. Town Manager Cohen responded that the fee is determined when the appointment is made and also at the time of renewal.

Board Member Dixon stated that he had heard from some residents with recommendations of attorneys interested in bidding for the contract and he suggested awarding the contract to the present Town Counsel for a period of thirty days to enable the opportunity for the Board to interview alternative candidates for Town Counsel.

Discussion ensued on the timeframe for requesting bids, interviewing and awarding the contract over the next three month-period. Without cause, there was no rationale for considering other law firms and not extending the contract of the present law firms. Following discussion, it was decided that the Board would consider looking at the current process of selection and terms of service in enough time to enable sufficient decision-making in time for renewal.

MOTION: by Vice Chair Lefebvre to approve a one-year extension of contract for the currently serving law firms to the Town. Seconded by Board Member Carota.. **Motion carries 4-0-1, with Board Member Dixon abstaining.**

MEETING MINUTES

Select Board Open Session Prior to Executive Session June 2, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board open session minutes prior to executive session meeting minutes of June 2, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Select Board Regular Session Minutes June 6, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board regular session meeting minutes of June 6, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Select Board Listening Session Minutes June 13, 2022

MOTION: by Vice Chair Lefebvre to approve the Select Board listening session meeting minutes of June 13, 2022. Seconded by Board Member Dixon. **Motion carries 4-0-1, with Chair Timmins abstaining.**

Announcement of Determination of Releasability of Executive Session Minutes

Minutes for Release: April 27, 2022 Segment 3

Minutes Not for Release: April 27, 2022 Segments 1 and 2

Chair Timmins noted the Executive Session meeting minutes that will be released, and those that cannot be released at this time.

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Carota – no report.

Board Member Dixon – no report.

Vice Chair Lefebvre

- Happy July 4th Celebration and Parade.

Board Member Wojtas

- With sadness we recognize the passing of Stratos Dukakis, a long-time member of the Finance Committee and representative to the Nashoba Technical School Committee and Jim Harrington, long-time Town Counsel, Library Trustee and representative to the Nashoba Tech School Committee.
- Girl Scout Troop 67512 installed a Little Free Library at Friendship Park this past weekend.

Chair Timmins

- Eagle Scouts Ian Blanchard and Ethan Metzler of Troop 74 had court of honor ceremonies this past weekend. Their projects consisted of Ian constructing two benches at Innovation Academy Charter School and Ethan installing four percussion instruments outside CCA.
- Congratulations to the Select Board scholarship winner, Karina Janakos, and to all the graduating seniors of Chelmsford High School.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Vice Chair Lefebvre to adjourn to Executive session at 8:44PM, not to return to open session, for the purpose of discussing strategy with respect to collective bargaining; and to review Executive Session Minutes: May 9, 2022 Segments 1-6; May 23, 2022 Segments 1-4; June 2, 2022; June 6, 2022 Segments 1-3.

Roll call vote:

Board Member Carota-Aye

Board Member Dixon-Aye

Vice Chair Lefebvre-Aye

Board Member Wojtas-Aye

Chair Timmins-Aye

Motion carries 5-0, unanimous.

NEXT REGULAR MEETING DATE: July 11, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- 2022 Independence Day Events Schedule
- Citizen petition deadline – Fall 2022
- LWV candidates forum flyer
- Beach closure guidelines
- Suicide prevention number change July 2022
- Committee vacancies as of 6/27/2022
- Jala Entertainment dba Egg Mania Beer and Wine
- Marimena Inc. dba Jimmy's Pizza Multiple amendments
- St. Augustine dba Brothers Pizza common vic license transfer
- Ratings Direct summary Chelmsford MA general obligation
- Select Board vote – Chelmsford bonds dated 6/30/22 and 7/1/22
- Bond auction results 6/21/2022
- Memo bid results – Summer St. parcel
- Bid summary Summer St. Parcel 6/15/2022
- KC 06/23/22 ARPA budget response
- ARPA funding YTD budget June 27th
- Traffic Committee update 6/27/22
- NMCOG Route 129 sewer memo 6/27/22
- NMCOG Route 129 wastewater stud presentation
- NMCOG Route 129 sewer study tables 6/27/22
- LGBTQIA+ listening session
- Revised flag policy 6/2/22 (revised 6/23/22)
- Animal control IMA
- Chelmsford Tynsborough animal control IMA extension FY23
- Road safety audit
- Board of Registrars appointment memo from RTC
- DEIC application – Morel
- DEIC application – Ransdell
- CCA Advisory Committee – Rigney
- Tree Committee application – Spawn
- Tree Committee application – Farley
- 6/2/2022 SB open session minute draft
- 06/06/2022 SB minutes
- 06/13/2022 SB meeting and town center listening session minutes