

**Regular Session Minutes – Bedford, MA Select Board Meeting
Hybrid Participation Meeting (Select Board Meeting Room and Zoom)
March 13, 2023**

PRESENT: Town Manager Sarah Stanton, Chair Emily Mitchell, Clerk Bopha Malone, Shawn Hanegan, Margot Fleischman, Paul Mortenson

ALSO PRESENT: Colleen Doyle, Amy Fidalgo, and Charlie Ticotsky, Town Manager's Office; Fire Chief David Grunes; Mike Rosenberg, *Bedford Citizen*; Molly Haskell, BARC Chair; Dan Carroll; Jennifer Kennery; Ben Thomas, Finance Committee Chair; Katie Guerino, Robin Steele, Recreation Commission; Jeffrey Cohen, Fire Station Building Committee; Facilities Director Taissir Alani; Steve Rusteika and Karina Pena, PMA Associates; Doug Horton; David Manugian, DPW Director; Jason Alves, Meaghan Sturgis, Fire Department; Mehul Patel; Susan Schwartz, Board of Health; Mark Sullivan, Fire Department; Jane Patterson; Margaret Donovan; Joseph Piantedosi, Volunteer Coordinating Committee; Angela Winter; Suzanne Koller, Fire Station Building Committee; Nicolette Angelli; Gail Hartwell; John Gibbons; Steve Carluccio; Kelly Horton; and 9 additional attendees who did not list full names on Zoom.

Ms. Malone, chairing the meeting, called the meeting to order at 7:00 p.m. A roll call attendance vote of the Select Board was taken.

23-43 Public Comment Policy Update

Ms. Malone explained that before 2020, the Select Board did not provide a dedicated public comment period. In 2020, through the Select Board Handbook and in coordination with Town Counsel recommendations, the Board began to provide a public comment period with a time limit of three minutes per speaker, and the requirement to speak to agenda items and to follow the Civil Discourse Policy. And the Select Board would generally not respond to comments until the agenda item. This was all to stay in line with the Open Meeting Law and allow the public to know what will and won't be discussed. However, a recent Supreme Judicial Court case found that civility restraints are forbidden, except for time limits, interruptions, and "fighting words." The Board will need to change its Public Comment Policy as well as Civil Discourse Policy to be recommendations not requirements, per the recommendation of Town Counsel. And the Board will continue to not respond to comments that relate to non-agenda items.

Ms. Stanton added that the Supreme Judicial Court case does not apply to town meeting.

Mr. Hanegan stated that he favors that any agenda item can be discussed, but questioned whether commenters can speak about someone else in the community. Ms. Stanton responded that only fighting words are forbidden. Rudeness is allowed.

Mr. Mortenson asked whether the Board can respond about a non-agenda item that is raised during public comment. Ms. Stanton said that that guidance from Counsel is to not respond because it could lead to discussion/deliberation on a non-agenda item. Mr. Mortenson clarified that if someone says he kicks his dog, the Board cannot respond? Ms. Stanton said you can express frustration but the guidance from Counsel is to not respond.

Ms. Fleischman asked about guidance to other boards. Ms. Stanton said that she would send out updated guidance this week.

Ms. Malone clarified that boards do not have to hold public comment periods. Ms. Stanton said that is correct, but they are encouraged to allow public comment.

Mr. Hanegan moved that the Select Board amend its handbook and Civil Discourse policy per Town Counsel recommendations. Mr. Mortenson seconded. The Select Board was polled individually, and the motion passed 5-0-0.

Materials: Bedford Select Board Handbook 3.13.23 DRAFT UPDATE

23-44 Public Comment

Patty Carluccio (16 Washington Street): Thank you for making this adjustment. It's a good way to let residents get something in front of you. My neighbor across the street has an issue that has been falling on deaf ears for years.

Robin Steele (7 Jeffrey Circle): If we are a board that has never had public comment on the agenda, please address in the guidance sent out to boards whether that is required moving forward. Can you put the new policy on the Town website? I hope people still act nicely.

Molly Haskell (10 Winchester Drive): I advocate that the Board make a full throated opposition to the Massport hangers project. I have lived for 40 years in Massachusetts,

Massport likes to be opaque about plans, talk 1 on 1 with town officials, and it can be seductive to know that you have a line to Massport. The problem can be addressed with sunshine, which is a great disinfectant. I want to see something unambiguous and emphatic from the Select Board.

23-48 Consent Agenda (Taken out of order)

Ms. Fleischman moved to approve the minutes from February 13 and 27. Mr. Hanegan seconded. Ms. Fleischman, aye; Ms. Mitchell, aye; Mr. Mortenson, abstain; Mr. Hanegan, aye; Ms. Malone, aye. The motion passed 4-0-1.

Materials: 02132023 Select Board Meeting Minutes – Draft; 02272023 Select Board Meeting Minutes - Draft

23-49 Town Manager’s Report (Taken out of order)

Ms. Stanton announced that pending legislation extends expanded outdoor dining for one year and virtual and hybrid meetings for two years. We recommend approving another year of outdoor dining contingent on the legislation passing. It has worked out pretty well, and we want to make sure our restaurants that are interested are able to do so. We have waived fees each year.

Mr. Hanegan moved to approve another year of expanded outdoor dining, contingent on legislation passing into law. Ms. Fleischman seconded. The members were polled individually and the motion passed 5-0-0.

Ms. Stanton explained that for Annual Town Meeting, she is looking for a vote on Bills of Prior Year and the Supplemental Budget to be indefinitely postponed. **Mr. Hanegan moved to indefinitely postpone Articles 4 and 10. Ms. Fleischman seconded. The members were polled individually and the motion passed 5-0-0.**

Materials: Bedford Outdoor Dining Regulations April 1, 2023; ATM 2023 – Recommendations – Article Assignments; Annual Town Meeting Warrant 2023 with Front and Back Cover

23-45 Public Hearing

Ms. Fleischman moved to open the public hearing. Mr. Hanegan seconded. The members were polled individually and the motion passed 5-0-0.

Ms. Stanton explained that the license is a transfer, and it has been reviewed by Ms. Doyle and Police Chief Fisher. The full memo and application are in the packet. It is good to go on our end.

There were no questions from the Board or the public.

Mr. Hanegan moved to close the hearing. Mr. Mortenson seconded. The members were polled individually and the motion passed 5-0-0.

Mr. Hanegan moved that the Select Board approve the transfer of an all alcohol package store license from Mall Liquors, Inc d/b/a Lincoln Liquors to Six Brothers Lincoln, LLC. Mr. Mortenson seconded. The members were polled individually and the motion passed 5-0-0.

Materials: Memo to SB; Lincoln Liquors – Memo from PD; Lincoln Liquors – Change of Ownership_Redacted

23-46 Dept. of Public Works Contract

Ms. Stanton explained that included in the packet is a memo from DPW to purchase one AWD Chevy Tahoe. This process has taken about a year and a half due to supply chain delays.

Mr. Mortenson clarified that it is for one vehicle.

Ms. Mitchell asked if we are going from a sedan to an SUV, and from hybrid to gas? Ms. Stanton replied that the trade-in is not a direct replacement—the trade-in came from another department. We have looked at electric vehicles for this vehicle but it's a huge lead time. Ms. Mitchell asked if we expect this is going to happen repeatedly with exceeding expected costs? Ms. Stanton said she hopes not, and the Town has been in touch with the bid consortiums about that.

Ms. Fleischman asked if the cost includes the full outfitting? Ms. Stanton replied that it will only need detailing after delivery. Ms. Fleischman asked whether that is the case with all vehicles, and Ms. Stanton replied that it depends on the vehicle, and it is often a cross-departmental collaboration.

Mr. Mortenson asked about the life cycle of this expenditure. Ms. Stanton explained that the Capital Expenditure Committee reviews departmental requests, including the

condition of vehicles, rust, etc. and it is built into a spreadsheet so needs can be compared.

Ms. Malone asked if we should increase budgets moving forward to account for rising costs. Ms. Stanton said no, we try to budget exactly what we think the cost will be, and if additional funds are needed we can figure it out.

Mr. Hanegan moved that the Board vote to approve the purchase of one 4-Wheel Drive Chevrolet Tahoe PPV with equipment to Colonial Municipal Group, 61 Brigham Street, Marlborough, MA 01752 at the net bid price of \$56,627.69. Mr. Mortenson seconded. The members were polled individually and the motion passed 5-0-0.

Materials: Select Board Mtg. 3-13-23 Motion to approve police vehicle

23-47 Fire Station Designer Services – Recommendation to Negotiate and Award

Ms. Stanton explained the process for designer services selection for the new fire station, and that Town Counsel has approved the process throughout. The Town is adhering to the state's designer selection regulations, procurement laws. There are 13 people on the committee, and the committee voted to put one citizen member on the interview subcommittee, to serve along with Ms. Stanton, Chief Grunes, Mr. Alani, and the owner's project manager. Architect interviews would never occur in public, nor is it feasible to conduct an interview with 13 people.

Five firms applied, and one did not meet the qualifications. All four others were interviewed over a full day with the same interview questions. Mr. Emerson, a member of the committee, contributed valuable feedback on the questions. The interview committee all blindly ranked the four firms in the same order. It is not a firm that the Town has worked with before. PMA, the owner's project manager, facilitated the process. The subcommittee then made a recommendation to the full committee, which asked many thoughtful questions. The committee voted unanimously to recommend that the Select Board select KBA.

Ms. Pena explained that for next steps, PMA will lead negotiations with KBA. Mr. Rusteika affirmed that the process followed all rules and regulations. He has been doing this for 41 years. For a project that is complicated, five proposals is great.

Ms. Stanton added that the RFQ is to set a level “not to exceed”, and then negotiation takes place. A draft contract was included in the RFQ document, an AIA document vetted by Town Counsel. KBA has done an incredible amount of work with public safety facilities, and also net zero. They have also done a lot of community engagement, they know there will be a lot of meetings—abutters, HDC, community, etc. They are very experienced working within historic districts.

Mr. Cohen said he would echo what’s been said, they were a highly qualified team, and the current slate of what’s before them is favorable—they are going to be able to put a lot of focus on this. They have good availability. They have recent experience with geothermal, resiliency, and sustainability. They rose to the top. They presented themselves very well. And one person will be the point of contact for their team.

Mr. Alani agreed, he felt confident that they would design a station with functionality and maintainability from an engineering perspective, and he liked their subconsultants. He believes it’s a good choice.

Mr. Grunes added that designing a fire station is a niche market-getting five responses is not unusual. He felt that KBA will take program needs, firefighter safety, and trends. They want to listen to the firefighters. And speak with facilities on how to have it maintainable. They talked about working with abutters and HDC. Talked about how the building would present itself on Great Road to the public. They are coming into the process eyes wide open that there are a lot of eyes on this.

Ms. Pena mentioned they were the one designer that was able to elaborate on what was in the RFQ—they were very well educated on what was in the RFQ.

Ms. Fleischman asked for elaboration on what elements will require negotiation. Ms. Stanton replied that the Town will walk through the contract with KBA and make sure it fits what both sides need. We have been clear that we are not setting a cap on public meetings—we will have as many as need to happen. We hope to have the contract ready for April 10.

Mr. Hanegan asked about public input and whether there is a framework on how this will be accomplished. Ms. Stanton stated that KBA has done a lot—walking tours, videos, etc. In Needham they had six schematics for the public to review.

Ms. Mitchell asked whether there were questions from the committee that were surprising? She said she was grateful for the work of the committee. Ms. Stanton explained that they were about budget, timeline, contract, etc.

Ms. Fleischman moved to authorize negotiations with Kaestle Boos Associates. Mr. Hanegan seconded. The Board was polled individually and the motion passed 5-0-0.

Town of Bedford – Letter of Recommendation to Award KBA

23-49 Town Manager’s Report (continued)

Ms. Stanton reported that Town Meeting materials are online. Article assignments are almost done. Mr. Hanegan offered to take Article 2. Ms. Malone offered to take Articles 12 and 13. Mr. Hanegan read a draft of what he planned to say about Article 22.

In order to re-affirm the unanimous nature of the Select Board’s approval, **Mr. Mortenson moved to recommend approval of Article 22. Mr. Hanegan seconded. The members were polled individually and the motion passed 5-0-0.**

Ms. Stanton mentioned the photo contest winners for the Annual Report and Warrant (Erin Chaney Rob Ackerman) and the excellent volunteer work of graphic designer PB Dubois. Ms. Malone thanked BedfordTV for producing Town Meeting article videos.

23-50 Liaison Reports

Mr. Hanegan reported that the Planning Board has been working hard on the two-family zoning proposal for Town meeting, and also considering the proposal for development at the farm on Old Billerica Road.

Ms. Fleischman attended a MAGIC meeting where there was community sharing on DEI initiatives and Bedford is ahead of a lot of our neighboring communities. Monica Tibbits-Nutt, Undersecretary of Transportation, spoke at the MAPC Council meeting.

Ms. Mitchell said that “Town Meeting 101” is not going to be able to be held, but the Moderator will be releasing a moderator’s message. She addressed the letter to the editor in the *Citizen* that she responded to with a letter to the editor. She said that her letter was not an Open Meeting Law violation, and that she wrote it alone and received feedback from staff. She cut it down from 620 words to 400 for publication, and she does not know why she wrote “we” in a couple of spots. But she wrote it and it was not an Open Meeting Law violation. To the writer of the original letter to the editor, she had explained the public comment policy, and listened to his concerns; it was a polite conversation but they did not agree. She also put in a plug for the high school musical.

Ms. Malone reported that BARC talked about tree policy at their meeting. The COA Board and Recreation Commission met recently. She also thanked the Town Clerk, the Police, and election workers for a smooth election and for doing a wonderful job.

23-51 Select Board Reorganization

Mr. Hanegan nominated Bopha Malone to be Chair. Ms. Fleischman seconded. The members were polled individually and the motion passed 5-0-0.

Mr. Mortenson nominated Shawn Hanegan to be Clerk. Ms. Fleischman seconded. The members were polled individually and the motion passed 5-0-0.

Ms. Fleischman moved to adjourn to executive session not to return to regular session for the purpose of conducting strategy sessions in preparation for collective bargaining, negotiations with nonunion personnel or litigation, and approval of minutes. Mr. Hanegan seconded. The members were polled individually and the motion passed 5-0-0.

**The meeting adjourned at 8:08 p.m.
Respectfully submitted by Charlie Ticotsky**