

Approved 6/5/2023

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

Regular Meeting MINUTES  
May 15, 2023

*Attending:*

Mark Carota, Chair  
Patricia Wojtas, Vice Chair  
Virginia Crocker Timmins, Clerk  
George Dixon, Board Member  
Erin Drew, 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 Carota called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

**JOINT MEETING WITH CEMETERY COMMISSION TO FILL A VACANCY  
ON THE CEMETERY COMMISSION**

Jeff Hardy, Chair of the Cemetery Commission, appeared before the Board accompanied by member Nancy Sousa and Superintendent David Boyle. Mr. Hardy stated that the position was vacated by John Sousa and he recommends that Candy Chase join the Commission.

**MOTION:** by Vice Chair Wojtas to nominate Candy Chase to the Cemetery Commission. Seconded by Board Member Timmins.

**MOTION:** by Vice Chair Wojtas to close the nominations. Seconded by Board Member Timmins. **Motion carries 7-0, unanimous.**

Approval of nominee by roll call vote: Board Member Dixon-Y, Board Member Timmins-Y, Board Member Drew-Y, Chair Carota-Y, Vice Chair Wojtas-Y, Cemetery Commission Member Hardy-Y and Cemetery Commission Member Sousa-Y. **Motion carries 7-0, unanimous.**

**MOTION:** by Vice Chair Wojtas to adjourn the joint meeting. Seconded by Board Member Timmins. **Motion carries 7-0, unanimous.**

**PUBLIC SERVICE ANNOUNCEMENTS**

**Veterans Agent Regina Jackson: Memorial Day Proclamation and Observance**

Vice Chair Wojtas read the proclamation in recognition of Memorial Day and presented the proclamation to Regina Jackson, Veterans Agent. She stated that are all welcome to attend the Memorial Day celebration in honor of deceased veterans of Chelmsford on Monday May 29, 2023 in the Town Center. The parade will start promptly at 10:00AM from the parking lot next to CVS on Route 4. At the conclusion of the parade a program will be hosted on the Common by the Merrimack Valley Vietnam Veterans. Everyone is welcome to attend. Graves will be decorated with flags prior to Memorial Day, courtesy of the Boy Scouts.

Vice Chair Wojtas read the following announcements:

**Market on the Common, Saturdays May 27-October 7, 11:00AM-2:00PM**

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Farmers Market on the Common will be held every Saturday from May 27-October 7 at 11:00AM-2:00PM. Note the change of hours this season and there will be no market on July 1<sup>st</sup>. Vendors may call Jen Melanson at 978-254-0446 for more information.

**Celebration! A Drag Show, June 10<sup>th</sup>, 7:00PM – Chelmsford Center for the Arts**

Chelmsford Center for the Arts and Chelmsford Community Services invites all to celebrate pride month in recognition of the LGBTQ+ community with a Drag Show presentation on June 10<sup>th</sup> at 7:00PM at CCA at 1A North Rd. The show is for adults 18+ years and will also have a cash bar. To purchase tickets go to [chelmsfordarts.org](http://chelmsfordarts.org), click on events or call the box office at the CCA at 978-250-3780 or email [cca@chelmsfordma.gov](mailto:cca@chelmsfordma.gov) for more information.

**Municipal Open House, June 12, 6:00-8:00M – Chelmsford Public Library**

All are invited to attend the Municipal Open House on Monday, June 12<sup>th</sup> from 6:00-8:00PM at the Public Library Main Meeting Room. Speak one-on-one with members of the Select Board and representatives of various committees, and share your thoughts on municipal government services and explore possibilities on how to get involved. Light refreshments will be served.

**ChelmsfordRIDE – Transportation Services**

ChelmsfordRIDE is now open to all adult residents 18+ years for transportation services throughout Chelmsford and surrounding towns, for medical appointments, etc. Hours of operation are Monday through Friday from 2:00-6:00PM. Call transportation coordinator Cindy Pernet at 97-654-9245 for more information or to book a ride.

**PUBLIC INPUT**

Sean McGuigan, 17 Berkeley Drive and a member of the Clean Energy and Sustainability Committee, appeared before the Board. He referenced the March 27<sup>th</sup> meeting of the Board at which a consensus of the members indicated that the “greener” energy supply choice should be the default option for the next Chelmsford choice contract, making a commitment to increase the amount of green energy purchased from the current state mandated requirement of 22% up to 40%. This one decision would have made a tremendous impact on the Town’s greenhouse gas emissions more than any other project or initiative the Town could undertake and at an economical price for the residents.

He expressed dismay when he learned that at the May 1<sup>st</sup> meeting of the Board, the commitment was overturned and the basic option became the Chelmsford choice default. The Town Manager used the high energy prices received in a mid-April supply bid to reopen the Chelmsford choice discussion, even as he himself called the high prices an anomaly. The member who changed their vote did so with little or no explanation. The Town Manager rebid the contract on May 10<sup>th</sup> even though the Town had up to three months to do so. Prior to the bid Mr. McGuigan had emailed the Town Manager, asking to postpone the bid to allow the committee time to react to the high electricity prices, or at least enter into a shorter contract to allow re-evaluation of electricity costs in one year and obtain Select Board and resident commitment to the greener option.

He stated that his recommendations were not acted on and the Town now “sadly is locked into the default option for the next two years.” He stated this is a setback to the committee and the Town representatives who voted for this committee to be formed to advance green energy projects. He asks that the Town Manager and Select Board reconsider the decision and explore cancelling the May 10<sup>th</sup> electricity contract. Barring that, he asks that the Town engage in significant resources in educating residents on the benefit of opting-up to the greener energy program and show their commitment to greener power.

Tom Amiro, Town Meeting Representative and founding member of the Chelmsford Climate Action Team, stated that neither he nor members of the Clean Energy and Sustainability Committee were

informed that the decision made at the March 27<sup>th</sup> meeting was up for reconsideration at the May 1<sup>st</sup> meeting. He referenced the previous contract in which he had played a role securing the mid-tier option, thinking it would be easier for residents to opt up to a less expensive green option than the 100% greenest. However, 146 residents subscribed to the greenest option and only 68 subscribed to the green, and advocating for the green default was not successful. Based on this experience, he summarized that offering the default option would not result in residents opting up. In point of fact, he noted that many towns offering the green option has resulted in only a few residents opting down. He added that the state has set a goal to cut emissions by half by 2030. By signing a contract for two years at the default option, that only leaves five years to accelerate cutting emissions. This would have been more attainable had the Town made the decision to go with the green option. He urged the Town to make decisions like neighboring towns to cut emissions that impact not just their residents but the “whole world.”

Peter Spawn, 24 Fenwick Drive and Vice Chair of the Clean Energy and Sustainability Committee, appeared before the Board. He urged the Board to embed sustainability, climate resiliency and climate adaptation into the strategic planning and master plan update. He added that climate changes are real, and he urged the Board to act and take advantage of state and federal grant monies to address a greener Chelmsford.

Badhri Uppiliappan, 5 Jerridge Lane and Chair of the Clean Energy and Sustainability Committee, appeared before the Board. He expressed dismay that the Committee was not invited to the May 1<sup>st</sup> meeting and made part of the discussion. The challenge of creating a policy-level decision has partially been solved by the state and given guidance and mechanisms to advance a net zero transition. He added that when the real numbers came out after the market anomaly, the three-year option was in fact a cheaper option with a greener percentage possible for slightly more money than has been locked in for two years. The best intentions of the committee are to provide options that save residents money in the long run. Prices will be rising not falling. He expressed concern that legislators will take notice that the Town did not take a leadership position and may be subject to disincentives.

### **COMMITTEE VACANCIES**

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

### **LICENSES**

#### **Common Victualler License: Little Z’s Inc. - 14 Fletcher St., Suite 4**

Dan Rokas appeared before the Board on behalf of Little Z’s Inc. application for a common victualler license to be exercised on the premises at 14 Fletcher St., Suite 4. He reported that he is adding two tables for a total of eight seats.

**MOTION:** by Vice Chair Wojtas to approve the application of Little Z’s Inc. for a common victualler license to be exercised on the premises at 14 Fletcher St., Suite 4. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

#### **Change of Manager and Change of Officers on All Alcoholic Beverages General On-Premises License: Town Hall Advisory Committee DBA Chelmsford Center for the Arts, 1A North Road**

Town Manager Cohen stated that in accordance with state requirements, a change of manager and change of officers on all alcoholic beverages general license needs approval by the Select Board.

**MOTION:** by Vice Chair Wojtas to approve the change of manager and change of officers and directors on all alcoholic beverages general on-premises license at the CCA managed by the Town Hall Advisory Committee. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

## **REPORTS AND PRESENTATIONS**

### **Kristen Dillon and Bill Askenburg: Junie's Place Memorial Play Area at Friendship Park**

Kristen Dillon appeared before the Board and reviewed her family's plans to build a memorial play area at Friendship Park to celebrate their daughter Junie, who passed away on December 30, 2022 due to sudden unexplained death in children. She shared the story of Junie's life and her love of play on weekly trips to Friendship Park.

Ms. Dillon reviewed the PowerPoint presentation on the play area to be built in partnership with the Town and community, Friends of Roberts Field (501c3) and the Dillon Family. The fundraising goal is for \$145K with a projected opening in the summer of 2024. The DPW will purchase, install and maintain the inclusive and accessible new playground equipment for all abilities as well as maintenance of the surfacing.

Ms. Dillon outlined the plans for raising community awareness of the syndrome through fundraising and community events and activities in the month of June.

Bill Askenburg, Chair of the Friends of Roberts Field, appeared before the Board and reported that fundraising to date has yielded \$50K, and further outreach to businesses and others has begun. Reception from the community has been very supportive of the project. For more information and to donate, contact drkristendillon@juniesplace.org.

Ms. Dillon expressed gratitude to the community for its "outpouring of love" at a recent bubble event held on what would have been Junie's third birthday.

Board Member Timmins expressed thanks on behalf of the Board for a "really nice" place for the community.

### **Director of Public Works Christine Clancy: Fiscal Year 2024 Tiered Sewer Rate Schedule**

DPW Director Christine Clancy appeared before the Board and reviewed the PowerPoint presentation on the proposed FY24 tiered sewer rate schedule including the following highlights:

- Sewer Division (Enterprise) overview
  - Budget 8.3% increase and reasons
- Current sewer rate summary
  - Residential, commercial and industrial
- FY24 sewer rates – revenue projections
- Rate comparisons to neighboring communities
- Proposed FY24 sewer rates
  - Six-month sewer rate fee schedule per 1,000 gallons
  - Implementation on July 1st

Discussion ensued. In response to Vice Chair Wojtas' question on the number of users in tier 3, Ms. Clancy stated less than 10%. She also clarified the formula used for calculating sewer rates for those who use a private well for their water usage.

### **Town Accountant Darlene Lussier – YTD Budget Report**

Town Accountant Darlene Lussier appeared before the Board and reviewed the PowerPoint presentation on the FY2023 year-to-date budget report as of the end of April, including the following highlights:

- Status of FY23 revenue
  - Motor vehicle excise tax
  - Local option meals tax

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- Hotel rooms occupancy tax
- Rental income
- Interest investment
- Miscellaneous recurring and non-recurring
- Property tax
- Receipts year-to-date
- Status of FY23 expenditures – 83% expended through April
  - Breakdown by department
- Sewer enterprise fund
- Stormwater enterprise fund
- Special revenue funds
  - COA lunch program
  - School lunch program
  - Revolving funds
  - Reserved for appropriations
  - Other revenue/donations

**DISCUSSION: TOPICS FOR DISCUSSION WITH STATE LEGISLATORS AND REPRESENTATIVE TRAHAN’S OFFICE**

Town Manager Cohen stated that the next regularly scheduled meeting of the Board on June 5<sup>th</sup> will be attended by the legislative delegation. Both Senator Barrett and Representative Arciero had confirmed attendance, while Representative Cataldo and Congresswoman Trahan will not be able to attend. He will check with them to see if they will be sending an aide to the meeting. He has not heard back from Representative Elliott. He then reviewed the attached suggested list of topics for discussion.

- Home Rule Petition – Ledge Road commercial truck traffic
- Home Rule Petition – Removal of Deputy Fire Chief from Civil Service
- State Legislature’s Proposed FY24 State Budget
- Sewer and water constraints, PFAS
- Chapter 90 roadway funding
- How the 4% State’s income tax surcharge is being allocated
- Loss of auxiliary police as a result of police reform
- Additional State housing requirements & impact on infrastructure
- Mental health programs
- Advance the funding of underground utility projects with today’s realities of few landlines
- Facilitate better cooperation with utilities (National Grid) clearing easements on Town property near or on Conservation land and enhance security methods to enhance enforcement

Board Member Wojtas suggested discussion of environmental initiatives like recycling of appliances and adding deposits for alcohol nip bottles and water bottles. She also suggested consideration of revision of motor vehicle excise tax law to increase revenue to municipalities over a longer period of time of ownership and in line with current resale value.

**DISCUSSION: REQUEST FOR PROPOSALS – STRATEGIC PLAN**

Town Manager Cohen reported that he and Board Member Timmins had drafted the request for proposals for the strategic plan project based on the previous outline agreed upon by the Board. He reviewed the proposed RFP.

Board Member Timmins noted that the Board had originally discussed publishing an expression of interest, but that the Town Manager had suggested that publishing an RFP would elicit a greater level of detail on the services proposed.

Discussion ensued. In response to Vice Chair Wojtas' question on how the project team would be composed, Ms. Timmins stated that the team would consist of the Town Manager, Select Board and committees responsible for major planning like the School Committee, Planning Board, Conservation Commission, the Age-Friendly Committee and the Housing Advisory Board, whose membership would be voluntary. The evaluation of submissions of RFPs, however, would be the sole responsibility of the Select Board. Ms. Wojtas suggested that "citizen" be replaced by "resident" in the RFP.

Chair Carota raised the question of funding. Town Manager Cohen stated that either ARPA funds could be used, or a warrant article to appropriate funding could be presented at Town Meeting. Following discussion, and based on the goal to elicit the most community buy-in to supporting the project, it was the consensus of the Board that going to Town Meeting would be the most effective way of funding the project. Accordingly, Town Manager Cohen will redraft the RFP to be an expression of interest with a rough order of magnitude of the project to be presented at the Fall town meeting.

## **TOWN MANAGER REPORTS**

### **Electricity Aggregation Supply Procurement**

Town Manager Cohen reviewed the PowerPoint presentation on the electricity aggregation supply procurement. He reported that on May 10<sup>th</sup> at 11:30AM he received a call from the consultant and he, DPW Director Christine Clancy and Sustainability Manager Christopher Haley had a forty-minute conversation on bids received by Peregrine Energy Group and how the Town should proceed. The recommendation was to proceed with a 24-month bid with Dynegy at 14.843 c/kwh. The 36-month bid, although lower, carries one year of market risk and uncertainty.

Around the time of the first bid issuance the market was volatile but has since stabilized. However, Direct Energy did not bid at all and has withdrawn from the market in the last month, and it is unclear whether this is temporary.

Constellation bid on 12 and 24-months, but not 36. While the smaller company in the bid, First Point, had the lowest price at 14.316 c/kwh, Dynegy at 24 months was the recommendation. The consumer will see a 50% increase in electricity supply at an annual cost of approximately \$350. Based on the fact that this volatile market is impacted by the unknowns of world events of war and presidential election, the 24-month option made sense. As far as delaying until August, given the summer market conflicts with heat waves and energy demand, the recommendation was procurement was "better in the spring market and not the summer."

Mr. Cohen then reviewed the greener and greenest options. He had notified Andy Reid, Superintendent of the Chelmsford Water District of the transaction.

Discussion ensued on the importance of developing a plan of communication for notifying residents of the material change in their monthly bills from 10.04 to 14.316 c/kwh, as well as education on the technicalities of opting-up and the intent of the program in terms of addressing climate change and being in sync with state plans for zero-emissions by 2050.

Town Manager Cohen agreed to increasing communications with the public regarding the ability for consumers to "opt up" for greener options. Potential examples included public service announcements every three months, sandwich boards across Town and other outreach. It was agreed to include an agenda item at a forthcoming meeting to have a joint discussion with the Clean Energy and Sustainability Committee on a communications plan for public education.

It was also agreed to include an agenda item at a forthcoming meeting for public education.

**Select Board and Town Manager FY23 Goals Update**

Town Manager Cohen reviewed the PowerPoint presentation on the FY23 Town Manager and Select Board's Goals Status Report. Discussion ensued on targeted progress.

**NMCOG Technical Assistance**

Town Manager Cohen reported that the Town had received notification of technical assistance funding from NMCOG for various FY23 projects as follows: a) \$24,750 for 275 hours of NMCOG staff to move forward with compliance with MBTA zoning; and b) \$3,000 for 33 hours of staff time to update the Town's housing production plan. While the update to open space and recreation plan was not awarded, NMCOG offered to provide alternative ways to accomplish that goal, as well as those of the comprehensive tree management plan.

**FY23 Massachusetts Sewer Rate Relief Fund Award**

Town Manager Cohen reported that Finance Director John Sousa had secured \$1,993 to provide sewer rate relief for residents.

**MEETING MINUTES**

**Select Board Regular Meeting Minutes May 1, 2023**

**MOTION:** by Vice Chair Wojtas to approve the Select Board regular meeting minutes of May 1, 2023. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

**Announcement of Determination of Releasability of Executive Session Minutes  
Minutes for Release: April 10, 2023 Segments 1, 2 and 3; May 1, 2023 Segment 4**

**SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Board Member Carota – no report.

Board Member Drew – no report.

Board Member Dixon – condolences to the family of Timothy Bourke, a beloved young member of the Police Force.

Board Member Timmins

- Age-Friendly Committee announced that Lisa Marrone, Economic Development Director, was invited to be part of the national virtual 2023 AARP livable community workshop. She was invited in recognition of her wonderful job in bringing age-friendly business initiatives to Chelmsford.
- North Chelmsford Water District asked residents to adhere to a Level 1 water announcement.
- The Vinal Square Strategic Action Committee thanks the DPW on its work in bringing the Varney Playground to ADA accessibility.
- On May 30 at 7:00PM the Vinal Square Transportation Improvement Committee will cohost a presentation in Room 204 of Town Hall with DPW Director Christine Clancy and Bridget Myers of Howard Stein Hudson on the plan for the future construction of a Vinal Square traffic intersection to be submitted to MassDOT. A zoom link will also be provided.

Vice Chair Wojtas

- Congratulations to Christian Zouzas who received Historical Society's Guardian Award for renovating two historic properties in Town.
- One book author of *Migrations* will have a zoom presentation on May 25<sup>th</sup> @ 7:00PM. Registration is required.
- NMCOG has been awarded \$120K to participate in the Broadband Institute's program to improve infrastructure across the region.
- Condolences to the family of Tony Zagzoug, a long-time building inspector for the Town.

**ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION**

**MOTION:** by Vice Chair Wojtas to adjourn to Executive Session at 8:25PM, not to return to Open Session to discuss strategy with respect to collective bargaining regarding a) recent JLMC mediation effort pertaining to reaching new collective bargaining agreement with the Chelmsford Firefighters Union; b) the Chelmsford Firefighters Unions' arbitration case pertaining to the scheduling of overtime; c) the Chelmsford Police Patrol Officers Union's filing of a prohibited practice with the Department of Labor pertaining to police detail pay; d) the Chelmsford Library Union's filing of a demand for arbitration regarding use of donated sick leave for parental leave; and e) to review Executive Session minutes of May 1, 2023 Segments 1, 2 and 3. Seconded by Board Member Timmins.

**Roll call vote:**

**Chair Carota – aye.**

**Vice Chair Wojtas – aye.**

**Board Member Timmins – aye.**

**Board Member Dixon – aye.**

**Board Member Drew – aye.**

**Motion passed 5-0, unanimous.**

**NEXT REGULAR MEETING DATE: June 5, 2023**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

*Supporting documents:*

- Cemetery Commission vacancy notice May 2023
- Cemetery Commission C.Chase
- Memorial Day 2023
- CMOC flier
- Drag flier
- Municipal open house notice
- Ride flier
- Committee vacancies as of 05/15/2023
- Little Zs common victualler
- Town Hall Advisory Committee change of mgr officers
- Junies place at friendship park
- 5/15/23\_FY24 proposed sewer rates
- FY23 budget report Select Board 5/15/2023
- Legislative priorities listing May 11, 2023
- FW\_Discussion regarding National Grid clearing easements at Concom 05/9/23 meeting
- Strategic plan request for proposals May 23
- Chelmsford executable price presentation 051023
- FY23 goals presentation May 23
- DLTA notification Chelmsford
- Commonwealth sewer rate relief fund FY23
- 5/1/23 SB minutes draft

Town of Chelmsford Select Board Minutes  
Town Offices, Room 200  
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**Executive Session Minutes**  
**Segment 1 (FF Bargaining)**  
May 15, 2023

**Attending:**

Mark Carota, Chair  
Patricia Wojtas, Vice Chair  
Virginia Crocker Timmins, Clerk  
George Dixon, Board Member  
Erin Drew, Board Member

Paul Cohen, Town Manager  
Brian Maser, Labor Counsel (via Zoom)

Chair Carota called the Executive Session to order at 8:33 pm. The purpose of the Executive Session segments and start times were:

- 8:33 pm: Segment 1, Discuss Strategy with Respect to Collective Bargaining: Recent JLMC Mediation Effort Pertaining to Reaching a New Collective Bargaining Agreement with the Chelmsford Firefighters Union
- 8:51 pm: Segment 2, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Firefighters Union's Arbitration Case Pertaining to the Scheduling of Overtime
- 8:56 pm: Segment 3, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Police Patrol Officers Union's Filing of a Prohibited Practice with the Department of Labor Relations Pertaining to Police Detail Pay
- 9:07 pm: Segment 4, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Library Union's Filing of a Demand for Arbitration Regarding Use of Donated Sick Leave for Parental Leave
- 9:19 pm: Segment 5, Review Executive Session Meeting Minutes of May 1, 2023 Segments 1, 2 & 3

**Segment 1: Discuss Strategy with Respect to Collective Bargaining: Recent JLMC Mediation Effort Pertaining to Reaching a New Collective Bargaining Agreement with the Chelmsford Firefighters Union**

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Attorney Maser reviewed the current status of the subject negotiations with input from Manager Cohen and some of the major points detailed in his April 12, 2023 status update to Manager Cohen.

The Town and the Union engaged in Joint Labor Management Committee (JLMC) Senior Staff Mediation on April 12, 2023 with mediators George Driscoll and Joe Hubley. At the conclusion of the session, Mr. Driscoll and Mr. Hubley advised that they would report an unsuccessful mediation to the full JMLC and that if Staff-Level mediation continued to be unsuccessful then the matter would advance to Committee-Level Mediation. Two of the major issues unresolved were:

- Disagreement on the approach for increasing Fire Captains and Private wages. The Town calculated that The Town's proposal would have provided the Captains a wage increase of approximately 13.7% over the three year agreement with a top step Private receiving approximately 12% over the three year period. The Union's proposal would result in increasing the Captain's wages approximately 20% over the three year period with 15% of that taking effect during the first year.

- The Union's request to increase the residency requirement from the Commonwealth Civil Service Provision of living within 15 miles of a town border and within the Commonwealth to an increase of 50 miles. Limitations are set on residency distance from the municipal border to accommodate call-backs if additional support is required for an emergency situation. The distance is measured in a straight line, not on roadway mileage.

Manager Cohen stated that he had subsequently met informally with Human Resources Director Jeanne Parziale and 2 union members on May 1 & 11, 2023 to attempt to resolve the gaps.

- The Union changed their Fire Captain Wages comparison from comparing to that of a Police Sergeant to a Police Lieutenant with the rationale that Fire Captains and Police Lieutenants are both shift commanders. The Town's position is that the Police Lieutenant job is uniquely different and that there is not an apples-to-apples comparison between this position and that of a Fire Captain.
- The Union continued to propose a 50 mile residency requirement with the ability to cross state borders. The Town's position is that it would be receptive to crossing the state border within a 15 mile distance. A 50-mile distance poses too much risk for response time in the event of an emergency call-back.
  - Dracut and Tewksbury have kept the 15 mile requirement but allowed residency to cross the state line.
  - Billerica expanded the residency to 25 miles with allowance to cross the state line.
  - The JLMC cannot make a residency award.

Another informal meeting with Manager Cohen, HR Director Jeanne Parziale, and the Union is planned on May 16, 2023.

Attorney Maser advised that the next step will be to request a second attempt at JLMC Staff Level mediation with Mr. Driscoll and Mr. Hubley. If that mediation is unsuccessful, the matter will likely advance to Committee Level Mediation. Committee Level mediation will include a formal 3(a) hearing with a subset of the JLMC staff reviewing only on-the-record information. If the matter remains unresolved after the 3(a) hearing process, it will advance to formal JLMC Arbitration.

Respectfully submitted,

Virginia Crocker Timmins  
Select Board Clerk

Segment 1 Supporting Documents:

- April 12, 2023 Memo from Labor Counsel Brian M. Maser, Esq. to Town Manager Paul Cohen with Subject: *Fire Union Bargaining Update*
- May 2023 document with Title: *Local 1839 Bargaining Proposals May 2023*

Town of Chelmsford Select Board Minutes  
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## **Executive Session Minutes**

### **Segment 2 (FF OT)**

May 15, 2023

#### **Attending:**

Mark Carota, Chair

Patricia Wojtas, Vice Chair

Virginia Crocker Timmins, Clerk

George Dixon, Board Member

Erin Drew, Board Member

Paul Cohen, Town Manager

Brian Maser, Labor Counsel (via Zoom)

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- 8:56 pm: Segment 3, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Police Patrol Officers Union's Filing of a Prohibited Practice with the Department of Labor Relations Pertaining to Police Detail Pay
- 9:07 pm: Segment 4, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Library Union's Filing of a Demand for Arbitration Regarding Use of Donated Sick Leave for Parental Leave
- 9:19 pm: Segment 5, Review Executive Session Meeting Minutes of May 1, 2023 Segments 1, 2 & 3

### **Segment 2: Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Firefighters Union's Arbitration Case Pertaining to the Scheduling of Overtime**

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Attorney Maser reviewed the current status of the Union's complaint that the Town violated the Department's *Overtime Rules and Regulations* by failing to compensate off-duty captains at the Deputy Chief overtime rate for filling of overtime and day shifts. The regulations call for the dispatchers to be responsible for filling shifts. During times when the dispatchers cannot absorb the workload, the Deputy Fire Chief has stepped in to help. In the October/November 2022 timeframe, there was a limited period when the Deputy Fire Chief could not cover this workload and off-duty Captains filled in.

The Arbitration Hearing with the American Arbitration Association is scheduled on September 12, 2023 at 10:00 am at Chelmsford Town Hall.

- Attorney Maser advised that the Town's approach would be to bifurcate this into two segments, with the intent of having the second dismissed on the basis of the first.
  - First: The Town will argue that the grievance is not procedurally arbitrable due to its untimeliness. The contract requires that Union Step 1 grievances must be filed within 20 days of the event leading to the grievance. The events surrounding this grievance occurred in the October/November 2022 timeframe and the grievance was filed on

March 10, 2023. The Town's position is that the grievance should be dismissed on that basis alone.

- Second: Should the first be unsuccessful, the merits of the grievance would then be addressed.
- Attorney Maser advised that there is no provision in the Union Contract to pay Captains at the Deputy Chief Overtime rate.

Respectfully submitted,

Virginia Crocker Timmins  
Select Board Clerk

Segment 2 Supporting Documents:

- March 10, 2023 letter from Mr. Robert Albon, Chelmsford Fire Fighter Local 1839 President, to Chelmsford Fire Chief Gary Ryan grievance alleging violation of the Union's and Department's agreement regarding overtime pay.
  - ♦ Attachment to March 10, 2023 letter: *Chelmsford Fire Department Overtime Rules and Regulations* dated 4/21/2022
- March 24, 2023 letter from Chelmsford Fire Chief Gary Ryan to Mr. Robert Albon, Chelmsford Fire Fighter Local 1839 President with Subject: *March 10, 2023, Grievance*
- April 7, 2023 letter from Town Manager Paul Cohen to Mr. Robert Albon, Chelmsford Fire Fighters Local 1839 President, with Subject: *Step 2 Grievance – Overtime Rules and Regulations*
- April 25, 2023 *Hearing Notice for Case Number 01-23-0001-6921* from Linda J. Cook, American Arbitration Association Senior Case Administrator, to Union Counsel Leah Barrault, Esq., and Chelmsford Town Labor Counsel Brian M. Maser, Esq.

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**Executive Session Minutes**  
**Segment 5 (Minutes 05.01.2023)**  
May 15, 2023

**Attending:**

Mark Carota, Chair  
Patricia Wojtas, Vice Chair  
Virginia Crocker Timmins, Clerk  
George Dixon, Board Member  
Erin Drew, Board Member  
Paul Cohen, Town Manager

Chair Carota called the Executive Session to order at 8:33 pm. The purpose of the Executive Session segments and start times were:

- 8:33 pm: Segment 1, Discuss Strategy with Respect to Collective Bargaining: Recent JLMC Mediation Effort Pertaining to Reaching a New Collective Bargaining Agreement with the Chelmsford Firefighters Union
- 8:51 pm: Segment 2, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Firefighters Union's Arbitration Case Pertaining to the Scheduling of Overtime
- 8:56 pm: Segment 3, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Police Patrol Officers Union's Filing of a Prohibited Practice with the Department of Labor Relations Pertaining to Police Detail Pay
- 9:07 pm: Segment 4, Discuss Strategy with Respect to Collective Bargaining: The Chelmsford Library Union's Filing of a Demand for Arbitration Regarding Use of Donated Sick Leave for Parental Leave
- 9:19 pm: Segment 5, Review Executive Session Meeting Minutes of May 1, 2023 Segments 1, 2 & 3

**Segment 5: Review Executive Session Meeting Minutes of May 1, 2023 Segments 1, 2, & 3**

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The Board reviewed the draft minutes of May 1, 2023, Segment 1, Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim.

**Motion:** Vice Chair Wojtas motioned to approve the Executive Session minutes of May 1, 2023, Segment 1 not to be released. Clerk Timmins seconded the motion.

**Roll Call Vote:**

Board Member Drew	<b>Aye</b>
Board Member Dixon	<b>Abstain</b>
Clerk Timmins	<b>Aye</b>
Vice Chair Wojtas	<b>Aye</b>
Chair Carota	<b>Aye</b>

Motion carries, 4 in favor, 1 abstention.

The Board reviewed the draft minutes of May 1, 2023, Segment 2, Strategy with Respect to Litigation Regarding 24, 26, 28, and 30 Second Lane.

**Motion:** Vice Chair Wojtas motioned to approve the Executive Session minutes of May 1, 2023, Segment 2 not to be released. Clerk Timmins seconded the motion.

**Roll Call Vote:**

Board Member Drew	<b>Abstain</b>
Board Member Dixon	<b>Abstain</b>
Clerk Timmins	<b>Aye</b>
Vice Chair Wojtas	<b>Aye</b>
Chair Carota	<b>Aye</b>

Motion carries, 3 in favor, 2 abstentions.

The Board reviewed the draft minutes of May 1, 2023, Segment 3, Strategy with Respect to Litigation Regarding Ledge Road Commercial Truck Traffic.

**Motion:** Vice Chair Wojtas motioned to approve the Executive Session minutes of May 1, 2023, Segment 3 not to be released. Clerk Timmins seconded the motion.

**Roll Call Vote:**

Board Member Drew	<b>Aye</b>
Board Member Dixon	<b>Abstain</b>
Clerk Timmins	<b>Aye</b>
Vice Chair Wojtas	<b>Aye</b>
Chair Carota	<b>Aye</b>

Motion carries, 4 in favor, 1 abstention.

**Adjournment:**

**Motion:** Vice Chair Wojtas motioned to adjourn at 9:22pm. Clerk Timmins seconded the motion.

**Roll Call Vote:**

Board Member Drew	<b>Aye</b>
Board Member Dixon	<b>Aye</b>
Clerk Timmins	<b>Aye</b>
Vice Chair Wojtas	<b>Aye</b>
Chair Carota	<b>Aye</b>

Motion carries, 5-0.

Respectfully submitted,

Virginia Crocker Timmins  
Select Board Clerk