

Approved 7/24/2023

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

Regular Meeting MINUTES
July 10, 2023

Attending:

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

Paul Cohen, Town Manager
Paul Haverty, Town Counsel

Partially Absent:

Erin Drew, Board Member

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**

Chair Carota called the joint meeting with the Planning Board to order at 6:02PM for the purpose of appointing an Associate Member of the Planning Board. Planning Board Members present were Mike Walsh, John Sousa, Chris Lavallee, Deirdre Connolly, and Annita Tanini (via Zoom). Planning Board Members absent were Mike Raisbeck and Paul McDougall.

Chair Carota asked for nominations to fill the position.

MOTION: by Board Member Timmins to nominate Joel Luna and Doreen Deshler as candidates.
Seconded by Board Member Dixon.

There were no other nominations.

MOTION: by Vice Chair Wojtas to close nominations. Seconded by Board Member Timmins.
Roll call vote: Mr. Walsh-Y, Mr. Sousa-Y, Mr. Lavallee-Y, Ms. Connolly-Y, and Ms. Tanini of the Planning Board-Y; and Board Members Timmins-Y, Dixon-Y, Wojtas-Y and Chair Carota-Y.
Motion carries 9-0, unanimous.

Ms. Deshler appeared before the Boards and confirmed her candidacy stating that in the last election she received over 2,400 votes and lost by 250 votes of being elected to the Planning Board. She stated that showed that the citizens of Chelmsford had confidence in her and asked that the Boards take that under consideration.

Chair Carota asked for votes of preference of the two candidates.

Select Board Member Dixon – Joel Luna
Select Board Member Timmins – Joel Luna
Vice Chair Wojtas – Joel Luna
Chair Carota – Joel Luna
Planning Board Member Walsh – Joel Luna

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Planning Board Member Sousa – Joel Luna
Planning Board Member Lavalley- Joel Luna
Planning Board Member Tanini – Joel Luna
Planning Board Member Connolly – Joel Luna

Motion carries 9-0, unanimous for Joel Luna as Associate Member of the Planning Board.

MOTION: by Vice Chair Wojtas to adjourn the joint meeting at 6:06PM. Seconded by Board Member Dixon. Roll call vote: Mr. Walsh-Y, Mr. Sousa-Y, Mr. Lavalley-Y, Ms. Connolly-Y and Ms. Tanini of the Planning Board-Y; and Board Members Timmins-Y, Dixon-Y, Wojtas-Y and Chair Carota-Y. **Motion carries 9-0, unanimous.**

PUBLIC SERVICE ANNOUNCEMENTS

Vice Chair Wojtas made the following announcement:

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 26th Fall Annual Town Meeting.

PUBLIC INPUT

Brian Latina, 15 Jessie Road and Town Meeting Representative, appeared before the Board and addressed the policy being deliberated by the Board on public comment that affects all committees. He distributed a supplemental letter to the Board from Mr. Latina and Chris Bowman. He stated that the policy limits length of speech to three minutes, “but the Constitution does not.” He cautioned against a trend in government post 9-11 and post-pandemic to censor speech. He advised that the Board’s role is to encourage free speech especially for those not used to public speaking and not create a policy that limits free speech. He cited an incident at a meeting in October, 2020 where he was limited to three minutes but a town meeting representative following him had an extended length of time to speak and may have had access to information provided to the Select Board on the topic he addressed.

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.

PROPOSED PUBLIC COMMENT POLICY AND PROPOSED REVISION TO THE SELECT BOARD’S PUBLIC INPUT SEGMENT OF REGULAR MEETINGS POLICY SECTION 1-2.8

Town Counsel Haverly addressed Mr. Latina’s comments above. He stated that the impetus for the public comment and public input policy was the Supreme Judicial Court’s decision in Barron v. Kolenda “in which case the SJC held that reasonable time, place and manner restrictions may be placed on public comment” imposing a time limit for each person speaking and rules preventing disruption of others from speaking, and the right to remove such person from the meeting if they do so. The limits on speakers to certain topics and length of time to speak is within the procedures of conducting an orderly meeting. Additionally, the Board provided significant feedback to not impose specific time limitations but to leave to the discretion of the Chair to allow certain issues which may need additional time and not to allow lengthy public comment when not necessary.

Town Counsel Haverty stated that the Board is going in the right direction in proceeding in this manner consistent with the state constitution as set forth in the Barron v. Kolenda decision.

Mr. Haverty then reviewed the changes to the policy as discussed at the previous meeting.

Discussion ensued including the following suggestions:

- For the legal protection of some speakers, that Chairs not rigidly apply the rule that speakers must initially state their home address and that the person's name is sufficient for public record.
- Having a clear public comment policy that Chairs of elected and appointed boards/committees can easily follow enables them to consistently comply with policy.
- Notwithstanding compliance with stated law, documenting the SJC ruling in the policy provides reinforcement of the law to ensure that boards/committees remain in compliance with the law.
- Insofar as public hearings allow for public input, the same rules apply as to public comment. A new section on public input would reinforce this policy as it pertains to public hearings conducted by some boards/committees.

Town Counsel Haverty will generate another draft of the policy for distribution to Board members and Chairs of Town boards/committees. If not already adopted by boards/committees, the Chairs will be advised of another draft of policy.

Board Member Drew joined the meeting at approximately 6:30PM.

BOARDS AND COMMITTEES ONBOARDING

Board Member Timmins reviewed the second draft of the onboarding procedures incorporating suggested changes from the previous meeting.

Discussion ensued. Town Manager Cohen will investigate where other Select Board and Town procedures reside and will return to the Board with recommended option(s) for where the Onboarding procedures could reside. Review of all procedures will be a future agenda item for the Board's discussion.

MOTION: by Vice Chair Wojtas to accept the onboarding procedures as presented with noted changes. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

UTILITY DOUBLE POLES

Town Manger Cohen presented the list of sixty-two double poles submitted by Curtis Davis of National Grid. Mr. Curtis will not be able to attend the public hearing scheduled on July 24th but his superior, Susan Griffin, will attend remotely.

Discussion ensued. The Board had significant concerns about the accuracy of the list of double poles.

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Following discussion, Town Manager Cohen will reach out to Susan Griffin to relay the Board's concern that the list was not complete and its wish to discuss the issue when she is in attendance at the Board meeting for the public hearing. A list of poles by order of responsibility by groups is also requested, as well as a public hearing to be scheduled for double poles that have been in place prior to January 1, 2023.

APPOINTMENTS

Chair Carota presented the Town Manager's recommendation for appointments to be accepted by the Board:

Jen Melanson and Sherry Lyle to the Diversity, Equity and Inclusion Committee for three-terms

Madalyn Adkins to the Clean Energy and Sustainability Committee for a three year term.

MOTION: by Vice Chair Wojtas to appoint Madalyn Adkins to the Clean Energy and Sustainability Committee for a term to expire 6/30/2026. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

MOTION: by Vice Chair Wojtas to appoint Cheryl Lyle and Jen Melanson to the Diversity, Equity and Inclusion Committee for terms to expire 6/30/2026. Seconded by Board Member Timmins.

Discussion ensued. Board Member Timmins stated that she had concerns about appointing a staff member who is not a resident to the Committee, as it was the intention of the Board to appoint residents to the Committee with staff/department heads acting in supporting roles to the Committee. She also pointed out the need for applicants to more fully complete an application for consideration of appointment.

Vice Chair Wojtas commented that Ms. Melanson had "a lot to offer" in her role as staff support, but that she did not have an objection to her being appointed as a voting member of the Committee. Board Member Dixon stated that he "had received a few phone calls" about setting a precedent for appointment of members to the Committee that were not residents. In response to Board Member Drew's question on the resident requirement, Board Member Timmins stated that ad hoc appointed boards/committees do not have a resident requirement, but some statutory boards/committees do have a resident requirement. The DEIC does not have this requirement.

Town Manager Cohen cited minutes of the past Select Board meeting with regard to the Committee:

August 17, 2020 Select Board Meeting

"DIVERSITY, RACIAL EQUITY, AND INCLUSION COMMITTEE COMPOSITION
Selectman Antul was aware of several people who were very interested in being a part of this committee. Selectman Timmins created a list based on the previous meeting's discussion. The Board agreed categories to potentially fill pending the applicant pool would be one town employee, a first responder, someone affiliated with the public schools, a young adult, a business person, and 3-5 at large members. There may be other

ad-hoc subcommittees. Potential applicants can be asked which slots the applicant feels they are qualified to fill. The Board will not actively participate in the committee's work. Applications will be accepted through the end of August, with committee members to be appointed in September."

September 14, 2020 Select Board Meeting

"SELECT BOARD APPOINTMENT OF DIVERSITY, RACIAL EQUITY, AND INCLUSION COMMITTEE There were 13 applicants for this Committee. The Board agreed to accept all the applicants to the Committee. Motion: by Board Member Timmins to appoint all thirteen applicants to the Diversity, Racial Equity and Inclusion Committee, as presented. Seconded by Board Member Dixon. Roll Call: Board Member Wojtas: Aye, Board Member Antul: Aye, Board Member Timmins: Aye, Board Member Dixon: Aye, Chair Lefebvre: Aye. Motion carries, unanimous, 5-0."

Board Member Wojtas stated that the permanent DEIC permanent committee was created after the above-noted votes. Although she did not object to appointing Ms. Melanson as a member, she would not object to leaving the posting for candidates open for a few more weeks, and if no candidates applied, she would be in favor of appointing Ms. Melanson. She amended her vote as follows:

MOTION: by Vice Chair Wojtas to appoint Sherry Lyle to the Diversity, Equity and Inclusion Committee for a term to expire 6/30/2026. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Town Manager Cohen will ensure that the posting remains open and require that all candidates submit a completed application for consideration of membership on any Town committee.

Mr. Cohen then recommended appointment of Lauralynne Morey to the Vinal Square Strategic Action Plan Committee for an unexpired term of one year. She has the endorsement of the committee to fill Janet Murphy's unexpired term.

MOTION: by Vice Chair Wojtas to confirm the appointment of Lauralynne Morey to the Vinal Square Strategic Action Plan Committee for an unexpired term to expire 6/30/2024. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

MEETING MINUTES

Select Board Regular Meeting Minutes 06/26/2023

MOTION: by Vice Chair Wojtas to approve the regular meeting minutes of June 26, 2023. Seconded by Board Member Timmins.

Discussion ensued. Board Member Timmins questioned the legal term "without prejudice" with regard to the decision made on utility poles. Upon clarification, she withdrew her comment.

Motion passes 5-0, unanimous.

Announcement of Determination of Releasability of Executive Session Minutes

Minutes for Release: June 26, 2023 Segment 4
Minutes not for Release: June 5, 2023 Segment 1

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Drew – no report.

Board Member Dixon

- Commended the Parade Committee for a great parade and a fun event like the old days with a big crowd attending.

Board Member Timmins

- First quarter tax bills received are preliminary since the actual tax rate for fiscal 2024 will be determined in November. Questions concerning bills or history on which it is based can be referred to Assessors Office at 978-250-5220.
- The Conservation Commission is close to completing Warren Pohl conservation restrictions with the land trust and will make a presentation to the Select Board.
- New granite sign at Warren Pohl is nearing completion and trails are being mowed.
- Crooked Spring reservation weed infestation has been cleared and boardwalk now more walkable with a long-term approach being considered.

Vice Chair Wojtas

- Unsolicited comments from residents state that the 4th of July Parade “was the best parade ever.”
- Ribbon cuttings:
 - o Opening of Petite Nails and Spa on Chelmsford St.
 - o First “cash mob” is a Town initiative to help out businesses on Summer St. which were forced to close for a week following a fire in that area.

Chair Carota

- Kudos to the Parade Committee for an exceptional job despite the weather situation. Great to see the Canadian contingent of bands as well as the John Carson road race.

ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION

MOTION: by Vice Chair Wojtas to adjourn to Executive Session at 7:04PM, not to return to Open Session, to discuss strategy with respect to litigation regarding North Chelmsford Water District PFAS claim; and to review Executive Session meeting minutes of June 26, 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: July 24, 2023

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Approved 7/24/2023

Supporting documents:

- Planning Board Associate Member Vacancy Notice for Meeting – July 10, 2023
- Planning Board application – Luna
- Planning Board application – Deshler
- Public notice SB deadline citizen petitions – Fall 2023
- Committee vacancies as of 2023-07-10
- Draft public comment policy – revised 7/4/23
- Section 1-2.8 (PJH revisions)
- Boards and committees onboarding summary v3 – SB meeting of 7/10/23
- Double pole report 6/26/23
- Chapter 142-37
- CEAS application – Adkins
- DEIC application – Lyle
- DEIC application – Melanson
- VSSAPC application – Morey
- 06/26/23 SB draft meeting minutes
- Letter dated July 10, 2023 to Select Board from Chris Bowman and Brian Latina with subject *Draft Public Comment Policy* (used during Public Input)

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

Executive Session Minutes
Segment 2 (Minutes 06.26.2023)
July 10, 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 7:02 pm. The purpose of the Executive Session segments and start times were:

- 7:02 pm: Segment 1,
Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim
- 7:52 pm: Segment 2, Review Executive Session Meeting Minutes of June 26, 2023 Segments 1, 2, & 3

Segment 2: Review Executive Session Minutes of June 26, 2023 Segments 1, 2 & 3

The Board reviewed the draft Executive Session Minutes of June 26, 2023 Segment 1: To Discuss a Complaint Against an Employee Pursuant to G.L. Chapter 30A, Section 21 (a)(1)

Motion: Vice Chair Wojtas motioned to approve the Executive Session Minutes of June 26, 2023 Segment 1 as amended, 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.

The Board reviewed the draft Executive Session Minutes of June 26, 2023 Segment 2: Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim

Motion: Vice Chair Wojtas motioned to approve the Executive Session Minutes of June 26, 2023 Segment 2 as amended, not to be released. Clerk Timmins seconded the motion.

Roll Call Vote:

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

Motion carried, 4-0-1.

The Board reviewed the draft Executive Session Minutes of June 26, 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 June 26, 2023 Segment 3 as amended, 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 7:56 pm. 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