

**Select Board Meeting**  
**September 25, 2023**  
**Regular Session Minutes—Bedford, MA—Reed Room**  
**Hybrid Participation Meeting (Zoom and Select Reed Room)**  
[https://www.youtube.com/watch?v=X\\_t1YWKxJ4g&t=8511s](https://www.youtube.com/watch?v=X_t1YWKxJ4g&t=8511s)

**PRESENT:** Chair Bopha Malone (tardy), Clerk Shawn Hanegan, Paul Mortenson, Margot Fleischman, Emily Mitchell

**ALSO PRESENT:**

Matthew Hanson, Amy Fidalgo, Kerri Rufo; Town Manager’s Office; David Manugian, DPW; Josh Smith, Recreation Department; Robin Steele, Recreation Commission Chair; Alethea Yates, Historic Preservation Committee; Jaci Edwards, and Molly Haskell, BARC; Ben Thomas, Finance Committee Chair; Robert Dorer, Barbara Purchia, Erin Sandler-Rathe, Renu Bostwick, Betsey Anderson, Karen Willson

**Mr. Hanegan called the meeting to order at 6:30 PM.**

**Chair Malone arrived at 6:32 PM.**

**23-165 Executive Session**

1. Strategy and Preparation for Contract Negotiations with Non-Union Personnel

Ms. Fleischman moved that the Select Board adjourn into Executive Session for the purposes of strategy and preparation for contract negotiations with non-union personnel, to return to open session. Ms. Mitchell seconded.

Roll-call vote: Ms. Mitchell aye, Mr. Hanegan aye, Ms. Fleischman aye, Mr. Mortensen aye. 4-0-0

*The Select Board meeting returned from Executive Session at 7:12 PM.*

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**23-166 Public Comment 43:40**

Karen Willson, Bandera Dr., thanked the board for voting to recommend the Specialized Energy Warrant Article for Special Town Meeting.

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**23-167 Common Victualler License 45:10**

1. Poke Bros, 158 Great Road

**Motion:**

Mr. Mortenson moved that the Select Board approves the Common Victualler License for Poke Bros at 158 Great Road. Ms. Mitchell seconded. The motion passed 5-0-0.

*Material: Common Victualler Application*

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**23-168 DPW Contract 46:00**

David Manugian, DPW Director

**1. Commonwealth Construction & Utilities, Inc.—2023 Water Main Replacement Project—Ledgewood Drive.**

This contract is to make improvements to the water main to address water quality issues related to the age of the existing main. The project includes all appurtenant work such as bypass piping, new copper services, hydrants and valves, patching, and paving. The work is estimated to take approximately six weeks to complete. This contract is for work to be completed by June 30, 2024, with a cost of \$269,480.30.

**Motion:**

**Mr. Hanegan move that the Board approve the attached contract with Commonwealth Construction & Utilities, Inc in the amount of \$269,480.30, as described in the Public Works memo dated September 20, 2023, and authorize the Town Manager to sign on their behalf. Ms. Fleischman seconded. The motion passed 5-0-0.**

*Materials: Contract Commonwealth Utilities-Ledgewood Water Main PDF, SB Cover Memo for Commonwealth Water Main Contract 2023-09-20*

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**23-169 Springs Brook Park Discussion 53:20**

Josh Smith, Recreation Director

**Summary**

Mr. Smith reviewed the park's operational costs for the 2022 season. From 9/1/22 through 8/31/23, the park was open to the public for 38 days (6/22/23 to 8/12/23). During this period, the park faced some weather-related challenges, with one day of closure due to rain and six days with early closures or delayed openings due to rain. There were 22 sunny/perfect days, 6 sunny/cool days, and 3 cloudy/cool days.

The park's operating hours for the 2023 season were adjusted, with Tuesday/Wednesday operating from 12 PM to 5 PM, Thursday/Friday from 12 PM to 7 PM, and Saturday from 11 AM to 5 PM. This schedule provided 5 more hours of operation compared to 2022, with extended hours on Thursdays and Fridays. The park also hosted the Summer Adventures program from 9 AM to 12 PM on Monday through Thursday, as well as an extended day program after 3 PM.

The park was staffed with 1 director, 17 lifeguards, 1 maintenance manager, and 33 crew/grounds personnel. Marketing efforts were increased, including direct emails to the recreation database, brochures mailed to all homes in Bedford, articles in *The Bedford Citizen*, and social media posts. Various events and activities were planned, such as truck day, marshmallow toasting night, Friday night bands, mermaid day, and a sandcastle contest day.

Operational concerns included a shortage of staff and lifeguards, with efforts made to recruit and retain 17 lifeguards for safe operation. The layout of the pool, especially the round nature of the deep end, made it challenging to monitor swimmers effectively. Preseason and in-season maintenance, emergency calls, and staff availability were also areas of concern. Ensuring cleanliness was a priority, with a significant investment in chlorine and water testing.

Upgrades for the 2023 season included reopening the concession stand, installing three additional shade structures using CPA funds, adding new sand, and repairing the spray park. Repairs needed before the 2024 season include replacing two chemical pumps, the spray park water cannon, and adding additional beach sand.

Future repair considerations included apron/asphalt repaving, with estimated costs of \$500,000 for gunite and over \$100,000 for asphalt. Deck replacement was estimated at \$13,000, and the cost of bathroom renovation was yet to be determined.

### ***Comments/questions from the Select Board***

Ms. Fleischman sought clarification on non-resident access to the facilities, mentioning that non-residents could just walk-ins or day passes in the past. She mentioned the voluntary decision to curtail this access has created financial deficits. She inquired if there had been discussions on policy changes to take advantage of non-resident interest. Mr. Smith mentioned safety concerns due to high volume in the past and indicated the department and Rec Commission would discuss it during the off-season.

Ms. Fleischman also asked about the value of the Summer Adventures program and whether swim lessons could be offered through it. Josh Smith confirmed that a significant portion of pool usage came from the Summer Adventures program, and swim lessons were a separate discussion.

Emily Mitchell inquired about increased grounds staff, possibly due to the concessions stand, and questioned the 2023 deficit compared to 2022. Mr. Smith mentioned it was his first time going through the budget, and offered to locate the 2022 figures.

Ms. Mitchell questioned whether the goal was for the pool to break even or be subsidized. Mr. Smith emphasized their goal was to provide a high-quality recreation experience. The Rec Commission planned to discuss long-term vision and future options in upcoming meetings.

Mr. Hanegan expressed interest in future options to address the deficit. Mr. Smith mentioned ongoing discussions with community input to explore potential solutions.

Mr. Mortenson inquired about potential revenue from other programs. Mr. Smith acknowledged he was in the process of gathering data for the pool deficit. He indicated that unless non-resident access changed, there were no “magic bullets” to eliminate the deficit.

Robin Steele, Recreation Commission chair, stated that at their next meeting they plan to go through all of the recreation offerings, and Springs Brook Park is only a portion of it. Whatever they look at and whatever they discuss will be shared with the Select Board, who are the park commissioners.

*Materials: SPB 2023 Review, SPB 2023 Review, Memo for SBP 9-19-23*

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## **23-170 Special Town Meeting 1:30**

### **1. Closing of Warrant**

Mr. Hanson and Ms. Fidalgo reviewed the current warrant and minor changes to the articles. In, Article 1, they added “and” and a “or” for clarity.

**Deferred from September 11, 2023, Select Board Meeting:**

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**Article 2 Community Preservation Surcharge—Effective July, 1, 2024**

Mr. Hanson stated the Select Board has not made a recommendation for Article 2, so Town Counsel has not made a change. Amy Fidalgo informed the board the CPC had a public hearing last week to reaffirm their support for a 3% surcharge and you were all waiting for that hearing to happen as you all do traditionally before making a recommendation. The chair of the CPC committee presented to the Finance committee reminded them how the surcharge came to be. At that same public hearing they had Ron Scaltreto present the HVAC library project for supplemental funding that project.

No comments or questions from the Select Board.

**Motion Article 2**

**Ms. Fleischman moved the Select Board recommend approval of Article 2. Ms. Mitchell seconded. The motion passed 5-0-0.**

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**Article 3 Supplemental FY2024 Community Preservation Budget**

No comments or questions from the Select Board

**Motion Article 3:**

**Ms. Mitchell moved the Select Board recommend approval of Article 3. Ms. Fleischman seconded. The motion passed 5-0-0.**

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

Mr. Hanson confirmed he just received the final numbers for the police union contract. The \$65,000 listed in the warrant is a placeholder. Additional funds will also be realized through some vacancies that have gone unfilled. The full amount will be incorporated into FY25 operating budget, but the amount listed in the warrant will be the amount needed this year.

No comments or questions from the Select Board.

**Motion Article 4:**

**Mr. Hanegan moved the Select Board recommend approval of Article 4. Mr. Mortenson seconded. The motion passed 5-0-0.**

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

Mr. Hanson explained that the article to remove the Police Department from the Civil Service system is related to the most recent union negotiations and contract. Exiting Civil Service will allow the Town to attract and hire the most qualified candidates. A number of neighboring communities have already made this change or are going through the process right now. Ms. Fidalgo noted that only patrol

officers are being removed from Civil Service at this time, though the Town intends to move forward with other unions as they come up for negotiations.

No comments or questions from the Select Board.

**Motion Article 5:**

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

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**Article 6 Civil Service Changes—Age Limits**

Ms. Fidalgo explained that this article removes the age limit to all new firefighters hired in Bedford. Currently in the last year the Town has lost 10+ interested parties who were slightly older than the limit, at 33–34 years old. The current interim and former Fire Chief are both very supportive of this change.

Ms. Mitchell appreciated the revised title of the article, which she found much clearer. Mr. Hanegan asked about the historical reason behind the age limit. Ms. Fidalgo said it stemmed from earlier assumptions about health and wellness.

**Motion Article 6:**

**Mr. Hanegan moved the Select Board recommend approval of Article 6. Mr. Mortenson seconded. The motion passed 5-0-0.**

Ms. Malone confirmed the Select Board already issued recommendations for Articles 7, 8 & 9.

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

David Manugian, DPW director, confirmed that the Arbor Resources Committee met after this article was initially presented to the Select Board, and made suggestions for revisions. Mr. Manugian incorporated BARC's suggestions and Town Counsel approved them verbatim.

Ms. Malone stated that Molly Haskell, BARC chair, wasn't able to access the meeting during Public Comment to endorse the tree bylaw warrant article. Ms. Mitchell stated at the last meeting, the board discussed whether to put a dollar amount under enforcement or just refer to policies; she noted the dollar amount is still there. Mr. Manugian said he spoke to Town Counsel about that, and generally while the Select Board sets fees for litigation, they do not set fees for penalties, and as a policy the Town prefers to have a maximum penalty amount within the bylaws.

**Motion Article 10:**

**Ms. Mitchell moved the Select Board recommend approval of Article 10. Mr. Hanegan seconded. The motion passed 5-0-0.**

Ms. Malone stated the Select Board already made recommendations for Articles 11 & 12.

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**Article 13 General Bylaw Amendment—Article 52—Large Meter Replacements**

Ms. Fidalgo stated that she believes they held off on Article 13 because Town Counsel was still finalizing language with the Finance Director. The only change was adding in some language for creating a stabilization fund.

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

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Ms. Malone stated the Select Board already recommended approval of Article 14.

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

Mr. Hanegan noticed that there was an update on the summary, and it wasn't exactly what Mr. Bostwick had proposed. He asked why it was changed. Ms. Fidalgo said that it was better to not reference studies in the summary section for Town Meeting materials, and suggested this could be added to the Town Meeting page of the Town website. She noted that if the board feels that the summary language should change, we should discuss that tonight so we can incorporate those changes.

The board discussed Article 14 and decided that Mr. Hanegan should work with the Town Manager's office to make sure that the summary accurately reflects the Town's position.

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#### **Article 15 Citizens' Petition—Alternative Location for Fire Station**

Ms. Fleischman asked about the order of the articles, and whether the petitioners' article should move earlier in the warrant. The board discussed moving Article 15 to the middle of the warrant, after Articles 5 and 6. Ms. Fleischman stated that she was comfortable with that placement, as part of a chunk of public safety related issues.

Ms. Mitchell asked if they need to make a motion to reorder. Ms. Fidalgo said they are comfortable reordering for the final version, since the text is not changing. She confirmed that the warrant article is going to the printer on Friday.

#### **Motion**

**Ms. Mitchell moved the Select Board recommend disapproval of Article 15, that will soon become Article 7. Mr. Hanegan seconded. The motion passed 5-0-0.**

## **2. Final Recommendations**

Ms. Fidalgo asked for a motion to make administrative changes, including some edited language from Mr. Hanegan which will now be Article 15—Stretch Energy Code.

Mr. Mortenson wanted to clarify that it is only edits to summaries. Ms. Fidalgo confirmed, and noted that everything from Town Counsel has been incorporated.

**Motion**

Ms. Mitchell moved that the Select Board close the warrant for Special Town Warrant on November 6, 2023, with the understanding that the Town Manager’s Office may make non-substantial minor edits to the text of the summaries upon advice of Counsel. Mr. Hanegan seconded. The motion passed 5-0-0.

**3. Article Assignments**

Ms. Malone stated that she reached out to Brian Hebert at Bedford TV about creating the videos for the articles. Ms. Fleischman explained to the Town Manager that this was started during the pandemic and has continued as a helpful resource for voters.

Article 1	Debate Rules	Ms. Malone
Article 2	Community Preservation Surcharge	Ms. Fleischman
Article 3	Supplemental FY2024 Community Preservation Budget	Ms. Fleischman
Article 4	Appropriate Funds for the Bedford Police Officers Association Collective Bargaining Agreement	Mr. Mortenson
Article 5	Civil Service Changes—Removing Patrol Officers from Civil Service System	Mr. Mortenson
Article 6	Home Rule Petition—Fire Department Civil Service Changes to Age Limits	Mr. Mortenson
Article 7	Citizens’ Petition—Alternative Location for Fire Station	Ms. Mitchell
Article 8	Acceptance—Accessible Parking Tickets	Ms. Mitchell
Article 9	Property Tax Reduction for Elderly and Veteran Volunteers	Mr. Hanegan
Article 10	Transfer and Appropriation of Sewer Special Revenue Fund Balance	Mr. Hanegan
Article 11	General Bylaw Amendment—Article 64—Tree Protection and Preservation Bylaw	Ms. Malone
Article 12	General Bylaw Amendment—Article 46—Streets, Sidewalks, and Public Property	Ms. Malone
Article 13	General Bylaw Amendment—Article 52—Large Meter Replacements	Ms. Malone
Article 14	Appropriation of Opioid Settlement Funds	Mr. Hanegan
Article 15	General Bylaw Amendment—Municipal Opt-In Specialized Energy Code	Ms. Fleischman

*Materials: Copy of STM 2023-Recommendations-Article Assignments, Draft 2023 STM Warrant, FW\_Article 14 draft summary text. PDF, STM Petitioner Article (1). PDF*

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**23-171 Consent Agenda 2:11**

1. August 24, 2023, Regular Minutes
2. One Day Alcohol License—September 30, 2023

**Motion:**

**Ms. Mitchell moved that the Select Board approve the consent agenda. Mr. Mortenson seconded. The motion passed 5-0-0.**

*Materials: Artisan One Day License-9-30-23, August 24, 2023 SB Meeting Minutes*

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### **23-172 Town Manager's Report 2:13**

1. Sarah Scoville—Approval of Additional Utility Box Painting

**Motion:**

**Ms. Fleischman moved to approve the utility box public art at the corner of the Great Road and Springs Road and the Great Road and Mudge Way, subject to final Historic District Commission approval of the design. Ms. Mitchell seconded. The motion passed 5-0-0.**

2. Committee Appointments for Town Manager Matt Hanson: Fire Station Building Committee, Municipal Affordable Housing Trust, and Metropolitan Area Planning Council Member

**Motion:**

**Ms. Fleischman move that the Select Board appoint Matt Hanson to the Fire Station Building Committee to replace Colleen Doyle; to the Municipal Affordable Housing Trust to replace Colleen Doyle for a term ending on June 30, 2025; and to the Metropolitan Area Planning Council to replace Charlie Ticotsky for a term ending on June 30, 2025; and authorize the Select Board Chair to sign the appointment letter on behalf of the Select Board. Ms. Mitchell seconded. The motion passed 5-0-0.**

*Materials: Committee Interviews memo for 9-25-23, Select Board Bedford Utility Box Project*

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### **23-173 Liaison Reports 2:17**

1. North Airfield Letter to Governor Office Update

Ms. Mitchell reported that HATS did not meet on the 21st. It does seem clear that the other towns want to move forward with the revised letter with the 3<sup>rd</sup> bullet deleted. She is hoping to vote on that version, and if the other towns are in alignment, the Select Board will finally have a document to sign.

**Motion**

**Mr. Hanegan moved that the Select Board authorize signing the letter from the HATS towns to the governor with or without the 3<sup>rd</sup> bullet, but with the preference to remove the 3<sup>rd</sup> bullet. Mr. Mortenson seconded. The motion passed 5-0-0.**

Ms. Mitchell reminded the board about the North Airfield project forum, and asked whether the Select Board should post their own meeting notice in case a quorum of members wanted to attend. The Restoration Advisory Board meeting regarding the Naval Weapons Industrial Reserve Plant will be held on October 10<sup>th</sup> @ 7:00 PM.

The Library Trustees discussed the plan to seek CPC funding to cover the difference in the HVAC project. They are very hopeful that the residents will support that at Town Meeting.



HDC will meet on the 13<sup>th</sup> to review the initial presentation that the architects made on the 6<sup>th</sup> for a couple of members who hadn't been in attendance. They developed a list of questions for KBA, who will come back with answers at the October HDC meeting.

The Fire Station Building Committee met last Monday. Lt. Mark Daly spoke on behalf of the union to share concerns about the feasibility of the new building given HDC's comments so far. She said the comments were very heartfelt but unexpected, and wanted to reassure everyone that the HDC is being thoughtful, making informed choices about the historic character of the neighborhood.

Mr. Hanegan reported that the Housing Partnership did not get a quorum for their last meeting, so they are going to meet on Thursday to appoint a new liaison to MAHT

Ms. Fleischman stated that CPC is looking ahead to next March and encouraging all the departments and residents who might have Community Preservation projects to get them in soon. The deadline is December 1<sup>st</sup>. Capital Projects are also eligible for CPC funding. The CPC is trying to raise the profiles of the projects that have been funded.

Mr. Mortenson noted the Planning Board talked about a request for a development at Plank St. It was originally permitted as both office space & residential, and now the developer wants to switch out the office space. The Planning Board had differences of opinion. The Chair alerted Mr. Mortenson that they will be talking about the Old Billerica Road development tomorrow, and he is not clear that the proposal meets option A or B.

Youth & Family Services talked a lot about the migrant families at the hotel and how they are being serviced.

The Taxation Aid Committee will be coming to the Select Board soon, looking for approval for an insert that will go out with the tax bill.

Ms. Malone stated that BARC had a petition or an ask from a resident at Ashby Place for a free tree which is available and they are really happy to help plant some trees there. They are working to coordinate with different groups and just making sure who's responsibilities it will be for watering and taking care of the tree. As David Munigian shared earlier, the tree bylaw and sent their questions and suggestions to David Manugian. Also, they are looking to partner with other committees starting in October to discuss ways to educate the public about the negative impacts of invasives.

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## Adjournment

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

**The meeting adjourned at 9:09 PM.**

**Respectfully submitted by Kerri Rufo**

**Approved at the October 23, 2023 Select Board meeting.**