

Approved 8/22/2022

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

Regular Meeting MINUTES  
August 8, 2022

*Attending:*

Virginia Crocker Timmins, Chair  
Ken Lefebvre, Vice Chair  
George Dixon, Clerk  
Mark Carota, Board Member  
Patricia Wojtas, 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 Timmins called the meeting to order at 6:00PM followed by the Pledge of Allegiance.

**PUBLIC SERVICE ANNOUNCEMENTS**

**Recognition of Chelmsford 8U Cal Ripken Baseball Team**

Board Member Dixon recognized the 8U Cal Ripken Baseball Team for having won the New England championship and soon to be on its way to compete for the national championship in New Jersey. He asked Coach McCusker to come forward. Mr. McCusker recognized all the members of the team by name, who stood and tipped their hats to the applause of the audience. He also recognized the assistant coaches. Everyone wished the team luck in its competition to bring home the national title.

Chair Lefebvre made the following announcements:

**Military Community Covenant Task Force Military Appreciation Cookout – August 9<sup>th</sup> from 5:00-7:00PM**

The Chelmsford Military Community Covenant Task Force invites the community to attend a free military appreciation cookout on Tuesday, August 9<sup>th</sup> from 5:00-7:00PM at the Chelmsford Lodge of Elks Pavilion, 300 Littleton Rd. Join us to show support of our local veterans for their service and sacrifice and enjoy hotdogs, hamburgers, watermelon, desserts, soft drinks, and cash bar.

**MassDOT Virtual Public Information Meeting for Replacement of Gorham Street and Westford Street Bridges Over I495 – August 10<sup>th</sup> at 6:00PM**

A live virtual public information meeting will be hosted on the MassDOT website on Wednesday, August 10<sup>th</sup> at 6:00PM to present an overview of the forthcoming project to replace two bridges carrying Gorham St. over I495 and Westford St. over I495. The meeting can be accessed at <http://www.mass.gov/massdot-highway-design-public-hearings> and the link available on the town website.

**Age-Friendly Chelmsford Job Fair, August 18<sup>th</sup> – 10:00AM-1:00PM at the Senior Center**

Mass Hire is sponsoring an age friendly job fair on August 18<sup>th</sup> from 10:00AM-1:00PM at the Senior Center, 75 Groton Rd. Anyone 50+ years of age will have priority access from 10:00-11:00AM and open to everyone from 11:00AM-1:00PM to meet with employers that are age-friendly and value a multi-generational workforce. Register at [www.masshirelowellcc.com/CCjobfair](http://www.masshirelowellcc.com/CCjobfair) or for more information call 978-806-4702.

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**Sober Fest September 10<sup>th</sup> – 3:00-8:00PM**

The first annual Chelmsford Sober Fest will be sponsored by the Chelmsford Health Department on September 10<sup>th</sup> from 3:00-8:00PM to be followed by a vigil at dusk for overdose victims. For more information contact Brittany Ginsburg at [bginsburg@thepinkcloudconnect.org](mailto:bginsburg@thepinkcloudconnect.org).

**Fall Festival October 1<sup>st</sup> - 12:00-4:00PM**

The Chelmsford Health Department will sponsor a family-friendly Fall Festival on Saturday, October 1<sup>st</sup> from 12:00-4:00PM on the Town Common. Enjoy a host of activities to get into the autumn spirit. To secure a spot as a vendor fill out an application available on the town website or contact [AMcinerney@ChelmsfordMA.gov](mailto:AMcinerney@ChelmsfordMA.gov). Sponsorships of the event are encouraged.

**League of Women Voters August 25, 2022 @ 6:00 – Meet the Democratic Primary Candidates Forum**

The League of Women Voters is sponsoring a forum to meet the Democratic primary candidates for Governor’s Council on August 25, 2022, at 6:00PM. The forum can be viewed via Vimeo at [www.NewTV.org](http://www.NewTV.org).

**PUBLIC INPUT**

Regina Jackson of 9 Essex Place appeared before the Board. She referenced the Board’s annual appraisal of performance of the Town Manager at the July 25<sup>th</sup> meeting. She characterized the low rating of two members of the Board as unjustifiable, and noted Mr. Cohen’s request that the ratings be removed from the document. She asserted that Vice Chair Lefebvre and Board Member Dixon’s subsequent responses, attached as part of this meeting’s packet, not only did not give facts or substance to reasonably justify the low rating, but that Vice Chair Lefebvre’s response was the most troubling – “I have been told countless times by the public they are scared of town hall.” Ms. Jackson opined that this statement was not only unprofessional but gaslighted the public on Town Manager’s Cohen’s performance. She attributed the negative comments to an ongoing problem with the police union of seven members and the Town Manager, and what she characterized as Sergeant Goode’s publicly stated personal vendetta to get the Town Manager fired. She stated that the Town residents “ask for better and deserve better” from the members of the Board.

Laurie Pellegrino, 8 Sunrise Ave., appeared before the Board. She stated that a 911 call was placed from her home on July 5<sup>th</sup> for a backyard shed fire, and the police and fire arrived within six minutes. Fortunately, water was brought to the scene because the fire hydrant in front of her house and the one on Eclipse Ave. both failed. The water department subsequently tested the fire hydrant later that day and it did not fail but was replaced the next day. Ms. Pellegrino stated this incident represented a serious public safety issue and she is currently pursuing assistance at the state level. She asked for the Board assistance in addressing this urgent issue.

**COMMITTEE VACANCIES**

Vice Chair Lefebvre 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 (continuation)**

**Change of Location and Transfer of License on All Alcoholic Beverages Package Store License: Kanissa, Inc. DBA Chelmsford Wine & Spirits, 133 Princeton Street (from Visoth Nuon DBA Chelmsford Wine & Spirits, 11 Vinal Square)**

Attorney David Keele appeared before the Board on behalf of his client, Visoth Nuon. He stated the construction will begin in the next few months.

Chair Timmins invited comment from the public. There was none.

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

**MOTION:** by Vice Chair Lefebvre to approve the change of location and transfer of license on all alcoholic beverages package store license from Visoth Nuon DBA Chelmsford Wine & Spirits to Kanissa, Inc. DBA Chelmsford Wine & Spirits located on the premises of 133 Princeton Street. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **LICENSES**

### **One-Day Beer & Wine License: Chelmsford Garden Club, 40 Byam Road, October 1, 2022**

Judith Carven, 181 Littleton Road, appeared before the Board. The Chelmsford Garden Club is celebrating its 100<sup>th</sup> anniversary at the Barrett-Byam Homestead, home of the Chelmsford Historical Society, on October 1<sup>st</sup> from 2:00-6:00PM. Entertainment will be provided by the Mill City Rags Band. The cost of the event is \$20/person. Light refreshments will be available in the outdoor tent, and alcohol will be served indoors in the Ralph Parlee function room. She asked that a proclamation from the Board be presented at the event.

**MOTION:** by Vice Chair Lefebvre to approve the one-day beer and wine license for the event sponsored by the Chelmsford Garden Club at the Barrett-Byam Homestead on October 1, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

### **One-Day All Alcoholic Beverages License: American Legion for CHS Alumni Association, 90 Groton Road, August 20, 2022**

**MOTION:** by Vice Chair Lefebvre to approve the one-day all alcoholic beverages license for the fundraiser event to benefit the CHS Alumni Association to be held at the American Legion on 90 Groton Road across from Willis Drive on August 20, 2022. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **REPORTS and PRESENTATIONS**

### **May DeViney: School Street Railroad Freight House**

May DeViney of School Street and a Town Meeting member for Precinct 4 appeared before the Board. She stated that as a resident of the Town for forty years she recalled visiting the freight house in the eighties when it was run as a model train shop. The abandoned building has deteriorated over the years, and the railway owner CSX is planning to demolish the building.

In consideration of the historic loss to the Town, the Garrison House is interested in moving the facility to its location and preserving it for its historic and educational value.

Town Manager Cohen stated that CSX bought Pan Am Railways about two years ago. Manager Cohen and public safety department heads met with CSX recently. CSX had done an analysis to prepare the building for demolition. Seven years ago, the Town had gotten an appraisal for potential acquisition of the property. Because of its close proximity to the rail tracks, the owner was reluctant to give up the property at that time. There have recently been renewed efforts to engage with the owner to support the option of building relocation. The project would be funded by community preservation funds.

Board Member Wojtas expressed support for the project and Vice Chair Lefebvre suggested that for visual historic enhancement, the railway donate sections of train tracks to be installed in front of the building if it is relocated to the Garrison House. Mr. Cohen will keep the Board apprised of negotiations.

**SELECT BOARD AND TOWN MANAGER FY23 GOALS**

Chair Timmins stated she summarized goals designated at the work session on August 1. She identified the goals identified at the session as follows and began discussion on a) to whom assigned; b) how measured and c) by when.

1. Sewer Infrastructure

1A. Sewer Planning – Establish short- mid- and long- term plans to address sewer capacity and maintenance issues.

Following discussion, it was the consensus of the Board that while Phase 1 showed no significant maintenance problems for the pipes surveyed, it did bring to light the capacity issues on Littleton Rd. Consequently, the content of the short- mid- and long-term plan would include a) plans in place for short- mid- and long-term including approach for infiltration/inflow diagnostics; b) address suspected sump pump violations; c) resolve Littleton Rd. capacity issue; d) look at viable recommendation options for Phase 2 maintenance and diagnostics; and e) development a preventative maintenance plan and program.

*Assigned to: Town Manager*

*Update and first draft of maintenance plan by December and finalization of maintenance plan by end of fiscal year.*

1B. Sewer near term approach – Establish and execute the Town’s near-term sewer approach and policy to be implemented until current capacity limits are resolved.

Following discussion, it was the consensus of the Board that the policy be in place prior to the end of the moratorium.

*Assigned to: Town Manager*

*Objective to put the policy in place before the end of the moratorium in October but no later than December.*

2. Road and Sidewalk Infrastructure

2A. Roadways improvement -

Refine, document, and execute a master Roadways Improvement plan.

*Assigned to: Town Manager*

*Presentation of the plan to the Board by December.*

2B. Sidewalks Improvement – Refine, document, and execute a master Sidewalks Improvement plan to include input from critical stakeholders such as the School System and the Commission on Disabilities.

*Assigned to: Town Manager*

*Presentation of the plan to the Board by fiscal year end pending analysis by DPW.*

*Addendum: Chair Timmins stated she received a call about the vote taken at 2021 Spring Town Meeting on Article 35 to authorize the Select Board to take easements for Turnpike Road sidewalks. She asked that the status be included in the analysis.*

3. Truck traffic – Continue to review existing truck issues, stay cognizant of emergent truck issues, take appropriate action and establish near- mid- and long-term planning where applicable. This effort includes, but is not limited to, North Chelmsford (Ledge, Swain, Dunstable, Groton, Main), Stedman Street and Riverneck Road.

Following discussion, it was the consensus of the Board that an analysis of alternatives includes engaging businesses, residents and state and federal government as appropriate on installation of speed bumps, traffic calming measures and truck exclusions.

*Assigned to: Town Manager*

*Incorporate in monthly traffic reports and more frequently if needed.*

4. ARPA funding.

4A. Procurement – For existing projects, complete procurement process for x% by mm.dd.yyyy.

4B. Project reporting – Provide routine reporting on the status of ARPA funds and individual project progress.

Following discussion, it was the consensus of the Board that a monthly report on the procurement process and the status of projects and funds, and 95% of the procurement process to be completed by the end of the fiscal year.

*Assigned to: Town Manager*

4C. Remaining fund allocation – Plan/execute remaining funding allocation as applicable pending current project progress and expenditures. Allocations must be complete by December, 2024.

*Assigned to: Town Manager*

*Have discussion in FY Q3 and Q4 to address candidate new allocations to inform decisions by the end of Calendar Year 2024.*

5. Budgets

5A. Operating budget – Provide more frequent and earlier visibility into the operating budget and key issues, parameters, or trade-offs and options that influence budget decisions. Enhance the Board awareness and opportunity to weigh in while providing opportunity for more visibility to stakeholders such as Town Meeting Representatives.

5B. Capital budget – Provide more frequent and earlier visibility into the capital budget and key issues, parameters, or trade-offs and options that influence budget decisions. Enhance the Board awareness and opportunity to weigh in while providing opportunity for more visibility to stakeholders such a Town Meeting Representatives.

*Assigned to: Town Manager*

*With regard to the operating budget, by the beginning of December Town Manager will submit to the Board what has been requested and by mid-January an update of status of requests.*

*With regard to the capital budget, by mid-November Town Manger will submit to the Board what has been requested and by mid-December what the Capital Planning Committee has recommended.*

*Periodic real-time updates will be given to the Board on emergent issues with regard to the budget.*

6. Tax Strategies

6A. Tax classification – Continue early and frequent review and assessment of relevant data to better inform FY23 and future Tax Classification approach and strategy.

*Assigned to: Select Board with support of the Town Manager*

*Sustained discussion in the months of September, October and November leading up to December.*

6B. Senior citizen property tax relief – Review options for Senior Citizen Property Tax Relief, determine path forward, and begin execution as appropriate considering trade-offs and impacts to all taxpayers.

*Assigned to: Select Board and Town Manager*

*Sustained discussion in the months of September, October and November leading up to December.*

7. Legislative leverage – Improve legislative posture, strategy, and relationships toward more deliberate and proactive benefits for the Town with clear understanding of budgeting processes and timelines.  
*Assigned to: Select Board and Town Manager*  
*Clearly understand the legislative process and dates to provide the maximum opportunity to influence the budgeting process for the benefit of the Town; and in consideration of the November election and being fully prepared, have a Board discussion in the early fall on how to improve relationships with legislators on a one-to-one basis as well as a group discussions with all legislators.*
8. Chelmsford Center for the Arts – Establish routine reporting on the CCA toward assuring Board support for critical efforts and Town progress on three-year strategic plan.  
*Assigned to: Town Manager*  
*Ensure that quarterly reports are presented to the Board with the first one scheduled for September.*
9. Civic Engagement
  - 9A. Collaboration – Identify and begin implementation of ways to improve Select Board communication and collaboration with Boards and Committees with focus on how the Select Board and Town Manager can better support them.  
*Assigned to: Town Manager and Select Board*  
*Schedule an agenda item in January/February to revisit historical perspective for further discussion for future actions by Board.*
  - 9B. Economic Development Commission – Determine path forward on this dormant commission.  
*Assigned to: Town Manager and Select Board*  
*Extend an invitation in September to the EDC to meet with the Board for further discussion on the viability of the Commission.*
  - 9C. Youth/young adults – Evaluate options for increasing engagement with youth and young adults in our community and implement as appropriate.  
*Assigned to: Select Board and Town Manager*  
*The Board discussed scheduling a discussion with the Chelmsford High School civics group in Jan/Feb as a potential first step. Chair Timmins to reach out to the School Committee on the best path forward to engaging the CHS Civics group in town government and meeting to be scheduled in January.*
10. Process improvement
  - 10A. Departmental – Perform a process gap analysis for each department with recommendations.
  - 10B. Procurement – Assess current procurement process(es) with recommendations for process improvement.  
*Assigned to: Town Manager*  
*Town Manager to report quarterly with the first report due no later than December.*
11. Parks and recreation – Establish a communications program that explains the procedures and usage for the Town’s parks and recreation assets.  
*Assigned to: Town Manager*  
*Town Manager to report with deployment planned within the timeframe of January through April.*
12. Strategic planning

12A. Town strategic plan – Develop a Town strategic plan.

Chair Timmins began the discussion on developing a strategic plan by referencing a municipal website that defined specific goals in a high performing environment to meet its mission and values. Discussion ensued on engaging an outside facilitator to define the priorities and guideposts that will inform the development a strategic plan for the Town.

*Assigned to: Town Manager and Select Board*

*Schedule an agenda item in Quarters 3 and 4 to further discuss next steps forward if the Board wants to proceed.*

12B. Growth strategy – Develop a Town strategy for growth and priorities.

Chair Timmins referenced the letter from Planning Director Evan Belansky indicating his interest in involving the Planning Board in the fiscal strategy as it relates to the growth development strategy. Discussion ensued on the purview of the Planning Board in granting special permits in consideration of the economic impact of the proposals. It was the consensus of the Board that the sewer moratorium had a negative impact on growth as well as the existing vacancies in office buildings in a post-pandemic remote office model. While building an infrastructure of warehouses would result in less demand for services of water and sewer, the resultant truck traffic would have a negative impact. Commercial businesses would bring in more local revenue.

*Assigned to: Town Manager and Select Board*

*Schedule an agenda item in September to further discuss what this potential growth strategy goal would look like and whether or not it is a goal for FY23.*

13. Critical goals

13A. Warren-Pohl – Complete development of plan and conservation restriction for the Warren-Pohl Farm. Work with the Conservation Commission considering stakeholders and wishes of the W-P Family.

*Assigned to: Town Manager and Select Board*

*Town Manager to supply updates as needed.*

13B. Fire stations – Track progress of Fire Station Study committee and support as needed.

*Assigned to: Town Manager and Select Board*

*Town Manager to supply updates as needed.*

13C. PFAS Richardson Road – Continue evaluation of PFAS issues at 54 Richardson Road including ongoing implementation of DEP approved Immediate Response Action plan, time phased sampling and data collection with remediation system in place, and further actions as appropriate.

*Assigned to: Town Manager and Select Board*

*Town Manager to supply quarterly reports to coincide with quarterly sampling.*

13D. Town Common and its extension improvements – Track progress and dispositions of suggested Town Common improvements including those identified at the June 2022 Listening Session, supporting responsible departments and committees as needed.

*Assigned to: Town Manager and Select Board*

*Final recommendations complete by end of the calendar year and updates provided quarterly thereafter or as needed.*

Chair Timmins will update the goals document as above discussed for review at the next meeting.

## **DISCUSSION ITEMS**

### **Senior Citizen Property Tax Relief**

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Town Manager Cohen stated that the senior citizen property tax work-off program was founded in the 1990s. Persons over the age of sixty volunteer to perform services to the Town in exchange for a reduction in their property tax bills. In 2008 Town Meeting voted to increase the amount of abatement granted under this program to \$75K, and yet again in 2015 to \$100K. Over one-hundred participants earn the state's minimum wage of \$14.25 and is capped at \$1K, and not all participants achieve the annual maximum reduction.

The minimum wage is scheduled to be increased to \$15.00/hour. Town Meeting will be asked to eliminate the program funding cap of \$100K. This would allow program participants to increase the reduction in their property tax bill from \$1,000/fiscal year to \$1,500/fiscal year. The program cost would increase from \$100K to approximately \$150K per fiscal year.

Discussion ensued. The senior property tax bill reductions would be spread amongst other taxpayers, as occurs with abatements and other exemptions. The program is not means-tested and provides financial relief for seniors to meet their tax obligations. Both seniors and town departments benefit from engaging the services of seniors to provide assistance to town offices, police and fire and the library. Data is tracked annually and eliminating the cap will provide additional opportunities for participation.

#### **Chapter 59, Section 5, Clause 4C Elderly Exemption**

Town Manager Cohen reported that the Chapter 59 program provides tax relief to the Town's low-income seniors who are aged 65+ with the eligibility requirements of: a) evidence of ownership of residence; b) had a domicile in Massachusetts for the last ten years and owned a residence for the past five years; c) income limits of single \$30,216 and married \$45,321; and d) asset limit excluding the home of single \$40K and married \$55K. The Town adopted this provision in 1989 and since 2016 the number of participants has dropped from 62 to 41.

It is proposed to increase the total amount of property tax exemption from \$500 up to \$1K. The expected total cost would be approximately \$20K, which would be spread amongst other taxpayers.

Discussion ensued on the estimated additional total impact to taxpayers.

#### **Outreach to Water Districts Regarding Fire Hydrants**

Vice Chair Lefebvre stated that he lives in the same neighborhood as Ms. Pellegrino who addressed the Board during public input. He became aware of the non-functional hydrant and brought it to the attention of the Board. He recalled a fire on Boardwalk Road several years ago with a similar problem with a non-functional hydrant.

Chair Timmins stated that members of the Board are invited to attend the Board of Water Commissioners meeting on Wednesday, August 17<sup>th</sup> at 1:00PM to further discuss the issue.

Fire Chief Ryan appeared before the Board and gave his perspective on the events of July 5<sup>th</sup>. The first fire hydrant was leaking but still operational. The second hydrant did not work. The first hydrant was tested the following day and was operational. There is an issue from time to time with over 1,500 hydrants, but he has found the Water Department to have a robust and effective proactive testing program and is immediately responsive to the problems as they arise.

Both Board Members Wojtas and Carota will attend the August 17<sup>th</sup> meeting of the Water Commissioners with Chief Ryan and will report back to the Board.

#### **ANNUAL PERFORMANCE APPRAISAL AND FY23 COMPENSATION FOR TOWN MANGER PAUL COHEN**

In accordance with the agreement at the last meeting that Vice Chair Lefebvre and Board Member Dixon meet with the Town Manager, Chair Timmins asked for their feedback. Board Member Dixon stated he had spoken with the Town Manager and removed one line from his appraisal, but otherwise stood behind his statements. Vice Chair Lefebvre stated he met with the Town Manager and his redrafted evaluation was the same as his originally submitted evaluation. He stated his intention to work with the Town Manager on issues this year.

Chair Timmins went around the Board for additional input. Board Member Wojtas stated that she would rate the Town Manager a 4. Board Member Carota had nothing further to say regarding his review. Vice Chair Lefebvre and Clerk Dixon had nothing further to add. Chair Timmins stated her overall evaluation was a rating of three. While goals and objectives were achieved, some of it was “rough getting there.” Problems are now manifesting themselves because of past decisions made in terms of sewer, which impact the entire community. Other areas are road pavement which have remained as unresolved because of past decisions. She stated that much of this year was spent catching up on three objectives that were not addressed the year before. Board Member Wojtas raised last year’s rating of 3.5 and suggested that this year should be comparable or better. Board Members Dixon and Timmins referenced other discussions last year including the extraordinary pandemic conditions.

**MOTION:** by Board Member Wojtas to approve an overall rating of 3.5. Seconded by Board Member Carota. **Motion failed 2-3, with Board Members Wojtas and Carota in favor, all others opposed.**

Vice Chair Lefebvre stated that he was surprised at how high some of the ratings were given discussions during the year.

**MOTION:** by Chair Timmins to approve an overall rating of 3.0. Seconded by Board Member Dixon. **Motion carried 4-1, with Board Member Lefebvre opposed.**

Chair Timmins began the discussion on compensation. Board Member Wojtas and Board Member Carota noted that the Town Manager deserved a raise last year and it was not granted. Chair Timmins clarified that all non-union personnel were given a 2% Cost of Living Adjustment for each of the last two years. Board Member Dixon noted that a 14% raise was approved several years ago, and he added that there are “eight sergeants who have not had a pay increase in seven years.”

Town Manager Cohen stated that the 14% raise was given as a result of the Board authorizing a market survey of other municipalities and to bring his salary in line with like town manager compensations. He also stated that he had made efforts at the direction of the Board to settle the police union contract, but it was not just up to him to settle the contract. He stated that when the contract is settled, pay raises will be retroactive. The Town Manager’s compensation will not be revisited and made retroactive. He stated he has sought raises no more than the COLA granted to non-union personnel. He is not seeking anything beyond what other leaders are receiving and of which he is deserving.

Board Member Dixon stated that he voted for the 14% raise at that time but was not in favor of a current raise.

Mr. Cohen further stated that he has received positive performance appraisals that he has met the expectations of the position for the past two fiscal years. In addition to not receiving compensation, he did not receive a vehicle or vehicle allowance. The current market would support compensation at a higher rate than what he is currently receiving, as well as the addition of a vehicle or vehicle allowance.

Vice Chair Lefebvre sought clarification on the Manager's statement that he is not asking for anything more than what others have had.

Mr. Cohen stated that he has been an effective leader and team member and should not be blamed for everything. He noted the sewer crisis began in 2003 when there was knowledge of limited sewer capacity and peaked in 2017 with the construction of 40Bs and mixed-use developments without a change in sewer capacity. As to the delay in roadway improvements, he pointed out that when he arrived there was a facilities crisis and all efforts were directed to improving school facilities, fire stations and apparatus. Roads were not a point of neglect, but the result of limited resources and allocations determined by the Finance Committee, Select Board and ultimately Town Meeting.

Board Member Carota stated that the 14% raise was given because compensation of the position had slipped below the peer group. He agreed that if the position were vacant, it would be posted at a higher salary. It is the obligation of the Board to compensate the Town Manager if in his role he has met the Board's expectations, which is indicated by a ranking of three. He cautioned the Board on the unintended consequence of its actions on hurting the reputation of the Town and jeopardizing its attractiveness to future candidates to take on a leadership role in the Town.

**MOTION:** by Board Member Carota to approve a 2.0% COLA increase for last year and a 2.0% COLA increase for this year. Seconded by Board Member Wojtas. During discussion, Chair Timmins and the Board members clarified that there was no vote taken last year regarding compensation. **Following further discussion, motion carried 3-2, with Board Members Lefebvre and Dixon opposed.**

#### **TOWN MANAGER BID AWARDS** **Chelmsford Forum Electrical Service Installation**

**MOTION:** by Vice Chair Lefebvre to approve the bid award for the Chelmsford Forum electrical service installation to Pine Ridge Technologies, Inc. of North Reading Massachusetts in the amount of \$67,103.00. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

#### **Catch Basin and Street Cleaning Debris Removal**

**MOTION:** by Board Member Wojtas to approve the bid award for the catch basin and street cleaning debris removal to W. L. French in the amount of \$70,320.00. Seconded by Board Member Dixon. **Motion carries 4-0-1 with Board Member Lefebvre abstaining.**

#### **Center School Playground Site Work**

**MOTION:** by Vice Chair Lefebvre to approve the bid award for the Center School Playground site work to DeMello Construction Services in the amount of \$38,950.00. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

#### **TOWN MANAGER REPORTS** **Earmarks in FY23 State Budget**

Town Manager Cohen reported that the Governor had signed the FY23 state budget with the following budgetary earmarks funded: a) \$100K for the Chelmsford Center for the Arts for energy efficiency improvements for infrastructure powered by on-site combustion; b) \$100K for the preliminary design of transportation improvements to Vinal Square; and c) \$25K for food insecurity and nutrition programs at the Senior Center.

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In response to Chair Timmins question about the status of the economic bill, Mr. Cohen stated it is in limbo. It was derailed by the revenue surplus law which requires a portion of excess revenue to go back to taxpayers. It will likely start over with new legislative leadership in January.

### **Treatment of Weeds in Freeman Lake**

Town Manager Cohen reported that the Conservation Commission had approved the work and the decision was appealed to the DEP. The DEP has thirty days from the date of the appeal to request further information, and an additional seventy days to issue a superseding order of conditions. The treatment will not take place this year, but an early start to the process is targeted for next year.

### **July Sewer Flow**

Town Manager Cohen reported that the decrease of 21% over last year cannot solely be contributed to COVID. There has been some inflow into the system. The DPW Director is assessing the situation in terms of the suspected sump pump issues. Discussion ensued on validating and managing the hypothetical sump pump issue.

### **Sewer Bank Options**

Town Manager Cohen reported that he, the DPW Director, and Town Counsel are gathering data regarding the establishment of a sewer bank to allow for the reallocation of sewer capacity with the Town's permitted discharge limit with the Lowell Regional Wastewater Facility. The DEP consent order from 1980 that directed the Town to install sewage in portions of the community is being sought from DEP. This may have binding constraints and other directives on possible locations for the installation of septic systems. Also, there is a search underway to identify another community in the state that has established a system to reallocate sewer capacity among properties in a community. The consent order to the Lancaster Sewer District has been provided whereby the District was authorized to perform inflow/infiltration removal activities to introduce new flows into the sewer system. The flow credit is equal to one-half of the inflow-infiltration removed from the sewer system. The question remains that with the additional inflow would that additional flow allocation only be allowed to be used in certain areas of the Town, i.e. town center or Vinal Square or critical areas of economic development. Also of concern is the sewer main infrastructure to provide enough capacity to handle the additional flow within the current system. This may entail formal deed restrictions to recognize a voluntary property allocation. Town Counsel Haverty stated that deed restrictions would have to be put in place for any property where the owner had given up right to sewer flow in return for payment for that flow. This may be a good idea in theory but not necessarily in practice as this would negatively affect the value of the property. Attorney Haverty stated that they also had a discussion regarding the potential for Intermunicipal Agreement with Lowell for the removal of Infiltration & Inflow (I&I) in Lowell where sewer credits could be shared with Chelmsford. An outline of a process is expected by next month. Discussion ensued on the different residential and commercial scenarios that may be eligible for this reallocation.

Chair Timmins suggested that this item be put on the agenda of every meeting as a means for a status check-in. The Board members agreed.

### **Road Safety Audit: Chelmsford Street at Stedman Street and Golden Cove Road**

Town Manager Cohen reported that he had received the road safety audit from MassDOT which provides an overview of short- medium- and long-term plans for design improvements of Chelmsford Street at Stedman Street and Golden Cove Road.

### **Installation of Adult Fitness Court at Chelmsford Street and Wilson Street**

Town Manager Cohen reported that the adult fitness court had been completed. He is waiting to hear from BlueCross Blue Shield, donors of the \$50K grant, as to a date for the formal ribbon cutting ceremony. He thanked all stakeholders for facilitating the completion of this project before Labor Day.

**First Draft of Fall Annual Town Meeting Warrant**

Town Manager Cohen presented the first draft of the annual town meeting warrant consisting of twenty-five articles. A second draft will follow at the next meeting, and the final warrant will be signed by the Board on September 25<sup>th</sup>. Discussion ensued on the various articles.

**Removal of Deputy Fire Chief Position from Civil Service**

Town Manager Cohen reported that, as part of the Town's succession planning efforts, an article will be introduced at the fall town meeting to remove the position of Deputy Fire Chief from Civil Service. This would require the submission of a home rule petition to the state legislature.

The Fire Chief position has never been covered by Civil Service law. Town Meeting voted to exempt the position of Police Chief from civil service in 1993. Ten years later Town Meeting voted to exempt the position of Deputy Police Chief from civil service.

Fire Chief Ryan appeared before the Board. He stated that this change would allow him to select, with the approval of the Town Manager, the appropriate candidate for the position of Deputy Fire Chief. If the position remains in civil service, the way the law is written would require candidates to take the civil service exam and, optionally, an assessment center. If four Fire Department Captains do not sign up for the exam, the exam would be opened up to the next lower rank of firefighter.

During the past fifteen years, the Town has seen Police Chief Murphy and Police Chief Spinney successfully select three non-civil service Deputy Police Chiefs: Jim Spinney, Dan Ahern, and Colin Spence. This requested change would provide parity for the Chief Officer positions within the public safety departments.

Discussion ensued. Mr. Cohen stated that advising the Board was the first of many steps to follow in considering this change. Chair Timmins invited the union membership to address the Board on this pending issue.

Chair Timmins asked for data regarding how many Deputy Fire Chiefs in the state are Civil Service positions. Chief Ryan stated that he has asked for that information from Civil Service and has not received it. There are 50 Fire Chiefs in the state who are in Civil Service positions. Chief Ryan has reached out to the Fire Chief's association asking for information regarding Deputy Chief positions and has received about a dozen responses to date. Existing practices including appointing Deputy Chiefs using an assessment center and/or a panel.

Vice Chair Lefebvre requested information for a future discussion regarding additional parity with police department, specifically with respect to the Police Chief having an employment contract and the Fire Chief not having a contract.

**APPOINTMENTS**

**Select Board Appointments**

**Clean Energy and Sustainability Committee: Brendan Marshall, three-year term exp. 6/30/25**

**MOTION:** by Vice Chair Lefebvre to approve the appointment of Brendan Marshall to the Clean Energy and Sustainability Committee for a three-year term to expire on June 30, 2025. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

**Town Manager Appointments**

**Vinal Square Strategic Action Plan Committee: Joan Walters, one-year term ep. 6/30/2023**

**MOTION:** by Vice Chair Lefebvre to approve the appointment of Joan Walters to the Vinal Square Strategic Action Plan Committee for a one-year term to expire on June 30, 2023. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

**MEETING MINUTES**

**Select Board Regular Session Minutes July 25, 2022**

**MOTION:** by Vice Chair Lefebvre to approve the regular session meeting minutes of July 25, 2022, as amended. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

**Select Board Work Session Minutes August 1, 2022**

**MOTION:** by Vice Chair Lefebvre to approve the work session meeting minutes of August 1, 2022, as amended. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

**Announcement on Determination of Releasability of Executive Session Minutes  
Minutes for Release: July 25, 2022 Segment 2**

**Minutes not for Release: July 25, 2022 Segment 1**

Chair Timmins announced the release of one segment of the July 25, 2022 Executive Session minutes, and the 'hold' on the other segment of minutes from July 25, 2022.

**SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Board Member Carota – no report.

Board Member Dixon – no report.

Vice Chair Lefebvre – no report.

Board Member Wojtas – no report.

Chair Timmins

- School Committee at its last meeting discussed the five-year strategic plan for middle school reconfiguration for the FY22-23 school year and completed the updates to the student and employee handbooks.
- Planning Board hearings on August 10<sup>th</sup> will include the garage construction at 150-152 Dalton Rd., the warehouse construction at 270 Billerica Road, and the multi-family development at 255 Princeton St.
- All water districts remind residents to abide by restrictions of water use level 3 and encourage the conservation of water.

**ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION:** by Vice Chair Lefebvre at 9:45PM to adjourn to Executive session not to return to open session for the purpose of discussing strategy with respect to litigation regarding Ledge Road commercial trucking; and for the purpose of discussing strategy with respect to litigation regarding North Chelmsford Water District PFAS contamination.

**Roll call vote:**

**Board Member Carota-Aye**

**Board Member Dixon-Aye**

**Vice Chair Lefebvre-Aye**

**Board Member Wojtas-Aye**

**Chair Timmins-Aye**

Approved 8/22/2022

**Motion carries 5-0, unanimous.**

**NEXT REGULAR MEETING DATE: August 22, 2022**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

*Supporting documents:*

- Military appreciation flyer 2022
- MassDOT public information meeting re: Bridge replacement
- Age friendly job fair
- Sober Fest flyer
- Fall festival community flyer
- Democratic Primary candidate forum flyer
- Committee vacancies as of 8/8/2022
- Kanissa Inc. transfer and change of location 2022
- One-day license – Chelmsford Garden Club
- One-day license – American Legion for CHSAA
- West Chelmsford train station
- School Street freight house
- RRschool2
- Appraisal report School St., Chelmsford 2015
- Goals TOC TM-SB FY23 VO 08/08/2022
- CDD growth strategy input
- Senior citizen property tax work-off program proposal August 2022
- Chapter 41C elderly exemption – August 2022
- Email Re: fire hydrants concern
- TM review combined documents
- Forum electrical bids
- Catch basin and street sweeping bids
- Center School playground site work bids
- Re: Chelmsford earmarks in the FY23 state budget
- Re: Order of condition has been appealed
- Sewer flow through July 2022
- Lancaster sewer district ACO
- 607401 Final RSA Rte 110 at Stedman St Chelmsford MA ver02
- 2022 Fall ATM list of warrant articles
- 2022 Fall annual town meeting warrant
- Removal of Deputy Fire Chief from civil service August 2022
- Email from Firefighters Local 1839 to Select Board Dated 08.07.2022 with attachments: (1) “Civil Service deputy” letter; and (2) “Special Commission to Study and Examine the Civil Service Law – 3-28-22” referenced from letter.
- CESC application: Marshall
- VSSAPC application: Walters
- 07/25/2022 SB minutes
- 08/01/22 SB goals minutes work session