

Approved 3/14/2022

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

Regular Meeting MINUTES
February 28, 2022

Attending:

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

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

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

Nashoba Valley Technical High School Committee Applications due by March 9, 2022

The Chelmsford Select Board and School Committee will meet on March 14, 2022 to appoint one representative and one alternate representative to the Nashoba Valley Technical High School Committee for three-year terms ending March 31, 2025. Applications are available on the Town website at www.chelmsfordma.gov or in the Town Manager's office. Applications should be forwarded to the Town Manager's Office, 50 Billerica Road, Chelmsford, MA 01824 by 4:00PM on Wednesday, March 9, 2022.

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

Alteration of Premises and Change of Manager on All Alcoholic Beverages Restaurant License: Zesty Pizza, Inc., 14 Fletcher St. Suite 3

Attorney Angelique Eliopoulos, 9 North Road, appeared before the Board on behalf of her clients, Theodore Rokas and his son Daniel Rokas, owner/operators of Zesty Pizza, which has been in business for over forty-one years. The application seeks a change in manager of the liquor license from Theodore Rokas, President to Daniel Rokas, Operations Manager of the restaurant.

An application of alteration of the premises seeks to add four new tables to the outdoor seating. The total existing capacity is eighty-two seats with seventy inside and twelve outside. The proposed increase to eighty-four seats would comprise fifty-six inside and twenty-eight outside, representing an increase of two seats. At the request of patrons, a request is made to extend the liquor license to outdoor seating. The seating plan will remain the same year-round. A waiver of the two-week period granting the license is also requested.

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Discussion ensued on the process for seating patrons as they arrive. Mr. Dan Rokas stated that patrons arriving at the restaurant would check-in at the inside counter before they would be seated outside. Attorney Eliopoulos stated that the plans that had been submitted to the ABCC were in compliance with required guidelines.

Chair Timmins invited public input. There was none.

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

Motion: by Vice Chair Lefebvre to approve the request for alteration of the premises and change of manager of the all alcoholic beverage license for Zesty Pizza located at 14 Fletcher Street. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

LICENSES

Class II Auto Dealer License: A1 Auto Collision LLC DBA A1 Luxury Cars, 297 Littleton Rd., Unit 12 (previously licensed 2019-2021)

Yaw Sampane, owner of A1 Auto Collision, appeared before the Board. He explained that a delay in his receiving a tax identification number delayed the request for license renewal until this time.

Motion: by Vice Chair Lefebvre to approve the request for renewal of a Class II auto dealer license for A1 Auto Collision LLC DBA A1 Luxury Cars located at 297 Littleton Rd. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

REVIEW LAND ACKNOWLEDGEMENT PROCLAMATION

Board Member Wojtas reported that she had worked with representatives from the Diversity, Equity, and Inclusion Committee, as well as Public Library staff on redrafting the land acknowledgement proclamation in accordance with the Board's feedback.

Latosha Dixon, Chair of the Diversity, Equity and Inclusion Committee, appeared before the Board. She acknowledged that the Committee had been formed by the Select Board in 2020 and it continues to fulfill its mission. The Committee is committed to support the Town's efforts to become a welcoming town that recognizes diversity to foster racial equity and inclusion. Efforts are ongoing to identify and promote activities that further define core values for human and civil rights for all. The Committee provides guidance to local governing bodies, municipal organizations, businesses and residents in diversity-related issues, discourages prejudice and discrimination and encourages unity in our communities.

Partnerships have been formed with Board Member Wojtas, and staff of the public library to promote a land acknowledgement statement intended to honor indigenous people of the land and those that continue to live in Town; that they are not forgotten and to raise awareness of local and indigenous nations, to recognize the history of the land that we work and play on as an act of gratitude. While history cannot be undone, an acknowledgement of the truth of historical accounts will encourage people not to repeat the past in future actions.

Maria Palacio, Assistant Director of the Library, appeared before the Board. She noted that in response to the Board's questions about the specifics of the land acknowledgement proclamation, she and her staff developed an FAQ sheet as well as a trifold brochure. This could be used as an easy handout at the library and public events.

Laura Judge, Reference Specialist of the Library, identified her pronouns as she, her and hers, and appeared before the Board. She reported that the reference department, the Library website, and the local

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history room contain educational materials on this topic. She and her staff make themselves available to answer any questions and will make the handouts available. Ms. Judge gave a brief overview of the Town's history of genocide and forced removal of Indigenous people from the land.

Ms. Dixon stated that the proclamation could be read at different Town events and committee meetings. She stated that the land acknowledgement agreement is a step toward truth telling and a path to reconciliation.

Vice Chairman Lefebvre asked what further steps there would be to reconciliation. Ms. Dixon responded that the goal is to educate the community to respect the land and every action taken to acknowledge history is to celebrate the contribution of Indigenous peoples.

Chair Timmins supported the efforts of the Committee to educate and raise awareness, and cautioned against any mandated reading of the proclamation at committee and board meetings without putting education and awareness first, but encouragement of voluntary reading.

Motion: by Vice Chair Lefebvre to endorse the Land Acknowledgement Proclamation as presented. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

REPORTS AND PRESENTATIONS

Diversity, Equity and Inclusion Committee: Black History Month Program

Susan Mackinnon, Clerk of the Diversity, Equity and Inclusion Committee, appeared before the Board. She reported that the library hosts a Zoom program called "Watch It Wednesday" of films of social justice issues followed by a moderated discussion. This month two films were presented: "Thirteen" about the Thirteenth Amendment and racial inequities and "I Am Not Your Negro." Although technical issues prevented the latter film from being presented, a moderated discussion was nevertheless held. Registration for the series is on the library's website.

A Black History Month art exhibit showing eight local Black artists was shown in the meeting room, lobby and lending area of the library. The youngest exhibitor was thirteen and the oldest seventy years of age.

Ms. Mackinnon also reported that Cherrice Lattimore had worked with Chelmsford Telemedia in developing a video highlighting local artists. A young woman, Laura Atkins, read an original poem "I Am Beautiful" and the entire performance at the Center for the Arts is available on CTM. Also available is the entire performance of a live free event of Black performers at the Center for the Arts. Additionally, a Facebook page has been developed to feature notable Black persons in the arts, sciences, politics, entrepreneurs, etc.

Upcoming programs are: March - Women's History Month; May - Asian Pacific American History; June Gay Pride and Juneteenth holiday on June 19th to commemorate the emancipation of enslaved persons.

Ms. Mackinnon noted that there is one three-year term opening on the Committee.

Chair Timmins offered to provide public service announcements at the Select Board meetings for upcoming events.

Monthly Traffic Safety Committee Report

DPW Director Gary Persichetti updated the Board on the a) current actions; b) pending actions; and c) completed actions of the Safety Committee.

ROADWAY AND SIDEWALK CONSTRUCTION PLAN: PRESENTATION BY TOWN ENGINEER FOLLOWED BY PUBLIC INPUT

Town Manager Cohen reported that DPW had completed a pavement management survey in December in preparation for roadway and sidewalk construction in February. Sixty-degree days, however, led to an early pothole season and conditions of the roadways will be reassessed.

Christina Papadopoulos, Town Engineer, appeared before the Board. She reviewed her PowerPoint presentation including the following highlights:

- Pavement management.
 - Background and theory of pavement management.
 - Pavement condition index (PCI).
 - Treatment band scale.
 - Deterioration curves.
 - Prioritization.
 - Current average PCI distribution.
 - Pavement backlog summary.
 - Prevention.
 - Three ten-year road paving scenarios.
 - Scenario 1 - \$1.65M/year.
 - Scenario 2 - \$2.2M/year.
 - Scenario 3 - \$3.2/year.
 - Projected average PCI.
 - Projected backlog.
 - Roadway class.
 - Pavement condition index – 2021.
 - Sidewalk condition – February, 2022.
 - Sidewalk condition with schools – February, 2022.
- Paving and sidewalk plan determination.
- Current road unit paving costs.
 - DPW and contractor unit costs.
- Current sidewalk unit costs.
 - DPW and contractor unit costs.
- Proposed pavement and sidewalk plan 2022-2026.
 - 2022 plan.
 - 2023 plan.
 - 2024 plan.
 - 2025 plan.
 - 2026 plan.
- Pavement condition index – 2026.
- Proposed funding plan.

Board Member Carota asked how the Town plans to deal with the eventuality of deterioration to poor condition and base rehabilitation of the twenty-five miles of road now determined to be in the range of needing structural improvement. Town Manager Cohen stated that situation will be realized in the pavement condition in 2026. The arterial roads of Acton Road and Dunstable Road because the volume and speed is higher than side streets. That condition will present a public safety issue. Although maintenance of those roadways is ongoing, the condition does continue to deteriorate.

Town Manager Cohen stated that the allocation of Free Cash to this project is due to the fact that Chapter 90 funds from the state has been level funded for a decade. Governor Baker recently filed legislation to allocate an additional \$100M in Chapter 90 monies and an additional \$100M in pothole maintenance monies for winter roadway damage. If passed, an additional sum of \$1.235M would be allocated to the Town.

Gary Persichetti, DPW Director, appeared before the Board. He stated that the life of the roads is maintained by a schedule of crack sealing. Every year roads are reassessed to determine the treatment band according to the PCI index: 93-100 – excellent condition; 86-92 good condition; 73-85 fair condition; 61-72 deficient condition; and 0-60 poor condition. He stated that, although roadwork is contracted out, savings are realized by the DPW’s preparatory work. A pavement management plan is given to the water department, National Grid and National Gas in accordance with a five-year moratorium on road openings.

Chair Timmins noted that the report on condition of roads completed in 2013 predicted that by using level funding, the average PCI would deteriorate to 74 by 2021. The results appear to be consistent with the prediction. She questioned the decision to level fund and not lobby for more state money or allocate more town funds.

Town Manager Cohen stated that, although the Massachusetts Municipal Association has consistently lobbied for more Chapter 90 funds, the Town has little control over the state’s actual fund. The Town made the decision not to allocate more monies for roads.

Mr. Persichetti noted that at that time there were budgetary constraints on all Town departments with significant cuts, with difficult decisions being made on all capital line items, including the purchase of a \$1M ladder truck squeezing other budgets.

Chair Timmins suggested that a formalized goal for next year should be to commence a concerted campaign with the Town’s legislative delegation to lobby for additional Chapter 90 funding.

Town Manager Cohen stated that after the state election, that the Town can invite the legislative delegation to discuss the urgent need for additional Chapter 90 monies for roadway construction relief.

Chair Timmins invited public input and there was none.

TOWN MANAGER REPORTS

FY23 Health Insurance Premium Increase

Town Manager Cohen reported that premiums for health insurance for active employees and retirees was increased by 3.5% and reviewed the chart of increases by plan.

Decertification of Highway Employees Union

Town Manager Cohen reported that he had received notice from the Department of Labor Relations that as of February 18th the Highway Employees Union was decertified and employees now fall under the Town’s non-union personnel payroll. While not having a material impact on the current operating budget, the costs will be incorporated into the upcoming FY23 budget. He noted that this is the third union to decertify in the last few years along with Facilities and Cemetery employees.

Center Village Master Plan Committee Composition

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Town Manager Cohen reported that he had received a request from the committee to be reconstituted from seven members to five members. Since this is an ad hoc committee, it is not subject to state law and is under local discretion as to the constitution of the committee, and has been granted.

NMCOG Agreement for Two DLTA Projects

Town Manager Cohen reported that the Town had received a grant from NMCOG for technical assistance to the Planning Board to analyze land use and zoning conflicts and funding for eighty hours of assistance for the Route 40/Groton Road Corridor Study.

Letter to NMCOG Regarding North Chelmsford Commercial Truck Traffic

Town Manager Cohen reported that the Town's request for assistance to address North Chelmsford truck traffic has been forwarded to NMCOG, and will be addressed. Chair Timmins thanked Mr. Cohen for his logistical efforts in getting the support of legislators behind this issue.

Vinal Square Road Project 25% Engineering Estimate

Town Manager Cohen reported that the DPW Director is assisting in gaining the initial groundwork needed to obtain the 25% engineering estimate, and he will present to the Board in upcoming weeks.

AG Approval of Fall Annual Town Meeting General Bylaw and Zoning Bylaw Changes

Town Manager Cohen reported that the Attorney General had approved the general and zoning bylaws voted at the Fall Town Meeting. Once codified, they will be posted to the town website.

TOWN MANAGER APPOINTMENTS

Town Manager Cohen presented his appointment of Luke Ruter to the Community Action Program Committee for an unexpired three-year term to expire on June 30, 2022.

Mr. Ruter appeared before the Board. He stated that his pronouns are he/him/his. He grew up in Cincinnati and studied philosophy and computer science at Boston College. He believes that local community action groups are the heart of American democracy of which he wants to be a part.

Motion: by Vice Chair Lefebvre to approve the appointment of Luke Ruter to the Community Action Program Committee for an unexpired three-year term to expire on June 30, 2022. **Motion carries 5-0, unanimous.**

SIGN THE WARRANT FOR THE 2022 SPRING ANNUAL TOWN MEETING

Town Manager Cohen reported that since the last update, Article 9 has been added to the warrant and the last article with regard to street acceptance of Charles Way was dropped.

Motion: by Vice Chair Lefebvre to approve the Warrant for the Annual Spring Town Meeting on April 25, 2022 and the April Town Election on April 5, 2022. **Motion carries 5-0, unanimous.**

Approval of the Regular Session Minutes of February 14, 2022

Motion: by Vice Chair Lefebvre to approve the above regular session minutes. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

Announcement of Determination of Releasability of Executive Session Minutes

Chair Timmins stated that the following minutes are approved for release:

December 16, 2019 Segment 3; June 1, 2020 Segment 2; October 25, 2021 Segment 2; January 3, 2022 Segment 1; and January 10, 2022 Segment 1.

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Announcement of Determination of Non-Releasability of Executive Session Minutes

Chair Timmins stated that the following minutes are not approved for release:

December 20, 2021 Segments 1, 2, and 3; January 3, 2022 Segment 2; and January 10, 2022 Segment 2.

LIAISON REPORTS AND REFERRALS

Board Members Carota and Dixon: no report.

Board Member Wojtas:

- On March 15th the library is hosting a Zoom Meeting with the League of Women Voters about the upcoming election and will be discussing precincts, the availability of mail-in ballots and the ballot questions. Registration on the website is required.

Chair Timmins:

- Board of Health announced that Governor Baker lifted his mask wearing policy as of February 15th but fully vaccinated persons should still wear mask in indoors if weakened immune system; or at significant risk because of age or underlying medical condition; or someone in the home has a weakened immune system or is at risk of severe disease or is unvaccinated.
- Next Board of Health meeting is scheduled for Monday March 14th and will be discussing the latest COVID updates and mask recommendations.
- On February 23rd the Town's COVID positivity rate was 5.5% and is monitored weekly.
- The School budget hearing is scheduled for March 1st and the Finance Committee will beginning its review of Town Meeting warrant articles on March 10th.

Chair Timmins stated that the Diversity, Equity and Inclusion Committee will discuss the Select Board or DEIC hosting a listening session with the LGBTQIA community and report back to the Board at its next meeting. The topic will be put on the agenda for discussion at a following meeting.

PRESS QUESTIONS

No press were present.

ADJOURNMENT

Motion: by Vice Chair Lefebvre to adjourn the meeting at 7:47PM. Seconded by Board Member Carota. **Motion carries 5-0, unanimous.**

NEXT REGULAR MEETING DATE: March 14, 2022

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

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Supporting documents:

- NVTHS vacancies
- Committee vacancies
- Public hearings: alteration of premises; change in manager
- Public hearings: Class II auto dealer license
- Land Acknowledgement Proclamation
- FAQs land acknowledgement
- Traffic control committee update
- Pavement presentation
- Paving plan input
- Health Insurance renewal
- Union Decertification
- Center Village master plan committee composition
- NMCOG DLTA agreement
- Letter to NMCOG regarding truck traffic
- Town Manager committee appointment
- Spring Annual Town Meeting warrant
- Minutes of February 14, 2022