MEETING: A meeting was held on Thursday, January 24, 2019 at 7:30 PM at Town Hall Office Building, 50 Billerica Road, Chelmsford

PRESENT: J. Clancy, A. Tanini, E. Chambers, D. Goselin and K. Duffett

ABSENT: A. Langford and V. Parks

ALSO PRESENT: P. Cohen, J. Sousa, N. Araway, G. Diggs, W. Harvey and public


The meeting was called to order at 7:30 PM.

Approval of Minutes:

October 15, 2018:
J. Clancy suggested that since two members of the committee were not present at the meeting that the approval of the October minutes wait until the next meeting.

Special Warrant Article 1: Zoning Bylaw Amendment – Version 1:
P. Cohen reported that the Planning Board met the night before and they unanimously approved Article 1. He stated that with the start of a new permit year they wanted to clean up any issues with permits and the bylaw. He said that what Article 1 would do is remove small animals from the zoning bylaw and clean-up the language regarding larger animals. He explained that removing small animals such as chickens from this article did not mean that they would not be regulated. He explained that under state law the Board of Health would still issue permits and enforce any requirements of owning small agricultural animals. He added that the Board of Health had issued permits in the past that did not meet the requirements of the zoning regulations. He explained that they had worked with Town Council and researched how other towns handled small animals and decided that it really came under health issues and so the keeping of small animals should be under the purview of the Board of Health. He noted that structures, such as sheds, would still fall under the zoning article, but regulations on lot size and setbacks would be removed.
P. Cohen stated that Article 2 would retain the requirements in the zoning article and enhance them by increasing the setbacks. P. Cohen stated that basically three things could happen. He explained that the small animals could be removed from the zoning bylaw by passing Article 1, Article 2 could be approved which would keep small animals in the bylaw, but would be more restrictive or neither article could be approved and the zoning article would remain as it is currently.

N. Araway stated that there was a public hearing where the Planning Board heard from a lot of citizens. She explained that the Planning Board did not want different regulations to be in conflict with each other so since the concerns were addressed by the Board of Health regulations they thought that the requirements for small animals should be removed from the zoning article. She added that there was a speaker, the owner of Agway, who spoke at the hearing regarding the financial impacts of the requirements for owning chickens. N. Araway explained that Agway recently ran their normal session on owning chickens which normally drew around 50 participants and this year there were only 5 attendees with only 1 being from Chelmsford. She added that Agway had reported a dramatic decrease in small animal feed sales and that they indicated that they did not know if they would be able to remain in town unless there was some change.

J. Clancy stated that he had listened to the public hearing. He explained that the Special Town Meeting was called to address the issue now rather than waiting for spring to make sure that conflicting regulations were not on the books and permitting issues could be addressed. He stated that the Board of Health regulations had setbacks of 25 feet on the side, 30 feet at the rear and 40 feet from the front. He explained that this would be a change from the 50 feet specified in the zoning article for all locations. He stated that all references to small animals would be removed from the zoning article so that it would no longer apply. He added that the Board of Health had already instituted a new 13 page set of regulations and they issued the permits so they would be best able to address any issues. K. Duffett asked if having the Board of Health be the decision maker on this was the most common approach. N. Araway replied that it was “all over the board”. She added that most communities did not have a 13 page document regarding the requirements for small animals. E. Chambers asked if there had been a joint discussion with the Board of Health. N. Araway stated that there had been, but with the removal of small animals from the article, the Planning Board would only be involved if there was a permanent structure involved. She explained that the Board of Health had taken responsibility for the rat complaints and addressed those issues. She added that the regulations that they came up with were based on input from many sources including from every surrounding town. She indicated that the regulations were reactive to a community concern.

D. Goselin asked if his neighbor had chickens how close they could be to his property. N. Araway replied that if Article 1 passes the control of this would be in the hands of the Board of Health. She said that it would only be addressed by the Planning Board if the coop was a building instead of a mobile cart. J. Clancy reiterated that any hen houses or runs must be at least 25 feet on the side, 30 feet in the rear and 40 feet from the front of property lines.
A. Tanini stated that the fines were $50 for the first violation, $100 for the second and $150 for the third and subsequent violation. She asked how this compared to the zoning article. N. Araway stated that fines for violations of the zoning article were up to $300 per day. K. Duffett asked about fines collected. P. Cohen replied that they were negligible. K. Duffett asked if the Board of Health had the power to ask residents to get rid of their chickens. N. Araway replied that they did. She stated that quite a few people had removed their chickens due to the regulations and she noted that there were a lot of unhappy families. J. Clancy stated that the Board of Health regulations did allow for non-conforming pre-existing permits to be issued going forward for those issued a permit in error in 2018, however, they could only be issued a permit if they had been denied a permit based solely on the 40,000 square foot regulation. K. Duffett asked how much was raised in chicken permit fees. P. Cohen replied that the amount was nominal.

Special Warrant Article 2: Zoning Bylaw Amendment – Version 2:
J. Clancy stated that Article 2 would keep the small animals in the zoning article and add additional restrictions. He explained that it would decrease the number of small animals from 10 to 6 and would increase the lot setbacks from 50 to 75. He added that it would also increase the distance from a year-round water source from 50 to 150 feet. J. Clancy stated it effectively incorporated the additional language in the Board of Health Regulations, but increased required setbacks.

Special Warrant Article 3: Employee Contract Agreement Funding:
J. Clancy stated that no action would be taken on Article 3 currently. P. Cohen added that they had one outstanding police sergeants union contract which was not resolved. He stated that the case was heard by the arbitrator who has requested an extension. He stated that once it was finalized he would also update the budget for Spring Town Meeting. He added that he expected a decision in 7 to 10 days so the Finance Committee may want to plan to meet on Monday, February 4th prior to Town Meeting to decide on the funding, if the arbitration is resolved.

Special Warrant Article 4: Grant of Access and Utility Easement:
G. Diggs stated that the Town was currently collecting no taxes on the land covered by Article 4. He stated that it had been zoned by a church and already had engineering plans for four two family dwellings. He introduced W. Harvey who purchased the land. W. Harvey stated that he was with SGC Development, LLC. and he said that he had purchased the land from the church in September of 2017. He said that the current access to the land was only from John Street which was not ideal as it was only about 20 feet wide and cars often parked on the sides of the road and with the nearby soccer field there were children running around. He explained that there was a section of land acquired by the Town in 1987 on Tobin Ave. which would be a better access point. He explained that it would be safer and easier to access the land from Tobin Street. He explained that this access was approved by the DPW as trucks and fire engines were able to get down this road and turn around safely. He stated that he has talked with the Town Engineer and would agree to have an estimated $10,000 to $15,000 improvements done to the road. He explained that this would be done post-bond and would be guaranteed. He stated that currently the water line ends at John Street and he would create a loop from John Street to Tobin Ave. He stated that he would take responsibility for adding this loop and the estimated cost he had from his contractor was between $20,000 and $25,000. W. Harvey stated that Tobin Avenue would be much safer than John Street as an access point as it was 40 feet rather than the 20 feet of John
Street and thus far he had not seen children on Tobin Ave. W. Harvey said that G. Diggs had brought up the grinder pumps at the last meeting and with the loop there would not be the need for 8 grinder pumps that would need to be maintained by the Town. W. Harvey added that properties on Tobin Ave. had not yet connected to the Town Sewer and he would run the sewer lines to the property lines allowing them to tie into the sewer at significant savings. K. Duffett asked if by coming in from Tobin Ave. they would not need grinder pumps. W. Harvey replied that yes, this would avoid grinder pumps. He stated that by coming in via Tobin Ave. and with the creation of the loop there would be the elimination of a total of 12 grinder pumps.

W. Harvey stated that he had also reached out to the abutters and there was plenty of excess land that would benefit the neighbors with additional privacy. W. Harvey stated that his developments had strict condo associations rules and would be a good “affordable” option for first-time home buyers. A. Tanini asked what the size of the units would be. W. Harvey replied that each duplex would be about 30 feet by 60 feet. He added that they were designed to look like houses. D. Goselin asked if he knew the square footage. W. Harvey replied that they were 3 bedroom units and he would guess they were about 1,850 square feet. D. Goselin asked for confirmation that this would be four buildings and 8 total units. W. Harvey replied in the affirmative. W. Harvey stated that issues regarding Varney Park had been brought to his attention and the fact that they needed funding. He stated that he would also make a donation of $30,000 to Varney Park. J. Clancy asked if this would be consideration for the easement. W. Harvey replied that it would noting that the donation would also be a condition before any building permits were issued.

W. Harvey pointed out that the plan had been approved by the Planning Board unanimously, subject to the easement. He noted that originally he had wanted to build 8 single stand-alone affordable units, however, since the plan was already done for duplexes he decided to stick with the existing plan.

Public Comment Prior to Vote:
J. Clancy called for public comment prior to the Finance Committee votes being taken. There was none.

Vote on Recommendations for Special Town Meeting Warrant Articles:

Article 1 Zoning Bylaw Amendment – Animals Accessory to Dwellings:
K. Duffett made a motion that the Finance Committee recommend approval of Article 1 as presented. D. Goselin seconded the motion. J. Clancy stated that the Board of Health was now on the books with regulations and the Zoning Board wished to remove reference to small animals from the bylaw and turn it over to the Board of Health. K. Duffett asked what the recourse would be if someone had a complaint about chickens. E. Chambers replied that it would be the same recourse that they currently had. J. Clancy added that this would make it more clear as to what board would be in charge of enforcement. A. Tanini suggested that residents may be more apt to look at the zoning bylaw than the Board of Health regulations. J. Clancy responded that the Board of Health was the permit issuer and would make it clear at that time what the regulations were. He added that he thought it made more sense for the Board of Health to be in charge of this. J. Clancy pointed out that the section regarding non-conforming permits only
applied to those who had not met the requirements due to the lot size and were previously issued permits in error. He added that rather than the 50 feet in the zoning bylaw the Board of Health put the setbacks at 25 feet from the size, 30 feet from the rear and 40 feet from the front. K. Duffett noted that this would only go back to the zoning bylaw if there was a physical structure. She added that with this article she thought that there was a clearer path for complaints. E. Chambers stated that what this article would do is increase the number of people who could have chickens and he wasn’t sure he wanted to do that. D. Goselin said that he tended to agree with E. Chambers. J. Clancy pointed out that the Board of Health regulations were pretty thorough and residents would still need to comply with the noise, cleanliness, feed and waste requirements. A. Tanini commented that all it takes is one bad neighbor to cause an issue. She noted that her family were farmers and chickens tended to be “dirty”. She added that she did not see the need to make it easier for people to have chickens. D. Goselin commented that in the past people were not complaining until the rat problem which was blamed on the chickens.

J. Clancy asked how many permits had been issued that were non-compliant with the zoning article. P. Cohen replied that 10 permits had been issued which should not have been, but he added that there were also people with chickens who did not have any permit. J. Clancy asked for clarification that there was only the one complaint about the Buckman Drive property. P. Cohen replied in the affirmative. J. Clancy noted that residents would have to have a maintenance plan on file with the Board of Health in order to receive a permit. He noted that this article would help those few who received permits in error and were now in violation of the zoning bylaw. He added that it was unknown if this would greatly increase the number of chickens in town because there were still a lot of restrictions. K. Duffett commented that she was somewhat indecisive regarding this article. She stated that she understood that some people liked to have chickens, but she did not want to live next door to them. E. Chambers stated that this article would increase the number of residents who could have chickens, but it would not change the recourse people had if there were issues. D. Goselin pointed out that chickens next door could affect the value of your property. A. Tanini asked if there was a variance for those who had a permit in error. P. Cohen replied that they would have to prove a hardship which was not easy to do. J. Clancy called the vote. J. Clancy voted in favor of the motion. D. Goselin, A. Tanini and E. Chambers voted against the motion. K. Duffett abstained from voting. The motion failed. The Finance Committee will recommend against Article 1 by a majority vote. (3 against, 1 in favor, 1 abstention)

Article 2 Citizen Petition—Zoning Bylaw Amendment—Animals Accessory to Dwellings:
K. Duffett made a motion that the Finance Committee recommend approval of Article 2. D. Goselin seconded the motion. K. Duffett stated that she intended to vote against this article as it was too strict. J. Clancy agreed. He stated that he appreciated seeing roosters mentioned, but they were already taken care of elsewhere. He stated that the setbacks for water would triple increasing to 150 feet. He questioned the purpose of this. P. Cohen replied that rodents tended to travel along bodies of water. J. Clancy noted that these restrictions did not coincide with the new Board of Health regulations. He added that this article would keep small animals in the zoning bylaw and increase the setbacks. He called the vote. All voted against the motion. The motion failed. The Finance Committee will recommend against Article 2 by a unanimous vote. (5 against, 0 in favor)
Article 3 Funding for Collective Bargaining Agreement:
J. Clancy stated that discussion on Article 3 would be postponed. He added that if the arbitration was awarded the Finance Committee would meet prior to the Special Town Meeting.

Article 4 Proposed Easement/Right-of-Way – Tobin Avenue:
K. Duffett made a motion that the Finance Committee recommend approval of Article 4 as presented. D. Goselin seconded the motion. K. Duffett commented that there seemed to be a lot of benefits to the community from granting this easement. A. Tanini agreed. She stated that her only hesitation was that she would prefer single family homes. J. Clancy commented that there would be a lot of pluses for the town including 8 units added to the tax roll, the elimination of grinder pumps and Tobin Avenue being a better access road. He stated that it looked like a good project which was already approved by the Planning Board. He added that Varney Park could also greatly use the funds from the donation. D. Goselin and E. Chambers agreed. E. Chambers added that there were no major concerns from the neighbors. A. Tanini asked what would happen if the article was approved, but then W. Harvey did not build. K. Duffett stated that the Board of Selectmen would grant the right to the easement, but if W. Harvey did not build he would not be able to sell the land with the easement. P. Cohen added that if that happened it would need to go back to the Board of Selectmen with a modified plan. J. Clancy called the vote. All voted in favor. The Finance Committee will recommend approval of Article 4 by a unanimous vote (5 in favor).

Discuss Warrant Booklet Production and Circulation:
J. Clancy stated that the booklet needed to be completed by Monday. He stated that he would send out the letter over the weekend for members to review. He asked those who voted against Article 1 to send him a paragraph with the reasons for their recommendation.

Town Manager’s Draft FY2020 Recommended Operating Budget and Spring Town Meeting Warrant Articles:
P. Cohen reported that Governor Baker had released his plan at 2 PM that day which included Chapter 70 reforms which Chelmsford had been fighting over two decades for. K. Duffett commented that unfortunately they did not look like they would be helpful for Chelmsford. P. Cohen stated that the budget had received mixed reviews thus far. He added that there were no additional revenue sources, but the good news was that there was some movement in education reform. P. Cohen reported that his 2020 operating budget was a $137.1 million budget with an overall 3.32% increase. He stated that the breakdown of the budget was $61 million to the schools (3.27% increase), $30.1 million to general government (2.89% increase), $82,000 Nashoba assessment (2.71% increase), $24.6 million to benefits and insurance (5.15% increase) and $14.1 million to debt service (-.72% decrease).

P. Cohen pointed out that he had funded Chapter 70 at the same $20 per student as last year and he had level-funded Chapter 90. He noted that he foresaw Chapter 70 funding to be above the current Governor’s levels. He stated that there was a global economic slowdown beginning with China and Europe which results in an increase in federal interest rates. He stated that the projected growth was 2.7%. P. Cohen reported that enrollment at Nashoba was down by 1% so there would only be a modest increase in the Nashoba Assessment. P. Cohen stated that with lower claims utilization under the GIC there was only a 3.3% increase in health insurance,
however, he explained that he had increased the funding for OPEB by another $500,000 to $1.5 million in order to get closer to meeting the obligation and not saddling those that come after us. He explained that this was the fiscally responsible thing to do.

P. Cohen reported that he had increased the school resource officers for the McCarthy and Parker Middle Schools to full-time in order to meet the safety needs of our youth. He added that he had also added a Community Services Coordinator. He explained that this would be a social worker who would work on things like the opioid crisis, depression, dementia, hoarding, etc. He noted that this was an underserved segment of the community.

P. Cohen reported that Chelmsford was right in the middle of per pupil expenditures at 14,610 for FY2017. He stated that Chelmsford had Special Education claims that were double that of other communities. He noted that other than Walpole, Chelmsford had the highest percentage of special education students. A. Tanini suggested that other communities such as Billerica may be so low because they send students in higher grades to private high schools. P. Cohen stated that the enrollment numbers continued to go down and the student/teacher ration continued to increase. K. Duffett noted that people were leaving the state of Massachusetts so the declining enrollment was true for most of the state. She noted that the only way to get more than $20 per pupil was to increase enrollment.

P. Cohen reported that under public safety the call volume had increased, but he pointed out that violent crime calls had decreased while medical calls had increased. He noted that the calls per day were about 100.

P. Cohen stated that Middlesex Retirement for FY2020 would be $8,872,242 which was an increase of $543,128 or 6.52%. He stated that this was a fixed cost and for FY2021 it would increase to $9,685,097.

P. Cohen reported that the debt service was decreasing with non-excluded debt for FY2020 at $7,543,192 and excluded debt at $4,233,005. He noted that if a school project is added that will turn the declining debt around.

P. Cohen reported that his 2020 budget had four new general government employees. He stated that in addition the additional health inspector, school resource officer and community services coordinator, he had also budgeted for an OSHA compliance employee. D. Goselin asked why this would be needed. P. Cohen replied that it was a huge liability for the Town. He stated that he was concerned that if an accident happened which resulted in injury the Town could be deemed negligent. D. Goselin asked why a consultant could not be used. P. Cohen replied that this was a perpetual need. He explained that the person would be responsible for training and record keeping and would go from department to department. He explained that the person’s sole job would be accident prevention and documentation. A. Tanini asked if this resource could be shared with other communities. P. Cohen replied that if Chelmsford was a smaller community he may recommend that, but with a community the size of Chelmsford he thought there would be a need for continuous training. He explained that he thought the burden was so big that he didn’t think the resource could be shared. He explained that in the past if someone slipped and fell they would just report a possible problem, whereas today, they sued.
P. Cohen reported that he thought the motor vehicle excise tax revenue had peaked. He guessed that the number of bills would be slightly less this year. He stated that permitting was holding strong, but overall local receipts were level funded for FY2020.

P. Cohen reported that most of the spring warrant articles thus far were the standard articles. He stated that Nashoba had an article requesting funding for roofing and windows. He noted that the Finance Committee Reserve Fund article was back up to $400,000. He stated that there were some sewer upgrades looking for funding. P. Cohen stated that he was looking for additional funding for the senior citizen property tax work-off program. He stated that it had been capped several years ago at $100,000 and he was looking to increase it to $150,000. P. Cohen stated that there was a zoning article for drive thru restaurants along Route 129 which came about due to interest from a company. He said that this would be a step above typical “fast food”.

**FY2020 Recommended Capital Plan:**
J. Sousa reported that the Capital Planning Committee had finished their meetings in December where they went through some 20 to 24 projects, resulting in the recommended capital plan of $3,473 million. He stated that K. Duffett had done a great job serving as the Finance Committee’s liaison on the Capital Planning Committee. K. Duffett said that she enjoyed serving on the committee immensely and she said that J. Sousa did an excellent job in running organized meetings.

J. Sousa reported that the total recommended capital plan was $3,473,018 with recaptured funds of $70,3511 leaving $3,402,667 to be borrowed. He reported that $100,000 would be for security camera upgrades under Municipal Technology. He explained that with the current server they could not add any more cameras. He stated that the upgrades would allow them to support more cameras. A. Tanini asked if J. Sousa had looked into utilizing cloud services instead of the town buying servers. J. Sousa replied that they did do leasing on occasion, but this would be sensitive data and there would be a lot of it. He added that it was something he could look into again.

J. Sousa stated that the capital plan included $57,819 for Phase 2 of the archive storage room upgrades under Municipal Administration. D. Goselin asked if there were other phases after Phase 2. J. Sousa replied that there would be one more phase.

J. Sousa stated that $50,000 was planned for Phase 2 of carpet replacement at the Adams library. He explained that this carpet was over 20 years old and they had determined that they could replace it in phases as there were different sections where color matching would not be an issue.

J. Sousa stated that $718,960 was budgeted for the replacement of engine 4 at the Fire Department. He explained that the engine was a 2007 with 75,382 miles and 6,557 hours of service. He stated that with the purchase of a new engine, the existing engine 4 would become a reserve engine.
J. Sousa reported that $675,000 was budgeted under Public Works with $325,000 going to sidewalk construction in the Davis Road area and another $350,000 for road improvements for various roads including Walnut, Spruce and Maple.

J. Sousa stated that three Public Works vehicles made it onto the capital plan including a Heavy Duty 10-Wheel Truck – 1999 ($213,724), a One-Ton Pickup Truck - Highway – 1999 ($70,000) and a One-Tone Dump Truck – Cemetery – 2010 ($56,000). He stated that the 10-Wheel truck would not pass inspection and the pickup truck had over 120,000 miles while the dump truck had more than 80,000 miles.

J. Sousa stated that the capital plan included $425,000 under Municipal Facilities for the Town Offices roof replacement. He explained that it was more than 23 years old and they had problems with leaks and damage last winter. He stated that under Municipal Facilities there was also a ¾ Ton Pickup Truck to replace the electrician’s van at $45,240 and an athletic striper/groomer replacement at $28,925.

J. Sousa reported that items in the Capital Plan for the schools included: $205,000 for Harrington Elementary School parking lot expansion, $285,644 for kitchen code compliance upgrades, $101,706 in additional kitchen upgrades and $440,000 under school technology for security upgrades. He stated that the parking lot expansion was needed in order to alleviate parking on Richardson Road. A. Tanini asked where they would put additional spaces. J. Sousa replied that they would be re-designing the lot. He stated that the School Facilities kitchen upgrades would eliminate non-complaint wood prep areas, install washable ceilings, replace exhaust hoods and install sneeze shields, and sinks at Byam, Harrington, South Row, Parker and Westlands. He added that they also budgeted for kitchen upgrades such as new equipment, non-slip flooring and new serving lines and furnishings at Byam, Harrington and South Row. K. Duffett asked if this would improve the quality and methodology of what they could serve. J. Sousa replied that it was a step which would allow them to make different decisions. He explained the Dr. Lang wanted to transition to cooking more food on site. J. Sousa stated that the security upgrades under School Technology at McCarthy, Parker and Central Administration included access control/door monitoring, panic and lockdown alarms, direct notification to police dispatch and a new building intrusion system. P. Cohen stated that they had done the first step which was the entrances, but now they were taking the next security steps beyond the entry point.

**Reorganization Discussion and Vote:**
J. Clancy stated that there was not enough time to meet with departments in order to have a meeting on January 31, 2019. He stated that, if needed, there would be a meeting prior to the Special Town Meeting and then the next regular meeting would be on February 7th. J. Clancy suggested that the Finance Committee may want to wait to do the reorganization until all members were present. K. Duffett made a motion that the Finance Committee table the reorganization until the next regular meeting. D. Goselin seconded the motion. All voted in favor. The Finance Committee will address the reorganization at the February 7th meeting.

**Liaison Assignments for FY2020 Budget Review:**
The Finance Committee members discussed the liaison assignments and assignments were made as follows:
Budget Hearing and Spring Town Meeting Warrant Article Schedule:
J. Clancy stated that members should reach out to their department contacts and start setting up the warrant article meetings. He indicated that budget hearings would start at the February 7th meeting. He asked if any members would not be available on certain dates. D. Goselin replied that he was not available on February 21st or February 28th. K. Duffett stated that she would be going away in February, but was not sure of the exact dates yet. E. Chambers stated that he would be out on March 14th. J. Clancy stated that members should plan for three meetings in February on the 7th, 14th and 28th and four meetings in March from March 7th through March 28th.

K. Duffett made a motion to adjourn. D. Goselin seconded the motion. All voted in favor.

The meeting adjourned at 10:20 PM.

Respectfully submitted,

Pamela A. Morrison