

**Town of Chelmsford, MA**  
Select Board Meeting  
Hybrid/Virtual Meeting  
June 28, 2021

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.

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. JOINT MEETING WITH BOARD OF LIBRARY TRUSTEES**

- Vote to Fill Vacancy on the Board of Library Trustees

Members of the Board of Library Trustees present: Maggie Marshall, Katie Van Dyne, David Braslau, and Phakey Yous

**MOTION:** Board Member Wojtas made a motion to nominate Kevin Hamilton to fill the vacant seat on the Board of Library Trustees. Board Member Lefebvre seconded the motion.

There were no other nominations.

A vote of the Library Board of Trustees and Select Board was taken, which resulted as follows:

**The motion carried 9 – 0.**

**(Chair Timmins announced the agenda would be taken slightly out of order.)**

**3. PUBLIC SERVICE ANNOUNCEMENTS**

Board Member Lefebvre read aloud the following announcements:

- Independence Day Parade – Monday, July 5<sup>th</sup> at 10:00 a.m.
  - Saturday, July 3<sup>rd</sup> – 7:00 p.m. through 9:00 p.m. – Band Concert (Center Common)
  - Monday, July 5<sup>th</sup> – 9:30 a.m. – Flag Raising with Police & Fire (Center Common)
  - Monday, July 5<sup>th</sup> – 10:00 a.m. – Annual Independence Day Parade
- Redistricting Virtual Hearing for the 3<sup>rd</sup> Congressional District: Thursday, July 8<sup>th</sup> at 6:00 p.m. Registration required and the link was available on the Town’s website.
- Deadline for Submission of Citizen Petition Warrant Articles for October 18, 2021, Fall Annual Town Meeting: Monday, August 2<sup>nd</sup> by 4:00 p.m.

#### **4. PUBLIC INPUT**

There were no comments made by members of the public.

Board Member Dixon recused himself prior to Chair Timmins reading the below letter as the subject pertained to 54 Richardson Road. Note: Board Member Dixon left the room.

Chair Timmins read aloud a letter from Bruce Harper, Superintendent, North Chelmsford Water District as follows:

I would appreciate full involvement in the PFAS (per-and polyfluoroalkyl substances) investigation and current written progress reports to exactly where the PFAS contamination immediate response assessment plan is at. Now, since Weston & Sampson has installed piezometers and transducers, what is the groundwater flow and the influence on the deep and shallow wells installed on the North Chelmsford Water District’s property. I am very concerned with all of our production wells, especially the North Chelmsford Water District’s gravel-packed well 3 and gravel-packed well 4 since they are the ones that are the closest to the PFAS contamination. I am very concerned with the “estimated” schedule of response actions that Weston & Sampson are proposing to the Town of Chelmsford and the Board of Selectpersons that don’t take remedial action until December 11, 2025, through December 11, 2026, and possibly beyond. The North Chelmsford Water District is pumping a large volume of water due to the hot weather and the cone of contribution to these wells will be reaching further into the groundwater aquifer as the water table lowers. The granular activated carbon filters that were installed in 2011 and then after eight years a complete granular activated carbon removal and replacement was done in November of 2019 for chlorite removal. PFAS is beginning to break through the granular activated carbon filters at low levels of PFAS. The North Chelmsford Water District is monitoring and sampling for PFAS on the first Wednesday of the month and are doing the best management practice to blend our sources to keep the incoming well water below 20 parts per trillion per nanogram per liter. This is getting more difficult because of the high water demands. I received an estimate of \$171,000 to do another complete removal and replacement of the granular activated carbon. Calgon Carbon is recommending a larger-sized granular activated carbon particle that is approved for the better absorption of PFAS contaminants. At this rate of absorption, between November of 2019, and December of 2026, the granular activated carbon will need to be replaced at a minimum of three times and that’s if the PFAS levels in the groundwater aquifer do not increase.

Since the PFAS is impacting and absorbing the granular activated carbon I am going to ask the Town of Chelmsford to cover this cost and any other associated cost to the North Chelmsford Water District from PFAS contamination from October 7, 2020, to and beyond December 11, 2026; possibly by a grant or any other means that the Town of Chelmsford has. The Board of Water Commissioners met on June 21, 2021, and discussed the matter in detail and agree with the information and data that the Town of Chelmsford is the responsible party.

Board Member Dixon returned to his seat as a full voting member of the Select Board.

## **5. 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.

## **6. REPORTS AND PRESENTATIONS**

- Update on 54 Richardson Road Immediate Response Action Plan and Geophysical Survey

Prior to the discussion, Board Member Dixon recused himself and left the room.

Steve Jahnle, Assistant Director, Department of Public Works, addressed the Board and said the results of the geophysical survey had been received.

- The location of a known waste oil tanks located on the southeast side of the southern DPW building was determined.
- Buried metal objects or caches of objects are present in the areas of interest, however, it cannot be determined whether such objects are drums or UST's based on the geophysical data.
- Several significant areas of buried metal or clusters of such areas are especially concentrated in the southeast portion of the DPW yard, and the east portion of the dog park area.
- Possible gas, electric, and unidentified utilities are present in the areas of interest.

Mr. Jahnle said the areas of interest would be further investigated. He then provided the Board with a timeline that indicated completed activities and proposed dates for future activities. He said they would file a remediation plan with DEP (Department of Environmental Protection) and upon approval, remediation was scheduled to begin in late December 2021.

Board Member Dixon returned to his seat as a full voting member of the Select Board.

## **7. REPRESENTATIVE THOMAS GOLDEN: MASSACHUSETTS REDISTRICTING PROCESS AND THE SPECIAL JOINT COMMITTEE ON REDISTRICTING**

Representative Thomas Golden said he was part of the Redistricting Committee and said the hearings and meetings regarding redistricting were broken up by Congressional Districts. He said there were nine Congressional Districts and on July 8<sup>th</sup> there would be a discussion surrounding the districts within the Third Congressional District, which included Chelmsford. He said pre-registration was required and could be found at [www.mass.gov/legis](http://www.mass.gov/legis).

Representative Golden said pressure to redistrict would be coming from Berkshire County, Hampden County, Franklin County, and Barnstable County. He said Massachusetts as a whole had grown by 7.4% and the Congressmen from the western part of the state would be pushing into the east, and Boston would be pushing up towards the Merrimack Valley. He said he felt there would be an opportunity for Chelmsford to go from four State Representatives to three.

Representative Golden said he was more than happy to speak with any member of the public who had questions and he could be reached at 978-590-4941.

Chair Timmins asked if there was a formal position the Board wanted to take or if they wanted to continue the discussion at the next meeting. Board Member Wojtas replied she would prefer to continue the conversation at the next meeting.

- Traffic Safety Committee Monthly Report

Mr. Jahnle reviewed the update as summarized below:

#### Completed Actions

- Cautionary signs for two-way traffic were installed at the intersection of Byam and Locust Roads.

#### Current Actions

- Chelmsford Center parking design.
- Ledge Road – School Bus turnaround easement update.

Mr. Jahnle said Scott Ludwig had informed him that the resident's attorney had the necessary documents needed to review the proposed easement. He said they were waiting to hear from the attorney.

- Boston & Concord Road was in progress.
- Installing crosswalks on Groton Road at Scotty Hollow.
- Repainting of several crosswalks.
- Reviewing additional resident signage requests.

Board Member Dixon commented he had received some calls regarding Swain Road. He asked if a sidewalk would be installed on Dunstable road. Mr. Cohen replied there were no plans to install a sidewalk on Dunstable Road. He further said the intention was to appear before the Select Board in the fall to have a public input session on sidewalk planning.

- Second Handicapped Accessible Parking Space in the Town Center

Mr. Cohen explained at the last Board meeting the possibility of adding a second handicapped-accessible parking space in the center was discussed.

Mr. Jahnle stated he walked the site with Jose Negron, Building Commissioner and the ADA Coordinator for the Town. Mr. Jahnle commented his thought was if they were adding one space he thought the last spot at the corner of Cushing Place might be a good location. He further said, however, when they started looking at two spaces it changed things and the grade of the road would be too steep and a new accessible ramp would have to be installed. He said in order to gain two handicapped spots three spots would be lost.

Board Member Wojtas commented that she had received feedback from property owners and the general feeling was that it would severely impact their tenants. She said in light of that feedback she felt there should only be one handicapped-accessible spot rather than two.

Chair Timmins said if the Board was going to look at different options for having two handicapped-accessible spots then she would like to have another public hearing to gain additional input. She said she felt it was important that the Center Village Committee reviewed it and to request input from the Commission on Disabilities prior to a public hearing being held.

Mr. Jahnle pointed out that for every twenty-two spaces there had to be one handicapped-accessible space and it jumped to two spaces once it went over twenty-five spaces.

## **8. TOWN MANAGER REPORTS**

Mr. Cohen said Governor Baker had signed an extension of the measures originally adopted during the state of emergency regarding remote meeting provisions and the sale of alcohol into law. He said the legislature extended the remote meeting provisions until April 1, 2022, which meant Boards and Committees could continue to meet fully remote until that time. He added that similarly, the legislature extended outdoor operations in terms of alcohol services until April 1, 2022.

Mr. Cohen suggested that the zoning be changed to accommodate outdoor seating and services on a permanent basis. He said he had asked the Planning Board to review the bylaws to see if the zoning could be modified.

## **9. APPOINTMENTS**

- Town Manager Appointments

Approved 9/13/2021

- Vinal Square Strategic Action Plan Committee: Reappointment of Brian Creamer, 1-year term to expire on June 30, 2022
- Military Community Covenant Task Force: Reappointment of Steven Miller, 3-year term to expire on June 30, 2024.

**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.**

- Select Board Appointments

- Agricultural Commission: Michael Raisbeck, 3-year term to expire on June 30, 2024.

**MOTION:** Board Member Lefebvre made a motion to approve the appointment of Michael Raisbeck to the Agricultural Commission for a 3-year term to expire on June 30, 2024. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

## **10. APPOINTMENT OF LEGAL COUNSEL**

The Board and Town Manager discussed the current appointments of Blatman, Bobrowsky and Haverty as general Town Counsel and of KP Law as Labor Counsel which were to expire on June 30, 2021.

**MOTION:** Board Member Lefebvre made a motion to extend legal counsel services from Blatman, Bobrowsky, & Haverty for one-year, to expire on June 30, 2022. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

**MOTION:** Board Member Lefebvre made a motion to extend labor counsel services from KP Law, PC to expire on August 31, 2021. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

Chair Timmins stated the Board would continue the discussion at the next meeting.

## **11. RETAINER AGREEMENT WITH NAPOLI SHKOLNIK PLLC REGARDING PFAS CLASS-ACTION LITIGATION**

Mr. Cohen said there was a typo in the original retainer agreement and it had been corrected. He added Attorney Paul Haverty reviewed the document.

Board Member Wojtas pointed out that the beginning of the document referenced “federal arbitration in Massachusetts” and then paragraphs 12 & 13 referenced “federal arbitration in New York.” Mr. Cohen replied he would double-check with Attorney Haverty and bring the document back to the Select Board.

## **12. MEETING MINUTES**

- Select Board Regular Session Minutes – May 3, 2021

**MOTION:** Board Member Lefebvre made a motion to approve the minutes from the May 3, 2021, meeting as presented. Board Member Carota seconded the motion.

**The motion carried 5 – 0.**

## **13. SELECT BOARD MEMBER LIAISON REPORTS & REFERRALS**

### Board Member Wojtas

- Extended her thanks to the Senior Center and KJ’s Caffè for hosting the Veterans Breakfast.
- The Diversity, Equity, & Inclusion Committee had a Juneteenth Event and it went very well.
- Friends of the Library – Book Drop by appointment only (Fiction Books only) on July 10<sup>th</sup> & July 29<sup>th</sup>.
- Requested that the Board have a discussion regarding the Sustainability Committee in terms of the make up of the committee. Chair Timmins replied it would be a future agenda item.

### Board Member Dixon

Board Member Dixon had no reports to share.

### Board Member Carota

- Stated he was happy to have had the conversation regarding the handicapped parking situation in the Town Center.

### Board Member Lefebvre

- Board Member Lefebvre had no reports to share.

### Chair Timmins

- The Vinal Square Strategic Action Plan Committee thanked everyone who participated in the Vinal Square Transportation Infrastructure Improvement Survey. NMCOG (Northern

Middlesex Council of Governments) would provide a debrief regarding a summary of priorities resulting from the survey on Thursday, July 15<sup>th</sup>.

- Suggested a future agenda item to discuss the ARPA (American Rescue Plan Act) funding and how the funds would be allocated and reported on.

#### **14. PRESS QUESTIONS**

There was no press in attendance.

**MOTION:** At approximately 7:50 p.m. Board Member Lefebvre made a motion to adjourn to Executive Session and not to return to open session to discuss strategies with respect to the Opioid Litigation Update, pursuant to General Law, Chapter 30A §21-A-2. Board Member Carota seconded the motion.

A roll call vote was taken, which resulted as follows:

Yea: Board Member Wojtas, Board Member Dixon, 5  
Board Member Carota, Board Member Lefebvre,  
and Chair Timmins

Nay: 0

**The motion carried 5 – 0.**

Respectfully Submitted,

Trish Gedziun  
Recording Secretary

**NEXT REGULAR MEETING: JULY 12, 2021**

#### **Supporting Documents:**

- 1. BOARD OF LIBRARY TRUSTEES VACANCY NOTICE – JUNE 2021  
LETTER OF INTENT FOR LIBRARY TRUSTEE – KEVIN HAMILTON**
- 2. 2021 INDEPENDENCE DAY EVENTS SCHEDULE**
- 3. REDISTRICTING VIRTUAL HEARING**

Approved 9/13/2021

4. **CITIZEN PETITION DEADLINE – 2021 FALL**
5. **COMMITTEE VACANCIES – 6/28/2021**
6. **21SG07B – WANDS – CHELMSFORD MA – UST AND DRUM SEARCH REPORT**
7. **54 RICHARDSON DRAFT MCP SCHEDULE**
8. **TRAFFIC COMMITTEE UPDATE – 6/28/2021**
9. **HANDICAPPED ACCESSIBLE PARKING ILLUSTRATION**
10. **OFFICE OF ATTORNEY GENERAL – EXTENSION OF COVID-19 MEASURES REGARDING OPEN MEETING LAW**
11. **6/16/2021 ADVISORY RE EXTENSION OF PATIOS AND TAKE AWAY ALCOHOL**
12. **AGRICULTURAL COMMISSION – RAISBECK**
13. **ATTORNEYS AT LAW**
14. **CHELMSFORD – MINUTES – MAY 3, 2021 - FINAL**