

**Charter and Bylaw Review Committee Meeting Minutes  
Second Floor Conference Room, Town Hall  
Wednesday, January 15, 2020 7:00 p.m.**

**PRESENT:** Cathy Cordes, Chair; Betsey Anderson; Carol Amick; Jacinda Barbehenn; Daniel Brosgol; Bruce Murphy; Ed Pierce; and Jan Shepard

**ABSENT:** Maria Borino

**ALSO PRESENT:** Heidi Porter, Director of Health and Human Services; John Linz, Historic Preservation Committee; Rajitha Purimetla, BARC/DPW

---

Ms. Cordes called the meeting to order at 7:00 p.m.

**1. Approval of the minutes of January 8, 2020**

**Mr. Murphy moved to accept the minutes of January 8, 2020 as amended. Mr. Brosgol seconded. The motion passed 8-0-0.**

Ms. Cordes stated that she had requested that Ms. Borino submit a letter of resignation to the Town Clerk in order to make her resignation official.

Ms. Cordes noted that there is only one more meeting before the presentation of proposed amendments to the Selectmen. She suggested that the committee focus on those that are ready to be considered and provided a list of bylaw revisions that are ready to be acted upon. The committee could then continue its work until the Fall Special Town Meeting to complete the project. She noted that there are a number of grammatical and consistency changes that could be postponed. There was general agreement with this proposal with the exception of the replacement of "Selectmen" with "Select Board" in the Bylaws, assuming this Charter change is approved at the March election.

Ms. Cordes indicated that the proposed inclusion of additional committees in the Bylaws will be referred to the Selectmen and will be discussed at their next meeting. Action on proposed changes to Article 11 will also be referred to the Selectmen and Town Manager for review. Ms. Cordes noted that the Committee had received a letter from Town Counsel following their review of the Bylaws. No significant changes were recommended.

**4. Votes on proposed changes to the Bylaws**

Ms. Cordes shared a document with the committee that included all current proposed changes to the Bylaws. These will also be incorporated into the chart entitled Proposed Bylaw Changes.

**Votes were taken on the following:**

**Article 29 Historic Preservation Commission**

Mr. Linz indicated that he and the Commission are in agreement with the proposed wording of the amendments to Article 29.

**Mr. Pierce moved to amend Article 29 (text below) to amend the duties of the Commission and to correct the references in the Authority section of the Bylaw. Ms. Amick seconded. Motion passed 8-0-0.**

## **ARTICLE 29 HISTORIC PRESERVATION COMMISSION**

### **29.1 Authority**

The Historic Preservation Commission (formerly Historical Commission) shall be constituted as set forth in the Charter. It was established by adoption of M.G.L. Ch. 40, Sec. 8D (~~1971 ATM~~).

### **29.4 Responsibilities**

Responsibilities of the Commission are to:

29.4.1 Conduct research on places of historic, architectural or archaeological value.

29.4.2 Cooperate with the state archaeologist's research ~~in conducting research and surveys~~ Seek to and coordinate the activities of with other historic preservation groups ~~organized for similar purposes.~~

29.4.3 Compile and maintain an inventory of buildings, areas, and sites of architectural, historical, and archaeological importance.

29.4.4 Recommend the acquisition or acceptance ~~by the Town in the name of the Town of Bedford~~ of real or personal property of significant historical value, **or permanent preservation deed restrictions on historic structures outside the Bedford Historic District**, and manage the same, subject to approval of the ~~Selectmen Board~~ **Board** and a Town Meeting. ~~vote for the purchase or lease of real property~~

**29.4.5 Manage the Job Lane House and property.**

**29.4.6 Administer Article 57, the Demolition Delay Bylaw.**

~~(h) Explore use of permanent preservation deed restrictions as a way to preserve historic town structures, and to manage such restrictions that the town may procure on structures outside the local Historic District~~

**29.4.7 Assist in the administration of Article 56, Tax Deferral for Renovated Historic Properties.**

## **Article 7.6 Board of Health Noncriminal Method of Disposition**

Ms. Porter explained that these changes are required to make the Bylaws agree with the current Board of Health Regulations. She stated that this Bylaw applies to tobacco smoking only.

**Mr. Murphy moved to amend Article 7.6 (text below) to update the regulations and related fees for noncriminal disposition. Ms. Amick seconded. Motion passed 8-0-0.**

## **ARTICLE 7 BOARD OF HEALTH**

## 7.6 Noncriminal Method of Disposition

The Board of Health may use noncriminal method of disposition for any violation of the Bedford Board of Health Regulations ~~Governing Restrictions on Use, Sale, and Distribution of Tobacco~~ Prohibiting Smoking in Workplaces and Public Places and Regulations Restricting the Sale of Tobacco Products, as provided in M.G.L. Ch. 40, Sec. 21D.

The Board of Health and/or its duly appointed agent(s) are hereby designated as officer(s) charged with enforcement authority of said regulations.

### **7.6.1 ~~Restrictions on use(s) of Tobacco~~ Fine Schedule for Violations of Bedford Board of Health Regulations Prohibiting Smoking in Workplaces and Public Places**

**7.6.1.1** \$100 per violation for a person who smokes in an enclosed workplace or one of the following locations:

- a. Mobile food units
- b. A fifteen-foot (15') buffer zone of an entranceway to an enclosed workplace in a public building, including municipal buildings, vehicles, and an entranceway accessible to the public, except that this shall not apply to a smoker transiting through such fifteen-foot area nor to a smoker approaching an entranceway with the intention of extinguishing a tobacco product
- c. Automobile repair and maintenance establishments
- d. Bed and Breakfast, Hotel and Motel Rooms
- e. Membership Associations
- f. Nursing Homes
- g. Free Standing Kiosks
- h. Smoking Bars
- i. Retail Tobacco Stores
- j. Public Transportation, Bus and Taxi Waiting Areas
- k. Clubs or rooms when used for public meetings
- l. Outdoor spaces that have a structure capable of being enclosed by walls or covers, regardless of the materials or the removable nature of the walls or covers. The space will be considered enclosed, when the walls or covers are in place. All outdoor spaces shall be physically separated from an enclosed work space. If the windows, sliding or folding windows or doors or other fenestrations are opened or otherwise do not prevent the migration of smoking into the work space, the outdoor space shall be considered an extension of the enclosed work space and, therefore, subject to this section
- m. Theatrical performances upon a stage or in the course of a professional film production unless permission has been obtained from the Bedford Board of Health

- n. Town-owned recreation areas/land including swimming areas, Springs Brook Park, recreational playgrounds and athletic fields.

**7.6.1.2 An owner, manager, or other person in control of a building, vehicle or vessel who violates the Bedford Board of Health Regulations Prohibiting Smoking in Workplaces and Public Places, in a manner other than by smoking in a place where smoking is prohibited, shall be punished by a fine of:**

**\$100 for the first violation;**

**\$200 for a second violation occurring within two (2) years of the date of the first offense; and**

**\$300 for a third or subsequent violation occurring within two (2) years of the second violation.**

**7.6.2** Fine Schedule for Violations of the Bedford Board of Health Regulations Restricting the Sale of Tobacco Products by a licensed establishment, permit holder and/or his or her business agent

7.6.2.1 In the case of a first violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for fourteen (14) consecutive business days.

7.6.2.2 In the case of a second violation within thirty-six (36) months of the date of the current violation, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for thirty (30) consecutive business days.

7.6.2.3 In the case of three or more violations within a thirty-six (36) month period, a fine of three hundred dollars (\$300.00) and the Tobacco Product Sales Permit shall be suspended for sixty (60) consecutive business days.

7.6.2.4 In the case of four violations or repeated, egregious violations of this regulation within a thirty-six (36) month period, the Board of Health shall hold a hearing in accordance with subsection 4 of this Regulation and may permanently revoke a Tobacco Product Sales Permit.

~~A.) Restrictions on Use(s) of Tobacco~~

~~Fine Schedule for Tobacco Use Restrictions:~~

~~1.) \$20 per violation for a person who smokes in a public place.~~

~~2.) \$200 per day a violation continues for any proprietor(s) or other person(s) in charge of public place or workplace who fail(s) to comply.~~

~~B.) Prohibition on Tobacco Sales to Minors~~

~~Fine Schedule for Sales to Minors:~~

~~1.) \$100 for the first offense,~~

~~2.) \$200 for the second offense, and~~

~~3.) \$300 for any subsequent offense.~~

~~C.) Required Posting of State Law~~

~~Fine Schedule for Failure to Post:~~

- ~~1.) \$50 for each day the violation continues and~~
- ~~2.) \$10 fine for anyone unlawfully removing signage.~~

~~D.) Prohibition of Self-Service Displays of Tobacco Products, Free Distribution/Sampling of Tobacco Products, Reduced Pricing of Tobacco Products, Vending Machines Containing Tobacco Products, Requirements for Sales Personnel, and Restrictions on Packaging of Tobacco Products.~~

~~Fine Schedule for Self-Service Displays, Free Distribution/Sampling, Reduced Pricing, Vending Machines, Sales Personnel and Packaging:~~

- ~~1.) \$100 for each day the violation continues.~~

~~E.) Requirement for Tobacco Sales Permits~~

~~Fine Schedule for Permits:~~

- ~~1.) \$100 for selling tobacco products at retail without a valid Tobacco Sales Permit. If such violation is not corrected within seven (7) days of notification, the fine shall be \$100 for each subsequent day the violation continues.~~

~~F.) Prohibition on Student/Faculty/Staff Use(s) of Tobacco in Bedford Schools, on Bedford School grounds, at school sponsored activities and in vehicles used in the transportation of students.~~

~~Fine Schedule for Tobacco Use Restrictions:~~

- ~~1.) \$ 50 fine for the first offense~~
- ~~2.) \$100 fine for the second offense~~
- ~~3.) \$100 fine for the third offense and any subsequent offense~~

### **Article 13.4.4.7 Board of Health Revolving Fund**

**Ms. Shepard moved to amend Article 13.4.4.7 (text below) to rename the Board of Health Revolving Fund to the Public Health Programs Revolving Fund (to comply with a Department of Revenue request that the Bylaws and the name of the accounts are the same). The amendment replaces “Board of Health” with “Public Health Programs”. Mr. Pierce seconded. Motion passed 8-0-0.**

#### **13.4.4.7 Public Health Programs Revolving Fund**

**13.4.4.7.1 Fund Name.** There shall be a separate fund called the **Public Health Programs** Revolving Fund authorized for the use of the Board of Health.

13.4.4.7.2 Revenues. The Town Accountant shall establish the **Public Health Programs** Revolving Fund as a separate account and credit to the fund all of the monies, gifts, and fees charged and received by the Board of Health from public health programs, such as clinics sponsored by the Board of Health.

13.4.4.7.3 Purposes and Expenditures. During each fiscal year, the Board of Health may incur liabilities against and spend monies from the **Public Health Programs** Revolving Fund for public health programs by the Board of Health (including sponsored clinics) and related programs, such as medical services.

13.4.4.7.4 Fiscal Years. The **Public Health Programs** Revolving Fund shall operate for fiscal years that begin on or after July 1, 2017.

## **Article 49 Control and Management of Hazardous Materials**

Ms. Porter explained that the recommended changes in Sections 49.3 and 49.4 reflect current practice in the administration of the Bylaw and that it should be updated.

**Ms. Amick moved to amend Article 49 (text below) to reflect current practices. Ms. Barbehenn seconded. Motion passed 8-0-0.**

### **ARTICLE 49 CONTROL AND MANAGEMENT OF HAZARDOUS MATERIALS**

#### 49.3 Compliance

The Board may vary any requirement of subsections 3.1 and 3.2 upon demonstration by the applicant that the intent of said Sections 3.1 and 3.2 may be otherwise satisfied. (see also Bylaw Section 4.5)

##### 49.3.1 Contingency Plan

49.3.1.1 The responsible party shall have a contingency plan for each facility. A statement of environmental policy signed by the responsible party shall be included indicating management's intent and resolve to prevent and minimize unsafe handling and accidental spillage of hazardous materials. This plan shall be reviewed, updated, as necessary, and submitted to the Board annually in a format prescribed by the Board.

49.3.1.2 The provisions of the contingency plan shall be carried out immediately whenever there is a spill or leak as defined in Section 2.6.

49.3.1.3 The contingency plan shall clearly define the lines of communication and responsibilities among facility personnel and shall describe the actions they shall take to; (a) comply with Sections 3.1.1 and 3.1.2; and (b) complete incident notifications and reports.

~~49.3.1.4 If the responsible party has, prior to the effective date of this bylaw, prepared a plan concerning Spill Prevention, Control, and Countermeasures (SPCC) or some other emergency or contingency plan, the responsible party need only add to that plan whatever is necessary to comply with the requirements of this Bylaw.~~

*[DELETED Above FORMER SECTION 49.3.1.4 and RENUMBERED FOLLOWING SECTIONS WITH NO OTHER CHANGES TO THOSE SECTIONS]*

#### 49.3.3 Annual Review of Contingency Plan and Training Plan

The contingency and training plans shall be reviewed by the Responsible Party and submitted to the Board on an annual basis, shall include any updates or amendments, and be accompanied by a registration form supplied by the Board. Additionally, the plans shall be amended, if necessary, whenever:

### **49.4 Compliance Procedures**

**49.4.1 Application and Renewal Requirements:** Responsible Parties shall submit a letter to the Board requesting a COC and shall adhere to the following procedures:

~~49.4.1.1 Five copies of the required initial Contingency Plan and five copies of a detailed outline of the required initial Training Plan shall be provided by the applicant. A complete Training Plan shall be provided upon request of the Board at the time of initial compliance or any renewal.~~

**Submit two plans to the Board in an electronic format via an approved means or portal. One of the plans shall be considered for the Board, the file shall be titled “Company name-address-BOH” and shall contain: a title page, table of contents, eight prescribed chapters and the Bedford Experience. One of the plans shall be considered for the Fire Department, the file shall be titled “Company name-address-FIRE” and shall contain: a title page, table of contents, four chapters (2, 3, 5 and 6) and the Bedford Experience.**

49.4.1.4

~~(b) \$25~~ **\$100** for each annual review and routine amendments to Contingency Plans and Training Plans. Refer to Section 3.3.

### **Article 6 Board of Assessors**

Recommended changes include adding the required oath and updating the responsibilities of the Board of Assessors.

**Ms. Shepard moved to amend Article 6 (text below) to add the required oath and to update the responsibilities of the Board. Mr. Murphy seconded. Motion passed 8-0-0.**

### **ARTICLE 6 BOARD OF ASSESSORS**

#### **6.2 Membership**

The Board of Assessors shall consist of three members, each to be elected for a three-year term at an annual Town election. Assessors are subject to the oath prescribed by M.G.L. Ch. 41, Sec. 29.

#### **6.4 Responsibilities**

The duties of the Board of Assessors are outlined in M.G.L. Ch. 41 Sec.24 to Sec. 30B, M.G.L. Ch. 59, and M.G.L. Ch. 40 Sec. 56.

The duties of the Board of Assessors shall include, but not be limited to:

- 6.4.1 Assessment of all real and personal property for tax purposes by review and approval of the required inputs to the Massachusetts Department of Revenue Certification and Revaluation processes
- 6.4.2 Review and approval of motor vehicle excise taxes
- 6.4.3 Review and approval of Tax Commitments
- 6.4.4 Review and approval of the resolution of all property and motor vehicle excise tax abatement requests
- 6.4.5 Review and approval of the resolution of all tax exemption requests
- 6.4.6 present an annual Tax Classification recommendation to the Select Board
- 6.4.7 Review and set the Overlay Reserve and approve any disbursement from the Overlay Reserve
- 6.4.8 Review and approve appointment and removal recommendations by the Town Manager for the position of Town Assessor
- 6.4.9 Support the Town Manager in the supervision of the Assessing Department

#### **Article 13.3 Audit**

**Ms. Barbehenn moved to amend Article 13.3 (text below) to indicate an audit is required and to eliminate that it is subject to appropriation. Ms. Amick seconded. Motion passed 8-0-0.**

#### **FINANCE**

##### **13.3 Audit**

~~Subject to an appropriation, the Selectmen shall contract with a Certified Public Accountant to perform an audit of the Town's records for the previous fiscal year.~~

**As required by M.G.L. Ch. 44, Sec. 35, the Select Board shall contract with a Certified Public Accountant to perform an audit of the Town's records for the previous fiscal year.**

#### **Article 13.3.4.4.5 Department of Public Works Refuse and Recycling Revolving Fund**

**Ms. Shepard moved to amend Article 13.3.4.4.5 (text below) relating to the use of the funds. Ms. Barbehenn seconded. Motion passed 8-0-0.**

##### **13.4.4.5 Department of Public Works Refuse and Recycling Revolving Fund**

13.4.4.5.3 Purposes and Expenditures. During each fiscal year, the Department of Public Works may incur liabilities against and spend monies from the Department of Public Works Refuse and Recycling Revolving Fund for any expenses related to said refuse collection and recycling program, including collection and disposal



costs, the purchase of refuse carts, recycling bins and compost bins, **and the development and delivery of educational materials.** mailings, and postage.

No vote was taken on the proposed changed to the Library Revolving Fund (Article 13.4.4.1.2) based on input from the Library Trustees that it was not necessary. No action was taken on proposed changes to Article 12.3 Library Trustees since the Trustees no longer wish to make this change.

## **Article 20 Historic District Commission**

**Ms. Shepard moved to amend Article 20 (text below) to clarify the authority for the Commission and its responsibilities. Ms. Amick seconded. Motion passed 8-0-0.**

### **ARTICLE 20 HISTORIC DISTRICT COMMISSION**

#### 20.1 Authority

The Historic District Commission shall be constituted as set forth in the Charter. Its authority is provided under Chapter 118 of the Acts of 1964 of the Massachusetts Legislature, as amended by Chapter 180 of the Acts of 1979 and Chapter 154 of the Acts of 1987, and any subsequent amendments which established the Historic District.

#### 20.2 Membership

The Historic District Commission shall consist of five members and two alternate members appointed by the Select Board to fill three-year terms.

#### 20.3 Purpose

The purpose of the Commission is to administer and enforce the provisions of the Special ~~legislation~~ Act, as amended.

#### 20.4 Responsibilities

The Commission shall ensure that no building or structure within the Historic District is erected, changed as to exterior color features, demolished or removed without the approval of the Commission and that no sign is installed or landscaping undertaken in the Historic District which is subject to view from a public way without the approval of the Commission. The Commission's powers, functions, and duties are set out in full in the Special Act, as amended.

## **Article 21 Zoning Board of Appeals**

**Ms. Barbehenn moved to amend Article 21 (text below) to correct the authority for the Board and to make other minor changes in the language of Section 21.3. Ms. Amick seconded. Motion passed 8-0-0.**

### **ARTICLE 21 ZONING BOARD OF APPEALS**

#### 21.1 Authority

The organization, function, powers, and duties of the Zoning Board of Appeals are established under M.G.L. Ch. 40A, Sec. 12 and 14 and other applicable sections. ~~8 & 9.~~

### **21.3 Responsibility**

The Board shall hold public hearings to consider petitions for ~~a~~-variances or special permits and public hearings on appeals brought to the ~~b~~Board by anyone aggrieved by a decision of the Zoning Enforcement Officer or the Inspector of Buildings.

**Article 25 Bicycle Advisory Committee** – The proposed amendments will be considered at the next meeting.

The Selectmen will be asked to review the new bylaws drafted for Arbor Resources and the Energy Sustainability Committee to determine if they should be added to the Bylaws. The Selectmen will also be asked if they would like to add the Patriotic Holiday Committee and the Fiscal Planning and Coordinating Committee to the Bylaws.

### **3. Status updates from Member assignments**

**4.2.1.5 Question of privilege:** Ms. Anderson reported that a question of privilege can either apply to the meeting as a whole or to the members. The language in the Bylaws is taken from *Town Meeting Time* which guides our Town Meetings. It was agreed that no change is needed.

Ms. Amick reported that the changes she recommended to Article 11.4.1.d that included the words “public utilities” are incorrect and should not be considered.

**Article 4.4.7 Quantum of voting on bylaws and borrowing:** It had been suggested that the quantum of vote for Charter amendments be added to the Bylaws. Since this is covered in the Charter, it was agreed to make no change in the Bylaws.

The section on definitions will be reviewed at the next meeting. A question was asked if the department heads had been contacted to review the definitions.

### **Next Meetings**

The committee will meet on January 22<sup>nd</sup> and will present to the Selectmen on January 27<sup>th</sup>.

### **5. Adjournment**

**Mr. Murphy moved to adjourn. Ms. Amick seconded the motion.  
The motion passed 8-0-0.**

The meeting adjourned at 9:10 p.m.

Respectfully submitted,

Betsey Anderson  
Clerk

Minutes approved: January 22, 2020