

Regular Session Minutes—Select Board Meeting
Remote Participation Meeting
May 9, 2022

PRESENT: Town Manager Sarah Stanton, Emily Mitchell, Chair; Clerk Bopha Malone, Shawn Hanegan, Edward Pierce, Margot Fleischman

ALSO, PRESENT: David Manugian, Director of the Department of Public Works; Lucy Weinstein, Sarah Blackman, Tony Fields, Planning Director; Robert Dorer, Energy and Sustainability Committee; Lee Yates, Richard Rosen, Council on Aging; Mark Bailey, Bicycle Advisory Committee; Christine Smith, Ellen Jane Scheiner, Angela Winter, Michael Pulizzi, Library Trustee; Ben Thomas, Finance Committee; Gail Green, Len Goodman, Brian Green, Tom Barkovic, Mike Rosenberg, Bedford 300 Exploratory Task Force; *Bedford T.V.*, Richard Baughman, Jeanette Rebecchi, Transportation Program Manager; Eileen Blanchette, Administrative Assistant to the Town Manager; Karl Winkler, Historic District Commission; Jennifer Kelley, Volunteer Coordinating Committee; Christina Carvey, Rebecca Pomerantz, Craig Jackson, John McClain, Barbara Hitchcock, Dawn LaFrance-Linden, Michael Sprague, Corinne Doud, Garth McCavana, Joseph Piantedosi, Volunteer Coordinating Committee; Robin Steele, Recreation Commission; Mark S Siegenthaler, Town Moderator, Amy Fidalgo, Assistant Town Manager of Operations; Guilhem Ribeill, Daniel Bostwick, Energy and Sustainability Committee; John Mitchell, Dan Carroll, Stephanie Keep, Election Officer; Amy Lloyd, Energy and Sustainability Committee; Sue Swanson, Tom Flannery, Dan Churella, Bedford Arbor Resources; Kelly Korenak, Volunteer Coordinating Committee; Matt Heid, Renu Bostwick, Annemarie Silver, Heather Cobb, Robert Kalantari, Zoning Board of Appeals; Nance Wolk, Board of Assessors; Julie Brill, Dot Bergin.

Ms. Mitchell opened the meeting at 7:06 PM via remote participation conference call.

The Select Board members were asked to announce that they were present: Ms. Malone present; Ms. Mitchell present; Mr. Hanegan present; Mr. Pierce present; Ms. Fleischman present.

22-94 Public Comment

Mr. Mark Bailey. Chair of the Bicycle Advisory Committee (BAC) and speaking on behalf of the BAC spoke about the Minuteman Bikeway Extension Project (agenda item number 22-98). When discussing the Minuteman Bikeway Project, he encouraged the Select Board to focus on safety, accessibility and inclusivity for all residents.

Ms. Leah Deveaux spoke in favor of the Minuteman Bikeway Extension Project.

Desiree? She lives on 289 Concord Rd but is speaking on behalf of resident/s located on 402 Concord Rd regarding the Minuteman Bikeway Extension Project. She is also the owner of the Bedford's Children Center. She is in favor of the project, however with regard to the tunnel under Concord Rd she is concerned about health and safety issues.

EllenJane Scheiner spoke about safety issues around the area of Bedford Depot and the John Glen Middle School.

Ms. Robin Steele said that Concord has voted to keep the path preserved as a natural trail. Therefore, if the bike path is extended it would stop at the Concord line.

Mr. Hanegan moved to open the Public Hearing for the Aquifer Protection Permit Applications, for 18 Crosby Drive and 36 Crosby Drive. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

22-95 Public Hearing - Aquifer Protection Permit Applications

18 Crosby Drive - Special Permit – Generator

Taylor Downing from BSC representing 18 Crosby Drive. He gave a brief overview of the project to install a Standby Diesel Generator at 18 Crosby Drive.

Mr. Pierce moved that the Select Board grant a Special Permit under Article 13 – Aquifer Protection Districts of the Zoning Bylaw to BSC Group 300 Brickstone Square, Andover Mass 01810 in accordance with and as outlined in the Special Permit request with the contingency that signage will be posted adjacent to the tank fill stating “Fuel spill containment equipment should be on hand while refueling”. Mr. Hanegan seconded.

36 Crosby Drive - Special Permit – Generator

Cobalt PropCo, LLC is requesting a special permit from the Select Board within the Aquifer Protection Zone IIIA. for an Aquifer Protection special permit at 36 Crosby Drive to install a new Kohler 500 KW diesel generator for standby power.

Mr. Hanegan moved that the Select Board grant a Special Permit under Article 13 – Aquifer Protection Districts of the Zoning Bylaw to Cobalt PropCo, LLC, Bedford, MA 01730 in accordance with and as outlined in

the Special Permit request. With the contingency that signage will be posted adjacent to the tank fill stating “Fuel spill containment equipment should be on hand while refueling”. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Mr. Pierce moved to close the Public Hearing. Ms. Malone seconded. The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: 18 Crosby Drive Aquifer Protection Permit - Public Meeting Notice. 2022 Quanterix Cover letter, 8997500-SP-SP, Abuttter list Req 18 Crosby Drive. Aquifer Protection Application 18 Crosby Drive - Fire Department Comments – approved, aquifer protection application, Generator Photos, Generator Photos, Generator Photos, Quanterix - Diesel Generator Submittal (1000KW System) for Coordination Only (65-72), Record of Proceedings Xchange Owner, LLC 18 Crosby Drive – Draft. 36 Crosby Drive Aquifer Protection Permit - Public Meeting Notice. Abuttter list Req 36 Crosby Drive, Aquifer Protection Application 36 Crosby Drive - Comments from Fire – Approved, Aquifer Protection Application- 36 Crosby Drive -Stamped, Diagram One, Diagram Two, Memorandum to the Select Board and Suggested Motion – DRAFT, Record of Proceedings - Cobalt Property Management LLC 36 Crosby Dr. Request for publication wicked local.

22-96 Board and Committee Appointments

Historic Preservation Committee - S. Keep, A. Yates

Mr. Pierce reviewed the charge of the Historic Preservation Committee (HPC)

Ms. Stephanie Keep introduced herself to the committee. She stated that she has a great interest in historic buildings and old houses. She also likes the fact that HPC has purview over the Job Lane House. She would like to see more families involved with the Job Lane House.

Ms. Lee Yates introduced herself to the committee. She served nine years on HPC. She has also been the President and Archivist and the Executive Director at the Bedford Historical Society. After 15 years she recently finished being on the Board at the Job Lane House.

Ms. Fleischman moved that the Select Board appoint Stephanie Keep to the Historic Preservation Commission for a term ending June 30, 2023, and authorize the Town Manager to sign the appointment letter on behalf of the Select Board.

Ms. Fleischman moved that the Select Board appoint Alethea Yates to the Historic Preservation Commission for a term ending June 30, 2025, and authorize the Town Manager to sign the appointment letter on behalf of the Select Board. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Zoning Board of Appeals - K. Winkler, Associate Member; T. Flannery, Full Member.

Ms. Fleischman reviewed the charge of the Zoning Board of Appeals (ZBA)

Mr. Tom Flannery said that he has served on the ZBA as an associate member for the last year.

Mr. Karl Winkler said that he works with the Historical District Commission. He would like to be more involved with the ZBA.

Mr. Hanegan asked Mr. Winkler if he would recuse himself if there is a conflict of interest within the two committees.

Mr. Pierce moved that the Select Board appoint Thomas Flannery to the Zoning Board of Appeals as a full member, for a term ending June 30, 2024, and authorize the Town manager to sign the appointment letter on behalf of the Select Board. Mr. Hanegan seconded.

Mr. Hanegan moved that the Select Board appoint Karl Winkler to the Zoning Board of Appeals as an associate member, for a term ending June 30, 2024, and authorize the Town Manager to sign the appointment letter on behalf of the Select Board. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman nay; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 4-1-0.

Bicycle Advisory Committee - R. Baughman, C. Carvey, C. Dudley-Marling

Mr. Pierce reviewed that charge of Bicycle Advisory Committee (BAC)

Mr. Richard Baughman became interested in (BAC) at the 2022 Town meeting where the Town discussed the Minuteman Bikeway Extension. Ms. Christina Carvey is interested in serving on the Committee because likes the work of the committee on the Safe Routes to School also she is interested in the proposed expansion of the Minuteman Bike Path.

Mr. Curt Dudley-Marling is interested in creating safe spaces for those who may be beginners on bicycles, as well as creating accessible space for people with disabilities. Mr. Dudley said that when he listened to the last BAC meeting that it struck him that there is only one woman on the Committee. He recommends that the Select Board appoint Ms. Christina Carvey to the BAC.

Mr. Hanegan ask the candidates what they saw as the future of bike connectivity in Bedford. The candidates mentioned safe spaces, barriers to protect bicyclists and how we are defining connectivity.

Ms. Fleischman asked the candidates how they saw the BAC play a role for those Bedford residents who want to age in place and still bicycle. The candidates mentioned safety and the need for crosswalks and paved dedicated bike trails.

Ms. Mitchell asked the candidates about how each would work to correct misconceptions there may be between cyclist and pedestrian and cyclists and cars. There was a suggestion that better signage as well as changing the direction between cyclists and those that are walking or jogging and bicycle curtesy.

Mr. Pierce asked if bicycles should be registered. Mr. Bagnman said that may be hard to enforce.

Ms. Malone moved that the Select Board appoint Richard Baughman to the Bicycle Advisory Committee for a term ending June 30, 2024, and authorize the Town Manager to sign the appointment letter on behalf of the Select Board. Mr. Hanegan seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: Baughman application, Committee Interviews 5-9-22, Dudley-Marling, questionnaire for volunteers_ Karl Winkler for ZBA, Questionnaire_for_volunteers_2022 ALETHEA YATES, SKeep Volunteer, Volunteer - Carvey (March 2022).

22-97 Department of Public Works

The following are Chapter 90 reimbursement requests:

Middlesex Turnpike Amendment # 14	\$27,612.47
Design of Great Road, Amendment #3	\$25,268.12
2019 South Road Sidewalk Reconstruction	\$12,880.25
Total Request	\$65,760.84

The Middlesex Turnpike Amendment #14, and the South Road Sidewalk Design Projects are complete.

Mr. Pierce moved to approve the Chapter 90 reimbursement request. Ms. Malone seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: Chapter 90 Select Board Mtg. packet 5-9-22, Minuteman Bikeway - Update to the Select Board - May 9, 2022

22-98 Minuteman Bikeway Project – Update

Ms. Mitchell stated that the Select Board has recently heard from many constituents about the future of this project.

Ms. Mitchell explained why the Minuteman Bikeway Extension Project (MMBE) was on the 2022 Town Warrant. She said that the purpose was to allow the Town to acquire the necessary land and easements necessary to secure a clear title.

Mr. Manugian gave an update on the MMBE. He addressed some questions that came out of the 2022 Town Meeting. Questioned ranged from funding from the State and Federal Government, how many trees will be removed and what are the other environmental impacts. In advance of a Special Town Meeting, Mr. Manugian offers potential next steps:

- Schedule meetings with impacted property owners – this will provide an opportunity for impacted residents to ask questions, learn more about the process, and hear directly from Town staff and Town Counsel.
- Schedule a community forum – provide an opportunity for the general public to learn more about the project in advance of Special Town meeting.
- Update the project website using more visual tools, maps, and additional FAQs.
- Engage community stakeholders for project support through groups such as BAC, TAC, Disability Commission

Mr. Pierce asked Mr. Manugian about the tree removals that would be a part of this project. He said it would be helpful to see pictures of the trees that have been identified for removal, and the types of trees that will be replanted.

Mr. Hanegan asked if there is plan in place to allow the cross-country team to continue to practice if this project moves forward. Mr. Manugian said the exact details are a work in process.

Ms. Mitchell believes that through deeper community engagement and providing more detail/information that perhaps that this could move the project across the finish line. She also said that her inclination is to bring it to the Special Town Meeting. Ms. Malone agrees.

Mr. Hanegan said that there maybe an opportunity to try persuade the 40% of those citizens that voted against the measure through outreach and listening and

providing more information to concerns. He is in favor of bringing it to the Special Town Meeting. Ms. Fleischman agreed, as did Mr. Pierce.

Ms. Mitchell asked Mr. Manugian if the appraisal need to be redone. Mr. Manugian said that that would be re-evaluated during the review process.

Mr. Pierce moved to add the Minuteman Bikeway Extension article to the 2022 Special Town Meeting. Mr. Hanegan seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: bike_path_letter_2022, Minuteman Bikeway - Update to the Select Board - May 9, 2022.

22-99 Consent Agenda

AP/Payroll Warrants

Regular Session Minutes - April 25, 2022

One Day Alcohol Licenses - Old Town Hall - 5/15/22, Job Lane House - 9/17/22

Ms. Fleischman moved to approve the Consent Agenda, and to authorize the Town Manager to sign the One Day Alcohol Licenses on behalf of the Select Board. Mr. Pierce seconded

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: AP GL DIST School Warrant ck date 4.28.22 DC Signed, AP GL DIST School Warrant ck date 4.28.22 DC Signed, AP GL Distribution School ck date 05.05.22 DC Signed, AP GL Distribution Town ck date 05.05.22 DC Signed. 04252022 Select Board Minutes – Draft, 04252022 Select Board Minutes – Draft.

9.17.22 One Day Application - Job Lane House Wedding, One Day Liquor License Old Town Hall - Bahtiarian

22-100 Town Manager's Report

Ms. Stanton said that the Town has received four proposals for the Police Chief Assessment Center. The four proposals have been narrowed down to two qualified firms, and I am in the process of reference checking now. I intend to award the contract by the end of the week and will keep the Select Board updated on next steps. The Town remains on target to have a new Police Chief in place by August.

Recreation Director position has been advertised, and the Town has received several strong applications. The position will be moved under the umbrella of Health and Human Services, as was the plan when Amy retired. Also, Town staff are working with the Facilities Department to create office space for the new Energy and Sustainability Manager. The job will be advertised in the next few weeks.

Ms. Stanton and Mr. King presented at the Middlesex 3 monthly meeting at 22 Crosby Drive, to discuss upcoming development projects in Bedford. As of today, there is over 1.4 square million of new development anticipated for the upcoming year.

Regarding Bedford Police renovation and addition Dispatchers will temporarily move into the trailer next to the police station building on the week of May 16th, while contractors perform HVAC work that is part of the renovation in the lobby, records room, and Dispatch Center. There will be no interruption to service before, during, or after this temporary relocation.

Once construction in this area is underway, visitors will be asked to use the intercom system in the internal vestibule in order to contact Dispatch and/or an officer for assistance. Limiting use of the lobby, and having residents call Dispatch from the vestibule, are the same precautions that were initially put

into place at the beginning of the pandemic. Dispatchers will also maintain 24/7 camera monitoring of the vestibule and lobby, as they currently have.

Ms. Mitchell reported that during the first week of the Bedford food waste program at the Bedford Public Schools, the two schools diverted 0.5 tons of food waste from the trash. Below are the estimated totals from Black Earth.

High School- 4/27 and 4/30- .1 Tons per day

Middle School- 4/27-.1 Tons, 4/30- .2 Tons

Materials: TM Report -5.9.22

22-101 Open Discussion and Liaison Reports

Select Board Meeting Schedule - In Person/Virtual Discussion

Discussion of temporary suspension and/or removal of appointed committee members due to litigation against the Town.

Ms. Mitchell reported that the Town received a letter from Arbor Day Foundation stating that the Town has been recognized as a 2021 Tree City U.S.A.

The Select Board discussed returning to in person and virtual meetings. Mr. Hanegan said that he doesn't think it's quiet the right time given that fact that COVID-19 cases are again on the rise. Ms. Malone said that she would rather meet in person, but agrees with Mr. Hanegan. Ms. Fleischmann is comfortable deciding on a meeting by meeting basis. Mr. Pierce agrees with Ms. Fleischman.

Ms. Fleischman moved that the Select Board will continue to meet virtually until such time the Select Board votes to meet in person, or until the State requires boards and committees to meet in person. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

Ms. Mitchell reported that a group of citizens has brought a law suit against the Town regarding the new location of the new Fire Station at 139 The Great Road. Some of the plaintiffs are currently serving on Town boards. As outline in the Board and Committee handbook the Select Board may elect to suspend a committee member during a law suit against the Town.

Ms. Fleischman reported she attended the Historic District Commission meeting. They approved the removal of the stairs that face Mudge Way which will be part of the reconstruction and the removal of a bench – **Emily I lost the context here not sure of what location Margot is referring to.** She also attended that MBTA Advisory Board meeting. They are anticipating a budgetary short fall. She also attended the Minuteman Advisory Group on Interlocal Coordination (MAGIC) meeting there was a presentation on the Nashoba Regional Greenways Project. There was also a presentation given by the MAPC.

Mr. Hanegan reported that he attended the Housing Partnership meeting where there was a presentation on the Carlisle Road properties. He also attended the Municipal Affordable Housing Trust meeting. There was discussion about re-approving the Small Grant program. The Volunteer Coordinating Committee has three applicants to be considered for the Finance Committee: Tom Rowan, Meredith Wasko and Alison O'Connell.

Mr. Pierce reported that he attended the Bicycle Advisory Committee meeting.

Ms. Malone reported that attended the Recreation Committee meeting where they approved a new refund policy of 90% programs. Spring and summer enrollment are high. The Committee met and voted to meet in

person. Bedford Arbor Resource (BARC) met. They continued the discussion on how to build a tree master plan. They also voted to stay with virtual meetings.

Ms. Mitchell reported that the Cultural Council met and they are working on planning a virtual reception for this year's grantees. She attended the Cultural District Working group they are looking forward to the formal opening of the Cultural District on June 11. The Finance Committee will consider reappointments of members.

Materials: 2022 Liaison Assignments FINAL, 2022 Liaison Assignments FINAL

Ms. Fleischman moved to enter into Executive Session for the purposes of discussing strategy related to litigation captioned, "Carol C. Amick, William S. Moonan, Gayle Porter Lewis, Sandra Blake, Michael J. Healey, Malinda Renee Healey, Michelle A. Healey, Linda Healey, Barbara P. Hitchcock, Jon L. O'Connor, Jan Van Steenwijk, Philip Terry Gleason, Laurie Gleason, and Daniel P. Carroll v. the Town of Bedford." And not to return to open session. Mr. Hanegan seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Hanegan aye; Mr. Pierce aye. The motion passed 5-0-0.

22-102 Executive session for the purposes of discussing strategy related to litigation captioned, "Carol C. Amick, William S. Moonan, Gayle Porter Lewis, Sandra Blake, Michael J. Healey, Malinda Renee Healey, Michelle A. Healey, Linda Healey, Barbara P. Hitchcock, Jon L. O'Connor, Jan Van Steenwijk, Philip Terry Gleason, Laurie Gleason, and Daniel P. Carroll v. the Town of Bedford."

Meeting adjourned at 9:23 p.m.
Approved as Record Copy
Respectfully submitted by Eileen Blanchette