

Approved 8/14/2023

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

Regular Meeting MINUTES
July 24, 2023

Attending:

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

Paul Cohen, Town Manager

Absent: Mark Carota, Chair

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.

In Chair Carota's absence, Vice Chair Wojtas called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

PUBLIC SERVICE ANNOUNCEMENTS

Board Member Timmins made the following announcements:

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.

Chelmsford Public Schools Recruitment Event: July 25th at 2:00PM

Recruitment event scheduled for Tuesday, July 25th at 2:00PM at Town Hall sponsored by MassHire Lowell Career Center. Pre-register at masshirelowellcc.com/chelmsfordschools.

Military Community Covenant Task Force Military Appreciation Cookout August 8th from 5:00-7:00PM

The Chelmsford Military Community Covenant Task Force invites the community to attend the Military Appreciation Cookout on Tuesday, August 8th from 5:00-7:00M at the Chelmsford Lodge of Elks Pavilion. Join us to show your support to our local veterans for their service and sacrifice.

PUBLIC INPUT

There was none.

COMMITTEE VACANCIES

Board Member Timmins read the list of current vacancies. Interested applicants can apply online at <http://www.chelmsfordma.gov> or through the Town Manager's office.

PUBLIC HEARINGS

Alteration of Premises on All Alcoholic Beverages Restaurant License: Matthew Maries LLC DBA The Establishment, 75 Princeton St.

Matthew Greer appeared before the Board in support of the application for alteration of premises for the purpose of increasing the capacity of function rooms on the upper level on the all

alcoholic beverages restaurant license for Matthew Maries LLC DBA The Establishment located at 75 Princeton St.

There were no public comments on the application.

MOTION: by Board Member Timmins to close the public hearing. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

MOTION: by Board Member Timmins to approve the alteration of premises on the all alcoholic beverages restaurant license for Matthew Maries LLC DBA The Establishment at 75 Princeton St. as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

National Grid Double Pole Hearing in Accordance with Chapter 142 Section 37 of the Code of the Town of Chelmsford

Susan Griffin, representative of National Grid, appeared remotely before the Board and reviewed the report showing the number of double poles in Town. She reported that within the last 30 days, the number of double poles has been reduced from 62 to 55. She thanked AT&T, Crown Castle and the Chelmsford Fire Department for their contributions to the mitigation efforts. She stated that the operations team is giving high priority to completing the transfer of 9 poles. She stated that good progress has been made within the last 30 days, and she is confident that the remaining 55 poles can be addressed quickly.

She outlined the National Grid (NG) process including the following highlights:

- NG sets the pole and handles all aspects of the transfer of wires the same day.
- Information is entered into the National Joint Utilities Notification System (NJUNS) database, a national utility notification system of the above transactions.
- Action is triggered for all other “next-to-go” attachees on the list.
- Fire Department moves all public safety-related wires and DPW moves street light wires.
- Other attachees on the pole are notified, including fiber, Crown Castle, Comcast and last to Verizon, having the lowest line on the pole.
- Verizon is responsible for removal of the pole and necessary remedial work in the area.

Ms. Griffin stated that NG is working on communication of notification as well as enforcing the terms of the contract for attachees to remove wires in a timely manner. Insofar as NG is working toward its goals on electrifying a large part of the state to meet 2050 clean energy goals resulting in an uptick in taller and wider poles and an uptick in double poles, she realized the importance of “getting the process right.” Toward that end, NG has made the Town’s needs a priority. She stated that Curtis Davis will provide an update in thirty days, which will show a “dramatic improvement.”

Discussion ensued. Town Manager Cohen noted that half of the 55 double poles have designated Verizon as the “next-to-go,” and asked what measures could be taken to expedite Verizon’s removal. Ms. Griffin stated that both NG and Verizon are “good partners,” and that in fairness to Verizon, they are seeing the trickle-down effect” to NG’s expediting its work. Addressing Mr. Cohen’s question on whose responsibility it is to expedite work from non-participating parties, Ms. Griffin stated that the responsibility directly lies with NG and Verizon as they are joint

owners of the poles “and (we) need to manage our tenants.” She suggested that poor data over the last 50-75 years have exacerbated the problem, and sometimes the only way to know the names of third parties was through a manual bucket truck investigation. Although NG and Verizon authorize licensure of third-party attachees, illegal attachees can only be identified by the former means.

Mr. Cohen noted that there are a number of double poles in Town not appearing on the list. Ms. Griffin stated that oftentimes NG is notified by residents of double poles, and a site visit is scheduled and information is entered into the system. In answer to Mr. Cohen’s question why NG does not have a proactive regular inspection of double poles around Town, Ms. Griffin stated that inspections are usually made when NG is conducting a number of upgrades across Town, and the entire line will be surveyed at that time. She noted that the entire Town had been inventoried when ownership of street lights was transferred to the Town. Mr. Cohen responded that the survey was done over a decade ago, and the information has not been updated. In the absence of a survey by NG, the Town would need to conduct its own inventory and submit information to NG for resolution.

Ms. Griffin recognized that, while not a “good excuse,” oftentimes crews are brought in from out-of-state in storm conditions and are focused on restoring service and do not report on double poles observed. In connection with the current elimination and relocation of the substation in the center of Town, large contractors are employed to go down the line and handle mitigation of all poles and get them entered into the system. Sometimes, with attachees’ permission, NG will move their lines for them. At the conclusion of the project, the information is entered into the system as a whole.

Board Member Timmins stated that, insofar as it was not the Town’s fault that the number of double poles was incorrect, it was not the Town’s responsibility to notify NG of the number of double poles, but rather the responsibility of NG to audit the Town and update the list to reflect the correct number. She asked for NG’s help in including the number of double poles in the list to be included in the Board’s right to exercise the 180-day notice period.

Town Manager Cohen asked DPW Director Christine Clancy to offer perspective on a resolution. She stated that office interns could be utilized to accompany highway department employees in doing a survey of poles along the plow routes. She estimated a day’s work would be involved, but agreed with Board Member Timmins that the onus of this responsibility long-term should not be put on the Town.

Town Manager Cohen added that, insofar as utilities are regulated by the state and not the towns, this issue should be discussed with the legislative delegation.

In response to Vice Chair Wojtas’ question on measures to be taken after this survey to ensure that the list is kept updated, Ms. Griffin acknowledged that in no way is the Town responsible for an audit, and expressed appreciation for the “partnership we have.” While theorizing why poles are not listed, she stated that the bigger issue lies with NG to move the list along, noting that “poles sit there for transfer for years.” She reiterated that “Verizon has been very responsive in all work statewide,” and a dedicated crew is assigned to transfer and remove double poles.

Town Manager Cohen noted that because of an inaccurate list of information, crews may just move on upon arrival at the site. In answer to his question on the category marked “dispute” on the list, Ms. Griffin stated that when a dispute on the “next-to-go” happens after a crew has been sent, an NG crew is dispatched to do a bucket inspection and update the information in the NJUNS database.

Mr. Cohen asked if NG could just detach third-party illegal participants. Ms. Griffin stated that it is high priority for the NG President to address this problem and the company cannot afford the damage to its reputation as well as damage to the community enjoyment. Additionally, the problem is expected to become more prevalent if not addressed as NG expands the number of poles on the grid to reach its 2050 clean energy goals. Safety and insurance requirements prohibit transfer work in high voltage areas without the person being duly certified.

Mr. Cohen noted that, while public utilities serve the public good, other parties that attach to utilities profit from the business, while the municipality gains no benefit or revenue. Ms. Griffin stated that the Town benefits from real estate taxes on utility poles paid by NG for the use of the easement. Attachees using the utility for this purpose are not known.

Board Member Timmins expressed appreciation of Ms. Griffin’s accountability on behalf of NG. She suggested a checks and balances system ensure that following a storm, a visual inspection be made in the area within a two-week period to identify double poles and enter them into the system.

Ms. Griffin stated that checks and balances are necessary on the inventory of assets and accountability for their cost. There is an obligation to the Town as well if updating assets are subject to an improved level of depreciation benefit the Town in tax revenue. In the Merrimack Valley storms pose a direct likelihood of double poles, resulting in high numbers that require a better system of checks and balances from the operations team.

Following discussion, it was agreed that the hearing would be continued to the Board’s meeting on August 21st and an updated report provided by either Mr. Davis or Ms. Griffin. Vice Chair Wojtas asked that the report be supplied to the Board at least by the Wednesday before the scheduled meeting, as required by Board policy, to ensure adequate time for its review prior to the meeting.

In the meantime, Ms. Griffin pledged that the company would make the resolution of the 55 double poles a priority.

MOTION: by Board Member Timmins to continue the National Grid double pole hearing to August 21, 2023. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

REPORTS AND PRESENTATIONS

DPW Director Christine Clancy: Monthly ARPA Report

DPW Director Christine Clancy appeared before the Board and reviewed the PowerPoint presentation on the monthly ARPA report projects or funding commitment, the status of the procurement or an anticipated procurement timeline, estimated project overruns or underruns, the

total forecasted project cost, and the amount and percent spent to date. Of the \$7.9 million in allocated funds, approximately \$6.45 million, or 82% of the total allocated amount has been procured to date. The current anticipated overall ARPA program overrun is \$750,423. The remaining unallocated \$1.9 million will be discussed in future meetings.

Town Manager Cohen stated that, insofar as the Town is required to commit unallocated funds prior to December, 2024, the Board at its next meeting will begin discussions on how it will do so. Ms. Clancy will provide suggestions for capital and project funding.

DPW Director Christine Clancy: Pilot Inflow Removal Program – Sump Pump Inspection

DPW Director Christine Clancy reviewed the one-page flyer which will be sent to target residences and posted on the Town website with regard to voluntary participation in the Town’s pilot inflow removal program. Any resident that has a sump pump targeted to sewer is eligible to participate in the program, but the program is on a first-come, first-served basis. Depending on the results and success of the program, DEP may require the Town to conduct more in-depth work next summer.

ANNUAL PERFORMANCE APPRAISAL:
TOWN ACCOUNTANT DARLENE LUSSIER
ANNUAL PERFORMANCE APPRAISAL:
TOWN MANAGER PAUL COHEN

Vice Chair Wojtas stated that both appraisals above have been deferred to an August meeting.

EXPRESSION OF INTEREST – STRATEGIC PLAN

Town Manager Cohen reported that at the Board’s direction he had asked the seven providers of proposals for cost estimates of their services. He reviewed their responses which ranged in the area of \$40-145K, with a median of \$100K. He also included a proposal from an eighth responder’s submission after the deadline.

Board Member Timmins suggested that the town meeting warrant request for funding be in the \$100-125K range to allow flexibility and that it include the scope of work. This information will be required from the Finance Committee as well.

Following discussion, it was agreed that discussion of what the Board is looking for will transpire at the next regular meeting when all Board members are present.

TOWN MANAGER BID AWARDS

Center School Boiler

Town Manager Cohen reported that two bids were received, and his recommendation is for the lowest responsible bidder, Aalanco Service Corp. in the amount of \$87,650.

MOTION: by Board Member Timmins to approve the Town Manager’s bid award for the boiler replacement at Center Elementary School to Aalanco Service Corp. as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

TOWN MANAGER REPORTS

Approved 8/14/2023

Town Manger Cohen reported that Board Member Timmins had been notified by the MBTA that a member to the Advisory Board had not yet been appointed. A year has passed since the first notice to seek a candidate. The member must be either the Chair of the Select Board or their appointed designee, who needs to be a rider of the MBTA system. A notice will be posted.

APPOINTMENTS

Select Board Appointments

Vice Chair Wojtas presented the Select Board appointments below.

Annual Election Worker Appointments

MOTION: by Board Member Timmins to approve the annual election worker appointments as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

Diversity, Equity and Inclusion Committee: Jen Melanson, 3-year term exp 6/30/26

MOTION: by Board Member Timmins to appoint Jen Melanson to the Diversity, Equity and Inclusion Committee for a three-year term to expire June 30, 2026. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

Town Manager Appointments

Town Manager Cohen noted that the terms of the Parade Committee expire at the end of July, and he presented all the members for the 2023 Committee who expressed an interest in being reappointed for 2024.

Parade Committee Annual Reappointments

MOTION: by Board Member Timmins to confirm the Town Manager's reappointments to the Parade Committee for a term ending July 31, 2024. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

MEETING MINUTES

Select Board Regular Meeting Minutes – July 10, 2023

MOTION: by Board Member Timmins to approve the regular meeting minutes of July 10, 2023 as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

Announcement of Determination of Releasability of Executive Session Minutes

Minutes for Release: June 26, 2023 Segment 1; July 10, 2023 Segment 2

Minutes not for Release: June 26, 2023 Segments 2 and 3

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Dixon – no report.

Board Member Drew

Approved 8/14/2023

- Commission on Disabilities is meeting in-person every third Tuesday at the Library; and the committee is working on a project with Telemedia to create interactional map of accessible parking with companion videos to explain signage and parking spot markings. These will be posted on the Town website.
- State Representative Simon Cataldo reported that on July 13, the House passed a \$693M supplemental budget; and he hosted evening hours at the library on July 20th which was well attended. Office hours will resume in September.

Board Member Timmins

- The Vinal Square Strategic Action Planning Committee is having a virtual meeting on August 10th.

Vice Chair Wojtas

- Condolences to the family of former Select Board Member Bob Joyce. He had been a member of the Planning Board, the Sewer Commission and the Nashoba Valley Technical High School Committee. Also, condolences to the family of Sandie Rainey, who has lately been active in the Lions Club and the country fair, and as moderator on Facebook.
- Congratulations to new Sergeant Matt Fernald promoted last week from Patrol Officer.
- Ribbon cutting at Dave's Hot Chicken.
- Comcast Chanel 99 will switch to Channel 6 to watch Board meetings.

Other:

Board Member Timmins began the discussion on the schedule of meetings in August. She suggested, because of the length of time devoted to reviewing Board goals, a work session be scheduled for that topic alone. Following discussion, it was agreed that the meeting on August 14th will be primarily devoted to discussion of goals, and the next regular meeting will be scheduled for August 21st.

ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION

MOTION: by Board Member Timmins to adjourn to Executive Session at 7:23PM, not to return to Open Session to for the purpose of reviewing the Executive Session meeting minutes of July 10, 2023 Segment 1. Seconded by Board Member Dixon.

Roll call vote:

Vice Chair Wojtas – aye.

Board Member Timmins – aye.

Board Member Dixon – aye.

Board Member Drew – aye.

Motion passed 4-0, unanimous.

SCHEDULE

Meeting Work Session – August 14th

Regular Meeting - August 21, 2023

Respectfully submitted,

Approved 8/14/2023

Christine Martin Barraford
Recording Secretary

Supporting documents:

- Public notice SB deadline citizen petitions – fall 2023
- Chelmsford schools poster
- Military appreciation flyer 2023
- Committee vacancies as of 2023/07/24
- Matthew Maries LLC alt of premises 2023
- Utility poles bylaw
- Double pole hearing notice – July 2023
- Chelmsford double pole report 7/21/23
- 7/19/23 ARPA update for SB cover letter
- 7/19/23 ARPA update
- Chelmsford inflow flyer
- Town Accountant FY2023 review – comprehensive
- Town Manager review FY23 SB scorecard avg
- Strategic plan expression of interest cost estimates
- Ann Donner Town of Chelmsford expression of interest
- Chelmsford JMG SP proposal budget 071723
- Chelmsford cost proposal 7/6/23
- Chelmsford strategic plan cost memo 7/6/23
- Bid award recommendation
- MBTA advisory board designee
- General law part I title XXII chapter 161A, section 7A
- General law part I title XXII chapter 161A, section 1 excerpt
- Election worker appointments 2023/07/20
- DEIC application – Melanson
- Parade Committee 2024
- 07/10/23 SB minutes draft

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Town Offices, Room 204
50 Billerica Rd.
Chelmsford, MA 01824

**Executive Session Minutes
(Review Minutes 07.10.2023)**

July 24, 2023

Attending:

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

Paul Cohen, Town Manager

Absent: Mark Carota, Chair

Vice Chair Wojtas called the Executive Session to order at 7:22 pm. The purpose of the Executive Session was to review the Executive Session Meeting Minutes of July 10, 2023 Segment 1.

Review of Executive Session Minutes of July 10, 2023 Segment 1

The Board reviewed the draft Executive Session Minutes of July 10, 2023 Segment 1: Strategy with Respect to Litigation Regarding North Chelmsford Water District PFAS Claim.

Motion: Clerk Timmins motioned to approve the Executive Session Minutes of July 10, 2023 Segment 1 as amended, not to be released. Board Member Drew seconded the motion.

Roll Call Vote:

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

Motion carried, 3-0, 1 abstention, 1 absent.

Adjournment:

Motion: Clerk Timmins motioned to adjourn at 7:25 pm. Board Member Dixon seconded the motion.

Roll Call Vote:

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

Motion carried, 4-0, 1 absent.

Respectfully submitted,

Virginia Crocker Timmins
Select Board Clerk

Select Board Executive Session
July 24, 2023