

Approved 7/10/2023

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

Regular Meeting MINUTES
June 26, 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

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 Carota called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

**JOINT MEETING WITH PLANNING BOARD TO FILL A VACANCY
ON THE PLANNING BOARD**

In the absence of a quorum of members of the Planning Board, Chair Carota took the next agenda item out of order.

COMMENDATION OF CHELMSFORD FIREFIGHTER JOSHUA ABBOTT

Fire Chief Gary Ryan appeared before the Board and spoke of an event that occurred in New Hampshire on June 17th involving the extraordinary off-duty efforts of Firefighter Joshua Abbott and another New Hampshire off-duty firefighter that resulted in the saving of a young woman's life following a near fatal auto accident. He praised Firefighter Abbott for transcending the call of duty as representative of the very best of the firefighting profession.

Board Member Wojtas presented a certificate of appreciation to Firefighter Abbott in recognition of his heroism in the face of a life-threatening situation while he was off-duty and happened upon a burning vehicle while the driver was still inside. He sprang from the vehicle he was driving with his wife and children and without protective gear, he and another off-duty firefighter acted quickly to extract the driver from the vehicle and carry her to safety before the vehicle was engulfed in flames.

Firefighter Abbott accepted the certificate and was thanked by all Board members for his selfless courage and bravery.

**JOINT MEETING WITH PLANNING BOARD TO FILL A VACANCY
ON THE PLANNING BOARD**

Chair Carota called the joint meeting with the Planning Board to order at 6:10PM and asked for a roll call vote: Present were Mr. Paul McDougall-Y, Mr. John Sousa-Y, Ms. Deirdre Connolly-Y, Ms. Annita Tanini-Y and Mr. Michael Walsh of the Planning Board and Board Members Timmins-Y, Dixon-Y, Wojtas-Y, Drew-Y and Chair Carota-Y. He asked for nominations to fill the vacancy on the Planning Board.

MOTION: by Vice Chair Wojtas to nominate Christopher Lavallee as a member of the Planning Board. Seconded by Board Member Timmins. Roll call vote: Mr. McDougall-Y, Mr. Walsh-Y, Mr. Sousa-Y, Ms. Connolly-Y and Ms. Tanini of the Planning Board and Board Members

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Timmins-Y, Dixon-Y, Wojtas-Y, Drew-Y and Chair Carota-Y. **Motion carries 10-0, unanimous.**

There were no other nominations.

MOTION: by Vice Chair Wojtas to close nominations. Seconded by Board Member Timmins. Roll call vote: Mr. McDougall-Y, Mr. Walsh-Y, Mr. Sousa-Y, Ms. Connolly-Y and Ms. Tanini of the Planning Board and Board Members Timmins-Y, Dixon-Y, Wojtas-Y, Drew-Y and Chair Carota-Y. **Motion carries 10-0, unanimous.**

A roll call vote was taken on the appointment of Christopher Lavalley: Mr. McDougall-Y, Mr. Walsh-Y, Mr. Sousa-Y, Ms. Connolly-Y and Ms. Tanini of the Planning Board and Board Members Timmins-Y, Dixon-Y, Wojtas-Y, Drew-Y and Chair Carota-Y. **Motion carries 10-0, unanimous.**

Town Manager Cohen noted that there is now a vacancy of the associate member, which will be posted, and if applicants come forward, a joint meeting with the Planning Board will be held at the next regularly scheduled meeting of the Select Board.

MOTION: by Vice Chair Wojtas to adjourn this joint meeting at 6:15PM. Seconded by Board Member Timmins. **Motion carries 10-0, unanimous.**

PUBLIC SERVICE ANNOUNCEMENTS

Vice Chair Wojtas made the following announcements:

Schedule for Annual 4th of July Celebration

Independence Day events will occur everyday from Sunday, June 2nd and culminating in the Annual Independence Day Parade at 10:00AM on July 4th.

Deadline for Submission of Citizen Petition Warrant Articles for October 16, 2023 Fall Annual Town Meeting: Monday, August 7th by 4:00PM

Citizen petition warrant articles must be submitted to the Town Manager's office no later than Monday, August 7th at 4:00PM for inclusion in the October 16th Fall Annual Town Meeting.

PUBLIC INPUT

There was none.

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.

DISCUSSION: DOUBLE POLE REPORT

Town Manager Cohen asked that this agenda item be taken out of order and introduced Curtis Davis as representative of National Grid. Mr. Davis reported that he responded to the Town Manager's request to resolve the number of double poles across Town.

He outlined the internal process for managing the removal of double poles that begins with the installation of a new pole adjacent to the damaged pole, generation of a list of addresses from the highest to the lowest for transfer of wires by National Grid, as well as notification of Verizon, Comcast and third-parties for like transfers. Of the sixty-two double poles, he is working with the scheduling team to address five of the oldest poles and working internally to resolve issues. He is currently working on identifying non-

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participating attachment groups which make up twenty-five percent of double poles to resolve issues. Town Manager Cohen stated that this number does not reflect the work that falls under the Town's jurisdiction of fiber cable, fire alarm, street lighting etc. but other groups.

Discussion ensued on what triggers the installation of a double pole including damage to an existing pole due to weather or vehicle accident and the responsibility of National Grid to notify Verizon, Comcast and third parties for transfer. Discussion also ensued on what triggers the registration of the existence of a double pole into the National Grid system for tracking and future resolution. National Grid technicians in the field are responsible for notifying National Grid when a double pole is created. Chair Timmins noted knowledge of at least one double pole that has existed for around two years which was not included on National Grid's list of double poles. Discussion also ensued on the Town's bylaw that states notification be made to National Grid of scheduling of a public hearing, after which the Town may issue an order to remove the double pole(s) within 180 days, or be subject to a \$300 per day fine.

Following discussion, it was agreed to advise National Grid of a posting of such a public hearing to be held on July 24th to address those double poles that have existed prior to January 1, 2023. A public service announcement will be made at the next regularly scheduled meeting of such hearing.

PUBLIC HEARINGS

National Grid and Verizon Pole Petition: Concord Road

Representatives of National Grid appeared remotely before the Board with the petition to install two poles on Concord Road as part of a modernization program for the purpose of reducing outages in the area. It was agreed to approve this petition without prejudice to the double pole issue.

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

MOTION: by Vice Chair Wojtas to approve pole petition #30744596. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

LICENSES

One Day All Alcoholic Beverages Licenses: Sts. Vartanantz Armenian Church, 180 Old Westford Road, 8/6 and 9/9/2023

Bruce Kayajanian appeared remotely before the Board in support of the request of the all alcoholic beverages license for two events to be held at Sts. Vartanantz Armenian Church on August 6th and September 9th.

MOTION: by Vice Chair Wojtas to approve the all alcoholic beverages requests for August 6 and September 9, 2023 as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Change of Officers on All Alcoholic Beverages Club License: Chelmsford Lodge of Elks #2310 Inc., 300 Littleton Road

John Masson, Chairman of the Board of Directors of Chelmsford Lodge of Elks, appeared remotely before the Board in support of a change of officers on the all alcoholic beverages club license. He stated that every year a minimum of one member of the Board of Directors changes, and this year the names of three members will be changed to the new members.

MOTION: by Vice Chair Wojtas to approve the change of officers on the all alcoholic beverages club license of Chelmsford Lodge of Elks as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

REPORTS AND PRESENTATIONS

Finance Director John Sousa:

Approval of June 21st \$5.225M Bond Sale

Finance Director John Sousa appeared before the Board. He reported that the Town's historically highest number of bids had been received on the \$5.225M bond sale on June 21st. The low bidder was Fidelity Capital Markets of Boston with a total interest cost of 2.657298%. He summarized the various projects to be funded which were approved at April's Town Meeting.

MOTION: by Vice Chair Wojtas to approve the motion as approved by Bond Counsel for the sale of the bonds as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Standard & Poor's Bond Rating Report

Mr. Sousa stated that a week before the bond auction Standard & Poors had issued a bond rating report that upgraded the Town to the highest rating of AAA for the first time in the Town's history, citing the Town's very strong economy and consistently strong financial performance which fosters its ability to rapidly pay down debt while maintaining strong reserves supported by its forward-looking management team.

Discussion ensued. Board Member Timmins noted that, upon previous inquiries by the Board about upgrading the Town's bond rating, the Town Manager was in support in the past of *not* pursuing a AAA rating since it would demand an increase in reserves by 5% for a small return in interest rate. She asked if there had been an intentional change in financial philosophy. Town Manager Cohen noted that the upgrade came as a surprise, since the Town had the same rating analyst for many years and was under the impression that an increase in reserves was necessary for an upgraded rate. He believed the upgrade was due to the culmination of a number of factors, including the 2020 census changing the demographics of the Town, the increase in property valuations and the end of the COVID period. Also a healthy contribution rate to the Town's pension as compared to other communities in the Middlesex Retirement System already with a AAA rating was considered to be a factor in the upgrade.

Mr. Sousa added that the Town's consistent lowering of debt and not requiring issuance of bonds beyond capital needs along with the pension plan reaching a "critical mass" were positive factors in the upgrade.

ADOPTION OF SELECT BOARD PUBLIC COMMENT POLICY

Town Manager Cohen presented the redraft of the public input policy based on the Board's suggestion to integrate public input policy based on the Supreme Judicial Court's ruling with the Select Board's public input policy. Separate references to public input and public comment were changed to 'public input' for consistency purposes. Town Counsel Haverty had reviewed and approved the redraft.

Discussion ensued. Chair Carota noted that insofar as public input is a dedicated segment of the Select Board agenda and public comment is applicable to discussion in public hearings, the communication policy should state clearly how it is applicable to both areas. Board Member Timmins noted that public comment is a much broader term than public input as it occurs during the public comment session of a public hearing or of an agenda segment such as traffic concerns where the Board decided to allow public comment even if that agenda item does not constitute a public hearing. Board Member Wojtas stated that allowing public comment during a public hearing is following the law and does not need a separate policy. Chair Carota stated that insofar as the reason for the SJC decision was due to the public being shut down inappropriately, the policy addresses how boards are to appropriately conduct themselves in dealing with public comment. Town Counsel Haverty stated that the purpose of the policy was to ensure that boards were compliant with the law. Insofar as there is no legal distinction between public comment and

input, the policy can address public input and public comments as two separate issues. Board Member Timmins suggested including a copy of the SJC ruling as an appendix to the policy, but Town Counsel Haverty suggested including a specific reference to the SJC ruling to allow the reader to read the case and get additional information.

Town Counsel Haverty stated that insofar as not all boards have public input as a dedicated agenda item, the policy on public comment would be broadly applicable to all boards, whereas the policy on the public input segment of the Board's open session agendas would be a separate policy for the Select Board.

Board Member Timmins suggested that Section 1-2.8 of the Select Board policy address the broader term of public comment and Section 1-2.8-1 address public input as it relates to the Select Board only. Discussion also ensued on various textual changes to be made, including maintaining the Chair's discretion on deciding length of time for public comment.

Chair Carota stated that there is a need for an overall public comment policy and public input separate for Select Board. This public comment policy can flow down to all other boards/committees.

Town Counsel Haverty will redraft the policy as above discussed and disseminate a copy to Board members ahead of the next regularly scheduled meeting for further discussion.

DISCUSSION: SELECT BOARD SURVEY TO BOARDS AND COMMITTEES

Review of the results of the recent survey to boards/committees were assigned to members of the Select Board as follows:

Board Member Timmins presented her report completed with Board Member Wojtas and Town Manager Cohen including the following highlights:

- Board/Committee/Commissions vacancies - update list of all current elected and appointed officials and description of positions on Town website.
- Onboarding – update position descriptions on website.
- Appointing authority – clarify appointing authority as designated by Town Charter. Prospective members may be invited to attend meetings but may not be used as a pre-screening for applying or for being appointed.
- Appointment terms – for a temporary or ad hoc committee, terms may be for one year, but if permanent suggested term is three years staggered.
- Associate positions – clarify associate or alternate positions acceptable under state law, or other regulations.
- New member orientation – once appointed member is sworn in by Town Clerk, complete required training, checklists and acknowledgements, including public comment policy.
- Specific orientation material – responsibility of the specific board/committee/commission to facilitate new member orientation.
- Assigned liaisons – assigned by Select Board and list of current liaisons listed on Town website.
- Board/committee/commission support – Select Board to host a periodic meeting with Chairs of the boards to foster dialogue, facilitate awareness of other public bodies activities and to discuss other support needed; open invitation to present at Select Board meetings.
- Town Manager and Town Clerk orientation session – to be done following June appointments and recorded for reference; existing members invited to attend.

Board Member Timmins also reported on recommendations made by the Chair of the Council on Aging Board to the Select Board policy section on roles/responsibilities of the Select Board, liaisons and appointed boards/committees to promote interactive relationships. The COA Board's suggested changes repackage information covered in the current policy and the new Onboarding recommendations reviewed

at this meeting. The suggested changes were made to increase clarity and focus the responsibilities of the Select Board and respective liaisons with respect to their engagement; expand on process of communication to include liaison, Chair and the Town Manager. The Select Board would need to decide if and when an update to the Liaison policy is warranted.

Chair Carota reported that he had reached out to the Recycling Committee for feedback on the survey. He asked Town Manager Cohen to work with the Town Clerk on updating the list of current Chairs on the Town website. Town Manager Cohen will also follow up with the Board of Registrars.

Board Member Drew reported that the Tree Committee has been focusing its efforts on enhancing relationships with Town staff and officials to integrate trees into Town decisions. The planting on the Common was a successful project in collaboration with Tree Warden Christine Clancy. The Committee is open to round table discussions with other Town committees. A presentation to the Board is planned for August. Chair Carota stated that, as he suggested to the Recycling Committee, a later non-summer date may draw a larger audience.

Board Member Wojtas reported that the Diversity, Equity and Inclusion Committee welcomes Board members to all events. Chair Carota stated that he and Manager Cohen suggest that a reading of the land acknowledgement could be done as part of the annual Indigenous People's Day. Clerk Timmins noted that when the Land Acknowledgement was originally established, the DEIC had also suggested reading of the acknowledgement before Town meetings, which would be the decision of the Town Moderator. Board Member Wojtas noted that the acknowledgement is now being read as a regular part of other board meetings such as the Library Trustees.

DISCUSSION: LIGHTING OF MUNICIPAL BUILDINGS AND MONUMENTS POLICY

Board Member Timmins stated that, insofar as requests are being made for the illumination of the monument, a policy needs to be put in place that addresses all such requests. Town Counsel Haverty stated that to the extent the Town allows certain organizations to have the monument lit for certain ceremonies, it opens up requests from other organizations. He advised against making *ad hoc* decisions and putting a policy in place as soon as possible, similar to the policy on flying flags on Town property.

Discussion ensued. Chair Carota suggested creation of a policy on lighting as part of the Board's goals for FY2024 Quarter one. Town Manager Cohen stated that he is working with the DPW on researching the possibility of colored lighting as well as permanent installation of white lighting of the monument.

Town Counsel Haverty will research the use of lighting to showcase Town property in other communities and disseminate his findings to the Board in time for discussion of a policy during the FY24 Q1. The policy created will be specific to the monument and not applicable to other Town buildings.

DISCUSSION: BOARD AND COMMITTEE MEETING MINUTES

Town Manager Cohen reported that his audit of board/committee meeting minutes revealed three committees that were in violation of the open meeting law stating that minutes need to be generated and approved within thirty day of the last meeting or the passing of three public meetings. They were the Commission on Disabilities, the Planning Board and the Roberts Field Committee. A common problem is not having a dedicated minute-taker to these committees and reliance on a staff member or committee member with demands on other duties. He stated that he audits posting of minutes regularly and reaches out to Chairs of committees in violation. He asked for assistance from liaisons. Chair Carota suggested copying the communication to Chairs to their liaisons for follow-up.

Board Member Timmins suggested advising Chairs of boards meeting infrequently that the Chair has the authority to approve and post minutes prior to the next regularly scheduled meeting. There is language in

the Select Board Minutes Policy document addressing options for addressing timely approval and posting of minutes for public bodies that meet infrequently. Chair Carota suggested including the Board's entire meeting minutes policy in the onboarding packet for new members. Town Manager Cohen will confer with the Town Clerk on the latter and Chair Timmins will add this item to the Onboarding and Liaison draft procedures reviewed earlier in the meeting during the Boards and Committees Survey Action Items agenda item.

DISCUSSION: FEEDBACK REGARDING THE MUNICIPAL OPEN HOUSE

Board Member Wojtas reported that the successful open house included representatives from sixteen different committees and a few dozen residents. The feedback was positive and suggested that the open house be held on a regular annual basis. Although the casual format was conducive to welcoming conversation, more structure to the event, such as naming of committees represented at tables would be helpful. Also, further means of advertising and timing the event on an annual basis is needed. Chair Carota welcomed the opportunity to converse with a diverse resident demographic, and members were in support of continuing the event.

DISCUSSION: MEETING OF BOARD AND COMMITTEE CHAIRS

This topic was discussed above on the discussion of survey results to boards and committees.

DISCUSSION: EXPRESSION OF INTEREST – STRATEGIC PLAN

Town Manager Cohen reported that, following an advertisement on the state procurement system and the central register, he had received eight expressions of interest and one from NMCOG, which declined to submit an expression of interest. One firm submitted a cost estimate of \$74K without details of the plan, while others submitted detailed plans without cost estimates. The timeframe for completion was anywhere between six to nine months to one year. An acknowledgement of receipt was sent to each vendor and will follow-up after discussion with the Board.

Discussion ensued. Board Member Timmins stated that if the Board was to go forward with the recommendation to create a strategic plan for the Town with specific actions and goals to guide its future decision-making, it needed a ballpark number for Town Meeting to approve and appropriate for the service. She suggested that she and the Town Manager reach out to towns similar to Chelmsford that had completed services with the vendors to get a scope of the work completed in light of the amount paid. While one vendor submitted a cost estimate of \$74K and the Town of Shrewsbury paid \$80K, there is not enough data in terms of scope and cost estimates to be confident that a range of \$80K-\$100K is what could be anticipated.

Chair Carota stated that more information and time to review the Expression of Interest responses received was needed before the Board could make a decision. He was particularly interested in services provided to like communities in Massachusetts. Board Member Wojtas stated that in-person services, and not remote, would work better for the intended outcome.

Following discussion, it was agreed that the Town Manager will reach out to the vendors for more information on scope of services and cost estimates.

TOWN MANAGER BID AWARDS

Town Manager Cohen stated that the low number of bids was reflective of the current market's status of more demand than supply for vendors. He asked for the Board's confirmation of the following bid awards:

McCarthy School and Parker School Modular Classroom Rooftop HVAC

Ambient Temperature Corporation in the amount of \$278,000.

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Chelmsford High School Boiler Replacement

Performance Plumbing and Heating in the amount of \$384,288.

McCarthy School Kitchen Remodel and Upgrade

Picard Construction Corporation in the amount of \$930,559.

Catch Basin Cleaning and Street Sweeping Debris Removal

W. L. French in the amount of \$128,945.

Ayotte Field Improvements

Sunshine Paving Corporation in the amount of \$270,000.

HVAC Building On-Call Maintenance in Town/School Buildings FY24-FY26

N. B. Kenney in the amount of \$834,384.

MOTION: by Vice Chair Wojtas to approve the Town Manager's bid awards as presented.
Seconded by Board Member Timmins. **Motion carries, 5-0, unanimous.**

TOWN MANAGER REPORTS

Town Manager Cohen made the following announcements:

Massachusetts Economic Assistance Coordinating Council's Approval of Tax Increment Financing Agreement for Analog Devices

The Massachusetts Economic Assistance Coordinating Council approved the Town tax increment financing agreement for Analog Devices, which enables the company to proceed to the next federal funding round.

Municipal Pathway to Clean Energy Grant Award to Develop a Net-Zero Emissions Plan for Municipal Buildings and Operations

Through the assistance of NMCOG, the Town received the municipal pathway to clean energy grant award to develop a net-zero emissions plan for municipal buildings and operations in the amount of \$28,620. The Town has a similar earmark in the state budget to cover school buildings, which is anticipated to be funded in the next month.

Massachusetts Electric Vehicle Incentive Program \$15,000 Grant Award

The Town received the Massachusetts electrical vehicle incentive program grant award in the amount of \$15,000 to acquire two electric vehicles.

MIIA Flex Grant \$36,186 Award

The Town received the MIIA flex grant award in the amount of \$36,186 to be used for the purchase of two gas meters, harness and retractable lanyards, five fire extinguishers, roof inspections, vertical lifeline for exterior ladders and three school zone (solar) signals.

List of Qualified Officers to Perform the Duties of the Town Manager during a Temporary Absence or Disability

In compliance with the Town Charter, Town Manager Cohen submitted the names of three qualified officers to perform his duties during a temporary absence or disability: Finance Director John Sousa, DPW Director Christine Clancy and Police Chief Colin Spence. Both Ms. Clancy and Chief Spence can sign payroll and warrants, whereas John Sousa in his role as Treasurer cannot sign payroll/warrants.

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APPOINTMENTS

Select Board Appointments

Board of Registrars: Three-year Term exp. 6/30/2024

Town Manager Cohen cited Chapter 51 Section 15, the state statute for appointing a member to the Board of Registrars.

MOTION: by Vice Chair Wojtas to reappoint Jim Lane, a member of the Republican Party, to the Board of Registrars. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Clean Energy and Sustainability Committee: Shrilatha Raajkumar, unexpired three-year term exp. 6/30/2025

MOTION: by Vice Chair Wojtas to appoint Shrilatha Raajkumar to the Clean Energy and Sustainability Committee. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Town Manager Appointments:

Town Manager Cohen presented the following candidates for appointments/reappointments.

Board of Appeals: Rodney Cleaves, unexpired three-year associate membership exp. 6/30/2024

Permanent Building Committee: Michael Moore, unexpired three-year term exp. 6/30/2025

Reappointments:

Agricultural Commission: John Swenson, three-year term exp. 6/30/26

Conservation Commission: John Swenson, three-year term exp. 6/30/26

Middlesex Canal Commission: Lisa Grasso, three-year term exp. 6/30/2026

MOTION: by Vice Chair Wojtas to approve the appointments as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

APPOINTMENT OF TOWN LEGAL COUNSEL

Town Manager Cohen stated that appointments of legal counsel need to be made for the next fiscal year.

Discussion ensued. Referencing the Town Clerk's request for special counsel for elections and public records at the prior meeting, Board Member Timmins expressed concern that any department be granted its own counsel. Board Member Timmins and Chair Carota were supportive of appointing KP Law as Special Counsel to the Board of Registrars and Clerk for elections and public records only. They noted that Open Meeting Law and Conflict of Interest Law extend beyond the Clerk's office and are ubiquitous to the Town departments and public bodies. Vice Chair Wojtas was in support of the Clerk's request as KP Law has an excellent reputation in municipal law.

Discussion ensued on whether there was a need to have separate legal counsel to various Town entities on open meeting law, conflict of interest, labor law, elections and public records.

MOTION: by Board Member Timmins to appoint Blatman, Bobrowski, Haverty and Silverstein as Town Counsel; to appoint KP Law as Labor Counsel, KP Law as Special Counsel to the Select Board for the Town Manager, and to appoint KP Law as Special Counsel to the Board of

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Registrars and Town Clerk for elections and public records. Seconded by Board Member Dixon.
Motion carries 5-0, unanimous.

MEETING MINUTES

Select Board Regular Meeting Minutes June 5, 2023

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

Announcement of Determination of Releasability of Executive Session Minutes Minutes for Release: May 15, 2023 Segment 5; June 5, 2023 Segment 2

Minutes Not for Release: May 15, 2023 Segments 1, 2, 3 and 4

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Drew – no report.

Board Member Dixon – no report.

Board Member Timmins

- The Planning Board recommends the Select Board’s viewing of its June 14th meeting with regard to the MBTA communities zoning requirements for further future discussion at joint meeting.

Vice Chair Wojtas

- Attended the following ribbon cuttings:
 - o Aunt Margaret’s in North Chelmsford for craft supplies and instruction.
 - o Travelling Trainer will bring fitness equipment to your home or business along with instructors.
 - o Allied Health Center and Bethel Therapy on Summer St.
 - o Summer Place renovation
- Three new Eagle Scouts: Shaun McCluskey, William Stafford and Tomas Wetzel.

ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION

MOTION: by Vice Chair Wojtas to adjourn to Executive Session at 8:11PM, not to return to Open Session to discuss complaint against an employee pursuant to M.G.L Chapter 30A, Section 21(a)(1); strategy with respect to litigation regarding North Chelmsford Water District PFAS claim; strategy with respect to litigation regarding Ledge Road commercial truck traffic; and to review Executive Session meeting minutes of June 5, 2023 Segment 1.

Roll call vote:

Chair Carota – aye.

Vice Chair Wojtas – aye.

Board Member Timmins – aye.

Board Member Dixon – aye.

Board Member Drew – aye.

Motion passes, 5-0, unanimous.

NEXT REGULAR MEETING DATE: July 10, 2023

Respectfully submitted,

Christine Martin Barraford

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Recording Secretary

Supporting documents:

- Planning Board vacancy notice May 2023
- Planning Board full member application – Lavallee
- Planning Board application – Luna
- Email dated 6/26/2023 from Joel Luna to Select Board with Subject: *RE: Application for the open position on the Planning Board* withdrawing Luna’s application
- Cert of appreciation – Firefighter Joshua Abbott
- Chelmsford parade eventsV2
- Public notice SB deadline citizen petitions Fall 2023
- Committee vacancies as of 6/26/2023
- Pole petition Concord Rd.
- One day licenses – Sts. Vartanantz
- Elks change of officers 2023
- Ratings Direct Summary Chelmsford Massachusetts General Obligation_55157222-June 16 2023
- Bond auction results 6/21/2023
- Select Board vote – Chelmsford bonds 7/6/23
- Select Board public input policy
- Public comment policy message to Chairs – June 23
- Re public comment policy – Lavallee
- Re public comment policy – Bowman
- Re public comment policy – Luna
- Board and committee survey actionable inputs summary V2
- Board and committees onboarding summary V2 – SB meeting 6/26/2023
- COAB liaison action item summary V0 – SB meeting 6/26/2023
- Double pole bylaw
- Double pole report
- Display of flags on town property
- Meeting minutes policy
- Meeting minutes posting compliance status – June 22 2023
- Berrydunn_Chelmsford_MA_strategic plan
- Better city EOI for Chelmsford
- JMG_Chelmsford_SP_expression of interest
- NMCOG response to expression of interest for strategic plan
- Raftelis_expression of interest
- Sbrand expression of interest
- Steady State Chelmsford strategic planning
- Strategy 5 consulting EOI strategic plan
- Zilo expression of interest strategic plan project
- Bid award memo
- Re EACC approval of the Town of Chelmsford EDIP applications for Analog Devices
- Chelmsford NZAP draft scope of work
- Town of Chelmsford Fleets approval letter
- MIIA flex grant award
- List of qualified officers to perform TM duties 6/23
- Board of registrars
- CEAS application – Raajkumar
- Board of Appeals associate – Cleaves
- Permanent Building comm. Application – Moore
- 6/5/2023 SB minutes draft

Town of Chelmsford Select Board Minutes
Town Offices, Room 200
50 Billerica Rd.
Chelmsford, MA 01824

Executive Session Minutes

Segment 1 (Complaint)

June 26, 2023

Attending:

Mark Carota, Chair

Patricia Wojtas, Vice Chair

Virginia Crocker Timmins, Clerk

George Dixon, Board Member

Erin Drew, Board Member

Joseph Fair, Labor Counsel to Select
Board for Town Manager (via Zoom)

Paul Cohen, Town Manager
(Partial Attendance)

Chair Carota called the Executive Session to order at 8:15 pm. The purpose of the Executive Session segments and start times were:

- 8:15 pm: Segment 1,
To Discuss a Complaint Against an Employee Pursuant to G.L. Chapter 30A, Section 21 (a)(1)
- 8:31 pm: Segment 2,
Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim
- 9:37 pm: Segment 3, Strategy with Respect to Litigation Regarding Ledge Road Commercial Truck Traffic
- 9:40 pm: Segment 4, Review Executive Session Meeting Minutes of June 5, 2023 Segment 1

Segment 1:

To Discuss a Complaint Against an Employee Pursuant to G.L. Chapter 30A, Section 21 (a)(1)

Town Manager Cohen chose to leave the meeting at its beginning prior to discussions commencing.

Attorney Fair reminded the Board that the sole purpose of this meeting was for the Board to determine if it would take action regarding the complaint previously made against the Town Manager. Attorney Fair summarized the past public events and discussions to date regarding the complaint which originated with the Department of Labor Relations (DLR) findings regarding charges of unfair labor practices that the Superior Officers Union NEBPA, Local 20 filed against the Town. A Board decision to take action would result in a second meeting to determine the specific action(s) to be taken. A Board decision to take no action would end the process.

There were two hearings conducted by the DLR. DLR Hearing #1 was for cases MUP-19-7227, MUP-19-7313, and MUP-19-7361 which alleged multiple incidents of unfair labor practices against the Town. DLR Hearing #2 was for case MUP-20-8000 alleging unfair labor practices with respect to the Town Manager's disclosure and handling of a collective bargaining Memorandum of Agreement. The complaint against the Town Manager by then Board members Lefebvre and Dixon was made after the DLR Hearing #1 decision was issued in favor of the Union. The disposition of DLR Hearing #2 had not yet been decided.

All previous meetings regarding this complaint were held in open session upon Manger Cohen exercising his right under the Open Meeting Law to have those discussions held in open session rather than executive session. These meetings occurred on 09.29.2022, 10.12.2022, and 11.03.2022 and are

documented in the corresponding Open Session Minutes. At the conclusion of the November 2, 2022 meeting, the Board decided to put any further discussion regarding the complaint on hold until an official ruling was made on DLR Hearing #2.

The Town and the Union recently reached a collective bargaining agreement under which the Union dropped the charges associated with MUP-20-8000 such that there will be no decision issued on DLR Hearing #2. In that light, the Board met again to reach closure on whether or not the Board would take action on the original complaint against the Town Manager. A Board decision to take action would result in another meeting with the purpose of determining the specific action(s) to be taken.

Board Member Dixon offered that, as one of the two original complainants, he felt that with the Town and the Union's recent settlements it would be appropriate to take no action on the complaint against the Town Manager. Mr. Dixon encouraged the Board to continue to work better together amongst the Board members and between the Board members and the Town Manager.

Motion: Clerk Timmins motioned that the Board will take no action with respect to the verbal complaints initially raised at the September 29, 2022 meeting. Vice Chair Wojtas seconded the motion.

Roll Call Vote:

Board Member Drew:	Aye
Board Member Dixon:	Aye
Clerk Timmins:	Aye
Vice Chair Wojtas:	Aye
Chair Carota:	Aye

Motion carried, 5-0.

At 8:29 pm, Chair Carota brought Manager Cohen into the meeting room to inform him of the Board's decision. The Board offered to provide Manager Cohen with a written letter regarding the decision. Mr. Cohen declined under the expectation that the decision would be documented in the meeting minutes and the minutes released.

Respectfully submitted,

Virginia Crocker Timmins
Select Board Clerk

Segment 1 Supporting Documents: None

Approved & Released 7/5/2023
Revised 7/11/2023 to Correct Call to Order time

Town of Chelmsford Select Board Minutes
Town Offices, Room 200
50 Billerica Rd.
Chelmsford, MA 01824

Executive Session Minutes
Segment 4 (Minutes 06.05.2023)
June 26, 2023

Attending:

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

Chair Carota called the Executive Session to order at 8:15 pm. The purpose of the Executive Session segments and start times were:

- 8:15 pm: Segment 1,
To Discuss a Complaint Against an Employee Pursuant to G.L. Chapter 30A, Section 21 (a)(1)
- 8:31 pm: Segment 2,
Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim
- 9:37 pm: Segment 3, Strategy with Respect to Litigation Regarding Ledge Road Commercial Truck Traffic
- 9:40 pm: Segment 4, Review Executive Session Meeting Minutes of June 5, 2023 Segment 1

Segment 4: Review Executive Session Minutes of June 5, 2023 Segment 1

The Board reviewed the draft Executive Session Minutes of June 5, 2023 Segment 1: Discuss Strategy with Respect to Deployment of Security Devices.

Motion: Vice Chair Wojtas motioned to approve the Executive Session Minutes of June 5, 2023 Segment 1, not to be released. Clerk Timmins seconded the motion.

Roll Call Vote:

Board Member Drew:	Aye
Board Member Dixon:	Aye
Clerk Timmins:	Aye
Vice Chair Wojtas:	Aye
Chair Carota:	Aye

Motion carried, 5-0.

Adjournment:

Motion: Vice Chair Wojtas motioned to adjourn at 9:41pm. Clerk Timmins seconded the motion.

Roll Call Vote:

Board Member Drew:	Aye
Board Member Dixon:	Aye
Clerk Timmins:	Aye
Vice Chair Wojtas:	Aye
Chair Carota:	Aye

Motion carried, 5-0.

Respectfully submitted,

Virginia Crocker Timmins
Select Board Clerk