

Approved 9/25/2023

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

Regular Meeting MINUTES
September 11, 2023

Attending:

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.

Vice Chair Wojtas called the meeting to order at 6:00PM followed by the Pledge of Allegiance. She then announced that Mark Carota had resigned from the Board, effective September 10, 2023.

PUBLIC SERVICE ANNOUNCEMENTS

Board Member Timmins made the following announcements:

Planning Board MBTA Zoning Hearings

The Planning Board has been working to advance MBTA zoning and has identified four potential zoning districts for the community's consideration. The following sessions have been scheduled for public participation:

UMass West area and Independence Drive area, Tuesday September 19th from 7:00-9:00PM – Room 204 Riverneck (Davis property) and UPS area, Thursday September 21st from 7:00-9:00PM, Senior Center
For more information contact Evan Belansky, Director of Community Development at ebelansky@chelmsfordma.gov.

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

Free Soberfest Narcan Training – September 16th - 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 16th from 1:00-5:00PM on the Town Common.

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

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

Buried in Treasure Workshop, September 26th – 2:00PM – Chelmsford Public Library

Need help to declutter? Attend Buried in Treasure Workshop on September 26th at 2:00PM at the Library. For more information contact Amy or Taryn at 978-250-5241 or email tangel@chelmsfordma.gov.

Fall Festival – September 30th – 12:00-4:00PM – Town Common

The second annual Fall Festival will be held on September 30th from 12:00-4:00PM on the Town Common.

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.

LICENSES

Change of Manager and Change of Officers on All Alcoholic Beverages Club License: American Legion Alberton W. Vinal Post #313 – 90 Groton Rd.

Dan Vigeant, Al Riccio and Phil Hamilton of the American Legion appeared before the Board. Mr. Riccio asked the Board's approval of him as general manager to replace the former manager.

MOTION: by Board Member Timmins to approve the change of manager and change of officers on the all alcoholic beverages club license of the American Legion Alberton W. Vinal Post #313 at 90 Groton Rd. as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

REPORTS AND PRESENTATIONS

Doreen Deshler: MBTA Community Zoning

Dorren Deshler of Sinai Circle appeared before the Board on behalf of ninety-seven residents on a signed petition to speak in opposition to the proposed MBTA community zoning. She stated that the importance of the issue demanded that it not be decided by Town Meeting representatives alone. Ms. Deshler read from a prepared statement attached to and made a part of these minutes.

Discussion ensued. Vice Chair Wojtas suggested that while the next ballot for town election could contain a non-binding advisory question, consideration should be given for input from Counsel and the upcoming Planning Board public meetings in September. Attorney Haverty questioned the wisdom of that given the fact that it may create the impression that the Town has the ability not to comply with the requirements of the statute. In fact, the Town has no leeway, and penalties will be incurred for direct failure not to comply with the statute. Ms. Deshler objected and stated that Chelmsford is a sovereign town governed by its own bylaws.

Board Member Timmins stated that, insofar as compliance with the statute falls under the purview of the Planning Board, that Board should have input into the question of a non-binding question on the ballot. She noted that insofar as public education is critical, the Planning Board has scheduled public sessions on the issue this month for full discussion and participation by the public.

Adelle Stavis, Roberts Field Advisory Committee: Friendship Park Playground Gardens Planting in Memory of Sandie Rainey

Adelle Stavis of the Roberts Field Advisory Committee appeared before the Board and presented the plan for garden beautification of Friendship Park Playground in memory of community leader and contributor, Sandie Rainey. She seeks the Board's approval of a kindness garden memorial sign in her honor at a service planned in the fall.

Discussion ensued. Vice Chair Wojtas stated that, insofar as the Board frequently receives requests for memorial recognition of residents, a policy is needed to determine criteria for recognition, i.e. proclamation, plaque, memorial dedication etc.

Ms. Stavis noted that the project is in flux as decisions need to be made based on the wishes of the family, the type and location of the permanent plaque as well as the type and placement of plants. Residents have expressed their intention to donate a variety of plants from their gardens. The mission statement of

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Friendship Park will be honored not only as a recreation place, but a place children and families can learn about nature.

Following discussion, it was agreed that the Board would deliberate on a policy at subsequent meetings noting the time sensitivity of this request for a permanent memorial structure.

Lee Williams, Recycling Committee: Presentation of Current Issues

Lee Williams, Chair of the Recycling Committee, appeared before the Board accompanied by Vice Chair Rebecca Gore and Publicity Coordinator Karen Willis. Ms. Williams reviewed her PowerPoint presentation of current issues including the following highlights:

- Overview of the Recycling Committee
 - Mission statement
- Waste and recycling tracking
- 2022-2023 activities
 - Zero waste day on November 5, 2022
 - Recycling drop-off events
 - Education and outreach
 - Town-wide cleanup week-long event April 17-23
 - Bags to benches challenge
 - Chelmsford High School ECO club partnership
- Future projects
 - Repair café event
 - Advocate for MA better bottle bill
 - Tour Chelmsford's recycling and waste facilities
 - Promote composting of organics
- Schedule of Fall 2023 recycling events

Discussion ensued. In response to Board Member Timmins' question on the process for diverting more into recyclables, Ms. Williams stated that education of the public is key as the rules are changing and people are interested in doing their part to recycle. A big area for improvement is diverting the significant weight of food waste into organics. The weekly schedule for recycling should increase recyclables.

DPW Director Christine Clancy: Pilot Home Composting Program

DPW Director Christine Clancy appeared before the Board and reviewed the pilot home composting program. In compliance with the state's directive that towns divert waste tonnage by 30% by 2030, the Town reached 15% in 2020 through recycling of mattresses, textiles and other programs. Toward that goal, an RFP was issued for a curbside composting program, and the award was given to Black Earth, the largest vendor in the area with over 34K customers. The program will begin on October 4th.

If 300 households sign up for the program, preferred pricing will be reduced 20% from the given rate of \$19.16/month for weekly and \$14.99/month for biweekly pickup and paid directly to the vendor. The Town will provide the initial composting kit of either a 13 gallon or 4-gallon bucket with an initial set of liners. The sustainable benefit derived is to divert organic material from the landfill to composting sites either for Black Earth to sell the product to local nurseries, or the consumer has the option to receive a 40-pound bag of composting directly back from the vendor or do their own composting in their backyard.

Information on the program is on the town website/recycling app with a link provided to go directly to the Black Earth portal to register, answers to frequently asked questions, list of organic items to be recycled, etc. Buckets are airtight to withstand the effects of weather and invasion of animals.

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Discussion ensued on the secured pricing of the program and schedule of pickup. That date has not yet been set and may not coincide with date of trash pickup. Advertising for the program will be made on social media, high school and the library. A flyer will go out with the tax bills for the October 4th kickoff. As it has done in other communities, Black Earth is planning its own outreach of public promotion.

John Potts, Weston & Sampson: Sewer System Inflow and Infiltration (I/I) Investigations and Updated I/I Plan

John Potts of Weston & Sampson appeared before the Board to provide an update of the 2022 I/I investigations and updated I/I plan for the Town. He reviewed his PowerPoint presentation including the following highlights:

- 2022 I/I investigations
 - Completion of November 2021 plan
 - Summary report completed and submitted to DEP in April 2023
 - 95% of inspected sewers received a NASSCO PACP rating of 1 (excellent condition – minor defects.
 - Cost-effective analysis of manhole rehabilitation projects
- Updated I/I plan
 - Summary report recommendations
 - Comparison of November 2021 plan and new plan

Discussion ensued. In response to Board Member Timmins' question on smoke testing scheduled for 2026, Mr. Potts stated that it is not a priority at this time but can be moved ahead in the schedule at any time. The procedure requires coordination with homeowners/businesses as well as police and fire. DEP wants to see that action is being taken to address I/I but does not specify priority to any particular testing. The plan has been submitted to DEP and is considered approved if no comments are received within a 90 to 120-day period following submission. Town Manager Cohen will provide the Board with full documentation of the 2021 plans and reports.

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 to be made to the policy at the last meeting. The latest version separates the policy into three documents: the draft policy sent out to other boards/committees, the Select Board public comment policy and Select Board public input policy.

MOTION: by Board Member Timmins to adopt the Select Board public comment policy and the public input section of regular meetings policy as section 1-2.8 and 1-2.8(1) respectively as presented. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

TOWN ACCOUNTANT DARLENE LUSSIER: FY23 BUDGET REPORT AND FY24 FREE CASH CERTIFICATION

Town Accountant Darlene Lussier reviewed her PowerPoint presentation on the FY23 budget report and FY24 free cash certification including the following highlights:

- FY23 revenues
- Local receipts
 - Motor vehicle excise collection
 - Permit fees
 - Meal/room tax collection
 - Fees and other department revenue
 - Alcohol licenses
 - Investment income

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- Miscellaneous non-recurring revenue
- Real estate and personal property tax
- Expenditures
 - Encumbrances
 - Return to general fund approximately \$1 million
- Free cash calculation
 - Sources of free cash
- Enterprise funds retained earnings
 - Sewer, stormwater, golf course, PEG Access, Forum
 - Revenue budget vs actuals
 - Expenses budget vs actuals
- Other funds
 - Stabilization fund
 - OPEB fund
- Community Preservation Fund revenue
 - Balance sheet
 - Debt service balance

**FINANCE DIRECTOR JOHN SOUSA AND DPW DIRECTOR CHRISTINE CLANCY:
PROPOSAL FOR THE EXPENDITURE OF THE BALANCE OF
AMERICAN RESCUE PLAN ACT FUNDING**

DPW Director Christine Clancy and Finance Director John Sousa appeared before the Board. Ms. Clancy reviewed the PowerPoint presentation list of recommended DPW related projects that could be funded through the remaining balance of ARPA funds. The overall list amounts to \$3.3 million, which exceeds the available unallocated ARPA funds.

DPW reviewed the overall project list and developed a list of recommended high priority projects that fall within the \$2.3 million, including a \$350,000 project contingency. DPW focused on HVAC improvements in the previous disbursement of ARPA funds. Given the frequent high intensity rain events the Town and the region have experienced this year, this next round of recommended projects are focused on drainage improvements. Many of the projects are proposed to be designed by the Town's Engineering Department. Construction projects could commence as early as Spring 2024 if design proceeded this fall/winter. Although ARPA funds do not need to be allocated until December 2024, projects need to be completed, paid and closed out by December 2026.

Discussion ensued. In response to Board Member Timmins' question on the plan for addressing the overall drainage and stormwater infrastructure, Ms. Clancy stated that steps are being taken to update the master plan to address all areas of drainage including the over 325 culverts that are in need of repair. The overall impact of recent heavy rainfall has exacerbated drainage issues and escalated the priority of the problem.

In response to Board Member Timmins' noted that PFAS remediation was Article 13 of the town meeting warrant and questioned why ARPA funds are being proposed for PFAS remediation. Town Manager Cohen stated that the warrant article could be withdrawn if ARPA funds are used instead. Town Manger Cohen addressed her concern that ARPA funds were used for a continuing project with an annual recurring cost like PFAS remediation that would better be funded in the regular operating budget. He stated that, insofar as there is a significant backlog of road and sidewalk projects, a multi 20-30 year time horizon to complete projects is expected. If ARPA funds were to be used for the PFAS remediation, it would alleviate the strain on other infrastructure one-time expenses. If ARPA funds are not used for PFAS remediation, Manager Cohen stated he would decrease the proposed Free Cash allocations for road infrastructure in order to cover the PFAS remediation with Free Cash funds. He believes ARPA funds

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can be used to leverage the problem by direct funding. Given the economic uncertainties, there may not be the financial flexibility to allocate additional funding in following years.

Discussion also ensued on the rationale for allocating a \$350K contingency on remaining projects. As projects are tracked, remaining monies could be used for additional allocations. Allocations for emergency reserve equipment was deemed not necessary, as NMCOG is working on a regional list of equipment for towns to use as the need arises. Mr. Sousa confirmed that stormwater infrastructure was an important issue at this time, and continuing work will be done to acquire grants for upcoming projects to avoid spikes in stormwater fees.

DPW DIRECTOR CHRISTINE CLANCY: SEWER FLOWS

DPW Director Christine Clancy reviewed the PowerPoint presentation on sewer flows for the month of August 2023 of 92.38 MG, which is 55% higher than flows from August 2022 (59.4 MG). August's flows for Tyngsborough were 6.12 MG, which is 39% higher than sewer flows from August 2022 (4.12 MG). The increase in sewer flows is correlated to an increase in rainfall. Chelmsford's rainfall total this August was just under 11 inches compared to approximately 1 inch in August 2022. Chelmsford has seen a total of approximately 36 inches of rainfall this summer compared to approximately 13 inches last summer. The increase in sewer flows is likely prevalent across the region due to the increase in rainfall amounts.

Discussion ensued. Ms. Clancy reported that response to direct mailings with regard to participation in the pilot sump pump program has been minimal. Outreach will continue.

SIGN WARRANT FOR OCTOBER 16TH FALL ANNUAL TOWN MEETING

Town Manager Cohen presented the twenty-seven articles on the draft warrant for the fall Town Meeting for approval by the Board.

MOTION: by Board Member Timmins to sign the warrant for the 2023 annual fall Town Meeting to begin on October 16, 2023. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

FISCAL YEAR 2024 SELECT BOARD AND TOWN MANAGER GOALS

Town Manager Cohen stated that the document has been updated with suggested changes from the last meeting. Discussion ensued. The policy section will be updated to include a policy on memorials and recognition, as discussed earlier. Board Member Timmins suggested that a presentation be made to the Board by the Personnel Board. Vice Chair Wojtas will update the goals for discussion at the next meeting.

DISCUSSION OF SCOPE OF WORK FOR STRATEGIC PLAN

Town Manager Cohen reviewed the written scope of the main components of the strategic action plan. Board Member Timmins will lead the discussion with the Finance Committee on the scope of the project on Thursday for ultimate consideration by Town Meeting.

Discussion ensued. Board Member Drew suggested that the scope of work contain performance metrics to measure specific actionable items to be implemented by the Board.

TOWN MANAGER APPOINTMENTS

Cultural Council: Kathy Kliskey – 3-year term exp 6/30/2026

MOTION: by Board Member Timmins to approve the Town Manager's appointment of Kathy Kliskey for a three-year term to expire on June 30, 2026. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

MEETING MINUTES

Select Board Regular Meeting Minutes 8/14/2023

Select Board Regular Meeting Minutes 8/21/2023

MOTION: by Board Member Timmins to approve the Select Board regular meeting minutes of August 14, 2023. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

MOTION: by Board Member Timmins to approve the Select Board regular meeting minutes of August 21, 2023. Seconded by Board Member Dixon. **Motion carries 4-0, unanimous.**

SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS

Board Member Dixon – no report.

Board Member Drew – no report.

Board Member Timmins

- Representatives of the Conservation Commission met with representatives of the Planning Board, Board of Health, three water districts and Evan Belansky and the Planning and Conservation Departments to discuss how they may more effectively interact with each other on cross-over projects. Thanks to Mr. Belansky for scheduling the meeting.
- Crooked Spring Reservation has part of its boardwalk near Graniteville Road under water and has detours posted.
- Maintenance of the Cranberry bog dam by the DPW continues with removal of vegetation and improved erosion control.
- The Finance Committee will meet on Thursday to discuss warrant articles for fall town meeting.

Vice Chair Wojtas

- Two ribbon cuttings: Lowell Five Cents Savings Bank at Fletcher St. completely renovated; Euphoria Coffee on 14 Fletcher St., specializing in all kinds of coffee beverages.
- This Friday, September 15th, the Veterans Memorial Park Committee will hold a ceremony at 3:30PM at the Veterans Park to commemorate POW/MIA Memorial Day.
- Historic Society is hosting its farm fair this Saturday, September 16th from 12:00-4:00PM.
- Cultural Council is accepting funding applications with a deadline October 17th for arts, humanities and science programs. Applications are available on the website.
- Thanks to all who attended the September 11th Memorial on Saturday. This morning the firefighters had its annual 9-11 memorial ceremonies. Never forget.
- Thanks to the DPW and Police and Fire Departments for their response to storm damage last Saturday.

ADJOURNMENT TO EXECUTIVE SESSION NOT TO RETURN TO OPEN SESSION

MOTION: by Board Member Timmins to adjourn to Executive Session at 8:51PM, 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. 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.

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NEXT REGULAR MEETING

September 25, 2023

Respectfully submitted,

Christine Martin Barraford
Recording Secretary

Supporting documents:

- PB MBTA community flyer invite – neighborhood sessions
- 9/16/23 soberfest Narcan training
- 9/16/23 overdose vigil flyer
- 2023 bit fall info session
- Fall fest 23 flyer 9/30/23
- Committee vacancies as of 9/11/23
- American Legion change of managers and officers
- Doreen Deshler MBTA community zoning
- Sandie Rainey garden
- Chelmsford recycling committee report to Select Board 2023
- 9/7/23 curbside composting
- Chelmsford MA 2022 ISSUES and updated I/I plan presentation (sept2023)
- Draft public comment policy revised 9/6/23
- Select Board public comment policy revised 9/6/23
- Draft public input policy – revised 9/6/23
- FY23 budget report 9/11/23
- 9/6/23 ARPA proposed projects cover letter
- Proposed DPW projects 2024
- 9/7/23 August 2023 sewer flow summary
- Flow summary FY24
- 2023 Fall annual town meeting warrant
- 2024 SB goals (090623 update draft)
- Strategic plan components
- Cultural Council Kliskey
- 8/14/23 SB minutes draft 2B
- 8/21/23 SB minutes draft 2B