

Regular Session Minutes – Bedford, MA — Reed Room
Hybrid Participation Meeting (Zoom and Select Board Meeting Room)
<https://www.youtube.com/watch?v=roMyBS891X8>
September 11, 2023

PRESENT: Chair Bopha Malone, Clerk Shawn Hanegan, Paul Mortenson, Margot Fleischman, Emily Mitchell, Colleen Doyle, Kerri Rufo, Amy Fidalgo

ALSO PRESENT:

David Manugian, DPW; David Castellarin, Finance; Ben Thomas, Fin Com; Dan Churella, Molly Haskell, Jacqueline Edwards, BARC; Sue Swanson, Mike Rosenberg, *The Bedford Citizen* and 300th Anniversary Committee; Alethea Yates, HPC; Rebecca Pomerantz, Annemarie Creason, Karen Willson, Dan Bostwick, Bob Dorer, Bobbie Ennis, Renu Bostwick, Barbara Purchia, Ron Richter, Don Corey, Cheryl Milroy, Brian Covel, Elias Patoucheas, Chris Anderson, Robin Weston, Carol Kelly, Marge Heckman, Dan Carroll, Erin Sandler-Rathe, Bobbi Tornheim, Carolyn Frost, Paddy Wade

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

23-154 Public Comment

Jaci Edwards, Wildwood Drive, Arbor Resources Committee, spoke in support of Article 10. She thinks that it is something the BARC can strongly support. She raised two concerns: first, that the bylaw should clarify that the regulations extant in the 2018 tree policy or its update are in effect until the tree protection and preservation bylaw is fleshed out and adopted; and second, that the maximum fees shall not be more than \$500.00, which is current law. She stated that BARC looks forward to working with elected and appointed members of town government, as well as staff, to help create a bylaw that's comprehensive and fair, and serves the citizens and the environment of Bedford as well.

Molly Haskell, Arbor Resources Committee, stated she was happy to see the draft bylaw for the protection and preservation of trees.

Dan Churella, Houlton Street, Arbor Resources Committee, had several questions about this pre-protection by law in the draft warrant, including its full text and authorship, the feasibility of developing a comprehensive dialogue within a limited timeframe, its alignment with existing tree policies, its potential to supersede or merge with policy, its impact on proposed changes, and whether the current tree policy will remain in effect until a more detailed tree bylaw is approved, as well as concerns about the \$500 fine for bylaw violations potentially hindering higher remediation efforts. He asked for answers and a clearer comprehension of this bylaw's implications.

Brian Covel, North Road, stated his concerns about alleged misconduct against his family by members of the Bedford Police Department, the Town Manager's Office, and the Select Board.

23-155 Bylaw Public Hearing

Motion:

Mr. Hanegan moved to open the Bylaw Public Hearing. Ms. Mitchell seconded, The motion passed 5-0-0.

1. **Article 35 — Specialized Energy Code**

Public Comments:

The following residents all spoke in favor of Article 35, stating they feel that it is right for Bedford and would help to create healthier buildings & homes, and reduce greenhouse gas emissions. They all asked that everyone support the Specialized Energy Code with an effective date of July 2024.

Dan Bostwick, Hartford Street, spoke in favor of Article 35.

Renu Bostwick, Hartford Street, spoke in favor of Article 35.

Sue Swanson, Shawsheen Road, spoke in favor of Article 35.

Rebecca Pomerantz, Perham Street, spoke in favor of Article 35.

Karen Willson, Bandera Drive, spoke in favor of Article 35.

2. Article 11 — General Bylaw Amendment – Article 46 – Streets, Sidewalks, and Public Property

David Manugian, DPW Director, explained that the purposes of the proposed bylaw changes are twofold. The first is to clarify differences in section 46.2 between opening a street for work in the street and opening a street to repave a driveway. Currently they are both considered similar and require similar paperwork. The changes reflect that repaving a driveway is less impactful on the roadway and can go through a simpler permitting process. However, similar to drain layers, Public Works will now require a basic approval process for paving contractors performing any work that “opens” a public right of way. The second is to broaden the range of objects in section 46.4 that would be considered as obstructing sidewalks in order to keep sidewalks clearer for accessibility and winter plowing, as well as identify situations and approval for when temporary obstructions would be allowed.

3. Article 12 — General Bylaw Amendment – Article 52 – Large Meter Replacements

Mr. Manugian stated that the purpose of the proposed bylaw changes is to incorporate minor changes to improve the quality of the Town’s water supply. The first identifies the testing standard in section 52.5 to be used for cross connections (backflow) devices that are already allowed by the Town, and clarifies the process for correcting any deficiencies. Cross connection devices are required in situations (mostly commercial) where there is a possibility of the backflow of water from a premise into the Town’s water supply. The second standardizes the testing frequency and replacement of meters larger than 1 inch (primarily commercial meters) in section 52.8. Currently there is a schedule of replacement base on the meter size. However, as meter technology has improved, there is no need for varying testing frequencies. The third is to establish a new section 52.9 for a penalties process, similar to that in place for the sewer system, in order to help enforcement of the water regulations.

4. Article 10 – General Bylaw Amendment – Article 64 – Tree Protection and Preservation Bylaw.

Mr. Manugian explained that the purpose of this bylaw is to clarify the authority of the Select Board to set fees for tree removal mitigations and apply penalties for violations of the Town Tree Policy. The latest Town Tree Policy has been in place since 2018, with the Arbor Resources Committee currently working on proposed revisions. As part of the preliminary discussions on policy changes, questions have come up regarding mitigation fees for any projects in the public right of way or on town-owned land. A question has also come up regarding the amount and form of fines related to enforcement of regulations. This bylaw clarifies authority for promulgation of regulations that allow both imposition

and collection of mitigation fees as well as fines related to enforcement, both in the context of the current Policy or a revised Policy.

Technical Difficulties 7:39pm to 7:46pm

Questions and Comments from the Select Board:

Regarding the proposed Article 64, Mr. Mortenson expressed concern about illicit tree removal. Mr. Manugian mentioned receiving emails from concerned residents. He highlighted that the Select Board would have the authority to issue rules in the future regarding tree removal.

Ms. Fleischman questioned the inclusion of a dollar amount in the tree protection bylaw and whether it was required by State law. Mr. Manugian wasn't certain but noted that penalties often include maximum amounts. Ms. Fleischman suggested the article should solely refer to the policy for determining fines and mitigations, to avoid frequent bylaw amendments.

Ms. Mitchell inquired about the authorities responsible for promulgating regulations and whether this applied to sick or dead trees posing a hazard. Mr. Manugian explained that the determination of hazard trees falls under the jurisdiction of the tree warden, who may post such trees and notify relevant boards as a practice.

Ms. Mitchell's also sought clarification on whether the maximum fine of \$500 was per infraction or per tree. Mr. Manugian clarified that each infraction attributed to one tree would be a separate offense, and the same applied to each day of a violation per tree, resulting in a cumulative fine for multiple trees or days.

Mr. Hanegan also had questions about Article 64, specifically concerning the 2018 policy and its automatic application with the new bylaw. Mr. Manugian confirmed that the 2018 policy would remain in effect unless changes were proposed at Town Meeting. He also explained the process by which regulations would be determined, stating that the body, in this case, the Arbor Resources Committee (BARC), would propose regulations to the Select Board for approval, including setting fees for mitigation.

Regarding Article 46 related to driveway permits, Mr. Manugian clarified that the intent was to distinguish between driveway permits and permits for other types of work on streets, with the aim of simplifying the driveway permitting process.

Ms. Mitchell suggested using "and/or" to create a clear distinction between driveway standards and other standards. Mr. Manugian acknowledged her suggestion.

Motion:

Ms. Mitchell moved to close the Bylaw Public Hearing. Mr. Hanegan seconded. The motion passed 5-0-0.

Materials: Proposed Special Town Meeting Warrant Articles 10-12 from David Manugian, 9.8.23 DRAFT STM23 Warrant.docx

23-156 DPW Contract

1. Taylor and Lloyd, Inc.—Dump Truck Contract

David Manugian, DPW Director, informed the board that the Highway Division is considering replacing their 2006 Mack Dump Truck with a catch basin cleaning truck to save on contracting costs. They have found a suitable option from Taylor and Lloyd through the MAPC/GBPC Cooperative Purchasing Program, with an estimated delivery date of January 1, 2024. The base bid is \$346,552.00, minus a trade-in allowance of

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\$18,000.00 for the old truck, resulting in a net bid of \$328,552.00. They have allocated \$329,623.00 for this purchase in the FY2024 Large Dump Truck Replacement budget.

Motion:

Mr. Hanegan moved that the Select Board approve the purchase of one (1) Large Dump Truck to Taylor and Lloyd, Inc., 8 Railroad Avenue, Bedford, MA at the quoted price of \$328,552.00. Ms. Mitchell seconded. The motion passed 5-0-0.

Materials: DPW FY204 Large Dump Truck Replacement Agreement

**23-157 Committee Interview
Annemarie Creason (Cultural Council)**

Ms. Creason provided a brief summary of her background and association with Bedford.

Motion:

Ms. Fleischman move that the Select Board appoint Annemarie Creason to the Bedford Cultural Council for a term ending June 30, 2026, and authorize the Town Manager to sign the letter on behalf of the Select Board. Ms. Mitchell seconded. The motion passed 5-0-0.

Materials: Creason Town of Bedford Questionnaire for Volunteers, Committee Interviews Memo for 9.11.23 Meeting.doc

23-158 300th Anniversary Committee

Mike Rosenberg updated the Select Board that the task force conducted three meetings to address the various components of the committee's charge. They have now submitted their responses and recommended the appointment of a nine-member at-large 300th Anniversary Planning Committee. Task force members emphasized the importance of initiating certain activities related to the milestone celebration, including having children preparing time capsules, and the need to commence marketing, especially on social media, to allow town organizations to plan their budgets for the anniversary year.

Members reached a consensus that the planning committee should consist of nine at-large members to best represent the town's demographic diversity and undertake various research and preparation activities. They suggested that the current four appointed members, along with the Recreation Commission representative, should continue, and if possible, begin the transition immediately due to their quorum status. The current members span four chronological decades, and new members should ideally include volunteers aged between 17 and 45 to ensure representation across age groups.

The task force found valuable insights from past Bedford milestone celebrations, particularly from an interview with former Selectman Angelo Colao, who emphasized the importance of identifying and enhancing highlights from community organizations' annual calendars for the celebration. They also discussed a model from the 250th anniversary, which involved a weeklong celebration with activities targeting various age groups.

While exploring information from other Massachusetts local milestone celebrations, the task force conducted interviews but found that each commemoration is unique to its town's specific characteristics. They plan to continue exploring options as part of the local planning process.

The task force suggested that the formal commemoration should begin a year before the September 23, 2029, anniversary, with special events and activities continuing for the following 12 months. They believe that a 300th Planning Committee would be better suited to determine a specific theme for the celebration.

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Regarding financing options, the task force noted that the town has established a stabilization fund with planned annual allocations of at least \$10,000, and Cultural Council grants are also potential sources of funding. They support the development of other revenue sources, including corporate contributions and general fundraising, with more specific planning allowing for detailed budget considerations. They also mentioned the need for a platform to integrate individual and organizational support, possibly through a "Friends of the 300th" initiative.

Motion:

Ms. Mitchell moved that the Select Board change the name and designation to the Ad Hoc Tricentennial Committee, with membership of nine at-large members, each appointed to a three-year term, which will be staggered retroactively on a randomized basis of the current membership. Mr. Mortenson seconded. The motion passed 5-0-0.

Materials: Recreation Memo to SBP Re – SBP, SPB 2023 Review, 300 Anniversary Committee Presentation
23-159 Review Draft Special Town Meeting Warrant

Article 1 Debate Rules

Motion: Ms. Fleischman moved the Select Board recommend approval of Article 1. Mr. Hanegan seconded. The motion passed 5-0-0.

Article 2-Community Preservation Surcharge-Effective July, 1, 2024

The Select Board deferred a recommendation until the next meeting for Article 2.

Article 3 Supplemental FY2024 Community Preservation Budget

The Select Board deferred a recommendation until the next meeting for Article 3.

Article 4 Appropriate Funds for the Bedford Police Officers Association CBA Agreement—FY2024—FY2026

The Select Board deferred a recommendation until the next meeting for Article 4.

Article 5 Civil Service Changes—Removing Patrol Officers from Civil Service System

The Select Board deferred a recommendation until the next meeting for Article 5.

Article 6 Civil Service Changes—Age Limits

The Select Board deferred a recommendation until the next meeting for Article 6.

Article 7 Acceptance—Accessible Parking Tickets

Motion: Ms. Mitchell moved the Select Board recommend approval of Article 7. Ms. Fleischman seconded. The motion passed 5-0-0.

Article 8 Property Tax Reduction for Elderly and Veteran Volunteers

Motion: Ms. Fleischman moved the Select Board recommend approval of Article 8. Ms. Mitchell seconded. The motion passed 5-0-0.

Article 9 Transfer and Appropriation of Sewer Special Revenue Fund Balance

Motion: Ms. Fleischman moved the Select Board recommend approval of Article 9. Ms. Mitchell seconded. The motion passed 5-0-0.

Article 10 General Bylaw Amendment—Article 64—Tree Protection and Preservation Bylaw

The Select Board deferred a recommendation until the next meeting for Article 10.

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Article 11 General Bylaw Amendment—Article 46-Streets, Sidewalks, and Public Property

The Select Board deferred a recommendation until the next meeting for Article 11.

Article 12 General Bylaw Amendment—Article 52—Large Meter Replacements

Motion: Mr. Hanegan moved the Select Board recommend approval of Article 12. Ms. Fleischman seconded. The motion passed 5-0-0.

Article 13 Appropriation of Opioid Settlement Funds Received from the State Settlement Fund

Motion: Ms. Fleischman moved the Select Board recommend approval of Article 13. Mr. Hanegan seconded. The motion passed 5-0-0.

Article 14 General Bylaw Amendment—Municipal Opt-In Specialized Energy Code

Motion: Ms. Fleischman moved the Select Board recommend approval of Article 14. Mr. Hanegan seconded. The motion passed 4-1-0, with Mr. Mortenson voting nay.

Materials: Public-Policy-for-Net-Zero-Homes-and-Affordability-Final-6-14-23; 9.7.23 DRAFT STM23 Warrant

23-160 Proposed Social Media Policy Approval

The Town of Bedford uses social media platforms to enhance communication, collaboration, and information exchange between Town staff, volunteers, and the general public with regard to Town events and Town-related topics. Community information such as emergency and safety alerts from the Town and community events may also be shared. For the purpose of this policy, the Town defines social media as any online space to which the Town posts content, including but not limited to the Town website, social media websites (including, but not limited to, Facebook, X, and Instagram), and media sharing websites. It includes any material created or posted on social media sites when staff are representing themselves as a Town employee.

Discussion

The Select Board discussed the policy's mention of removing content related to political campaigns and ballot measures, raising concerns about how this might affect warrant articles supported by the Select Board. Ms. Fleischman clarified that this primarily pertained to exclusions and overrides and not regular warrant articles. The Board sought further clarification on this matter.

The policy also addressed personal accounts, and the importance of differentiating between expressing personal opinions and representing a committee or board. There were concerns about how this might impact volunteers who answer questions on their personal social media accounts related to their committee's work. Suggestions were made to clarify that expressing personal opinions on behalf of a committee or board is not allowed, but expressing one's individual opinion is acceptable.

Additionally, about the board discussed the need for a more comprehensive communication policy that includes guidelines for public interaction with town boards and committees, as well as how the public can expect to receive responses. The importance of making such policies clear and accessible to both volunteers and the public was highlighted.

Overall, there was a consensus that a social media policy has value, especially when applied to staff and employees to ensure job performance and adherence to guidelines. However, there were reservations about applying the policy to personal accounts. The board sought guidance from Town Counsel in addressing policy violations by staff members and emphasized the need for clarity, understanding, and flexibility in implementing a Social Media Policy, particularly concerning personal accounts.

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The Select Board asked the Town Manager to direct counsel to provide a revised policy focused on employees, as the first step in establishing a broader policy.

Materials: Social Media Policy Draft

23-161 Consent Agenda

1. Regular Select Board Minutes August 28, 2023
2. Chapter 268A Section 20(b)'s—Mirella Maskalenko, Brenna Portlock
3. One Day Alcohol License—Wine & Malt-Tapped Beer Truck: 9/21/23-28 Crosby Dr.

Motion:

Mr. Hanegan moved that the Select Board approve the consent agenda.

Mr. Mortenson seconded. The motion passed 5-0-0.

Materials: August 28, 2023 Minutes, 268A Maskalenko, Portlock, One day License-Tapped Beer Truck 9/21/23 Event

23-162 Town Manager's Report

The Town of Bedford has been a Certified Local Government (CLG) under the Massachusetts Historical Commission (MHC) program for several years. The program, administered by Bedford's Historic Preservation Commission, offers benefits such as receiving a portion of MHC's Planning & Survey grant funds each year and the ability to nominate properties and districts as potential National Register of Historic Places sites. Bedford has successfully utilized the program to secure grants for historic surveys and preservation plans. However, opportunities for participation have declined in recent years, and the last grant awarded was in 2013, with the last National Register nomination in 2018. The main obstacle to continued participation is the time-consuming requirement for the Historic Preservation Commission (HPC) to submit an Annual Report, which was managed by HPC volunteers until 2018. Few communities across Massachusetts participate in the CLG program due to the administrative burden, and Bedford lacks paid administrative staff to handle the paperwork. To remain in the CLG program, the MHC now demands that Bedford prepare the 2023 Annual Report, along with the reports for the previous three years. The HPC has unanimously voted to request that the Select Board either assign a town staff member to prepare the reports or grant permission for Bedford to withdraw from the CLG program, and they await the Select Board's decision.

Discussion

Ms. Fleischman expressed her reluctance to assign additional work to people, but acknowledged the program's value and the need to address the issue. She suggested the possibility of providing a stipend to someone already working with the town, such as the town archivist, who has an affinity for the program. However, she also questioned whether funds for this purpose could be allocated for preservation. Ms. Doyle responded that she didn't have an answer to that question.

Ms. Fleischman then inquired about the potential steps involved in addressing this issue. She also suggested that someone might view this as a manageable project to complete as part of the property tax work program. However, she noted that the short timeframe might necessitate Bedford's withdrawal from the program.

Ms. Doyle added that withdrawing from the program wouldn't preclude the town from enjoying other benefits offered by the state. It would simply mean missing out on a minor additional incentive. She clarified that if Bedford wanted to rejoin the program in the future, it wouldn't require a laborious process or an extensive number of annual reports. The program operates on a three-year renewal cycle, so if Bedford decided to rejoin, they would only need to submit the missed reports for the past three years.

Motion:

Ms. Fleischman moved that the Historical Preservation Committee withdraw from the program. Ms. Mitchell seconded. The motion passed 5-0-0.

Materials: CLG status from HPC, CLG status-Alena Yates

23-163 Liaison Reports

Mr. Hanegan stated that the Housing Partnership has three vacancies. Housing Trust has two at-large vacancies. Regarding the Depot Park Advisory Committee, Mr. Hanegan thanked the volunteers from Thermo Fischer and helped clean up, as well as Joe Piantedosi, who trimmed the tree for Bedford Day.

Ms. Fleischman conveyed some significant concerns from the Transportation Advisory Committee regarding the tree policy's potential impact on public projects in the right of way. They expressed the need for further clarification from BARC (Bedford Arbor Resources Committee) and were interested in understanding how the policy might affect transportation projects. Additionally, they wished to be on the list for the new Town Manager's visits to discuss these concerns. Ms. Fleischman also praised the Transportation Advisory Committee for their ongoing work on the Complete Streets report, which has undergone an annual review, with the second annual review currently underway.

Ms. Fleischman raised a question about the posting of meeting dates on the town website calendar. She noted that in the past, meeting dates were set in advance and appeared on the calendar, providing a helpful reference for those with many meetings. However, the current practice is to add meetings to the calendar closer to the meeting date, typically when the agenda is posted, which can be less convenient. She asked if this change was intentional or operational. Ms. Doyle mentioned that the change was made in part due to the need to avoid posting meetings far in advance only to have to cancel or reschedule them. She suggested finding a balance, perhaps scheduling meetings a couple of months in advance rather than an entire year to address this concern. Ms. Fleischman agreed that a balance would be helpful, as sometimes meetings are planned on short notice, and it would be beneficial to have them on the calendar.

Ms. Mitchell provided updates on various committee meetings. She mentioned that the library trustees would have a presentation from the facilities director regarding recommendations for the HVAC project. The Historic District Commission (HDC) had a presentation from the architect for the fire station, which included rough schematic options for the building's placement on the site. HDC had some good questions during the meeting, and they plan to meet again to bring absent members up to speed. The fire station building committee will also meet to review comments and proceed accordingly.

Ms. Mitchell then discussed a letter related to the North Airfield Project, which had been approved by the four towns involved. However, following additional feedback, there were recommendations to amend the letter by removing one of the bullet points. Due to the need for consensus among the four select boards, Ms. Mitchell suggested pausing the process and bringing the issue back as an agenda item after the next HATS meeting on the 21st. This would allow for further discussion and clarification before proceeding with the letter.

Ms. Malone announced that there is a BARC meeting scheduled for the following night via Zoom at 7:30 PM. She then took a moment to acknowledge Ms. Doyle's last meeting, as her last day with the town was the following day. Ms. Malone commended Ms. Doyle for her exceptional service to the town for over a decade, particularly for stepping up as the interim town manager during a critical time. She expressed gratitude for Ms. Doyle's commitment to the town, acknowledging her invaluable contributions. She extended best wishes to Ms. Doyle in her new role and expressed that she will be missed.

23-164 Executive Session

1. Strategy and Preparation for Contract Negotiation with Union Personnel

CANCELLED

Adjournment

Ms. Fleischman moved to adjourn. Mr. Mortenson seconded. The motion passed 5-0-0.

The meeting adjourned at 9:48 PM.

Respectfully submitted by Kerri Rufo

Approved at the October 10, 2023 Select Board meeting.