

**Regular Session Minutes – Bedford, MA Select Board Meeting  
Hybrid Participation Meeting (Zoom and Select Board Meeting Room)  
June 26, 2023**

**PRESENT:** Chair Bopha Malone, Clerk Shawn Hanegan, Margot Fleischman, and Paul Mortenson

**ALSO PRESENT:** Charlie Ticotsky, Colleen Doyle, Amy Fidalgo, Kerri Rufo (Town Manager’s Office); David Manugian (DPW Director); David Castellarin (Finance Director/Town Accountant); Chief David Grunes (Fire Department); Catherine Perry (Planning Department); Ben Thomas (Finance Committee); Robin Steele (Recreation Commission); Bob Dorer, Dan Bostwick, John Shutkin, Christine Rabinowitz (Energy and Sustainability Committee); Jennifer McClain (Historic District Commission); Molly Haskell, Jacqueline Edwards (BARC); Wayne Braverman (*The Bedford Citizen*); Sue Swanson (Taxation Aid Committee); Marcia Pyles (Facilities Department); Carolyn Frost; Ken Bushnell; Lucy Weinstein; Larry Croes; Don Kennedy; Marcia Bushnell; Stephen Address; Karen Willson; Rebecca Pomerantz; Corinne Doud; Carol Kelly; Caroline Larson; Renu Bostwick; Patty Dahlgren; Bill Sawyer; Pam Brown; Jane Mosier

Chair Bopha Malone called the meeting to order at 7:00 pm.

**23-94 Public Comment**

Renu Bostwick spoke on behalf of Bedford Mothers Out Front in support of the Specialized Energy Building Code. Mothers Out Front supports placing it on the Special Town Meeting warrant with an effective date of July 1, 2024, in order to make progress toward reducing green house gas emissions by 50% by 2030.

**23-95 FY24 Water/Sewer Rates**

Mr. Manugian and Mr. Castellarin presented the proposed 2024 water/sewer rates. Based on their analysis they recommended a 2.4% increase in the water rates and a 10.3% increase in the sewer rates. This change will result in a combined 6.9% increase from FY2023 on a water/sewer bill of 6,000 cubic feet per year, or an additional \$56 a year for the average customer. They also recommended an increase of \$1.30 to the irrigation rate, resulting in an irrigation rate of \$14.60 per 100 cubic feet. The increase in the water rate by 2.4% is due primarily to a decrease in water consumption as high-volume residential customers continue to install irrigation meters. The increase in the sewer rate by 10.3% is primarily due to a significant increase in the Town’s sewer assessment from the Massachusetts Water Resource Authority (MWRA), an increase in debt payments for FY2024, and general increases in the costs of maintaining the system.

**Mr. Mortenson moved that the Select Board approve the FY2024 water and sewer rates as follows:**

**Residential and Small Business (Cycles 51 – 56)**

***Semi-Annual Billing***

<b>Water – 1<sup>st</sup> Meter</b>	<b>Base</b>	<b>\$48.00/yr. or \$24.00/billing cycle (6 months)</b>
	<b>R1 R2</b>	<b>\$1.80/100 cubic feet up to 2,000 cubic feet</b>
		<b>\$11.20/100 cubic feet over 2,000 cubic feet</b>
<b>Water - 2<sup>nd</sup> Meter</b>	<b>Base</b>	<b>\$48.00/yr. or \$24.00/billing cycle (6 months)</b>
	<b>(Irrigation Rate)</b>	<b>R3 \$14.60/100 cubic feet for any amount used</b>
<b>Sewer</b>	<b>Base</b>	<b>\$60.00/yr. or \$30.00/billing cycle (6 months)</b>
	<b>R1 R2</b>	<b>\$3.30/100 cubic feet up to 2,000 cubic feet</b>
		<b>\$16.30/100 cubic feet over 2,000 cubic feet</b>

**Commercial Industrial (Cycle 57) and Veteran Administration (Cycle 58 – Sewer Only)**  
**Monthly Billing**

<b>Water – 1<sup>st</sup> Meter</b>	<b>Base</b>	<b>\$48.00/yr. or \$4.00/billing cycle (monthly)</b>
	<b>R1 R2</b>	<b>\$1.80/100 cubic feet up to 333.33 cubic feet per billing cycle</b>
		<b>\$11.20/100 cubic feet over 333.33 cubic feet per billing cycle</b>
<b>Water - 2<sup>nd</sup> Meter</b>	<b>Base</b>	<b>\$48.00/yr. or \$4.00/billing cycle (monthly)</b>
	<b>(Irrigation Rate)</b>	<b>R3 \$14.60/100 cubic feet for any amount used</b>
<b>Sewer</b>	<b>Base</b>	<b>\$60.00/yr. or \$5.00/billing cycle (monthly)</b>
	<b>R1 R2</b>	<b>\$3.30/100 cubic feet up to 333.33 cubic feet per billing cycle</b>
		<b>\$16.30/100 cubic feet over 333.33 cubic feet per billing cycle</b>

**Mr. Hanegan seconded. The motion passed 4-0-0.**

*Materials: FY2024 Proposed Water/Sewer Rates-Memo to Select Board*

**23-96 FY24 Ambulance Rates/Ambulance Write-Offs**

Mr. Grunes and Mr. Castellarin explained that in FY13 the Town transitioned to the enterprise accounting method for the ambulance service. At that time, there was discussion with the Selectmen and Finance Committee about the need to review ambulance rates annually to ensure that they align with the cost to run this service. As part of this annual review, they looked at the cost to provide the Paramedic/Ambulance service, historical revenue collections, impact of the service on the tax levy, as well as rate comparisons of the border/similar communities within the region. Ultimately, the goal of the Town is to have a self-sufficient Ambulance/Paramedic service, and be less reliant on the tax levy to provide this service. Annual review and adjustments are made to cover the annual increases due to collective bargaining and operational expense costs.

Staff recommended an increase of 5.0% to the base rates of each billing code. This increase along with forecasted growth is incorporated into the FY24 Revenue Projection Model. Through July 1, 2022 – May 31, 2023 (11 months of FY23) the Town has collected \$1,011,000 in fees for the current fiscal year. With the rate adjustment and new growth, the Town is estimating revenue of \$1,078,867 for FY24. The Town also re-invests a percentage of retained earnings when revenue exceeds or expenses are less than forecasted from the previous year into the budget to offset future service costs.

**Mr. Hanegan moved that the Select Board adopt the FY2024 Ambulance Rates as outlined in the memo dated June 14, 2023 from Chief David Grunes:**

BLS	\$1,674.15
ALS 1	\$2,031.83
ALS 2	\$2,987.51
Mileage	\$36.19

**Mr. Mortenson seconded. The motion passed 4-0-0.**

**Mr. Hanegan moved that the Select Board write-off the amount of \$26,463.15 in uncollectible ambulance bills, as identified in the memo dated June 21, 2023, from the Finance Director “Ambulance Bills–Uncollectible Write-Offs.” Mr. Mortenson seconded. The motion passed 4-0-0.**

*Materials: FY24 Ambulance Rate Memo from Chief David Grunes Dated June 14, 2023; Memo Dated June 21, 2023 from Dave Castellarin, Finance Director, Town Accountant*

## **23-97 Board and Committee Appointments and Reappointments**

### **APPOINTMENTS**

**Mr. Hanegan moved that the Select Board appoint Ron Scaltreto to the Fire Station Building Committee and authorize the Town Manager to sign the appointment letter on behalf of the Select Board. Mr. Mortenson seconded. The motion passed 4-0-0.**

**Ms. Fleischman moved that the Select Board appoint Amy Hamilton to the Taxation Aid Committee, for a term ending June 30, 2026, and authorize the Town manager to sign the appointment letter on behalf of the Select Board. Mr. Mortenson seconded. The motion passed 4-0-0.**

**Mr. Mortenson moved that the Select Board appoint Jennifer McClain as a full member of the Historic District Commission, with a term ending June 30, 2026, and authorize the Town Manager to sign the appointment letter on behalf of the Select Board. Mr. Hanegan seconded. The motion passed 4-0-0.**

## **COMMITTEE REAPPOINTMENTS**

Ms. Malone reported that she had connected with Ms. Haskell to discuss some recent observations of BARC meetings she had, and she appreciated the conversation.

**Mr. Hanegan moved that the Select Board reappoint Molly Haskell to the Arbor Resources Committee for a term ending June 30, 2026 and authorize the Town Manager to sign the reappointment letter on behalf of the Select Board. Mr. Mortenson seconded. 4-0-0**

Mr. Mortenson said he would like Alice Sun to come in to be interviewed for her reappointment to the Bedford Housing Partnership, and the Select Board agreed.

**Mr. Hanegan moved that the Select Board reappoint Christina Wilgren to the Bedford Housing Partnership for a term ending June 30, 2026 and authorize the Town Manager to sign the reappointment letter on behalf of the Select Board. Mr. Mortenson seconded. The motion passed 4-0-0.**

**Ms. Fleischman moved that the Select Board reappoint Erin Dorr, Robin Steele, and Christina Wilgren to the Community Preservation Committee for terms ending June 30, 2026 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Mr. Hanegan seconded. The motion passed 4-0-0.**

**Mr. Hanegan moved that the Select Board reappoint Thomas Kinzer and Cindy Tulimieri to the Council on Aging Board for terms ending June 30, 2026 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Mr. Mortenson seconded. The motion passed 4-0-0.**

**Mr. Hanegan moved that the Select Board reappoint James Burton and John Pecora to the Patriotic Holiday Committee for terms ending June 30, 2026 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Ms. Fleischman seconded. The motion passed 4-0-0.**

**Mr. Mortenson moved that the Select Board reappoint Michael Barbehenn, Tim Brown, Peter Desjardins, and Mark Levine to the Trails Committee for terms ending June 30, 2024 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Mr. Hanegan seconded. The motion passed 4-0-0.**

**Ms. Fleischman moved that the Select Board reappoint Sean Laffey and Scott Shaw to the Transportation Advisory Committee for terms ending June 30, 2026 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Mr. Hanegan seconded. The motion passed 4-0-0.**

**Ms. Fleischman moved that the Select Board reappoint Jeffrey Dearing and Robert Kalantari to the Zoning Board of Appeals for terms ending June 30, 2026 and authorize the Town Manager to sign the reappointment letters on behalf of the Select Board. Mr. Mortenson seconded. The motion passed 4-0-0.**

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*Materials: Board and Committee reappointment form 2023; Arbor Resource Committee-Molly Haskell, Bedford Housing Partnership-Alice Sun, Christina Wilgren, CPC-Erin Dorr, Robin Steele, Christina Wilgren; COA-Thomas Kinzer, Cindy Tulumieri; Patriotic Holiday Committee-James Burton, John Pecora; Trails Committee-Michael Barbehenn, Tim Brown, Peter Desjardins, Mark Levine; Transportation Advisory Committee-Sean Laffey, Scot Shan; ZBA-Jeffrey Dearing, Robert Kalantari*

**23-100 Consent Agenda** (This item was taken out of order)

**Mr. Hanegan moved to approve the consent agenda. Ms. Fleischman seconded. The motion passed 4-0-0.**

*Materials: 1. Chapter 268A, Section 20b Exemptions; Liam Wagner; Zachary Billouin, John Pearson Exemptions, Regular Session Minutes - June 12, 2023*

**24-101 Town Manager's Report** (This item was taken out of order)

Ms. Doyle reported that the Citizen of the Year nomination form is now available on the town website with a due date of July 27<sup>th</sup>. She let the Select Board know about an art project that will be happening at the skatepark.

**24-102 Liaison Reports** (This item was taken out of order)

Mr. Mortenson volunteered to be the liaison for the Taxation Aid Committee.

*(Ms. Malone read Ms. Mitchell's liaison report)*

Ms. Mitchell attended the Fire Station Building Committee meeting. They held a community meeting on June 13<sup>th</sup> and it was attended by about 20 people. Most of the comments and concerns expressed by the public aligned with what they also heard from abutters and the HDC, specifically around traffic and intersection issues, pedestrian access, and aesthetic integration with the neighborhood. She was not able to attend the Library Trustees meeting on June 13<sup>th</sup> because of the Fire Station Meeting but she did get an update about the HVAC upgrade; this capital fund project has been out to bid twice since funding was approved at the 2021 Annual Town Meeting, and it may need more funding appropriated.

Mr. Hanegan attended Housing Partnership and they went over committee procedures, including what happens when a LIP proposal is submitted.

Ms. Fleischman attended a joint meeting of the Bicycle and Transportation Advisory Committees. They went through lists of prioritized projects with the DPW. The Energy and Sustainability Committee met and discussed the building code, received an update about composting and how the amount of food waste that is being diverted in our schools has exceeded expectations.

Mr. Mortenson met with Habitat for Humanity regarding 23 Winterberry Way. The Town Manager Search Screening Committee will be meeting to review resumes. There are nine applications so far.

Ms. Malone reported that the COA Board meet on June 13, where they discussed Dementia Friendly and LGBTQIA+ programming, and some potential monthly programming. They have served 2188 people across all of their programs. BARC had their meeting on June 1, and received plans from DPW for the Police Station. They also hope to have share a draft tree master plan. Finance Committee Appointing

Authority met and appointed Mark Bailey. Capital Expenditure Appointing Authority met on June 20, and there are two vacancies with one candidate.

**23-98 251 A-F Old Billerica Road** (This item was taken out of order)

Attorney Pam Brown presented her client's request to amend the Memorandum of Understanding that accompanied the Select Board's waiving of its right of first refusal in 2021. She reported that the property was previously on the town's Land Acquisition List, but the Select Board waived the right of first refusal. The goal was to preserve land through development and either have a conservation restriction or donate it to the Town. The proposal for development at the time was for 16 units with two affordable units, but through the permitting process, and due to feedback from neighbors, the project was reduced to 13 units without any affordable units.

Ms. Doyle said that as the permitting process was proceeding at the Planning Board, it came to the Town's attention that the MOU's affordability provision was not being followed.

Ms. Fleischman explained that this is Chapter 61 land and that is what gave the town the opportunity to exercise the right of first refusal.

Ms. Brown noted that the development proposal would preserve the land rather than the town having to pay \$2 million dollars for the property. The open space would either have a permanent conservation restriction or be donated to the town. The units are clustered as to preserve maximum open space. Also, under the proposal, 229 Old Billerica Road, the Michael Bacon House, is intended to be preserved. The original proposal in 2021 was for 16 units, which tapped a density bonus. At base density of 12 units there is no density bonus and no affordable requirement. She also argued that it is not the best location for affordable housing. She argued that the goal of the MOU from the Select Board's point of view was about open space, and not affordable housing.

Ms. Fleischman pushed back and argued that regardless of the Planning Board and the permitting process, the Select Board negotiated for and received a provision in the MOU for affordable units. She has re-watched the video from 2021, and reminded everyone that Town Counsel was present and advised that if the MOU was not followed the right of first refusal would be reinstated. Further, she argued that the Select Board did prioritize affordable units in that discussion. And she added that the measure of affordability is not so low that it means that it will be affordable to those without cars. Ms. Fleischman asked Ms. Brown how she did not remember this provision.

Ms. Brown said that it was because the permitting process was delayed, and her recollection was that the open space was the primary reason for the MOU. She stated that what went into the MOU was reflective of the plan at the time. She said that if they go back to 16 units, there will be 30 neighbors screaming at Planning Board meetings, and they would have to go back to the engineering and stormwater consultants.

Mr. Mortenson clarified that if the Select Board had exercised its right of first refusal and matched the purchase price the project would have never gotten off the ground. He and Ms. Brown discussed the intentions of the Select Board and the MOU.

Ms. Fleischman emphasized that it was the Select Board that negotiated the affordable requirement in the MOU.

Ms. Brown replied that she knew it was not in the originally drafted agreement, but the developers were referring to the existing plan which had a requirement of two affordable units.

Mr. Hanegan noted that developments typically come into the Planning Board with a certain number of units and then are negotiated down.

Ms. Brown stated that financially the affordable units are contingent on 16 total units, but Mr. Mortenson clarified that the MOU did not make the affordable units contingent on 16 total units.

Ms. Fleischman suggested that the Select Board meet with Town Counsel to determine next steps.

Mr. Mortenson asked why the Select Board should consider the request to alter the MOU, and Ms. Brown answered that the Town would still be getting all the open space without paying for it, and abutters would be happier.

In closing, Ms. Brown floated the idea of a compromise of adding two units including one affordable to the plan, though it would not be the preference.

*Materials: 251A and F Old Billerica Road – Request to Modify MOU; Package to Select Board 5.18.21 251A-F Old Billerica Road c. 61 ROFR; Bilca PRD Outstanding matters as of June 2023; 05242021 Select Board Minutes - FINAL*

### **23-99 Specialized Energy Code-Potential Warrant Article**

Ms. Doyle provided background on the Specialized Energy Code and noted the materials in the packet.

Ms. Fleischman said she was grateful that Chris Gittins put together a presentation about this topic.

Mr. Hanegan said he thinks it is important for to move forward with this.

Mr. Mortenson said he supports the Specialized Code, but it is just a matter of when, and it might make sense to hold off until next Annual Town Meeting. He would like to hear from department heads.

Mr. Hanegan added that since this is an up or down vote without amendments, he does not see a reason to wait.

Ms. Malone said that she agrees climate initiatives cannot wait, but she wants to be mindful of any unanswered questions about economic development and affordable housing and whether having a new Town Manager who will have to implement this is worth considering.

Ms. Fleischman reminded the board that they do not have to decide tonight. But putting it on the warrant can be the mechanism to address questions. She said she is supportive of putting this on the warrant but it is a tight timeline in which to educate the residents.

Ms. Doyle committed to following up on questions raised and will go back to Department Heads for more information.

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*Materials: DOR Summary of Energy Code Updates, Specialized Code Presentation - REV1, 2023.06.13 Spec-one pager-SB and Depts, 2023.06.22 Spec-Petition for SB to sponsor Warrant article With Signatures, 2023.06 Adopt the Specialized Energy Code at Fall Town Meeting, 2023.06.26 Spec SB petition cover letter*

**Mr. Hanegan moved to adjourn. Mr. Mortenson seconded. The motion passed 4-0-0.**

**The meeting adjourned at 9:05 p.m.**

**Respectfully Submitted Kerri Rufo**



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*Approved at the July 10, 2023 Select Board Meeting*