

Approved 6/6/2022

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

Regular Meeting MINUTES  
May 9, 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  
Paul Haverty, Town Counsel

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**

**LGBTQIA+ Listening Session – May 19 @ 6:00PM – McCarthy Middle School Auditorium**

The Chelmsford Select Board along with the Diversity, Equity and Inclusion Committee are hosting a listening session for the LGBTQIA+ community at the McCarthy Middle School Auditorium, 250 North Road on May 16<sup>th</sup> @ 6:00PM. All residents are invited to attend.

**2020 Master Plan Implementation Committee Opening for Resident or Town Meeting Reps**

The Chelmsford Planning Board is seeking to appoint one Town Meeting Representative or resident-at-large to the 2020 Master Plan Implementation Committee. The Committee is expected to meet no more than quarterly. Letters of interest should be submitted no later than Friday, May 27<sup>th</sup> including relevant experience to Evan Belansky, Director of Community Development at [ebelansky@chelmsfordma.gov](mailto:ebelansky@chelmsfordma.gov).

**Listening Session Regarding Improvements around the Town Center**

A listening session will be held on June 13<sup>th</sup> at 6:00PM regarding improvements around the Town Center to be held at the Chelmsford Center for the Arts.

**Juneteenth Celebration – June 18 from 1:00-3:00PM on the Town Common**

The Juneteenth celebration will be held at the Town Common on Saturday, June 18<sup>th</sup> from 1:00-3:00PM. This community event will highlight the importance of the date June 19, 1865, with presentations by black-owned business, music, dance, poetry, food, Allyship and community engagement.

**PUBLIC INPUT**

Sue Olsen of Groton Road appeared before the Board. She referenced the March 28<sup>th</sup> meeting of the Board at which the Traffic Committee advised that a truck study would be conducted on Swain Road in April. She asked if this report had been completed. Chair Timmins and Town Manager Cohen stated that they are following up on the completion of the report.

**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 on All Alcoholic Beverages Restaurant License: Zesty pizza Inc., 14 Fletcher St., Suite 3**

Attorney Angelique Eliopoulos appeared before the Board on behalf of her client Daniel Rokas, Manager of the license. She referenced her appearance before the Board on February 28<sup>th</sup> seeking an alteration of premises of the license. The plan submitted with the application at that time did not include a new door proposed to be open between the restaurant and adjacent ice cream shop to enable the public to go from the restaurant to the ice cream shop without going outside. No alcohol will be allowed in the ice cream shop. The plan has been approved by the ABCC. Attorney Eliopoulos asked that the two-week holding period be waived.

In response to Board Member's Wojtas question, the door is a physical door which can be opened or closed. Mr. Rokas stated that the inside door referenced in the plan between the prep area and the sinks has no public access.

Chair Timmins asked for public comment. There was none.

**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 request for alteration of premises on all alcoholic beverages restaurant license for Zesty Pizza located at 14 Fletcher St., Suite 3 and waive the two-week holding period. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **LICENSES**

### **Entertainment License – Sichuan Palace Restaurant, LLC, 7 Summer Street #17-18**

Yanni Gou, owner of the Sichuan Palace Restaurant, appeared before the Board in support of her request for an entertainment license.

**Motion:** by Vice Chair Lefebvre to approve the entertainment license for the Sichuan Palace Restaurant at 7 Summer St. #17-18. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **REPORTS AND PRESENTATIONS**

### **Paul McKinlay, LSP, Weston & Sampson Engineers: 54 Richardson Road Immediate Response Action Plan and Recent PFAS Sampling**

*Board Member Dixon recused himself from the meeting.*

Mr. McKinlay reviewed the PowerPoint presentation on the PFAS Assessment and proposed pump and treat mitigation system update including the following highlights:

- Background
  - Response actions
- Current data
- February 2022 graphic of the PFAS plume
- Remedial pump, treat and re-injection system concept
  - Graphic of recovery well
  - Schematic of the pump and treat layout and process
- Remedial treatment schedule of progress
- Next steps

Approved 6/6/2022

Chair Timmins asked for comment from the Board. Seeing none she asked for comment from the North Chelmsford Water District.

### **Input from the North Chelmsford Water District**

Bruce Harper of the North Chelmsford Water District appeared before the Board. He reported that the district had done a full carbon replacement on both filter vessels. The highest PFAS detected throughout the system was 5.5 mil/liter, and the state mcl is 20.5 mil/liter. A resampling was done in April and the system was returned to a non-detox on the finished water. He assured the public that the PFAS concentration is zero. He affirmed Mr. McKinlay's statement about supply chain issues, as he is currently awaiting upgrade water main materials delayed for thirty weeks.

Vice Chair Lefebvre thanked Mr. McKinlay and expressed appreciation for the district's returning PFAS levels to zero.

*Board Member Dixon returned to the meeting.*

### **DISCUSSION ITEMS**

#### **Fiscal Year 2023 State Operating Budget Earmarks for Chelmsford**

Town Manager Cohen reported that the Mass House of Representatives had passed its version of the state fiscal year 2023 operating budget with two earmarks: a) not less than \$100K for preliminary design of transportation improvements to Vinal Square; and b) not less than \$25K for food insecurity and nutrition programs at the Senior Center. Mr. Cohen expressed appreciation for the annual assistance to the Senior Center.

Mr. Cohen noted that the \$100K for transportation improvements was \$150K less than requested. The difference may be made up by a one stop grant. In light of the Senate releasing its own budget tomorrow, he asked the Board to consider additional requests for Senator Barrett to now move forward.

Following discussion, the Board recommended the request be made to Senator Barrett for \$250K for improvements to the Varney playground and playing fields and \$100K for utility expenses for the Chelmsford Center for the Arts.

#### **Select Board Meeting Schedule**

Town Manager Cohen presented a draft of the 2022-2023 meeting schedule of the Board for approval. Chair Timmins suggested that the meeting on Monday, June 6<sup>th</sup> involve the Planning Board, Select Board and Finance Committee with regard to the MBTA communities discussion. Following discussion, the Board was in tentative agreement of the general two meetings/month schedule and subject to change if necessary.

#### **Tax Classification Process**

Town Manager Cohen began the discussion on the tax classification process. The Board had indicated at the last classification to begin the discussion early in the year. Chair Timmins noted that that the intention is to better understand what is involved in developing tax rates that would enable the Board to develop a philosophy around the process and a balance between the residential and commercial base. The Assessor will be invited to a future meeting to clarify what tools are used to determine a fair split including the exemption for small businesses.

Chair Timmins noted that other towns consider different tax rates for different demographics including seniors. The Town Manager stated that tax relief for seniors beyond statutory exemptions is accomplished

through home rule petitions filed with the legislature. If passed, the residential tax rate exempts that demographic, and that amount is borne by the remaining taxpayers.

**Consideration of an Amendment to Section 6-7 Annual Audit of the Town Charter**

Town Manager Cohen stated that the Board needs to consider a change in the town charter currently stated as follows: the town charter states that the certified public accountant or firm of accountants that conduct an annual audit for three consecutive years shall refrain from doing so for a minimum of one year before becoming eligible to conduct any future audits.

John Sousa, Finance Director, appeared before the Board and provided feedback on the most recent procurement process to seek audit services for the town, which yielded only one response to the RFP. Principals of firms shared with him that, due to the small pool of graduates seeking positions in municipal government, and an increase in reporting requirements generated by federal ARPA and grant monies, auditing firms have less manpower and therefore are less aggressive in responding to bid requests for additional clients. Additionally, the Mass. Department of Revenue and GFOA recommend that contracts range from a minimum of five years to a range of eight years. Since the first year of a contract with a new firm requires getting up to speed on the municipality from the point of view of a historical perspective, the first year of a three-year contract will be higher in cost due to an anticipated labor intensive process. In a five-year contract, on the other hand, costs will be more spread out over the course of the contract.

Darlene Lussier, Town Accountant, appeared before the Board. She reported that she had researched the towns of Westford, Billerica, Tewksbury and others and found that they all had a consecutive relationship with their auditing firms spanning twenty years or more, with a self-rotation of lead partners every three years. Since there are a limited number of three auditing firms in the area qualified to serve a mid to large municipality such as Chelmsford, bidding every three years creates challenges in securing firms available to take on a new client. Although she understands the intention of the charter to regularly require “fresh eyes” on the town’s audit, she reported that since she has been with the town in the accounting department, the findings at the conclusion of the town’s audits have been relatively the same.

Discussion ensued on the original intention of the charter to ensure best practices for a fair and unbiased audit, and the ways this could be achieved without requiring the change of auditing firms every three years.

Following discussion, it was agreed that the language of the charter be changed to require a rotation of auditor every three years, which could be implemented as a rotation of a partner within the same auditing firm or a change in auditing firms, and strike the language to require going out to bid for a change of the entire auditing firm. Town Manager Cohen will prepare the language of the charter to reflect the above for approval at the Fall Town Meeting, review with Town Counsel and present to the Board for final approval.

**Charles Way Memorandum of Understanding Regarding Roadway Improvements and Street Acceptance**

Town Manager Cohen reported that an assessment of the conditions of Charles Way was completed by BETA Engineering. Improvements of the roadway to bring it up to the standards acceptable by the town is estimated at \$241K. A draft memo of understanding was submitted by owner/developer counsel, who elected not to attend tonight’s meeting.

Mr. Cohen reviewed the terms of the memo. There are eight existing homes and six frontage lots on Charles Way. The owner agrees to 3/7ths of the budget to be placed into escrow pending the road being accepted by the town and endorsement of the ANR plan. It is proposed that the eight homeowners may be assessed a betterment fee for their corresponding shares in exchange for the owner to agree to be open to

Approved 6/6/2022

increasing their proportionate share if the town waived the sewer connection fees, sidewalk contribution fee, filing fees, etc. with the condition that his lots can tie into sewer.

Chair Timmins suggested having a public hearing of abutters before a final decision is made. Following discussion it was agreed that the Town Manager and Town Counsel will work with the owner counsel to discuss next steps and report back to the Board.

## **TOWN MANAGER REPORTS**

### **Housing Choice Community Designation**

Town Manager Cohen reported that the town had received notice from the Department of Housing and Community Development that the town, as one of eighty-five in the Commonwealth, has been designated as a Housing Choice Community. This five-year designation provides eligibility of the town to apply for an exclusive grant program for up to \$250K in funding through the Community One Stop for Growth as well as receive special consideration in nine other state grant programs such as MassWorks, Complete Streets and Green Communities funding.

### **Winter Recovery Assistance Program**

Town Manager Cohen reported that the town had received notice from MassDOT that it had been awarded \$576,384.02 of a total \$100M of statewide funding for the winter recovery assistance program based on its 172.83 road miles. Mr. Cohen noted that Chapter 90 funding is currently being assessed based on a formula for road miles, population and employment, and this recovery assistance program is being made available expeditiously for current needs.

### **Updated Sewer Flows through April**

Town Manager Cohen reported that sewer flows through April at 2.62 mgd have come under the permitted limit of 2.66 mgd.

## **TOWN MANAGER APPOINTMENTS**

### **Commission on Disabilities: Frankie Radgowski, unexpired three-year term exp. 6/30/22**

Town Manager Cohen brought forth the appointment of Frankie Radgowski to the Commission on Disabilities for an unexpired three-year term.

**Motion:** by Vice Chair Lefebvre to appoint Frankie Radgowski to the Commission on Disabilities. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **MEETING MINUTES**

### **Select Board Regular Session Minutes of April 11, 2022**

**Motion:** by Vice Chair Lefebvre to approve the Select Board Regular Meeting Minutes of April 11, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

### **Select Board Regular Session Minutes of April 19, 2022**

**Motion:** by Board Member Wojtas to approve the Select Board Regular Meeting Minutes of April 19, 2022. Seconded by Board Member Dixon. **Motion carries 4-0 with Vice Chair Lefebvre abstaining.**

### **Select Board Regular Session Prior to Town Meeting Minutes – April 25, 2022**

**Motion:** by Vice Chair Lefebvre to approve the Select Board Regular Meeting Minutes of April 25, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

**Select Board Open Session Prior to Executive Session Minutes – April 27, 2022**

**Motion:** by Vice Chair Lefebvre to approve the Select Board Regular Meeting Minutes of April 27, 2022. Seconded by Board Member Carota. **Motion carries 4-0 with Select Board Member Dixon abstaining.**

**Announcement on Determination of Releasability of Executive Session Minutes**

Chair Timmins stated that the following Executive Session Minutes are deemed to be released: October 4, 2021, February 14, 2022 Segment 1, March 14, 2022 Segment 2, March 28, 2022 Segments 2 and 4; and April 7, 2022

She stated that the following Executive Session Minutes are deemed not for release: March 28, 2022 Segments 1 and 3

**SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Vice Chair Lefebvre:

- Police Memorial Day on May 17<sup>th</sup> @ 11:00AM at the Forefathers cemetery.

Board Member Wojtas:

- Ribbon cutting last week for the second location of the Lighthouse School located on Mill Rd.
- Retirement party was attended by her and others of Sergeant Paul Richardson.
- Patrolman Dan Goguen was promoted to Sergeant.
- One Book author Ocean Vuong will be at the Library via Zoom for presentation on May 26<sup>th</sup> at 7:00PM.

Chair Timmins:

- Age Friendly Community in partnership with Purple Hydrangea Dementia Care Consultation and Chelmsford Booster Club is sponsoring an event for memory loss individuals and their care partners on June 6<sup>th</sup> from 3:00-4:00PM at Senior Center, 75 Groton Road.
- The Board of Health is sponsoring a walk on the Bruce Freeman Rail Trail every second and fourth Tuesday May through September 9:00-9:30AM. Meet at the 110 Ballfields at the intersection of Fletcher St. and Chelmsford St.
- The Board of Health is providing free blood pressure screenings on first Thursday of the month from 9:00-12:00PM at the Health Department on Billerica Rd. and last Thursday of the month from 8:30-10:30AM at the monthly Veterans breakfast held at Senior Center. Walk-ins are welcome.
- Riverneck Road Public Hearing continued to May 25<sup>th</sup> at the McCarthy Auditorium.

**NEXT REGULAR MEETING DATE: May 23, 2022**

**ADJOURNMENT TO EXECUTIVE SESSION**

**Motion:** by Vice Chair Lefebvre to adjourn at 7:22PM to Executive Session and not return to Open Session to a) Review Executive Session Minutes of 04-27-2022 Segments 1 – 3; Discuss Strategy with Respect to Litigation: PFAS Impact on North Chelmsford Water District Wells; Discuss Strategy with Respect to Litigation: Ledge Road Commercial Trucking; Discuss Strategy with Respect to Litigation: Aggregate Industries Commercial Trucking; Discuss Strategy with Respect to Collective Bargaining with the Town’s Unionized Employees; and to Discuss a Complaint Against an Employee Pursuant to G.L. c. 30A, Section 21(a)(1). Seconded by Board Member Dixon.

**Chair Timmins initiated 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.**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

*Supporting documents:*

- Listening session flyer
- Request for resident-at-large or Town Meeting Representative for Maste Plan Implementation Committee
- Juneteenth flyer
- Committee vacancies as of 5/9/22
- Zesty Pizza alteration of premises
- Entertainment license Sichuan Palace
- 54 Richardson Road Update
- Chelmsford earmarks in the House of Representatives FY23 state budget\
- Select Board meeting schedule 2022-2023
- Town charter section 6-7 annual audit
- Financial audit recommendations – Mass DOR and GFOA
- Charles Way assessment memo
- Memo Re: Charles Way
- Draft agreement with town
- 2022 Housing Choice designation decision
- Winter recovery assistance program
- Sewer flow through April\_2022
- Commission on Disabilities application
- Minutes April 11, 2022
- Minutes April 19, 2022
- Minutes April 25, 2022 Prior to Town Meeting

Approved 6/6/2022

-Minutes April 27, 2022 Open Session Prior to Executive Session