

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

Regular Meeting MINUTES
July 11, 2022

Attending:

Virginia Crocker Timmins, Chair
Ken Lefebvre, Vice Chair via Zoom
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

Deadline for 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.

Care Solace Mental Health Care Coordination Service, Free for Chelmsford Residents and Employees

Vice Chair Lefebvre stated that Care Solace, a mental health care coordination service, helps resident families and employees connect to quality care mental health substance use treatment providers at no cost to match needs and insurance. Contact information: 888-515-7881 or caresolace.com/Chelmsford-ma.

PUBLIC INPUT

Lynn Marcella of Carlisle Street appeared before the Board. Speaking for the Parade Committee, she thanked all who participated in a very successful Fourth of July celebration. They included liaisons from the Board, members of the committee, resident volunteers, Fire and Police Departments and Department of Public Works, as well as business sponsors without which support the Parade could not happen. Work has already begun on next year's festivities, and she welcomes interested new members to come forward.

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

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

Sagar Shah, representative of Jala Enterprises, appeared before the Board. Chair Timmins directed the Board's attention to the updates contained in the packet and asked for additional questions from the Board and input from the public. There was no additional input.

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

MOTION: by Vice Chair Lefebvre to approve the Wine & Malt beverages restaurant license of Jala Enterprises Inc. dba Egg Mania located at 83 Parkhurst Rd. Unit 15. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

Continuation of 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 and client appeared before the Board. Chair Timmins directed the Board's attention to the updates contained in the packet and asked for additional questions from the Board and input from the public. There was no additional input.

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

MOTION: by Vice Chair Lefebvre to approve the application for transfer of stock, change of officers and change of manager on the wine and malt beverages restaurant license of Marimena Inc. dba Jimmy's Pizza located at 2 Alpine Lane. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

LICENSES

Change of Seating on Common Victualler License: GL Donuts, LLC DBA Dunkin' Donuts, 105 Chelmsford Street

Emily Fitzgerald, representative of GL Donuts, appeared before the Board. She stated that the restaurant is currently closed for renovations that will increase the seating from thirty-three to thirty-seven seats and is currently on target to reopen next Tuesday.

MOTION: by Vice Chair Lefebvre to approve the amendment to the seating floor plan on the common victualler license of GL Donuts LLC DBA Dunkin' Donuts located at 105 Chelmsford St. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

DISCUSSION ITEMS

ARPA Premium Pay

Town Manager Paul Cohen reintroduced the topic of awarding premium pay to employees in consideration of their dedicated efforts during the pandemic. Discussion ensued. The Board revisited its prior discussions on awarding premium pay to *all* employees to avoid choosing groups of employees. Mr. Cohen had completed the analysis for awarding every benefit eligible employee a paid day off and backfilling positions that needed coverage like police, fire, and dispatchers at a cost of \$55K. Board Member Dixon was in favor of awarding first responders \$1K outright and Board Member Lefebvre was in favor of two paid days off.

Chair Timmins noted that she had discussed the impact of \$55K to ARPA funds, and the Town Accountant did not see an adverse effect on the remaining ARPA funds.

MOTION: by Vice Chair Lefebvre to award every benefit-eligible employee a paid day off to be taken in the current fiscal year in recognition of their efforts during the pandemic. Seconded by Board Member Carota. **Motion carries 4-1, with Board Member Dixon in opposition.**

June Sewer Flows

Town Manager Cohen reported that the Town finished the fiscal year in June below the allocated sewer capacity of 2.66mgd. Rainfall matters in sewer flows and June was a relatively dry month. In trying to interpret the results of infiltration testing, Manager Cohen stated that he and DPW Director Clancy have a hypothesis that the suspected source of inflow may be caused by sump pumps discharging into home sewer mains. Chair Timmins asked how one would prove that hypothesis and Mr. Cohen stated that inspections would have to be done. With grant funding for environmentally sustainable efforts, a program will be put in place to educate and assist homeowners as well as businesses in properly dealing with sump pumps to better dispose and discharge into ground water on personal property rather than into the sewer lines.

Discussion ensued on the results of the infiltration test. Mr. Cohen noted that although the test was done on a small subset, the data suggested a high probability of infiltration not from ground water but from sump pumps across the entire sewer system. Additionally, there was no infiltration found from stormwater.

Discussion also ensued on the consequences of going over capacity. Mr. Cohen stated the Lowell Treatment Plant has been over capacity twice, but no fines or penalties were incurred by the Town. However, the Town needs to be aware of its borderline status of being within 3% of capacity.

Policy Regarding Sewer Capacity and Options for Future Solutions

Town Manager Cohen reported that the Town's two-year moratorium will end in October, and an initial meeting had taken place with Vice Chair Lefebvre, Board Member Carota and DPW Director Christine Clancy to discuss the development of a permanent sewer policy at the conclusion of the moratorium. With a sewer system that is within 3% of capacity, the Town needs to consider further options to address the issue. The Board's opinion is sought in devoting the time and resources, legal and regulatory, to pursue further.

Discussion ensued. It was the opinion of the Board that step one would be to consult with legal counsel on the feasibility of pursuing any and all options. Town Manager Cohen will consult with Town Counsel Haverty for his recommendation of legal counsel.

Mr. Cohen stated that one of the options considered was the means at which raising or transferring capacity in the system to accommodate development/redevelopment in commercial areas in the community could be attained. If land constraints prevented the onsite installation or expansion of a septic system, was there a commodity market whereby property owners could remove themselves from treatment allocation and have that commodity transferred to another sewer user that needed expanded capacity for development/redevelopment purposes.

Chair Timmins questioned that, if a fair banking capacity policy made sense, do we have any other information on why other municipalities had not implemented one or if other municipalities had faced a similar situation. Ms. Clancy responded that she had not found a similar situation in any other municipalities. Some communities have dealt with the situation by issuing a hard stop policy. She will pursue her investigation further with DEP and EPA.

Board Member Carota stated that the Town needs to explore opportunities to accommodate development/redevelopment. He noted that the recent acquisition of a property downtown was for him a triggering event that the Town needs to move forward more expeditiously to accommodate that development. He referenced the Apollo Drive property and offering incentives for expansion to take over the entire capacity and do treatment on-site by granting tax credits. These credits could also be offered for residential septic installations expanded for the benefit of abutters. An expansion for the existing capacity

could be pulled back in the “inventory” for the Town to be allocated elsewhere. Also going from an office use to a warehouse use could provide a similar benefit. These exchanges would need a formal legal record attached to the deed of the property.

Board Member Carota also stated that if the Board were the governing authority, language in the policy could be developed for allocations based on hardship that would take into account situations like the topography of the location that makes installation of a treatment plant impossible or no easy route for discharge. The Town should have the ability to accommodate a development from its buffer inventory that clearly benefits the Town. Mr. Cohen cautioned that the interests of the Town must be protected in assessing “hardship” and the legalities of this approach need to be vetted by legal counsel.

Board Member Wojtas was not in favor of private exchanges between private entities. Language needs to be included to safeguard against the trading for personal gain of residential and commercial allocations. Chair Timmins agreed that, in that private exchange scenario, safeguards that are legally appropriate should be considered.

Discussion ensued on the current vacancy allocation. Mr. Cohen reported that the Town would never be at full occupancy and the natural vacancy rate is above 5%. Vacancy allocations would not be an appropriate use.

In response to Board Member Dixon’s question on ways to share capacity with neighboring towns, Mr. Cohen responded that he does not see any interests from other communities and Billerica has flatly declined. Additionally the Lowell plant does not have the capacity to expand the current permit. Currently regulations prohibit discharge into the river and this limits the ability of the installation of treatment plants in some locations. The developer of the UMass West campus was successful in incorporating an on-site treatment plant into their plans, but many sites are in close proximity to residential areas and not achievable for political and practical reasons having to do with odor, noise, additional traffic, etc.

Board Member Carota emphasized the need to make accommodations for business and other development in Town in order to ensure the achievement of the vision of the Town in the Master Plan by making Chelmsford a vibrant place to live and in which to do business.

Vice Chair Lefebvre noted it would helpful to get input from residents and business owners that had experienced the moratorium to consider in the development of a policy. Chair Timmins agreed that this would be valuable input.

Chair Timmins asked that in consideration of the end of the moratorium in October, more research is needed for the Board’s consideration. Mr. Cohen stated that a draft of the policy will be brought back to the Board by mid-end of August for further discussion. The charter provides that the policy would belong to the Department of Public Works, which oversees all development within the context of sewer capacity.

TOWN MANAGER BID AWARDS

Parker School Elevator Chair Lift

Town Manager Cohen reported that one bid from Kneeland Construction in the amount of \$158K was received for the replacement of the Parker School elevator chairlift and he is seeking the Board’s approval of the bid award. Mr. Cohen noted that the bid was formally advertised including on the MA COMMBUYS site, three bidders were present at the pre-bid but only one bid received. He also noted that the bid exceeds the budget of \$127K, and the installation date will be delayed beyond the beginning of the school year.

MOTION: by Vice Chair Lefebvre to accept the bid award of the Parker School elevator chair lift to Kneeland Construction in the amount of \$158K. Seconded by Board Member Carota.
Motion carries 5-0, unanimous.

TOWN MANAGER REPORTS

FY22 Town Manager and Select Board Goals 4th Quarter Report

Town Manager Cohen reviewed the PowerPoint presentation on the fourth quarter report on the Town Manager's goals status including the following highlights:

Sewer Capacity

- Sewer capacity report completed and presented by Weston & Sampson in September 2021.
- No significant areas of additional inflow and infiltration of additional capacity to the sewer system were found.
- However, Littleton Rd. corridor found additional sewer flow, which will be addressed by relief to the sewer main.
- Ongoing monitoring of flows, documentation, and reporting.
- Every new project is being analyzed for existing and potential flows.
- Development of a checklist for all projects, weekly meetings of DPW, BOH, Police and Fire Chief, Community Development and discuss future projects.
- Look to other utilities, electricity, gas, and water to ensure compliance.

Warren-Pohl Farm

- Nearing end of preservation process including perimeter survey by DPW.
- Conservation Commission worked with DPW for access off Boston Road and parking area.
- Electric service run to barn disconnected from private property.
- Easement plans developed and approved by Town Meeting and notification of abutters.
- Finalizing survey plan for conservation restrictions and public access to property.

Fire Stations

- Established criteria at beginning of the year.
- Committee developed mission statement and the committee has met twice/month.
 - Assessed condition of existing fire stations.
 - Analyzed response times.
 - Considered alternative station configuration.
 - Considered apparatus requirements.
 - Considered staffing levels.
 - Considered safety needs of community and responding firefighters.

PFAS on Richardson Road

- Response Action Plan (RAP) filed with DEP on October 8, 2021.
- Town completed actions.
 - Phase I initial site investigation report filed with DEP on 12/10/21.
 - Quarterly sampling of PFA levels is ongoing.
 - Treatment system installed and began operating on 7/5/22.

In response to Chair Timmins questions on funding, Town Manager Cohen responded it may be necessary to seek Fall Town Meeting approval for ongoing funding or state or ARPA funds. The construction is completed but the quarterly monitoring of the system remains as well as ongoing analysis of data.

ARPA Funds

- Conducted outreach with department heads to develop proposals to address COVID-19 air quality concerns, public health and mental health impacts, sewer pump stations and a fire rescue vehicle.
- Plan approved by Board on January 24, 2022.
- Team meets monthly to review status of projects.
- Initial project work has focused on school locations.
- Funds must be committed by December 2024 and expended by December 2026.

Town Manger Cohen suggested assigning a person to manage the distribution of ARPA funds and further bidding. This could also be part of succession planning. Chair Timmins asked the Board for input on the desired frequency of status reporting. The Board would like to start with a status report each month in order to better monitor the expenditure of funds and adherence to the 2024 deadline.

COVID Recurrence Preparation

- Board of Health has emergency plan in place to dispense vaccines.
- PPE is well-stocked.
- Board of Health participates in virtual meeting with MDPH to monitor current concerns.
- Public Health Director meets with Town Manager and other critical department heads to keep updated.

Resident Communications

- Resident communication though monthly newsletter, on Town website and in print form.
- Town provides news flashes on homepage of Town website. Messages forwarded to social media.
- Social media websites are monitored. Factual response of information is provided when appropriate especially from the Police Department.
- Chelmsford TV cable and livestream programming is utilized to distribute information, promote new businesses and provide information about civic events.

Minutes Policy

- Select Board minutes process established and documented.
- Minutes policy/guidance established and distributed.
- Town Manager to monitor Town website for public availability of meeting minutes and will address concerns with compliance.

Public Works Infrastructure

- Listening sessions held on October 7, 2021, and October 13, 2021.
- Traffic Safety Committee addressed items raised during the listening sessions.
- Town Manager worked with DPW to prepare and present detailed five-year plan for roadway and sidewalk infrastructure improvements.
- Funding was secured from Town Meeting to help address road infrastructure improvements and plan has been initiated.
- Town has successfully met requirements of the DEP consent order pertaining to sewer inflow and infiltration plan, updated emergency response plan and progress report on assessment of sewer mains.

Growth Strategy – removed

Cyber Security Vigilance

- Employees participated in MA cybersecurity training program throughout fiscal year and Town monitors participation.
- Multifactor authentication in place with access restrictions, data backups and device management.

- Antivirus software, email filtering and link security in place.
- IT Director met with Select Board in Executive Session on March 28, 2022, to discuss security measures.

Succession Planning

- Obtained grant from UMass Boston Collins Center to develop succession plan.
- Town Manager and department heads met with the Collins Center personnel to assess concerns and develop a plan.
- Collins Center presented the succession plan to Board on May 23, 2022.
- Town Manager and HR Director have begun to implement succession plan. Initial changes have occurred at DPW and Health Departments.

Common and its Extensions Plan

- Listening session regarding impact around town center on June 13, 2022, at the CCA.
- Select Board developing summary of key items
- Traffic Safety Committee is considering items for listening session that fall in its domain.

Chair Timmins noted that Board Member Dixon had agreed to work with the Town Manager and his staff to disposition recommendations on the list of items from the Listening Session for the Board's discussion. Town Manager Cohen and he will develop the list.

Select Board Policies

- Select Board completed an update to its common victualler and alcohol license policies.
- Select Board updated its flag policy.

Other notable Accomplishments during Fiscal Year 2022

- North Fire Station renovations/expansion.
- Redistricting/repincincting of State Representative districts and Town Meeting precincts.
- State budget earmarks: \$50K for restoration of Vietnam Veterans Memorial in Vinal Square and \$200K for recreational fields.
- \$680K MassWorks grant for water main on GrotonRd.
- Acquisition of Town Center Municipal parking lot.
- Collaborative process to obtain zoning approval for redevelopment of 255 Princeton St.
- Vinal Square transportation improvements concept plan.

Chair Timmins noted that the plan for road infrastructure was reviewed in February and approval for funding granted at the spring Town Meeting. She asked for a summary of funding and progress with the plan. Town Manager Cohen will put a summary together as additional funding to supplement Chapter 90 funds will be requested at fall Town Meeting.

Approval of February 24, 2022 Special Town Meeting Zoning Amendment "UMass West Multi-Family Housing Overlay District"

Town Manager Cohen reported that approval has been granted for the actions taken at the February 24, 2022, Special Town Meeting with regard to the zoning amendment for the UMass West Multi-Family housing overlay district. The Attorney General's office has issued its approval, and the applicant is due to appear at the July 27th meeting of the Planning Board for the opening of a Public Hearing for the permitting process of 255 Princeton St.

PFAS Remediation System Operational at 54 Richardson Road

Town Manager Cohen reported that the PFAS remediation system at 54 Richardson Rd. has become operational as of July 5th. Paul McKinlay, representing Weston & Sampson, and DPW staff have worked closely together to bring the project in on time and on budget.

APPOINTMENTS

Select Board Appointments

Military Community Covenant Task Force: Pan Du, unexpired one-year term exp. June 30, 2023

Town Manager Cohen reported that there are two applicants for this position. Discussion ensued on the appointment of both candidates.

MOTION: by Vice Chair Lefebvre to appoint Pan Du and Richard Coakley both for the unexpired three-year term to expire June 30, 2023, to the Military Community Covenant Task Force. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

Town Manager Appointments

Center Village Master Plan Implementation Committee: Sheila Pichette, one-year term exp. June 30, 2023

Economic Development Commission: Anthony Grasruck, three-year term exp. June 30, 2025

Historical Commission: Pan Du, three-year term exp. June 30, 2025

Roberts Field Advisory Committee: Dan Leahy, one-year term exp. June 30, 2023

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

Chair Timmins requested that officers of the Committees and Boards be identified on the website page on the Town website. Town Manager Cohen will follow up.

MEETING MINUTES

Announcement on Determination of Releasability of Executive Session Minutes

Minutes for Release: May 23, 2022 Segment 3; June 2, 2022

Minutes not for Release: May 9, 2022 Segments 1-6; May 23, 2022 Segments 1, 2 and 4; and June 6, 2022 Segments 1-3

Chair Timmins announced the releasability status as noted.

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Carota – no report.

Board Member Dixon

- Condolences to the family of Paul DerAnanian who passed away recently. He served as the Treasurer of St. Vartanantz Church for many years and was on the Advisory Committee of the Senior Center.

Vice Chair Lefebvre

- Congratulations to the Parade Committee for a wonderful July 4th Celebration. He attended all the events, and they were all fully attended and gave that "hometown" feel especially after COVID.

Board Member Wojtas

- Ribbon cutting at Shake-A-Holic at 61 Central Square that serves very healthy drinks.

- Concert every Wednesday in July and August at 6:30 at McKay library. Rain location is the Senior Center.

Chair Timmins

- At last traffic report Chief Spinney noted data needed for doing truck exclusion on Swain Road. Town Manager Cohen to follow up.

ADJOURNMENT TO EXECUTIVE SESSION

MOTION: by Vice Chair Lefebvre to adjourn to Executive session at 7:51PM, not to return to open session for the purpose of considering the value of real property to assist the Fire Station Study Committee; and to review Executive Session Minutes of June 27, 2022, Segment 1.

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 25, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- Citizen petition deadline Fall 2022
- Care Solace
- Committee vacancies as of 7/11/22
- Jala Ent. DBA Egg Mania beer and wine 2022
- Marimena multiple amendments 2022
- GL Donuts 105 Chelmsford St. CVL amendment
- Flow summary FY22
- Parker wheelchair lift replacement bid award
- FY22 goals presentation July 21
- Chelmsford TM Warrant article approval
- MCCTF – Du
- MCCTF - Cockley
- CVMPIC Pichette
- EDC Grasruck
- Historical Commission - Du
- Roberts Field Committee – Leahy