

Approved 7/26/2021

Town of Chelmsford, MA  
Select Board Meeting  
May 24, 2021  
Hybrid/Virtual Meeting

RECEIVED  
2021-07-29  
11:55 AM

TOWN OF CHELMSFORD  
PATRICIA E. DZURIS  
TOWN CLERK

**Members Present:**

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

**Also Present:**

Paul Cohen, Town Manager

**1. CALL TO ORDER**

Chair Timmins called the meeting to order at 6:00 p.m., and read aloud the following announcement:

Pursuant to Governor Baker's March 12, 2020, Order Suspending Certain Provisions of the Open Meeting Law, General Law, Chapter 30A, §18, and subsequent orders imposing strict limitations on the number of people that may gather in one place, this meeting will be conducted via remote participation to the greatest extent possible. Specific information and the general guidelines for remote participation by a member of the public and/or parties with a right and/or requirement to attend this meeting can be found on the Town's website, at [www.chelmsfordma.gov](http://www.chelmsfordma.gov). For this meeting, members of the public who wish to watch the meeting may do so by accessing the Chelmsford Telemedia website at [www.chelmsfordtv.org](http://www.chelmsfordtv.org). No in-person attendance of members of the public will be permitted, but every effort will be made to ensure that the public can adequately access the proceedings in real-time, via technological means. In the event that we are unable to do so, despite best efforts, we will post an audio or video recording, transcript, or other comprehensive record of proceedings as soon as possible after the meeting on the Town's website. In order to minimize distraction and undue influence on the Board's deliberations, it is our practice to disable the Zoom chat function. If you have joined the Zoom meeting and will be speaking during an appropriate agenda item, please unmute your microphone and turn your camera on during that segment only. The Zoom raise hand function is also available for the Zoom participants' selection.

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Road, Chelmsford, MA. The meeting was recorded by Chelmsford Telemedia.

**2. PUBLIC SERVICE ANNOUNCEMENTS**

- **Veteran's Agent Regina Jackson; Memorial Day Proclamation & Observance**

Board Member Lefebvre read aloud a proclamation in recognition of Memorial Day – May 31, 2021.

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Ms. Jackson noted the Memorial Day observance would be pre-recorded on Tuesday, May 25<sup>th</sup> at 11:00 a.m. at Veteran's Park and would be broadcast via Chelmsford Telemedia.

- **Patrick Snow, Rainbow Chelmsford: Pride Month Proclamation**

Board Member Lefebvre read aloud a proclamation in recognition of the Lesbian, Gay, Bisexual, Transgender, and Queer (LGBTQ) Pride Month – June 2021.

Mr. Snow thanked the Board for the proclamation.

- **Joe Tierney, Chair, Vinal Square Strategic Action Plan Committee: Vinal Square Survey**

Mr. Tierney stated the Committee developed a traffic survey in conjunction with NMCOG (Northern Middlesex Council of Governments) to get feedback regarding what should be included in the next steps so they could go to the state and request funding. He said the survey was available at <https://vinal-square-reconstruction-nmcog.hub.arcgis.com/>.

### **3. PUBLIC COMMENTS**

Mr. Sam Chase asked if there was any possibility that the Board could return the start time of the meetings to the 7:00 p.m. hour as some residents had expressed some difficulty with attending the 6:00 p.m. meetings.

Mr. Chase said the Board had multiple Executive Sessions to discuss extending the Town Manager's contract and was very much in support of Mr. Cohen remaining in the position of Town Manager for an additional three-year contract.

Chief James Spinney, Chelmsford Police Department, addressed the Board and thanked Officer Derek Hill as two people nearly drowned at Varney Beach and Officer Hill acted immediately.

Mr. Glenn Thoren also spoke in favor of renewing Town Manager Cohen's contract for an additional three years.

### **4. COMMITTEE VACANCIES**

Board Member Lefebvre read aloud the list of current committee vacancies and noted that interested applicants could apply online at [www.chelmsfordma.gov](http://www.chelmsfordma.gov) or through the Town Manager's Office at [tmoffice@chelmsfordma.gov](mailto:tmoffice@chelmsfordma.gov) or by calling 978-250-5202.

### **5. LICENSES**

- **One-Day Expansion of Entertainment License: Center Brickhouse Pizza, 1 Central Square, July 3, 2021**

Chair Timmins stated there was no one present on behalf of the applicant but she did not see anything out of the ordinary in the letters from the fire and police departments.

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Board Member Wojtas commented that she would still encourage the applicant to have a police detail present while the expanded entertainment occurred.

Board Member Dixon asked what time the entertainment would occur. Chair Timmins replied it would be 3:00 p.m. through 9:30 p.m.

Board Member Lefebvre asked Mr. Cohen if when he called the applicant to notify them of the approval if he could “heavily recommend the presence of a police detail.”

**MOTION:** Board Member Lefebvre made a motion to approve a one-day expansion of the entertainment license for Center Brickhouse Pizza on July 3, 2021. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

## **6. REPORTS AND PRESENTATIONS**

- **DPW Assistant Director Steve Jahnle: Update on 54 Richardson Road Immediate Response Action Plan & Proposal for 54 Richardson Road Geophysical Survey**

Prior to the discussion Board Member Dixon recused himself and stepped out of the room.

Mr. Jahnle commented the oils and the sludge in the oil separator that had been out of service since 1990 contained elevated levels of PFAS (per-and poly-fluoroalkyl substances) but said the concrete and soil samples were clean. He said the next step was to find a facility that would take the waste and Strategic Environmental was working to find a place to put it. He further said the sampling of the drum resulted in strictly waste oil.

Mr. Jahnle said the scanning of the site had begun and he would keep the Board updated.

Chair Timmins asked what data they were still waiting for. Mr. Jahnle replied that Paul McKinlay of Weston & Sampson had all of the data. He further stated the following week they would install the wells in front of the dog park, near the main garage, and one or two in the main garage. He said after the installation they would do an initial sampling, wait a few weeks for them to settle, and then do additional sampling. He added they would resample all of the other wells at the same time.

Board Member Carota commented they probably would not see results until August. Mr. Jahnle replied that was correct.

Board Member Dixon returned to the meeting and assumed his role as a full voting member of the Select Board.

- **DPW Director Gary Persichetti**
  - Katrina Road Sewer Pump Station Sewer Force Main Repair

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Mr. Persichetti said on May 4<sup>th</sup> a 16" valve leak was found Granese & Sons were called to evaluate the situation and the repair was completed on May 17<sup>th</sup>.

Mr. Cohen pointed out they were able to use monies from the American Rescue Act for COVID-19 related expenses, equity-related expenditures, as well as water, sewer, and broadband infrastructure.

- Department of Environmental Protection Enforcement Conference Regarding Southwell Sewer Pump Station Overflow Incident

Mr. Persichetti stated notice had been received from the Massachusetts Department of Environmental Protection Agency that the Town was not in compliance with their regulations, based on the sanitary sewer overflow incident which occurred in March of 2020.

Mr. Persichetti said the Town had the information needed for the DEP and they were in the process of getting it ready for their meeting with the DEP.

Board Member Wojtas asked if it were common practice for towns to receive this type of notice. Mr. Persichetti replied it was common as it was a "protection agency" and they had to answer for many people and when there were major issues such as raw sewerage leaking into a place it should not they oftentimes would conduct a further evaluation of the city or town.

Mr. Cohen said he felt it was a bit troubling that when the incident occurred the DEP did not give the Town a heads up that they would be receiving a notice. He added it was clear that the two items they were citing did not contribute in any way to the break. He said one was the "Town did not have any policy about removing inflow and infiltration for 15,000 gallons or more", and the other one was with regard to an O&M Plan.

Board Member Wojtas asked if there would be a penalty. Mr. Cohen replied it would be nominal, however, the cost for remedial actions would be significant and those were the items that would be discussed. He also said he wanted more specific information about any issues that existed prior to the break.

- **Traffic Safety Committee Monthly Report, Including Ledge Road Bus Turnaround Easement**

Mr. Jahnle reviewed project updates as follows:

**Completed Projects**

- Ledge & Dunstable Redesign – Open Hearing Completed with Select Board
- Pocket Park Repairs from Car Accident
- Speed Study on Swain Road

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Chief Spinney stated that as a result of some concerns speed monitoring equipment had been deployed on Swain Road (heading towards Dunstable Road at the bottom of the hill) from April 20<sup>th</sup> through April 26<sup>th</sup> and beyond. He said 68% of the total volume were traveling between 26 and 35 miles per hour, 26% were traveling between 36 and 40 miles per hour, 3% were traveling between 41 and 45 miles per hour, and .3% were traveling between 46 and 50 miles per hour. He said the posted speed limit was 30 miles per hour. He said the study captured a total of 2,257 vehicles and noted the study only captured one lane of travel. He further said the average speed of all of the vehicles was 33.3 miles per hour.

Chief Spinney said he requested that the equipment be left in place until May 11<sup>th</sup> and the total volume was 7,490 vehicles with an average speed of 33.5 miles per hour. He said in addition to the speed study he had officers perform 46 speed enforcement deployments from April 1<sup>st</sup> through May 11<sup>th</sup> and there were not a lot of vehicles that drove at excessive speeds.

Chief Spinney stated he would be putting some resources back into the Dunstable Road area because there had been some indications of speeding.

### **Current Projects**

Chelmsford Center Parking Overview – Hearing in a Few Weeks

Ledge Road – School Bus Turnaround Easement – Appraisal Received

Melissa Warren, 44 Ledge Road, said she had not heard anything from the Town as to how they wanted to handle the easement. She said it appeared the Town wanted to take 7,100 square feet of the property. Mr. Jahnle replied it was 7,100 square feet.

Chair Timmins said although she could not speak to what was communicated with the family or not that the concept had been on that table for quite some time in many public discussions concerning Ledge Road which was why some of the residents brought it up at the last meeting.

Chair Timmins suggested that Ms. Warren and her family would be willing to speak with Mr. Persichetti further.

Boston & Concord Road - In Progress

Cautionary Signs for Two-Way Traffic will be placed at Byam & Locust

Crosswalk on Groton Road at Scotty Hollow

#### **•Community Development Evan Belansky**

- Approval of Submission of Community One Stop for Growth Grant Application for Water Infrastructure Improvements Concurrent with Groton Road Residential Subdivision (Map 23, Block 92, Lots 1-4 & 9)

Prior to the discussion Chair Timmins recused herself and stepped out of the room.

Mr. Belansky stated the deadline for the submission of the application was Friday, June 4<sup>th</sup>. He said they had worked with the applicant and their consultant team to prepare a working draft of the application for the Board's review. He further said the specifics of the grant application included an upgrade to a 1,700 linear feet water main from 6" to 12" from Scotty Hollow west to Ward Way. He said the updated budget was \$655,500 which was up from the original number of \$635,000.

Mr. Belansky said the project was being submitted to directly benefit and promote a private development of twelve duplexes on the south side that was fully permitted by the Planning Board. He further said the application also contemplated leveraging additional duplex development as well as industrial redevelopment on the north side.

**MOTION:** Board Member Wojtas made a motion to approve the MassWorks Grant for the Groton Road water main application. Board Member Carota seconded the motion.

**The motion carried 4 – 0.**

Chair Timmins returned to the meeting and assumed her role as a full voting member of the Select Board.

- State Planning Grant to Conduct a Climate Resiliency Regulatory Audit and Action Plan for Green Infrastructure and Green Buildings

Mr. Belansky said the Town received funds the previous year for the Rte. 3 Highway Interchange Market Study from the same program.

Mr. Belansky said the Town had been very proactive regarding green energy and had just begun to include regulations in their policies as it pertained to private developments. He said the grant application included a process to hire a consultant to make regulatory revisions in order to comply with the Phase II permit.

Mr. Belansky commented a Citizen's Petition would be brought to Spring Town Meeting that talked about net-zero emissions as well as setting up a Committee to begin the analysis.

Mr. Belansky said the grant application was requesting a total of \$40,000 and required a 25% match. He said the state would be contributing \$30,000 and the Town would have to contribute \$10,000 towards the effort if they were successful in receiving the funds.

## **7. SIGN WARRANT FOR JUNE 21, 2021, SPECIAL TOWN MEETING**

Mr. Cohen explained that this Special Town Meeting is scheduled for Monday, June 21, 2021, at 7:29 p.m. at the Chelmsford Senior Center, prior to the second session of the Spring Town Meeting. He said there were five items on the Warrant that had arisen since the posting and signing of the Spring Annual Town Warrant by the Select Board.

Mr. Cohen reviewed the Articles as summarized below:

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1. To transfer a sum of available money into the Fiscal Year 2021 Sewer Enterprise Fund Operating Budget for the purpose of paying for the cost to repair a sewer force main break adjacent to the Katrina Road Pumping Station.
2. To vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, a parcel of land containing .15 acres, more or less, which is identified as Main Street, shown as Lot 1 on Assessor's Map 23, Block 99.
3. To vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, two parcels of land containing 1.72 acres, more or less, which are identified as Bentley Lane, shown as Lots 9 and 25 on Assessor's Map 70, Block 311.
4. To authorize the Town Manager, with the approval of the Select Board, to lease the roof of the Senior Center building, which is located at 75 Groton Road, Chelmsford, MA, and the Chelmsford Forum for the installation of roof-mounted solar photovoltaic systems for a period not-to-exceed twenty years.
5. To vote to change the name of Steadman Street to Stedman Street.

**MOTION:** Board Member Lefebvre made a motion to approve the Warrant for the Special Town Meeting for June 21, 2021, for the five proposed Articles. Board Member Carota seconded the motion.

**The motion passed 5 – 0.**

## **8. TOWN MANAGER REPORTS**

- **American Rescue Plan Act Grant Program Guidelines**

Mr. Cohen said the U.S. Treasury Department had issued interim guidelines regarding the allowed uses of the American Rescue Plan Act monies. He said the Town would receive its money in two parts; one in June 2021 and then in June 2022. Further, he said the monies could be used for COVID response efforts as well as equity issues.

- **Comcast Cable Television License Renewal**

Mr. Cohen stated the Town received correspondence from Comcast dated May 12<sup>th</sup> regarding the cable television license renewal. He said the license would expire in 2024 and the Verizon license would expire the following year.

Mr. Cohen said in the past the Town used Special Counsel, Attorney Peter Epstein, and he was still practicing in the field. He said he would obtain a proposal from Attorney Epstein and present it to the Board at the next meeting.

- **District Local Technical Assistance Grant Approval**

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Mr. Cohen stated the Town received acceptance by the Northern Middlesex Council of Governments (NIMCOG) for the District Local Technical Assistance Grant which would cover 100 hours of staff time to be completed by the end of the calendar year to plan for growth by doing a business survey on the impact of COVID-19. He said they would discuss with NMCOG how best to go about getting effective input and who was the target audience.

- **Quarterly Goals Update**

Mr. Cohen reviewed the quarterly update as summarized below:

- Address Town Sewer Capacity Alternative Analysis – In Progress (Estimated completion date of August 2021) Weston & Sampson identifying ways to remove infiltration and inflow to increase capacity and investigate alternatives for discharging wastewater to Billerica & also exploring possible in-town wastewater management alternatives.
- Conduct Root Cause/Lessons Regarding the Sewer Capacity Situation – In Progress

Chair Timmins commented that she was struggling with why they had not yet identified the root cause and lessons learned. Mr. Cohen replied it was known back in 2002 that the Town did not have the capacity prior to the completion of the real estate developments. He added it would be helpful to study the situation while they had the time.

Chair Timmins commented that she felt they needed to start talking about why no one was looking at capacity and talk about strategies so it did not happen again in the future.

Board Member Carota asked if there were anyone charged with keeping an eye on the amount of development that occurred in the Town. Mr. Cohen replied no one did it. Board Member Carota said that was one lesson learned in that it needed to be monitored in the future.

Mr. Cohen noted that they were currently monitoring data and the Department of Public Works enacted a Sewer Moratorium in October 2020. He added if something went before the Planning Board and they had already been allocated sewer capacity they could not be turned down but under the moratorium, they also could not approve anything beyond the allocated capacity. He also said the Town needed to decide what was needed in terms of sewer capacity.

Chair Timmins suggested that the Select Board or Board representatives(s) and administration should conduct a work session to discuss it. Board Member Carota added it might be helpful to have representatives from some departments and Boards join the workshop.

- Develop Plan for use of Warren-Pohl Farm – Conservation Commission requesting funding at Spring Town Meeting to construct a parking area off of Boston Road as well as other improvements including trail markings, fire access gates, and kiosks. Also finalizing a Conservation Restriction to be presented to the Select Board for approval.

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- Review of FY 21 Financial Status – Town Accountant provided an update to Select Board on May 3<sup>rd</sup>. Town Manager was gathering information regarding the allowed uses of the ARPA (American Rescue Plan Act) money and would present it to the Select Board.
- Consideration of Restarting Local Events – Possibility of having July 4<sup>th</sup> Parade.
- Implement the Recommendations of the Vision & Values Committee – The Vision & Values statement would be presented to employees during the annual performance appraisal process and Boards and Committees would receive it during the annual appointment process in June. (Not mandated to be signed)
- Diversity, Racial Equity, and Inclusion Committee – Police Chief Spinney had a successful “fireside chat” with the Committee. The Human Resources Director met with the Committee to review the Town’s diversity training.

## **9. TOWN MANAGER APPOINTMENTS**

- Board of Appeals: Jamie Outland-Brown (Current Associate Member) Full Member for a 3-Year Term to Expire on June 30, 2024.
- Board of Appeals: Glenn Diggs, Associate Member for a 1-Year Term to Expire on June 30, 2022.
- Commission on Disabilities: Maurice La-Garde, Unexpired 3-Year Term to Expire on June 30, 2023.
- Dog Park Advisory Committee: Barbara Reilly, 1-Year Term to Expire on June 30, 2022.
- Roberts Field Advisory Committee: Amanda von Zirpolo-Hall, 1-Year Term to expire on June 30, 2022.

**MOTION:** Board Member Lefebvre made a motion to approve the Town Manager’s appointments as presented. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

## **10. MEETING MINUTES**

- **Select Board Regular Session Minutes from April 12, 2021**

**MOTION:** Board Member Lefebvre made a motion to approve the minutes from the April 12, 2021, Select Board meeting as presented. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

## **11. SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

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Board Member Dixon – Expressed thanks to Officer Derek Hill regarding the incident at Varney Beach.

Board Member Wojtas

- Also extended her thanks to Officer Derek Hill.
- Attended a few virtual ribbon cuttings in the past few weeks, Sun Kiss Wellness, and Joanie's Pizza.
- Requested that Mr. Cohen provide an update regarding the end of the State of Emergency.

Board Member Carota

- Extended his thanks to Officer Derek Hill.

Board Member Lefebvre

- Also extended his thanks to Officer Derek Hill.
- Commended the effort of the people who worked to keep the Commission on Disabilities alive and well.

Chair Timmins

- The Chelmsford Senior Center would be open as of June 1, 2021.
- Conservation Commission was surveying Warren-Pohl and there was a Natural Resource Inventory underway.
- Noted the website regarding redistricting was available at: [masslegislature.gov/redistricting](https://masslegislature.gov/redistricting)

**12. PRESS QUESTIONS**

There was no press in attendance.

**MOTION:** At approximately 8:50 p.m. Board Member Lefebvre made a motion to adjourn. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

Respectfully Submitted,

Approved 7/26/2021

Trish Gedziun  
Recording Secretary

**NEXT REGULAR MEETING: JUNE 7, 2021**

**Supporting Documents:**

1. **MEMORIAL DAY 2021**
2. **PROCLAMATION – LGBTQ PRIDE MONTH 2021**
3. **VINAL SQUARE FLYER – 5/19/2021**
4. **COMMITTEE VACANCIES – 5/24/2021**
5. **ENTERTAINMENT LICENSE EXPANSION – BRICKHOUSE**
6. **KATRINA ROAD SEWER BREAK**
7. **CHELMSFORD NOEC**
8. **TRAFFIC COMMITTEE UPDATE – 5/25/2021**
9. **SELECT BOARD SWAIN ROAD TRAFFIC**
10. **EASEMENT PLAN**
11. **75 LEDGE APPRAISAL**
12. **TAKING 75 LEDGE**
13. **DRAFT ONE STOP – MASS WORKS – GROTON ROAD WATER MAIN APPLICATION**
14. **2021 GRANT APPLICATION – ZONING FOR CLIMATE CHANGE**
15. **2021 JUNE 21<sup>ST</sup> – SPECIAL TOWN MEETING WARRANT**
16. **ARPA**
17. **CHELMSFORD 626 LETTER**
18. **SIGNED CHELMSFORD DLTA XIV RFP II LETTER OF AGREEMENT**
19. **FY21 GOALS PRESENTATION – MAY 2021**
20. **BOARD OF APPEALS – OUTLAND-BROWN**
21. **BOARD OF APPEALS – DIGGS**
22. **COMMISSION ON DISABILITIES – LA-GARDE**
23. **DOG PARK ADVISORY COMMITTEE – REILLY**
24. **ROBERTS FIELD ADVISORY COMMITTEE – ZIRPOLO-HALL**
25. **CHELMSFORD MEETING MINUTES – 04/12/2021**