

Approved 9/11/2023

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

Regular Meeting MINUTES  
August 21, 2023

*Attending:*

Mark Carota, Chair

Patricia Wojtas, Vice Chair

Virginia Crocker-Timmins, Clerk

George Dixon, Board Member

Erin Drew, Board Member

Paul Cohen, Town Manager

Paul Haverty, Town Counsel

Please note that all documents referenced in these minutes are on file at the Town Manager's Office, 50 Billerica Rd., Chelmsford, Mass. The meeting was recorded by Chelmsford Telemedia.

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

**PUBLIC SERVICE ANNOUNCEMENTS**

Vice Chair Wojtas made the following announcements:

**9/11 Remembrance Ceremony, Saturday, September 9, 2023 9:00AM**

The Chelmsford Military Community Covenant Task Force invites the community to the 9/11 Remembrance Ceremony on Saturday, September 9<sup>th</sup> at 9:00AM at the Chelmsford 9/11 Memorial, 50 Billerica Rd.

The Chelmsford Health Department invites the community to the following events:

**Meditation Series Every Wednesday Starting September 6<sup>th</sup> – 3:30-4:30PM**

A free six-week meditation series with Instructor Chris Connolly is scheduled every Wednesday from 3:30-4:30PM September 6<sup>th</sup> thru October 11<sup>th</sup> at the CCA Cabaret Room.

**Sober Karaoke CCA Cabaret Room – September 8<sup>th</sup> 7:00-10:00PM**

A free sober Karaoke event is scheduled every second Friday of the month starting September 8<sup>th</sup> from 7:00-10:00PM at the CCA Cabaret Room.

**Residential Free Sharps Disposal – September 11<sup>th</sup> – 9:00-4:00PM**

A free residential medical sharps disposal is scheduled on September 11, 2023; December 11, 2023; April 8, 2024; September 9, 2024; and December 9, 2024, from 9:00AM-4:00PM at the Chelmsford Health Department, 50 Billerica Rd. One-time registration required by calling 978-250-5241.

**Free Soberfest Narcan Training – September 16<sup>th</sup> - 1:00-5:00PM Town Common**

Learn how to administer Narcan in five minutes and get a free Narcan rescue take home kit on September 16<sup>th</sup> from 1:00-5:00PM on the Town Common.

**Overdose Vigil – September 16<sup>th</sup> – 6:30PM Signing of Names of Lost Loved Ones – 7:00PM Event Begins – Town Common**

Substance use disorder awareness candlelight vigil on Saturday, September 16<sup>th</sup> rain or shine on the Town Common. Signing of names of lost loved ones at 6:30PM and event begins at 7:00PM.

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### **PUBLIC INPUT**

There was none.

### **COMMITTEE VACANCIES**

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

### **STATE REPRESENTATIVE RODNEY ELLIOTT: REQUEST FOR SOUND BARRIERS ALONG ROUTE 3 SOUTHBOUND NEAR SMITH STREET**

Representative Elliott reported that as a result of a request from resident Kathleen Breault with regard to sound barriers along Route 3 southbound near Smith Street, he has written a letter signed by members of the delegation to Secretary Fiandaca of MassDOT notifying her of the communication from Ms. Breault signed by 106 residents. He stated that this is the first step in a long process of noise abatement. He will provide a copy of the letter to the Board.

Discussion ensued. Although he could not definitively state, Representative Elliott assumed that the construction and appearance of the barriers would be similar to those already erected across the state. Over 100K vehicles travel along Route 3 every day, and the increase in traffic has caused concern among residents. A similar lengthy project took place several years ago along the Scotty Hollow neighborhood section of Route 3.

### **PUBLIC HEARINGS**

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

Joy Banks and Curtis Davis of National Grid appeared remotely before the Board. Ms. Banks stated that Chelmsford's concerns over double poles "have gone to the top of the house." She has met with the CEO and Vice President to develop a mediation plan not only for the Town but other municipalities. Insofar as National Grid is prohibited from moving other attachers' wires, she is reaching out to them on a monthly basis to manage their pole work, including training on prompt entering of information into the NJUNS database, in order that Verizon, the last on the list, can complete its work. Her main focus is the Town and will remain her focus until aged tickets are cleaned up. Toward that end, a member of the operations team met with police/fire on August 10<sup>th</sup> to identify town wires.

Stan Usovicz of Verizon appeared remotely before the Board. He noted that there are over 100 current tickets assigned to Comcast, and when completed, will be assigned to Verizon. He will notify his operations team of the upcoming need to prioritize the transfer. Ms. Banks stated that she has reached out to Comcast to also prioritize this transfer.

Ms. Banks identified some of the areas that NG is addressing on the double pole issue, including the following highlights:

- Insofar as project #9 tickets were not entered into NJUNS until the completion of the project (over 300 pole sets), improve timely entry into NJUNS on a weekly or street-by-street basis.
- Replace current system with single string transfer by a single resourced company to handle all transfers in a timely manner before final transfer by Verizon.

Discussion ensued. Board Member Timmins noted that there were discrepancies between the list of double poles generated by NG and the DPW manual list generated by site visits, many of which are over a decade old. Ms. Timmins asked National Grid to comment on: (1) By when National Grid will resolve the discrepancies; and (2) What National Grid is doing to make changes to their internal processes to ensure that new double poles enter the system and the process. Ms. Banks acknowledged the discrepancies, which are primarily due to the "piece of paper ticket" that is getting lost somewhere between operations

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and the clerks inputting tickets into NJUNS. She is working on reconciling the discrepancies, most of which have not been entered from the #9 project. Metrics need to be put in place to tighten the process on the number of poles set and the number of tickets entered, etc. A process of entering tickets manually to resolve the 141-double pole discrepancy “in order to close the gap and start fresh.”

Vice Chair Wojtas read from the July 24<sup>th</sup> meeting minutes in which Ms. Susan Griffin, representing National Grid, had committed to sending an updated report by the Wednesday before the September 21<sup>st</sup> meeting in order that members would have a chance to review its contents. The report was not submitted until today and the 55 poles that she had committed to be removed had not been completed. Mr. Curtis stated that he had submitted a preliminary report last Wednesday and submitted an update to that report today. The preliminary report from last Wednesday was in the Board’s packet.

Ms. Banks apologized that Ms. Griffin did not fulfill her promise for submission, but allowed that many factors prevent delivering on promises, but offered to submit a weekly report to the Board if necessary and committed to “work egregiously to clean up” of double poles.

Ms. Banks reported that National Grid, Verizon, Eversource and many attachers were notified by the Department of Public Utilities with regard to the challenges presented by over 44 storm events in one year, and the need to communicate on a broader level to all attachers to clearly identify pole tags to prevent delays and deterioration. When companies are taken over by other companies, these tags need to be updated as well. The problem is exacerbated when out-of-state linemen are dispatched during storm events and are not familiar with providers and unable to enter information into NJUNS.

Town Manager Cohen noted that the double poles that date back years and even a decade are the ones that “cause the highest anxiety....and frustration” and suggested that they be addressed first and foremost. Ms. Banks agreed “100%” and noted that some are in remediation before the work can be completed and would be addressed quickly.

Chair Carota asked for public input and there was none.

In answer to Board Member Drew’s question on a timeline for completion, Ms. Banks, using the number of attachers on the poles multiplied by 30 days’ notice to each, she estimated a time from six months to one year, but promised “I will take care of it.”

Chair Carota suggested a continuation to the September 11<sup>th</sup> meeting, and Ms. Banks stated that the following meeting of September 25<sup>th</sup> would be more realistic for providing an update.

**MOTION:** by Vice Chair Wojtas to continue the hearing on double poles to the September 25<sup>th</sup> meeting. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

### **National Grid Underground Conduit Petition: Charles Way**

Joe Iantile appeared remotely before the Board on behalf of National Grid which proposes to install two sets of 2-3” concrete encased conduit for electric cable to feed new underground fed residential homes #'s 2, 4, 6, 8, 10 and 12 Charles Way.

Chair Carota asked for public input and there was none.

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

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**MOTION:** by Vice Chair Wojtas to approve the underground conduit petition #301753833 as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

### **LICENSES**

#### **One Day All Alcoholic Beverages License: American Legion, 90 Groton Rd., 8/26/2023**

Al Riccio, Phil Hamilton and Daniel Vigeant, officers of American Legion, appeared before the Board to support a one day liquor license request for its block party on August 26<sup>th</sup>. Mr. Vigeant detailed the plans for closure of road and parking accommodations.

**MOTION:** by Vice Chair Wojtas to approve the one day all alcoholic beverages license request from Al Riccio of the American Legion as presented. Seconded by Board Member Timmins.  
**Motion carries 5-0, unanimous.**

#### **One Day All Alcoholic Beverages Licenses: St. John the Evangelist African Community 9/22 and 9/24/2023**

**MOTION:** by Vice Chair Wojtas to approve two one day all alcoholic beverages licenses for St. John the Evangelist Church on September 22<sup>nd</sup> and September 24<sup>th</sup> as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

### **REPORTS AND PRESENTATIONS**

#### **Conservation Commission Chair Karl Bischoff: Warren-Pohl Property**

##### **Conservation Restriction**

Karl Bischoff, Chair of the Conservation Commission, appeared before the Board and reviewed his PowerPoint presentation on the Warren-Pohl property conservation restriction, including the following highlights:

- Chelmsford Master Plan 2020
- Initial offer to Town.
- Warrant for Special Town Meeting.
- Community Preservation Act – conservation restriction.
- Acquisition and conservation restriction.
- Warren-Pohl conservation restriction.
- Prohibited and permitted acts and uses.
- Permitted agricultural activities.
- Central Mass Mosquito Control Project - mosquito aerial larvicide staging.
- Next steps in coordination with Town Counsel and Chelmsford Land Conservation Trust.

Discussion ensued. In response to Ms. Timmins' question on the process for granting permission of uses not currently listed as permitted use, Mr. Bischoff stated that some things may require permission of the grantee of the land trust. The same process would be followed for permission of a new agricultural use not currently listed. The Commission is in the process of seeking approval to install trails.

#### **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 on project funding commitments, 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 \$7.4 million, or 94% of the total allocated amount has been procured to date. The current anticipated overall ARPA program overrun is \$290,559. The remaining unallocated funds of \$2.6 million have not been

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allotted to date. Ms. Clancy highlighted several ongoing projects and the cost adjustments due to changing market conditions.

In response to Board Member Timmins' question on the allocation of funds for police/fire health screening, Town Manager Cohen stated that the program has had meaningful success. A report of the program by the Police/Fire Chiefs to the Board will be scheduled in the future.

**TOWN COUNSEL PAUL HAVERTY: 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 Haverty reviewed the suggested changes previously made to the policy. Discussion ensued and further changes were suggested. Attorney Haverty will incorporate changes and present at next meeting for final review.

**APPROVAL OF COLLECTIVE BARGAINING AGREEMENT WITH THE FIREFIGHTER'S UNION**

Town Manager Cohen reported that the Town, with the assistance of mediation with the Joint Labor Management Committee, finalized the memorandum of agreement to the successor collective bargaining agreement for the period of July 1, 2022, through June 30, 2025, with the Firefighters' union. The agreement mirrors a similar agreement with the Police Superior Officers Union and has been ratified by the union. Changes made include a \$1.75 increment to every step and 2.5% increases for each of the three years, the addition of Juneteenth as a holiday and an agreement pertaining to station bidding when positions become available based on seniority. Residency requirements include living outside of the Town within a radius of 25 miles. Upon ratification of the Select Board, the MOA will be presented at Town Meeting for funding appropriation.

**MOTION:** by Vice Chair Wojtas to approve the memorandum of agreement by and between the Town of Chelmsford and the Chelmsford Firefighters' union Local 7839 successor collective bargaining for the period July 1, 2022 through June 30, 2025, as presented. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

**STRATEGIC PLAN REQUEST FOR PROPOSALS**

Board Member Timmins reported that following a review by her and Town Manager Cohen of order of magnitude and range of services of proposal submissions, and what the Town is looking for in terms of output, a budget of \$100-125K was determined to be in the right ballpark, allowing flexibility of a cushion of lowering the budget if appropriate. An RFP would be issued to gain specific and detailed information on tailoring the strategic plan to the Town's needs.

**TOWN MANAGER REPORTS**

**Purchase and Sale Agreement for Koulas Farm Properties**

Town Manager Cohen reported that the Purchase and Sale Agreement had been signed for the acquisition of over 41 acres of the Koulas Farm property. The vision is that a committee will be formed similar to the Warren-Pohl committee for development of a deed restriction and permitted uses. There will be two warrant articles for Town Meeting, one for the acquisition of the property and the other for the planning and preparation for public use.

**Draft Warrant for the October 16<sup>th</sup> Fall Annual Town Meeting**

Town Manager Cohen reviewed the draft warrant for the Fall Annual Town Meeting and anticipated additions/changes. The final draft will be presented for signing by the Board in three weeks. Discussion ensued on Article 1, reports of Town officers/committees including a report from DPW Director Clancy on ARPA expenditures.

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**Massachusetts Municipal Vulnerability Preparedness 2.0 Grant Award**

The Town has been awarded an MVP 2.0 grant in the amount of \$95K to allow the Town to update its municipal vulnerability preparedness 1.0 plan, incorporating climate change preparedness.

**Massachusetts Department of Transportation Complete Streets Grant Award**

The Town has been awarded a grant in the amount of \$500K to be utilized for the sidewalks along Turnpike Road between Warren Ave. and Billerica Rd., a challenging site because of the wetlands and culvert crossing.

**ANNUAL PERFORMANCE APPRAISAL: TOWN ACCOUNTANT DARLENE LUSSIER**

Town Accountant Darlene Lussier appeared before the Board. Chair Carota reviewed the written annual performance appraisal of established goals and focus of goals and objectives for the following year.

Discussion ensued. Vice Chair Wojtas expressed appreciation for Ms. Lussier's willingness to take on new responsibilities, and in particular the reports required for ARPA funding. Board Member Timmins praised Ms. Lussier for taking a pro-active stance on succession planning within the department and building the strength of the team amid staff turnover.

**MOTION:** by Vice Chair Wojtas to rate the Town Accountant as consistently exceeding expected level of performance. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

Ms. Lussier reviewed her goals and objectives for the following year, including upgrades to the Munis financial software.

**ANNUAL PERFORMANCE APPRAISAL: TOWN MANAGER PAUL COHEN**

Chair Carota reviewed the written annual performance appraisal of various categories of evaluation of the Town Manager's performance as well as achievement of goals and objectives.

Town Manager Cohen thanked the Select Board as well as members of his dedicated staff, residents of the community, town meeting representatives and members of the legislative team. He looks forward to continuing to serve the community in the year ahead.

Chair Carota will ensure that missing Board members' review comments from the overall rating session are incorporated into the final document prior to signatures.

**MOTION:** by Vice Chair Wojtas to provide an overall rating of 4.0 for the Town Manager. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

**APPOINTMENTS**

**Select Board Appointments**

**Diversity, Equity and Inclusion Committee: Christopher Thornton, 3-year term exp 6/30/26**

**MOTION:** by Vice Chair Wojtas to approve the appointment of Christopher Thornton to the Diversity, Equity and Inclusion Committee for a three-year term to expire June 30, 2026. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

**Town Manager Appointments**

**Recycling Committee: David Foley, unexpired three-year term exp 6/30/2024**

**Recycling Committee: Lindsey Sieber, unexpired three-year term exp 6/30/2024**

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**MOTION:** by Vice Chair Wojtas to approve the Town Manager’s appointments of David Foley and Lindsey Sieber to the Recycling Committee each for unexpired three-year terms to expire June 30, 2024. Seconded by Board Member Timmins. **Motion carries 5-0, unanimous.**

**SELECT BOARD AND TOWN MANAGER FY24 GOALS**

Chair Carota presented the draft of the written goals of the Select Board and Town Manager which will be discussed in full at the next Board meeting.

**SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Board Member Dixon – no report.

Board Member Drew – no report.

Board Member Timmins

- Finance Committee will review town meeting warrant articles Thursdays in September beginning on September 14<sup>th</sup>.

Vice Chair Wojtas

- Two ribbon cuttings: Behavior Frontiers which provides autism treatment and support and Pro Care Nail and Spa in Central Square.
- Bicycling and Pedestrian Advisory Committee is doing their annual count on the Bruce Freeman Rail Trail on September 9<sup>th</sup>.
- Condolences to the family of Doris Wheeler, good friend to the police and fire departments, having received recognition from the Chelmsford Police Foundation.

**ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION**

**MOTION:** by Vice Chair Wojtas to adjourn to Executive Session at 8:29PM, not to return to Open Session for the purpose of discussing strategy with respect to litigation a) regarding North Chelmsford Water District PFAS claim; and b) Ledge Road commercial truck traffic; and c) and to discuss strategy with respect to contract negotiations with non-union personnel: Town Accountant and Town Manager and to conduct contract negotiations with non-union personnel: Town Accountant and Town Manager pursuant to G.L. c30A, Section 21(a)(2). 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**

September 11, 2023

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

*Supporting documents:*

-9-11 remembrance flyer 2023

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- 9/6/23 meditation series
- 9/8/23 sober karaoke
- 2023 2024 sharps disposal flyer
- 9/16/2023 soberest Narcan training
- 9/16/2023 overdose vigil flyer
- Committee vacancies as of 8/21/2023
- National Grid email update on double poles
- National Grid 8/16/23 Chelmsford double pole report
- DPW 7/21/23 double pole report
- American Legion one day alcohol permit and block party app
- St. John the Evangelist one day alcohol permit application
- WP\_CR presentation August 21,2023
- 8/15/23 ARPA update cover letter
- 8/15/23 ARPA update
- Draft public comment policy revised 8/15/23
- Draft public input policy revised 8/15/23
- Firefighters union MOA
- Estimated cost- Strategic Plan
- Wellesley unified plan – implementation priorities
- 2023 list of warrant articles fall ATM
- 2023 fall annual town meeting warrant
- Chelmsford MVP 2.0 pilot grant
- Chelmsford complete streets FY24R1
- Updated Lussier FY2023 review
- Updated TM FY23 scorecard
- DEIC application – Thornton
- Recycling committee app – Foley
- Recycling committee app – Sieber
- 2024 SB goals 08/14/23 draft