

**Northern Middlesex Council of Governments**  
**40 Church Street, Suite 200**  
**Lowell, MA 01852**

**Minutes of Meeting: May 18, 2022**

The May 18, 2022 meeting of the Northern Middlesex Council of Governments was in held hybrid form via the Zoom platform and in person at the Northern Middlesex Council of Governments Office, 40 Church Street, Lowell, Massachusetts. The meeting was called to order at 7:00 p.m. with Chair Andrew Deslaurier presiding. The following were in attendance:

Councilors

- Andrew Deslaurier, Chair, Billerica Board of Selectmen
- Chris Tribou, Billerica Planning Board
- Mary McBride, Billerica Alternate
- Pat Wojtas, Chelmsford Select Board
- Paul McDougall, Chelmsford Planning Board
- Phil Thibault, Dracut Alternate
- Gerard Frechette, Lowell Planning Board
- Chuck Walkovich, Pepperell Select Board
- Stephen Themelis, Pepperell Alternate
- James Duffy, Tewksbury Planning Board
- Anita Tonakarn-Nguyen, Westford Select Board
- Darrin Wizst, Westford Planning Board
- Jim Silva, Westford Alternate

Staff

- Justin Howard, Assistant Director / Transportation Program Manager
- Bert Almeida, Financial Officer
- Chris Curry, Associate Planner
- David Tilton, Sealer of Weights and Measures
- Katrina Garavanian, Executive Assistant

**I. MINUTES OF MEETING: APRIL 20, 2022**

The minutes of the April 20, 2022 meeting were distributed to all Councilors for review. Based on a motion made by Steve Themelis and seconded by Mary McBride, the Council voted to approve the minutes of the April 20, 2022 meeting as presented. Paul McDougal, Chuck

Walkovich, Jim Duffy and Darrin Wizst abstained, as they were not present for the April meeting.

## **II. ASSISTANT DIRECTOR'S REPORT**

The Assistant Director's Report was previously distributed to the Councilors for review. The report is included as Attachment #2.

## **III. FINANCIAL REPORT AND WARRANT**

Bert Almeida presented the Financial Report and the Warrant for review and approval. Based on a motion made by Darrin Wizst and seconded by Pat Wojtas, the Financial Report and Warrant were approved. Jim Duffy abstained. The Financial Report is included as Attachment #3.

## **IV. OLD BUSINESS**

### **1. EXECUTIVE DIRECTOR SEARCH UPDATE**

Andrew Deslaurier provided an update to the Council stating that he is pleased to let everyone know that Jenny Raitt has accepted the offer to become the next Executive Director here at NMCOG. Her start date is set for July 11. Andrew thanked the Council for their time and investment in the search process.

### **2. MPO UPDATES**

#### **a. FFY 2022-206 TIP AMENDMENT 2**

Justin Howard informed the Council that at last month's MPO meeting, members voted to release draft TIP Amendment 2 for public review and comment. This amendment involves two projects: One, the Stony Brook Road Bridge over the Stony Brook in Westford, which will not be ready for advertisement in FFY 2022. Rather, the proposal is to move the project into FFY 2024 and reduce the cost estimate by just over \$750,000; Second, increased programming in FFY 2022 for the Billerica Boston Road project. The Bipartisan Infrastructure Law (BIL) allocated an additional \$1.7 million in FFY 2022 and the decision was to program the first year of the Billerica project with this additional funding. To date, no comments have been received. Justin requested a vote of the Council to have the NMCOG Chair and MPO Representative vote in favor of endorsing this amendment at the May 25 MPO meeting,

Based on a motion by Phil Thibault, and seconded by Chuck Walkovich, the Council voted to authorize the Chair and MPO representative to vote to endorse FFY 2022-2026 TIP Amendment 2 at the May 25, 2022 MPO meeting. Jim Duffy abstained.

b. FFY 2023-2027 TRANSPORTATION IMPROVEMENT PROGRAM (TIP) UPDATES

Justin Howard provided a brief summary of updates to the draft FFY 2023-2027 TIP, reminding the group that at the April Council meeting, he presented the draft FFY 2023-2027 TIP prior to consideration by the MPO. At the April MPO meeting, members voted to release the draft document for a 21-day public comment period. The comment period ends on May 23 and thus far, comments have been received from the Federal Highway Administration and MassDOT. Comments and staff responses will be reviewed at the May MPO meeting. Justin requested the Council authorize the NMCOG Chair and MPO Representative to vote in favor of endorsing the Draft TIP at the MPO meeting on May 25.

Based on a motion by Phil Thibault and seconded by Mary McBride, the Council voted to authorize the Chair and MPO representative to vote to endorse the Draft FFY 2023-2027 Transportation Improvement Program. Jim Duffy abstained.

c. FFY 2023 UNIFIED PLANNING WORK PROGRAM

Justin reminded the Council that at the April meeting, he presented the preliminary tasks to be included in the next UPWP, which is the schedule of transportation tasks undertaken by MPO staff beginning in October. With the appropriation of the Bipartisan Infrastructure Law, the overall amount of funding available to NMCOG's region will increase substantially from current levels. In addition to increased funding, the largest additional task will be updating the long-range transportation plan for the region, which involves a major effort by NMCOG staff. At the MPO meeting on May 25, staff will present the UPWP in full and consider releasing it for a 21-day public review and comment period.

Based on a motion by Phil Thibault and seconded by Mary McBride, the Council voted to authorize the Chair and MPO representative to vote to release the FFY 2023 Unified Planning Work Program for a 21-day public review and comment period. Jim Duffy abstained.

**3. DISTRICT LOCAL TECHNICAL ASSISTANCE (DLTA) XV UPDATE**

Justin Howard presented the approved projects from the second round of project solicitations for the remaining \$28,196 in DLTA XV funds. Four applications were received and three projects were selected. Selected projects include a Dunstable Housing Production Plan update,

a Lowell Housing Production Plan update, and assistance with Billerica's MBTA Community zoning analysis. With this solicitation, all DLTA funding this year are now committed.

**4. OTHER OLD BUSINESS**

There was none.

**V. NEW BUSINESS**

**1. COMMUNITY REPORTS**

There were none.

**2. PROJECT REFERRALS**

There were none.

**3. ANNUAL TRAFFIC VOLUME REPORT**

David Tilton presented the annual traffic volume report outlining the results of NMCOG's traffic counting activities in the 2021 season. He talked about how the COVID-19 pandemic affected traffic demand and patterns throughout the State and how the program was modified to better monitor changing conditions on area roadways. David also discussed traffic fluctuations and the program moving forward.

**4. ADOPTION OF JUNETEENTH AS OFFICIAL HOLIDAY**

Justin Howard informed the Council that staff is considering an update to the current personnel regulations to officially recognize Juneteenth, as it is an approved Federal holiday and is recognized by the state and all municipalities in the region.

Based on a motion by Mary McBride and seconded by Phil Thibault, the Council voted to adopt Juneteenth Independence Day as a recognized NMCOG paid holiday and to incorporate into the NMCOG Personnel Regulations.

**5. STAFF VACATION ACCRUAL OVERAGES**

Justin Howard stated that it has been brought to his attention that as we near the end of the Fiscal Year, staff have excess hours of annual leave. This is occurring mainly due to ongoing issues with the pandemic, staffing levels, and staff using more sick leave. The policy is that staff cannot carryover more than their max allotment in one year to the next year. For example, if

the staff member accrues at the 2-week level, they cannot carry more than 2 weeks into the new fiscal year. He reminded the Council that in the past, approval has been granted by the Council for staff to buy back vacation time up to 80 hours under certain special circumstances. Justin provided a list of staff with their current accrual status and posed three options for Council consideration:

1. A one-time buyback of hours for staff up to the 80 hour mark (this has been done in the past under special circumstance) with the caveat that staff must be under their limit going forward;
2. Keep the current guideline in place where staff lose any excess annual leave hours at the end of the fiscal year; or
3. Allow staff to carryover time (this was done in 2020) into the new fiscal year with the caveat that they must use the time over the next year in addition to normal annual accrual time to be under their limit for next year. If over, staff would lose the time accrued.

Pat Wojtas offered a hybrid solution in which staff buyback up to 40 hours and carry over up to 40 hours one time with a requirement that all excess days be used prior to the end of FY2023.

Based on a motion by Pat Wojtas, and seconded by Mary McBride, the Council voted to allow staff to buy back up to 40 vacation hours and carry over up to 40 hours into FY2023.

#### **6. OTHER NEW BUSINESS**

There was none.

#### **VI. ANNOUNCEMENTS**

The next Council meeting is scheduled for June 15, 2022.

#### **VII. ADJOURNMENT**

Following a motion made by Steve Themelis and seconded by Mary McBride, the Council voted unanimously to adjourn the meeting at 7:48 pm.

**CLERK'S CERTIFICATE**

I certify that this is a true copy of the Minutes of the meeting of May 18, 2022.

Attest:  \_\_\_\_\_

Stephen Themelis, Clerk