

Approved 10/11/2022

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

Regular Meeting MINUTES  
September 26, 2022

*Attending:*

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

Paul Cohen, Town Manager

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**

**Warren-Pohl Reservation Conservation**

Karl Bischoff and Christopher Garrahan, Chair and Vice Chair of the Conservation Commission, appeared before the Board to announce that the Warren-Pohl Conservation Reservation located at 95 Boston Road is now open to the public from dawn to dusk. The site now has driveway access and parking for the public and all rules and regulations pertaining to conservation land are applicable to visitors to the site. A formal opening will be scheduled in October.

**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. In case of rain the event will be held at the Chelmsford Center for the Arts.

**Fall Festival Food Pantry Donation Request**

Bring three food pantry items to the Fall Festival and you will be entered into a raffle.

**Flu Vaccine Clinics: October 13<sup>th</sup>, 3:30-7:00PM, Senior Center;**

**October 18<sup>th</sup>, 4:00-7:00PM Town Hall Gymnasium**

The Board of Health is sponsoring flu vaccine clinics on October 13<sup>th</sup> from 3:30-7:00PM at the Senior Center and October 18<sup>th</sup> from 4:00-7:00PM at the Town Hall Gymnasium. Pre-registration is preferred at <https://home.color.com/vaccine/register/chelmsford>.

**Friends of the Library Book Sale, October 14-16 – Town Hall Gymnasium**

Friends of the Library will have its book sale on Friday, October 14<sup>th</sup> from 9:00AM-7:30PM, Saturday, October 16<sup>th</sup> from 9:00AM-5:00PM, and Sunday, October 16, from 9:00AM-1:00PM at the town hall gymnasium, 50 Billerica Rd. (park and enter behind town hall.)

**Winter Electric and Heating Rates**

National Grid has announced its winter electricity rates for the period November 1-April 30, 2022. The monthly bill of a typical residential customer using 600kwh will increase from \$179 to \$293 for the

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winter season. This amounts to a 64% rate increase. The “Chelmsford Choice” electricity aggregation supply program will not experience any rate increase. For more information go to the ChelmsfordChoice.com or call 844-483-5004. Increase in rate is also proposed for its natural gas heating customers.

### **PUBLIC INPUT**

Joseph Ready, 58 Bartlett Street, appeared before the Board. He stated that he is speaking for himself and many other residents to express their concern and outrage and to document for the Select Board the violations that occurred on behalf of the Sergeant’s union contract and its negative impact on employees moving forward. He asked that the Select Board, as the authority to regain the public’s trust, to take decisive and meaningful action with the Town Manager to remedy the situation.

Sue Olsen, 140 Groton Road, appeared before the Board and requested that the Board appoint an advisory committee of North Chelmsford residents from all neighborhoods and streets impacted by truck traffic to sit down as a group to talk about alternatives to truck traffic and report back to the Board. This committee would act as a conduit to finally solving the long-time issues with truck traffic on neighborhood streets.

Rob Albon, President of Chelmsford Firefighters Local 1839, appeared before the Board. He read into the record a prepared statement that, due to the Town Manager’s failure to bargain in good faith, that the Select Board remove him from office and appoint a representative to collectively bargain in good faith.

Mary Donovan, 7 Tanglewood Drive, appeared before the Board. As the owner of four former pets and one current pet, she urged the Board to dedicate a plot of land in Town for a pet cemetery.

Glenn Thoren, 18 Pinewood Rd. and precinct 7 representative, appeared before the Board. He stated that there was nothing in the legal opinion that the Town had acted in bad faith in the collective bargaining process for the Sergeant’s union. He added that Town Manager Cohen has been a fiscal steward for the Town for many years and the allegations against him are “simply ridiculous.”

Sgt. Frank Goode, President of the Chelmsford Superior Officers Association, appeared before the Board. He stated that a reading of the testimony supported the decisive decision that the parties did not participate in good faith.

Robert Walton, 33 Janet Rd., appeared before the Board. He stated that over \$250K was spent on lawyers to “prove a point” on the collective bargaining process.

Clare Jeannotte, 3 Hawthorne Lane and town meeting representative, appeared before the Board. She stated that the decision rendered by the hearing officer was based on testimony and facts presented as evidence that the Town failed to bargain in good faith. She urged the Board to regain the public trust by addressing the unlawful actions of the Town Manager.

### **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**

#### **Comcast Underground Conduit Petition: Technology Drive**

Dave Flewelling of Comcast appeared before the Board via Zoom. He asked for the Board’s approval of the installation of an underground conduit at 8 Technology Drive to provide service to 10 Technology Drive. Town Manager Cohen stated that the DPW was in support of the project.

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Chair Timmins asked for public input and 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 petition from Comcast to install an underground conduit that will provide service to 10 Technology Drive. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

## **REPORTS and PRESENTATIONS**

### **Town Engineer Anthony Reppucci - Monthly Traffic Report**

Anthony Reppucci, Town Engineer, appeared before the Board with a traffic committee update including the following highlights:

- Current actions
  - School zone safety.
- Pending actions
  - Traffic improvements for Golden Cove/Billerica Rd. utilizing local bottleneck reduction program. MassDOT scheduled work to commence this fall.
- Completed actions
  - Installation of the permanent speed bump at end of Ledge Rd. as well as the viability for truck exclusion on Swain Rd.

Discussion ensued. In answer to Chair Timmins question on the installation of a permanent speed bump on Ledge Rd., Mr. Reppucci stated that an assessment will be made as to the viability of the speed bump under winter conditions for consideration of replacement of temporary speed bumps at other locations across Town.

### **Layout of Nabnasset Drive**

Mr. Reppucci asked that the Select Board vote its intention to lay out Nabnasset Drive as a public way the parcel of land shown as “Nabnasset Drive” on a plan entitled “Street Acceptance Plan Nabnasset Drive Chelmsford, Massachusetts,” dated September 8, 2022, prepared by Landtech Consultants for Howard Stein Hudson, and to forward the proposed layout as shown on the plan to the Planning Board for its comments and recommendations pursuant to G.L. c. 41, §81I.

Town Manager Cohen stated that this motion is the first step in a multi-step process. Once approved by the Board, it will go to the Planning Board for its comments, return to the Board for its approval and finally go to town meeting for its approval to accept Nabnasset Drive as a public way. Mr. Cohen stated that, insofar as the Town is currently dealing with significant truck traffic issues in neighborhoods, the approval of this street as a public way could lead to further truck traffic issues as it would provide frontage to land located in Westford.

Discussion ensued on the ramifications of the Board’s decision and the need for further analysis and vetting. Michael Raisbeck, member of the Planning Board, appeared before the Board. He shared the Board’s concerns about the impact of the approval of this road as a public way on traffic issues. He suggested discussing the matter in full with Town Counsel before making a decision.

Following discussion, it was the consensus of the Board to put this item on the agenda for the next meeting for further discussion with Town Counsel.

### **Revisions to Sewer Capacity and Connections Policy**

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Anthony Reppucci, Town Engineer, appeared before the Board. He reviewed his PowerPoint presentation on the sewer capacity and connection policy which will take effect at the end of the sewer moratorium on November 1, 2022.

Discussion ensued. In response to Board Member Wojtas' question on the definition of a detached accessory dwelling unit, Mr. Reppucci stated that any detached unit located anywhere on a property with a unit is not allowed.

Chair Timmins noted previous discussion on the inclusion of "redeveloped" to the terms developed and undeveloped. She questioned whether the use constitutes a greater sewer need, does it leave the sewer need the same, or does it require a lower sewer need. Mr. Reppucci stated that, insofar as redevelopment constitutes a change in use, any change in use is limited to an increase of 500mgd or the pursuit of septic system approval.

Town Counsel Paul Haverty will be asked to confirm consistency of the policy with the sewer bank policy and report to the Board at its next meeting.

**Town Accountant Darlene Lussier: Fiscal Year 2022 Closeout**

Darlene Lussier, Town Accountant, appeared before the Board and reviewed her PowerPoint presentation on the Fiscal Year 2022 closeout including the following highlights:

- FY2022 revenues
  - Motor vehicle excise tax
  - Permit fees
  - Meal and room tax collections
  - Rental income
  - Alcohol licenses
  - Miscellaneous non-recurring revenue
  - Real estate and personal property tax collections
- Receipts year-to-date
- Budget status report year-to-date
- Free cash calculation
  - Free cash analysis
  - Free cash uncertified (subject to DOR certification)
  - Free cash sources
- Sewer enterprise retained earnings
  - Sewer enterprise revenue budget vs. actuals
- Stormwater enterprise retained earnings
  - Sewer enterprise revenue budget vs. actuals
- Golf course enterprise retained earnings
  - Golf course enterprise revenue vs. actuals
- PEG Access enterprise retained earnings
  - PEG Access enterprise revenue vs. actuals
- Forum enterprise retained earnings
  - Forum enterprise revenue vs. actuals
- Stabilization fund
  - Sewer construction fund
  - OPEB trust account

Discussion ensued. In response to Vice Chair Lefebvre's question on management of enterprise funds, Ms. Lussier stated that any use of enterprise funds monies requires approval of town meeting.

**Chief Assessor Frank Reen: Tax Classification**

Frank Reen, Chief Assessor, appeared before the Board and reviewed his PowerPoint presentation on the FY22 tax classification including the following highlights.

- Assessment/new growth update
  - New growth process
  - Status of assessments and methodology
  - Submission of new growth to DOR
  - Classification hearing
- New growth real estate
- New growth business personal property
- FY23 valuations
  - Residential, single, multi-family and condominium
- FY23 projection: estimated impact on residential taxes
- New growth/valuations to DOR

**SELECT BOARD RECOMMENDATIONS ON OCTOBER 3, 2022**  
**SPECIAL TOWN MEETING WARRANT ARTICLE**

Town Manager Cohen reviewed his PowerPoint presentation recommending Article 1 of the collective bargaining agreement that the Town raise and appropriate \$420,487 (including the financial details thereof) to fund an employee contract agreement between the Town of Chelmsford and the Chelmsford Superior Officers, Local 20 of the New England Police Benevolent Association, Inc.

Discussion ensued. In response to Chair Timmins' question on the source of funding, Mr. Cohen stated that the funding does not come from the stabilization fund requiring a two-thirds vote but from the raise and appropriate levy requiring a simple majority vote.

Bill Carlo, Vice President of the Superior Officers union, appeared before the Board. He reviewed the prepared statement from Counsel Gary Nolan to the Board. He asked that the Board vote in favor of the article in the amount of \$400K that affects thirteen current and former police sergeants as a result of the unlawful conduct that occurred when this matter was first presented in 2019.

He referenced the DLR decision that found against the Town regarding the collective bargaining process. He asked that the Board as the Town's elected officials vote in favor of the award "because it is the right thing to do."

Discussion ensued. Chair Timmins noted that her vote in favor of Article 1 has nothing to do with standardization or precedent of the "2-2-2" union model of awards, but because it is in fact the right thing to do. She suggested that any further presentation of financial information needs to be substantiated with research of the numbers and facts.

**MOTION:** by Vice Chair Lefebvre to recommend approval of warrant Article 1 for Special Town Meeting on October 3, 2022. Seconded by Board Member Dixon. **Motion passed 5-0, unanimously.**

**SELECT BOARD RECOMMENDATIONS ON OCTOBER 17, 2022**  
**FALL ANNUAL TOWN MEETING WARRANT ARTICLES**

Town Manager Cohen reviewed his PowerPoint presentation on the warrant articles of the annual town meeting on October 17<sup>th</sup> for the Board's recommendation of vote.

***Article 1: Reports of Town Officers and Committees – no action needed.***

***Article 2: Cemetery Improvement and Development***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 2 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 3: Commonwealth Transportation Infrastructure Fund***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 3 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 4: Sewer Construction Stabilization Fund***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 4 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 5: Affordable Housing Stabilization Fund***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 5 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 6: Funding for Collective Bargaining Agreement - no action needed.***

***Article 7: Unpaid Bills from a Prior Fiscal Year - no action needed.***

***Article 8: Amend FY23 Operating Budget - no action needed.***

***Article 9: Statewide Opioid Settlement Abatement Fund***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 9 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 10: School Department Professional Support Personnel – no action needed.***

***Article 11: Roadway and Sidewalk Construction***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 11 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 12: Sewer Capital Improvements***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 12 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 13: PFAS Remediation***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 13 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 14: Free Cash to Reduce the Tax Levy***

Discussion ensued on the unprecedented times of the pandemic followed by historic inflation that is expected to continue into the next fiscal year with the threat of a recession and the impact of escalating costs on the operating budget. Following discussion, the majority of the Board, with Board Member Wojtas in favor of allocating \$1M, urged a prudent approach of reducing the transfer of free cash to the property tax levy from \$1M to \$500K and putting an additional \$500K into the stabilization fund.

**MOTION:** by Vice Chair Lefebvre to recommend that the Town Manager amend the motion to transfer \$500K to reduce the property tax levy. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 15: Free Cash to the General Stabilization Fund***

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Based on the above vote, the Town Manager amended the amount to be transferred to the stabilization fund to \$1,121,634 from \$634,000.

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 15 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 16: Historical Commission Property Inventory Program***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 16 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 17: Senior Citizen Property Tax Work-Off Abatement Program***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 17 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 18: Increase in Senior Citizen Property Tax Exemption***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 18 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 19: Charter Amendment – Section 6-7 Annual Audit***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 19 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 20: Exempting Deputy Fire Chief from Civil Service***

Rob Albon, President of Firefighters Local 1839, appeared before the Board to clarify information originally provided by Josh Abbott on the timeframe of the most recent deputy chief exam as follows. The deputy fire chief exam is given every year except for those communities that opt out to every other year. The scheduled exam was posted on November 23, 2021, with an application period from March 8-March 29, 2022. In order to sign up for the exam, the fire chief, as the appointing authority, must request that the department be included in the testing process. No request from Chief Ryan was made at that point. When civil service posted the list of those that had called for the exam, twenty-two municipalities were included, and of those departments six had the test open to ranks lower than captain including lieutenants and firefighters. On January 22<sup>nd</sup> the town of Scituate was added to participate in the process, and on February 22<sup>nd</sup> the towns of Chicopee and Framingham were added. As of the date of deadline of March 29<sup>th</sup>, Chelmsford was not listed as a participating community, while twenty-five other communities were listed. On March 30<sup>th</sup> the captains were notified by email of a special sign-up period for only the Chelmsford fire department.

On April 7<sup>th</sup> Mr. Albon emailed the civil service inquiring about the exam. The response was that this was a newly scheduled exam open only to the Town's captains with a deadline of application of April 19<sup>th</sup>. If no one applies, the exam will be postponed until next year with the Town's right to move forward with the next eligible title of firefighters. The process was not followed until the next initial exam, which led to the initial sign-up period allotted to Chelmsford after state-wide deadline had closed.

Mr. Albon further added that Chief Ryan has not taken steps to a succession plan nor has he sponsored any in-house professional development classes. He stated that the civil service system works and he asked that the Board oppose Article 20.

Fire Chief Gary Ryan appeared before the Board. He stated that the department has not had a deputy chief's active list since 2010. This is due to the fact that if no one signs up, the test is cancelled. Because a test is cancelled, the exam is automatically scheduled for the following year. There was miscommunication during the pandemic about submitting a requisition for the exam, and the exam was

rescheduled to April. There was no intent to prevent the scheduling of the exam. As for succession planning, Chief Ryan stated that supervisor training is offered to all members of the department.

Discussion ensued. Town Manger Cohen stated that the better approach from a management perspective is to allow the chief of the department to choose the person that best facilitates his/her functioning in the position as deputy chief.

In response to Board Member Dixon's question on the number of communities covered under civil service, Chief Ryan stated that of the 102 communities there are 80 deputy chief positions. Board Member Wojtas noted that the police chief has been appointing his deputy chief, and she expressed confidence that the fire chief will have like success in appointing someone qualified to do the job. Chief Ryan confirmed that over the last nine years, the police deputy chief position has been successfully filled outside of the civil service system.

Chair Timmins noted that the civil service system has not been detrimental to the Town in the past. She stated that, while there is a solution on the table, there has not been a clear definition of the problem. She sees the merits of both sides, but feels that more time is needed to fully discuss the issues.

Vice Chair Lefebvre agreed that he has not had enough time to make a firm decision on the merits of the article. Board Member Carota agreed that based on the information that is available right now, he is not in a position to make a firm decision.

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 20 as presented. Seconded by Board Member Wojtas. **Motion failed 1-3-1, with Board Member Wojtas in favor, Board Members Timmins, Lefebvre, and Dixon opposed, and Board Member Carota abstaining.**

***Article 21: Zoning Bylaw Amendment – Definition of Warehouse***

***Article 22: Zoning Bylaw Amendment – Definition of Distribution Center***

***Article 23: Zoning Bylaw Amendment – Use Regulation Table***

Christopher Lavallee, private petitioner of the above three articles, appeared before the Board. He reviewed his PowerPoint presentation on the reasons for the amended changes including the following highlights.

- Business models are changing dramatically with more remote work and less office space needed.
- More delivery of goods rather than in-person shopping.
- Amazon's change in distribution model to smaller "last mile" facilities
- Definition of "warehouse" needs to be updated to current business model

Mr. Lavallee stated that the proposed changes were reviewed with the Planning Board. They included the actual proposed language contained in the amendments including a) replacement of the warehouse definition; b) addition to the distribution center definition; and c) addition of a new line in the regulation schedule for the distribution centers. He also reviewed the impact of the proposed articles to existing businesses and FAQs for the purpose of providing additional explanation of the articles.

Discussion ensued. Mr. Raisbeck stated that the Planning Board voted 4-3 against these articles. Clarification was needed on distinguishing a warehouse from a distribution center. Additionally, an overlay may be better suited than a change in bylaws in that it gave the Planning Board the tools to distinguish the nuances of situations. The regulation of use is important as well. He recommended that the matter be vetted with Town Counsel.

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Nancy Araway, Planning Board Member, stated that recommendations from the master plan involved several tasks for the Planning Board to go forward with identifying opportunities for the Town's growth particularly in the area of promoting ecommerce. The Planning Board's mission is to make decisions that protect neighborhoods, and these proposed articles do not take into consideration the problem of truck traffic in neighborhoods.

Following discussion, it was the consensus of the Board that the Board's vote be deferred to the next meeting on October 11<sup>th</sup> for a full discussion of the ramifications of the articles voted singularly or as a whole.

***Article 24: Brook Walk Easement***

**MOTION:** by Vice Chair Lefebvre to recommend approval of Article 24 as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

***Article 25: Charles Way Easement - no action needed.***

***Article 26: Street Acceptance – Nabnasset Drive – vote deferred.***

**SIGN WARRANT FOR OCTOBER 17, 2022 SPECIAL TOWN MEETING**

Town Manager Cohen reported that he, Town Counsel Paul Haverty, DPW Director Christine Clancy, and Town Engineer Tony Reppucci have worked diligently to achieve a resolution to Charles Way. Charles Way is a seven-lot subdivision that was recorded in 1984. Each lot was conveyed to the lot owners with only an easement to travel along the roadway. The real estate trust maintained ownership of the fee in Charles Way. Decades ago, the lending institution that was holding the project bond failed and the real estate trust dissolved. This legal status and the deteriorated condition of the roadway prevents Charles Way from being accepted as a public way and does not provide the necessary legal frontage for the adjoining property, Michael Shyjan.

Town Counsel Paul Haverty has developed a solution in which Town Meeting would vote to authorize the acceptance of Charles Way. In addition, Town Meeting would authorize the Select Board to acquire via eminent domain, at no cost to the Town, the legal authority for the Town to access Charles Way. These actions would provide legal frontage for the abutting property owner, who has subdivision approval from the Planning Board. Mr. Shyjan would enter into an agreement with the Town to provide \$150,000 in an escrow account to fund improvements to bring the roadway to the standards of a public way. The Town would be responsible for any additional cost. The Town's cost share would be dependent upon the 2023 season bid prices for road construction materials and services. This may amount to approximately \$75,000.

Mr. Cohen stated that, due to supply chain issues and other delays in construction, the challenge is to complete the work before the current paving contract expires on November 15<sup>th</sup>.

Discussion ensued. Following discussion it was the consensus of the Board to wait until the October 3<sup>rd</sup> meeting before town meeting to further assess the viability of the project, and make its vote at that time to approve the warrant for special town meeting on October 20.

**OCTOBER SELECT BOARD MEETING DATES, INCLUDING A DATE FOR PUBLIC INPUT REGARDING DRAFT SEWER BANK POLICY**

Following discussion, the following schedule was agreed upon including sewer bank policy public input:  
October 3<sup>rd</sup> regular session before Special Town Meeting  
October 11<sup>th</sup> regular session with agenda item for public input  
October 17<sup>th</sup> Annual Town Meeting  
October 24<sup>th</sup> regular session with agenda item for public input

**EXTINGUISH SEWER EASEMENT AT 255 PRINCETON STREET**

Town Manager Cohen stated that Town Counsel had reviewed the petition from the developer of 255 Princeton St. to remove reference to an easement to a non-existent sewer system.

**MOTION:** by Vice Chair Lefebvre to extinguish the sewer easement at 255 Princeton Street as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

**ACCEPT SEWER EASEMENT AT 240 GROTON ROAD**

Town Manager Cohen asked for the Board's acceptance of a sewer easement as shown on the subdivision plan at 240 Groton Rd. approved by the Planning Board.

**MOTION:** by Vice Chair Lefebvre to accept the sewer easement at 240 Groton Rd as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

**GRANT AN EASEMENT TO NATIONAL GRID TO INSTALL A UTILITY POLE AT THE CHELMSFORD FORUM**

Town Manager Cohen asked for the Board's approval to grant an easement to National Grid to install a utility pole at the Chelmsford Forum to accommodate the new electric power source of the refrigeration system.

**MOTION:** by Vice Chair Lefebvre to grant an easement to National Grid to install a utility pole at the Chelmsford Forum as presented. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

**TOWN MANAGER REPORTS**

Town Manager Cohen reported that departmental requests from the FY24 capital budget are due no later than October 26<sup>th</sup>.

**Five Year Financial Forecast/FY24 Operating Budget Concerns**

Town Manager Cohen reported that he and Finance Director John Sousa are finalizing a five-year financial forecast to be presented at the fall annual town meeting in accordance with the Town Charter and General Bylaws. In this period of extraordinary high interest rates of over 8%, the Town experienced challenges in maintaining its level of services. Proposition 2½ limits the growth of the Town's existing tax levy by 2.5%. The property tax amounts to over 75% of the Town's revenues. State aid increases are expected to be modest due to the fact that the Town of Chelmsford is a minimum aid community for State school funding.

Middlesex County Retirement Board's assessment for the upcoming fiscal year will increase by \$795,420 (7.55%) and by an additional \$744,600 (6.57%) in the following fiscal year. At this time, as a result of health care inflation, it appears that the Town's health insurance premiums for the upcoming fiscal years will increase by 8%. The Massachusetts Health Connector recently announced an average rate increase of 7.6%. The claims history suggest that the Town's Blue Cross health insurance premiums will be around this level of increase. The Town currently budgets over \$14.1M for active and retiree health care

premiums. An 8% rate increase would amount to \$1,128,000. The Town will also experience an increase in its solid waste and recycling collection and disposal costs. The Town's contracted tipping fee at the Covanta waste to energy facility in Haverhill will increase by 4% from \$93.60/ton to \$97.34/ton. This results in an increase of \$63,000 on the current \$1.575M budget. The Town's solid waste and recycling collection contracts expire at the end of the current fiscal year. Bid documents for these services will be issued within the next two weeks. The current budget for the trash and recycling collection is \$1.98M. Indications are that fuel, equipment, and labor costs may result in an increase of over 10% (\$200,000).

Mr. Cohen estimates another \$2.5M increase for the Chelmsford Public Schools budget. The Town's assessment for Nashoba Tech may increase by \$250,000. It is reasonable to project an additional \$1M for salary and expense increases for the Town's General Government employees. There may also be increases in the Town's Medicare taxes (\$55,000), property insurance (\$50,000), and facilities maintenance costs (\$50,000). At this time, it appears that the Town's additional expenses (\$6.1M) will exceed the available additional revenue (\$5.3M). The needs to be prepared for a multi-year inflationary period.

#### **Town Budget – Services for Businesses**

Town Manager Cohen reported that the only Town operating budget expense that the Town exclusively provides to service businesses is the salary and expenses relating to the Director of Business Development in the amount of \$125K. Some of the services provided within the Town's \$149.5M operating support the business community including the Town Manager, Community Development Director, public safety, public works, inspection services and public education. Some of these services are provided for a fee such as inspectional services and sewer operations, while other business support is funded by the property tax levy.

#### **Request for American Rescue Plan Act Funding to Hire an Assistant Facilities Director**

Town Manager Cohen reported that the addition of nineteen capital and facilities projects over \$4M has created a heavy workload beyond normal. As discussed with Christine Clancy, DPW Director, Kathleen Canavan, Facilities Manager and Dr. Lang and Brian Curley of the School Department, the workload stress has created the need to add the position of Assistant Facilities Director. This would not only address the immediate need but would assist in effective succession planning and possibly the successful "grooming" of the person in that position, as the Facilities Manager has indicated her intent to retire a year from now. ARPA funds would be used for the funding as a temporary position and would be reviewed next year to open up for a permanent position.

Discussion ensued. In response to Chair Timmins question on the required skillset for the position, Mr. Cohen clarified that, even though the person in the position would seek state certification in the procurement area, the real relevant skillset is the ability to manage projects and work with vendors to develop the specifics of what is needed on a project, i.e. knowledge of building infrastructures, HVAC systems, boilers, etc.

**MOTION:** by Vice Chair Lefebvre to approve the funding of the temporary position of Assistant Facilities Director from ARPA funds in the amount of \$85K. Seconded by Board Member Dixon.  
**Motion carries 5-0, unanimous.**

#### **North Chelmsford Water District Fire Hydrant Maintenance**

Town Manager Cohen reported that Superintendent Bruce Harper confirmed that there are 410 working fire hydrants with installation dates between 1957 and 2022, and dates of maintenance are recorded as part of a regular routine annual maintenance program.

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### **Chelmsford Forum Utilities and Project Update**

Town Manager Cohen reported that he has been in contact with National Grid about the installation of the 480-volt system for the new refrigeration system at the Forum. A schedule will be provided once the notarized easement (to be picked up this week) is entered into their system and recorded for priority response. He has also been in regular communication with the Forum manager as the delay in opening for business has affected youth hockey and gaining alternative ice time.

### **TOWN MANAGER APPOINTMENTS**

#### **Cultural Council: Elaine D'Allesandro, three-year term exp. 6/30/2025**

**MOTION:** by Vice Chair Lefebvre to approve the appointment of Elaine D'Allesandro for a three-year term on the Cultural Council, to expire on June 30, 2025. Seconded by Board Member Dixon. **Motion carries 5-0, unanimous.**

### **MEETING MINUTES**

#### **Select Board Regular Session Minutes September 12, 2022**

**MOTION:** by Vice Chair Lefebvre to approve the regular session meeting minutes of September 12, 2022. Seconded by Board Member Dixon. **Motion passed 5-0, unanimous.**

#### **Announcement on Determination of Releasability of Executive Session Minutes**

Minutes for Release: November 2, 2020; August 9, 2021 Segments 2 and 6; October 4, 2021 Segments 2 and 3; October 25, 2021 Segment 3; December 20, 2021 Segment 3; January 3, 2022 Segment 2; January 10, 2022 Segment 2; February 14, 2022 Segments 2 and 3; March 14, 2022 Segment 3; March 28, 2022 Segment 3; April 27, 2022 Segment 2; May 9, 2022 Segment 1; June 6, 2022 Segment 3; June 27, 2022 Segment 2; July 25, 2022 Segment 1

### **SELECT BOARD MEMBER LIAISON REPORTS AND REFERRALS**

Board Member Dixon – no report.

Board Member Carota – no report.

Vice Chair Lefebvre – no report.

Board Member Wojtas

- Congratulations to Nick O'Donnell on achieving the highest honor of Eagle Scout.
- Congratulations to Justin Aubert and Tyler Evans who graduated from the Firefighters Academy and joined the Chelmsford Fire Department and Trevor Jones who joined the Lexington Fire Dept.
- Condolences to the family of Andy Silinsh who was a Library Trustee and one of the original members of the Tree Committee and long-time town meeting representative.
- Chelmsford Garden Club is having its 100<sup>th</sup> anniversary this Saturday, October 1<sup>st</sup> at the Barrett-Byam Homestead.

Chair Timmins

- She and the Town Manager and Board Member Carota participated in the Thermo Fisher ribbon cutting, and the Town is grateful for its investment made in the community.

### **ADJOURNMENT TO EXECUTIVE SESSION**

**MOTION:** by Vice Chair Lefebvre to adjourn at 10:15PM, to Executive Session not to return to open session for the purpose of reviewing Executive Session Minutes of September 12, 2022; and to review held Executive Session Minutes for potential release: October 1, 2018; April 8, 2019; July 8, 2019 Segments 1 and 3; March 5, 2020 Segment 1; June 1, 2020 Segment 3; June 28,

Approved 10/11/2022

2021; July 26, 2021; August 9, 2021 Segment 5; September 7, 2021 Segment 1; September 13, 2021; November 15, 2021 Segment 2; May 9, 2022 Segment 5; and May 23, 2022 Segment 4.

**Roll call vote:**

**Chair Timmins-Aye**  
**Board Member Dixon-Aye**  
**Board Member Carota-Aye**  
**Vice Chair Lefebvre-Aye**  
**Board Member Wojtas-Aye**  
**Motion carries 5-0, unanimous.**

**NEXT REGULAR MEETING DATE: October 11, 2022**

Respectfully submitted,

Christine Martin Barraford  
Recording Secretary

*Supporting documents:*

- Warren-Pohl conservation reservation announcement
- FF community flyer w/farmers market and CCA info 8/23/22
- Donation raffle flyer final
- 10/13/22 flu clinic flyer
- 10/18/22 flu clinic flyer town hall
- Book sale flyer fall 2022
- Winter electric and heating rates September 22
- Committee vacancies as of 9/26/22
- Underground conduit petition – Technology Drive
- Traffic committee update 9/26/22
- 21-201 street acceptance plan draft
- 21-201 as built plan set 9/14/22 draft
- Nabnasset Drive legal description
- Layout of Nabnasset Drive September 22
- 2022 sewer capacity and connection restriction policy final
- 9/21/22 draft sewer capacity and connection policy cover letter
- FY22 budget report 9/26/22
- Board of Assessors presentation for Select Board 9/26/22
- Special town meeting October 3, 2022
- Statement of police sergeants union to Select Board
- 2022 fall annual town meeting presentation
- FF local 1839 deputy chief follow up 1 – summary regarding testing dates
- FF local 1839 deputy chief follow up 2 – testing dates confirmation from state
- TM citizen petition zoning article presentation
- 2022 fall town meeting article citizen petition FAQs
- Special town meeting warrant – October 17, 2022
- Charles Way improvements September 22
- 8/12/22 easement removal request
- Release of easement PJH revisions
- 309008110-001-1 ANR easement stamped approved

Approved 10/11/2022

- Easement deed revised
- WR 330572632-2 Brick Kiln Rd Billerica GOE
- FY24 capital budget manual and materials
- CIP FY2024 manual
- CIP detail sheet FY2024
- Capital summary FY24-FY28 9/15/22
- FY24 operating budget concerns September 22
- Town budget services for businesses – September 22
- Request for assistant facilities Director – September 22
- RE fire hydrants
- Forum utilities and project update September 22
- Cultural council D’Alessandro
- 9/12/22 SB minutes draft

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

**Executive Session Minutes**

September 26, 2022

**Attending:**

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

Paul Cohen, Town Manager

Chair Timmins called the Executive Session to order at 10:10 pm. The purpose of the Executive Session was to Review the Executive Session Minutes of September 12, 2022 and to review the following previously approved and held Executive Session Minutes for Potential Release:

|                           |                             |
|---------------------------|-----------------------------|
| October 1, 2018           | August 9, 2021 Segment 5    |
| April 8, 2019             | September 7, 2021 Segment 1 |
| July 8, 2019 Segments 1&3 | September 13, 2021          |
| March 5, 2020 Segment 1   | November 15, 2021           |
| June 1, 2020              | May 9, 2022 Segment 5       |
| June 28, 2021             | May 23, 2022 Segment 4      |
| July 26, 2021             |                             |

**REVIEW EXECUTIVE SESSION MINUTES OF SEPTEMBER 12, 2022 (STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING: DEPARTMENT OF LABOR RELATIONS DECISIONS REGARDING NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL20)**

The board reviewed the draft Executive Session minutes of September 12, 2022.

**Motion:** Vice Chair Lefebvre motioned to Approve the September 12, 2022 Executive Session minutes as amended, to be released. Clerk Dixon seconded the motion.

**Roll Call Vote:**

Board Member Carota: **Aye**  
Board Member Wojtas: **Aye**  
Clerk Dixon: **Aye**  
Vice Chair Lefebvre: **Aye**  
Chair Timmins: **Aye**

The motion passed **5-0**.

**REVIEW HELD EXECUTIVE SESSION MINUTES RELATED TO OPIOID LITIGATION FOR POTENTIAL RELEASE**

The board reviewed previously approved and held Executive Session minutes related to Opioid Litigation for Potential Release.

**Motion:** Vice Chair Lefebvre motioned to release the following previously held Executive Session Minutes:

July 8, 2019 Part 1  
June 28, 2021  
August 9, 2021 Segment 5  
September 7, 2021 Segment 1  
September 13, 2021  
November 15, 2021 Segment 2

Board Member Dixon seconded the motion.

**Roll Call Vote:**

Board Member Carota: **Aye**  
Board Member Wojtas: **Aye**  
Clerk Dixon: **Aye**  
Vice Chair Lefebvre: **Aye**  
Chair Timmins: **Aye**

The motion passed **5-0**.

**REVIEW HELD EXECUTIVE SESSION MINUTES RELATED TO STRATEGY WITH RESPECT TO COLLECTIVE BARGAINING WITH THE SUPERIOR OFFICERS' UNION - NEW ENGLAND POLICE BENEVOLENT ASSOCIATION, LOCAL 20 FOR POTENTIAL RELEASE**

The board reviewed previously approved and held Executive Session minutes of July 26, 2021. The Board discussed redacting the name of an individual with whom a settlement had been reached.

**Motion:** Board Member Wojtas motioned to release the previously held Executive Session Minutes of July 26, 2021 with the redaction. Board Member Dixon seconded the motion.

**Roll Call Vote:**

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

The motion passed **4-0-1**.

The board reviewed other previously approved and held Executive Session minutes related to Collective Bargaining with the Superior Officers' Union.

**Motion:** Board Member Wojtas motioned to release the following previously held Executive Session Minutes:

October 1, 2018  
April 8, 2019  
July 8, 2019 Part 3  
March 5, 2020 Segment 1  
June 1, 2020 Segment 3  
May 9, 2022 Segment 5  
May 23, 2022 Segment 4

Board Member Dixon seconded the motion.

**Roll Call Vote:**

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

The motion passed **4-0-1**.

#### **ADJOURNMENT**

**Motion:** Vice Chair Lefebvre motioned to adjourn the meeting at 10:27pm. Clerk Dixon seconded the motion.

**Roll Call Vote:**

Board Member Carota: **Aye**  
Board Member Wojtas: **Aye**  
Clerk Dixon: **Aye**  
Vice Chair Lefebvre: **Aye**  
Chair Timmins: **Aye**

The motion passed **5-0**.

Respectfully submitted,

Virginia Crocker Timmins  
Select Board Chair

Supporting Documents

- Draft and Held minutes cited herein