

SPECIAL TOWN MEETING

November 9, 2009

The Special Town Meeting convened at 7:38 p.m. in the Bedford High School Auditorium. A quorum of one hundred and two registered voters was present. The Town Clerk read the return of service. The Moderator stated the Town Meeting is the business meeting of the Town. Proper decorum must be maintained at all times. The Moderator stated the rules of Town Meeting are as follows: The Moderator must recognize all voters before speaking. Voters must stand at the microphone to be recognized. The voter must give their name and address when speaking. A voter may not speak more than twice on a debate without specific permission from the Moderator except to correct a statement. Questions don't fall under that rule. Amendments should be in writing for the Town Clerk and Moderator. The Moderator stated to go to the mike to speak. No clapping or booing. Cable is taping tonight. The Moderator requested there be no taping during voting. The Moderator stated that all cell phones must be turned off. She stated the voter must go out into the hall to talk on the cell phone. A green slip is required tonight for voting. If the voter did not obtain one at check-in, they need to go and pick one up. There is one secret ballot tonight.

The Moderator named the tellers for the evening: Cynthia Donahue, Peter Donahue, Charles Rosenberg, and Janet Schimelfenyg.

The Moderator stated she is the Chair of the Charter and Bylaw Review Committee. She will not be involved in the debate for the Charter and General Bylaw amendments.

Article 1 – Debate Rules

Angelo Colao made the following motion and the motion was seconded.

Voted, that the Town adopt the following procedure for the current Special Town Meeting:

- A. A speaker presenting an article or amendment to an article shall be limited to ten (10) minutes;
- B. Other speakers shall be limited to five (5) minutes;
- C. No article shall be presented after 10:45 p.m.;
- D. Town Meeting by majority vote may waive A, B, or C.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval

Moderator declared the motion adopted unanimously.

Article 2 – Miscellaneous Charter Amendments

Joan Bowen made the following motion and the motion was seconded.

Voted, that the Town approve the amendments to the Town of Bedford Charter:

a. Section 1-2 Powers

Current

Proposed

The form of government provided by this Charter shall be known as Selectmen-Open Town Meeting. Pursuant to the provisions of this charter and subject only to such limitations as may be imposed by the Constitution and General Laws, the Town of Bedford shall have all powers possible for a town to have as fully and completely as though they were specifically enumerated in this Charter.

The form of government provided by this Charter shall be known as Selectmen-Open Town Meeting. Pursuant to the provisions of this ~~C~~harter and subject only to such limitations as may be imposed by the Constitution ~~or and~~ General Laws **of the Commonwealth of Massachusetts**, the Town of Bedford shall have all powers possible for a town to have as fully and completely as though they were specifically enumerated in this Charter.

b. Section 1-3 Construction

The powers of the Town under this Charter shall be construed liberally in favor of the Town and the specific mention of particular powers in the Charter shall not be construed as limiting in any way the general power stated in this article.

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c. Section 1-4 Intergovernmental Relations

Subject to the applicable requirements of any provision of the Constitution or General Laws of the Commonwealth, the Town of Bedford may exercise any of its powers or perform any of its functions and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more states or civil divisions or agencies thereof, or the United States or any agency thereof.

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d. Section 2-1 Form of Town Meeting Membership

The legislative authority of the Town shall be vested in an open Town Meeting. All registered voters of the Town shall be members of the Town Meeting and shall be eligible to vote on matters that come before it.

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e. Section 2-4 Call of Special Town Meetings

Section 2-4

Call of Special Town Meetings

Special Town Meetings shall be called by the Selectmen at their discretion or by petition of two hundred registered voters of the Town as provided in Chapter 39 of the General Laws.

Section 2-4 2-3

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Special Town Meetings shall be called by the Selectmen at their discretion or by petition of two hundred registered voters of the Town as provided in Chapter 39 of the ~~General~~ **Massachusetts General** Laws.

f. Section 2-3 Adjournment

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Adjourned sessions of Annual and Special Town Meeting shall reconvene within twenty-one days of adjournment.

Section 2-3 2-4 Adjournment

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g. Section 2-9 Town Meeting Vote by Consent

In preparing the warrant for Town Meeting the Selectmen may, at their discretion, place two or more items subject to a vote at Town Meeting into one article titled "The Consent Article". A vote on the consent article shall be a vote on all items it contains; however, each item shall be printed in the article in a separate paragraph so that it is identifiable and distinct from all others. The Town Meeting may vote to amend the consent article by removing from it any item making that item subject to a separate vote. In that event the consent article shall be voted, as amended.

In preparing the warrant for Town Meeting the Selectmen may, at their discretion, place two or more items subject to a vote at Town Meeting into a **consent article**. ~~one article titled "The Consent Article"~~ A vote on ~~the~~ **consent article** shall be a vote on all items it contains; however, each item shall be printed in the article in a separate paragraph so that it is identifiable and distinct from all others. The Town Meeting may vote to amend ~~the~~ **consent article** by removing from it any item making that item subject to a separate vote. In that event ~~the~~ **consent article** shall be voted, as amended.

h. Section 2-13 Town Meeting Rules

Except where they are specified by General Law and this Charter, rules governing the structure and conduct of Town Meeting shall be established as Town Bylaws.

Except where they are specified by ~~General~~ **Massachusetts General** Laws and this Charter, rules governing the structure and conduct of Town Meeting shall be established as Town Bylaws.

i. Section 2-14 Quorum

The presence of one hundred (100) registered voters shall be required to constitute a quorum at any Town Meeting for the transaction of business. However, a motion to adjourn to some other date shall not require a quorum.

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j. Section 2-15 Attendance of Town Officials

At least one member of each elected or appointed

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board, commission and committee shall attend all Annual and Special Town Meetings. However, no Town Meeting power or action otherwise authorized under the General Laws or Bylaw shall be nullified if one or more said town officers or members do not comply with the requirement of this section.

board, commission and committee shall attend all Annual and Special Town Meetings. However, no Town Meeting power or action otherwise authorized under the ~~General Massachusetts General~~ Laws or **Bylaws of the Town** shall be nullified if one or more said town officers or members do not comply with the requirement of this section.

k. Section 2-16 Procedure to Create a Bylaw

Procedure to Create a Bylaw

Every proposed Bylaw shall be inserted in the warrant as an article to be voted upon by Town Meeting. A public hearing shall be held by the Selectmen on each General Bylaw inserted in the warrant. Within fourteen days after they are approved by Town Meeting, proposed Bylaws shall be delivered to the Attorney General for his or her review. If not denied by the Attorney General, the Bylaw will take effect as provided by the General Laws and shall continue in force until amended or repealed.

~~Procedure to Create a Bylaw~~ Procedure to Create a General Bylaw

Every proposed **General** Bylaw shall be inserted in the warrant as an article to be voted upon by Town Meeting. A public hearing shall be held by the Selectmen on each General Bylaw inserted in the warrant. Within fourteen days after they are approved by Town Meeting, proposed Bylaws shall be delivered to the Attorney General for his or her review. If not denied by the Attorney General, the **General** Bylaw will take effect as provided by the ~~General Massachusetts General~~ Laws and shall continue in force until amended or repealed.

l. Section 3-1 Establishment, General Powers

Five Selectmen shall be the chief executive body of the Town. They shall have all of the powers possible for Selectmen to have under the General Laws of the Commonwealth and Bylaws of the Town, including powers not specifically set forth in this Charter.

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m. Section 3-2 Specific Powers

The Selectmen's specific powers shall include, but not be limited to, the following:

- conducting the affairs of the Town not specifically granted to another office, board, commission, or committee by the General Law, Town Bylaw, or this Charter.
- investigating the conduct and operation of any Town department. Upon completion of such investigation a report shall be submitted to the Town Clerk and be printed in the Annual Town Report.
- making appointments to the offices specified in Section 3 of Article 3 of this Charter. They shall also make appointments to any temporary posts and committees they create for a special purpose.

The Selectmen may delegate to the Town Manager their authority in whole or in part under M.G.L. Ch.

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- conducting the affairs of the Town not specifically granted to another office, board, commission, or committee by the ~~General Massachusetts General~~ Laws, Town Bylaws, or this Charter.
- investigating the conduct and operation of any Town department. Upon completion of such investigation a report shall be submitted to the Town Clerk and be printed in the Annual Town Report.
- making appointments to the offices specified in Section 3 of Article 3 of this Charter. They shall also make appointments to any temporary posts and committees they create for a special purpose.

The Selectmen may delegate to the Town Manager

41 Section 52, to approve all bills or payrolls for Town departments before they are paid by the Treasurer.

their authority in whole or in part under ~~M.G.L. Ch. Chapter~~ **Chapter 41 Section 52 of the Massachusetts General Laws**, to approve all bills or payrolls for Town departments before they are paid by the Treasurer.

n. Section 3-3 Appointments

In addition to appointments to temporary posts and committees they may create, the Selectmen shall make the following appointments for the terms specified:

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Term	<u>Years</u>		Length of
<u>Office</u>	<u>No. of</u>		<u>Years</u>
Council on Aging	9		3
Conservation Commission	7		3
Constables	4		3
Fence Viewers	5		1
Historic District Commission	5		3
Historic District Commission Alternate Members	2		3
Historic Preservation Commission	7		3
MBTA Representative	1		3
Measurers of Wood, Bark and Manure	5		1
Public Ceremonies Committee	7		3
Recreation Commission	5		3
Registrars of Voters	3		3
Special Police Officers	Any		1
Metropolitan Area Planning Council	1		3
Town Manager	1	Pleasure of Select men	
Town Counsel	1		1
Town Historian	1		3
Veterans' Agent/Service Officer	1		1
Veterans' Graves Officer	1		1
Volunteer Coordinating Committee	3		3
Zoning Board of Appeals	5		3
Associate Members of the Zoning Board of Appeals	3		3

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<u>Office</u>	<u>No. of</u>		<u>Years</u>
Council on Aging	9		3
Conservation Commission	7		3
Constables	4		3
Fence Viewers	5		1
Historic District Commission	5		3
Historic District Commission Alternate Members	2		3
Historic Preservation Commission	7		3
MBTA Representative	1		3
Measurers of Wood, Bark and Manure	5		1
Public Ceremonies Committee	7		3
Recreation Commission	5		3
Registrars of Voters	3		3
Special Police Officers	Any		1
Metropolitan Area Planning Council	1		3
Town Manager	1	Pleasure of	
Selectmen			
Town Counsel	1		1
Town Historian	1		3
Veterans' Agent/Service Officer	1		1
Veterans' Graves Officer	1		1
Volunteer Coordinating Committee	3		3
Youth and Family Services Committee	9		3
Zoning Board of Appeals	5		3
Associate Members of the Zoning Board of Appeals	3		3

o. Section 3-4 Duties of Appointees

Members of appointed offices shall carry out the duties and have the authority set forth in the Constitution and General Laws of the Commonwealth, this Charter, Bylaws, statutes and regulations of other government jurisdictions as applicable and as instructed and delegated by the Selectmen where they have the power to confer.

Members of appointed offices shall carry out the duties and have the authority set forth in the Constitution and General Laws of the Commonwealth **of Massachusetts**, this Charter, **Town** Bylaws, statutes and regulations of other government jurisdictions as applicable and as instructed and delegated by the Selectmen where they have the power to confer.

p. Section 4-2 Duties

Members of elected offices shall carry out duties and have the authority set forth in the Constitution and General Laws of the Commonwealth, this Charter, Town Bylaws, and statutes and regulations of other government jurisdictions as applicable.

Members of elected offices shall carry out duties and have the authority set forth in the Constitution and General Laws of the Commonwealth **of Massachusetts**, this Charter, Town Bylaws, and statutes and regulations of other government jurisdictions as applicable.

q. Section 5-1 Conditions of Office, Duties - Paragraph 1

The Selectmen shall appoint a Town Manager who shall be qualified by education, training, or previous experience in public administration to perform the duties of the office. He or she shall be the chief administrative officer of the Town. The individual shall not have served in an elective office in the Town during the twelve months prior to the appointment. He or she shall devote full-time to the business of the Town. The Town Manager's compensation shall be set by the Selectmen within the amount appropriated by the Town Meeting. The Town Manager shall serve at the pleasure of the Selectmen; however, at least four Selectmen must vote for dismissal if the individual is to be removed from office. The Town Manager shall be responsible for the conduct of affairs placed in his or her charge by Charter or by other legal source or delegation of authority. Among the powers and duties of the Town Manager are the following:

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r. 5-1h Conditions of Office, Duties

h. Be responsible for the negotiation of all contracts within the Selectmen's jurisdiction. For the purposes of collective bargaining under Chapter 150E of the General Laws, the Selectmen shall be the Chief Executive Officer and the Town Manager shall be the designated representative under Section 1 of said Chapter. Contracts negotiated by the Town Manager shall be subject to the policy of and final approval of the Selectmen. The Selectmen may authorize the use of additional persons to assist the Town in negotiation of collective bargaining contracts as they deem advisable.

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s. Section 5-1j Town Manager – Conditions of Office, Duties

j. Approve and execute required grant agreements or procurement contracts for materials, supplies, services or equipment, when such procurement does not require public advertising in accordance with M.G.L. Chapter 30B providing any necessary funds are available through appropriation or gift to the Town.

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t. Section 6-1 The Finance Committee

The Finance Committee shall consist of nine members who shall serve for three-year terms. Members shall be appointed by unanimous vote of the chairman of the Finance Committee, the Moderator, and the chairman of the Selectmen. The Finance Committee shall have the powers and duties set forth in the General Laws and Bylaws of the Town.

The Finance Committee shall consist of nine members who shall serve for three-year terms. Members shall be appointed by unanimous vote of the ~~chairman~~**Chair** of the Finance Committee, the Moderator, and the ~~chairman~~**Chair** of the Selectmen. The Finance Committee shall have the powers and duties set forth in the ~~General~~**Massachusetts General** Laws and ~~Town~~**Town** Bylaws of the ~~Town~~.

u. Section 6-2 The Capital Expenditure Committee

The Capital Expenditure Committee shall consist of nine members who shall serve for three-year terms. The Selectmen, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee. The remaining six members shall be appointed by unanimous vote of the Chairman of the Selectmen, the Chairman of the Finance Committee and the Chairman of the School Committee.

The Capital Expenditure Committee shall consist of nine members who shall serve for three-year terms. The Selectmen, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee. The remaining six members shall be appointed by unanimous vote of the ~~Chairman~~**Chair** of the Selectmen, the ~~Chairman~~**Chair** of the Finance Committee and the ~~Chairman~~**Chair** of the School Committee. **The Capital Expenditure Committee shall have the responsibilities set forth in the Bylaws of the Town.**

The Capital Expenditure Committee shall prepare and annually update a six-year plan for spending on town capital projects. It shall be submitted in written form to the Selectmen and The Finance Committee not less than ten working days before the end of the calendar year. The plan shall include expenditures for new construction, major improvements to the existing town property and for major purchases of equipment by all town departments, offices, boards, commissions and committees. The plan shall be prepared on the basis of town-wide priorities and shall consist in part of a list of expenditures, by item, for each year in the plan. The definition of a major improvement or purchase shall be established by the committee after consultation with knowledgeable officials of the Town and may be changed from time to time to reflect current economic considerations.

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The Capital Expenditure Committee shall review and comment upon all studies of capital requirements of the Town and may itself conduct such studies it deems necessary to perform its duties. The committee shall review and comment upon all warrant articles for capital expenditure.

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v. Section 8-1 Holders of an Elective Office May Be Recalled

Any holder of an elective office may be recalled and removed therefrom by the qualified voters of the Town as herein provided. Recall is intended to be utilized when, in the opinion of the number of voters herein after specified, an elected official, acting as such, has caused a loss of confidence in his or her judgment or ability to perform reasonably the duties and responsibilities of the office.

Any holder of an elective office may be recalled and removed ~~therefrom~~ by the qualified voters of the Town as ~~herein~~ provided **in this Charter**. Recall is intended to be utilized when, in the opinion of the number of voters ~~herein~~ after specified **below**, an elected official, acting as such, has caused a loss of confidence in his or her judgment or ability to perform reasonably the duties and responsibilities of the office.

w. Section 8-2 Affidavit, Petition, Preparation and Filing

Any ten qualified voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall forthwith transmit a copy of such affidavit to the officer sought to be recalled and to the Selectmen. Within five days from the date of the filing of the affidavit, the Town Clerk shall deliver to the ten voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued, consecutively numbered, by the Town Clerk with the signature and official seal of the Town Clerk attached thereto; they shall be dated and addressed to the Selectmen, shall contain the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and the names of the persons to whom issued, and they shall demand the election of the successor to such office. The recall petition shall be returned and filed with the Town Clerk at or before 5:00 p.m. of the thirtieth day after issuance of the petition. Said petition before being returned and filed shall be signed by at least ten percent of registered voters and to every signature shall be added the place of residence of the signer, giving the street and number. The Town Clerk shall deliver the petition to the Registrars of Voters, and the Registrars shall, within five days, certify thereon the number of signatures which are names of voters of the Town.

Any ten qualified voters of the Town may file with the Town Clerk an affidavit containing the name of the officer sought to be recalled and a statement of the grounds of recall. The Town Clerk shall ~~forthwith~~ **promptly** transmit a copy of such affidavit to the officer sought to be recalled and to the Selectmen. Within five days from the date of the filing of the affidavit, the Town Clerk shall deliver to the ten voters making such affidavit a sufficient number of copies of petition blanks demanding such recall. The blanks shall be issued, consecutively numbered, by the Town Clerk with the signature and official seal of the Town Clerk attached thereto; they shall be dated and addressed to the Selectmen, shall contain the name of the person sought to be recalled, the grounds of recall as stated in said affidavit, and the names of the persons to whom issued, and they shall demand the election of the successor to such office. The recall petition shall be returned and filed with the Town Clerk at or before 5:00 p.m. of the thirtieth day after issuance of the petition. Said petition before being returned and filed shall be signed by at least ten percent of registered voters and to every signature shall be added the place of residence of the signer, giving the street and number. The Town Clerk shall deliver the petition to the Registrars of Voters, and the Registrars shall, within five days, certify ~~thereon~~ the number of signatures which are names of voters of the Town.

x. Section 8-6 Form of Ballots for Recall

Ballots used in recall election shall submit the following propositions in the order indicated:

For the removal of (name of officer).

Against the removal of (name of officer).

Under the propositions shall appear the word "Candidates" and the direction "Vote for One" and beneath this the names of candidates nominated as

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herein before provided. In the event the recall petition is passed, the candidate receiving the greatest number of votes shall be deemed elected.

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y. Section 9-5 Definitions

**Section 9-5
Definitions**

Where it appears in this Charter, the following term shall be explained as follows: Town shall mean the Town of Bedford.

**Section 9-1 ~~9-5~~
Definitions**

Where it appears in this Charter, the following term shall be explained as follows: Town shall mean the Town of Bedford. **General Laws shall mean the General Laws of the Commonwealth of Massachusetts as amended to date.**

z. Section 9-3 Phasing of Terms of Members of Boards, Commissions and Committees

**Section 9-3
Phasing of Terms of Members of Boards,
Commissions and Committees**

Elections and appointments to all boards, commissions and committees consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.

**Section 9-2 ~~9-3~~
Phasing of Terms of Members of Boards,
Commissions and Committees**

Elections and appointments to all boards, commissions and committees consisting of more than one member and where terms are greater than one year shall be made in a manner that all terms of all incumbents do not expire in the same year. Wherever possible, an equal number of members of each board, commission and committee shall come to the end of their terms of office in each year.

aa. Section 9-13 Date of Appointments

Section 9-13
Terms of appointment shall end on June 30, or until another is duly appointed and qualified.

Section 9-3 ~~9-13~~
Terms of appointment shall end on June 30, or until another is duly appointed and qualified.

bb. Section 9-10 Qualification of Elected and Appointed Officials

**Section 9-10
Qualification of Elected and Appointed Officials**
Except for regular Town employees, all elected and appointed officials shall be qualified by the Town Clerk within thirty days of their election or appointment.

**Section 9-4 ~~9-10~~
Qualification of Elected and Appointed Officials**
Except for regular Town employees, all elected and appointed officials shall be qualified by the Town Clerk within thirty days of their election or appointment.

Section 9-4 Voting of Boards, Commission, Committees

**Section 9-4
Voting of Boards, Commission, Committees**
A majority vote of the total membership of any elective or appointive board, commission or committee shall be required to pass a motion.

**Section 9-5 ~~9-4~~
Voting of Boards, Commission, Committees**
A majority vote of the total membership of any elective or appointive board, commission or committee shall be required to pass a motion.

cc. Section 9-15 Coordination between Departments

Section 9-15

Coordination between Departments

It is the intent of the Charter that all Town boards, commissions, committees and offices shall work to avoid unnecessary duplication of maintenance, personnel, equipment and services.

Section 9-6 ~~9-15~~

Coordination between Departments

It is the intent of ~~the~~ **this** Charter that all Town boards, commissions, committees and offices shall work to avoid unnecessary duplication of maintenance, personnel, equipment and services.

dd. Section 9-14 Compensation

Section 9-14

Compensation

All elected officials who receive remuneration shall be compensated in an amount approved annually by Town Meeting.

Section 9-7 ~~9-14~~

Compensation

All elected officials who receive remuneration shall be compensated in an amount approved annually by Town Meeting.

ee. Section 9-1 Resignation of Town Officers

Section 9-1

Resignation of Town Officers

Any person holding an appointive or elective office may resign his or her office by giving a resignation in writing to the Town Clerk and such resignation shall be effective immediately, unless a time certain is specified therein when it shall take effect.

Section 9-8 ~~9-1~~

Resignation of Town Officers

Any person holding an appointive or elective office may resign his or her office by giving a resignation in writing to the Town Clerk and such resignation shall be effective immediately, unless a time certain is specified ~~therein~~ when it shall take effect

ff. Section 9-2 Removal of Appointees

Section 9-9

Removal of Appointees

Any person appointed to an office, board, commission or committee may be removed by the appointing authority. Where the appointing authority is a body consisting of more than one member, a two-thirds vote shall be required for removal.

Section 9-9 ~~9-2~~

Removal of Appointees

Any person appointed to an office, board, commission or committee may be removed by the appointing authority. Where the appointing authority is a body consisting of more than one member, a two-thirds vote shall be required for removal.

gg. Section 9-12 Interpretation of Powers

Section 9-12

Interpretation of Powers

Where questions arise concerning the power of the Town Meeting versus the Powers of other bodies of Bedford town government, the intent of this Charter is that a liberal interpretation shall be given to the powers of the Town Meeting.

Section 9-10 ~~9-12~~

Interpretation of Powers

Where questions arise concerning the power of the Town Meeting versus the ~~P~~powers of other bodies of ~~Bedford t~~Town government, the intent of this Charter is that a liberal interpretation shall be given to the powers of the Town Meeting.

ii. Section 9-7 Severability

**Section 9-7
Severability**

If any provisions of this Charter are held invalid, the other provisions of the Charter shall not be affected thereby. If the application of the Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

**Section 9-11 ~~9-7~~
Severability**

If any provisions of this Charter are held invalid, the other provisions of ~~the~~**this** Charter shall not be affected thereby. If the application of ~~the~~ **this** Charter or any of its provisions to any person or circumstance is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

jj. Section 9-8 Specific Provisions Shall Prevail

**Section 9-8
Specific Provisions Shall Prevail**

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

**Section 9-12 ~~9-8~~
Specific Provisions Shall Prevail**

To the extent that any specific provision of this Charter shall conflict with any provision expressed in general terms, the specific provision shall prevail.

kk. Section 9-6 Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws

**Section 9-6
Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws**

Where provisions of this Charter conflict with provisions of Town Bylaws, rules, regulations, orders and special laws, the Charter provisions shall govern. All provisions of Town Bylaws, rules, regulations, orders and special laws not superseded by this Charter shall remain in force.

**Section 9-13 ~~9-6~~
Relation of Charter to Town Bylaws, Rules, Regulations, Orders, and Special Laws**

Where provisions of this Charter conflict with provisions of Town Bylaws, rules, regulations, orders and special laws, ~~the~~ **this** Charter's provisions shall govern. All provisions of Town Bylaws, rules, regulations, orders and special laws not superseded by this Charter shall remain in force.

ll. Section 9-11 Charter Revision

**Section 9-11
Charter Revision**

Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Selectmen may be proposed only by a Charter Commission elected under Chapter 43B of the General Laws.

Amendments to the Charter relating to other matters may be proposed by a two-thirds vote at a duly called Town Meeting in accordance with the said General Law.

Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular

**Section 9-14 ~~9-11~~
Charter Revision**

The ~~Board~~ of Selectmen shall five (~~5~~) years from the effective date of this Charter and every five (~~5~~) years thereafter, appoint a committee to study the working of Town government and recommend revisions and amendments considered advisable.

~~Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Selectmen may be proposed only by a Charter Commission elected under Chapter 43B of the Massachusetts General Laws.~~

or special election of Town officers in accordance with the General Laws.

The Board of Selectmen shall five (5) years from the effective date of this Charter and every five (5) years thereafter, appoint a committee to study the working of Town government and recommend revisions and amendments considered advisable.

~~Amendments to the Charter relating to other matters may be proposed by a two thirds vote at a duly called Town Meeting in accordance with the said Massachusetts General Law.~~

~~Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular or special election of Town officers in accordance with the Massachusetts General Laws.~~

mm. Section 9-15 Amendments

The first three paragraphs of former 9-11.

Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Selectmen may be proposed only by a Charter Commission elected under Chapter 43B of the Massachusetts General Laws.

**Section 9-15
Amendments**

Amendments to this Charter relating in any way to the composition of the Town Meeting or the composition or mode of election or terms of office of the Selectmen may be proposed only by a Charter Commission elected under Chapter 43B of the Massachusetts General Laws.

Amendments to the Charter relating to other matters may be proposed by a two-thirds vote at a duly called Town Meeting in accordance with the said Massachusetts General Law.

Amendments to ~~the~~ **this** Charter relating to other matters may be proposed by a two-thirds vote at a duly called Town Meeting in accordance with the said Massachusetts General Law.

Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular or special election of Town officers in accordance with the Massachusetts General Laws.

Proposed amendments under this Charter shall be acted upon by ballot of the whole Town at a regular or special election of Town officers in accordance with the Massachusetts General Laws.

nn. Section 9-9 Publication of Charter and Bylaws

**Section 9-9
Publication of Charter and Bylaws**

The Selectmen shall, within one year of the adoption of this Charter and thereafter at five-year intervals, cause to be prepared a recodification of all existing Bylaws of the Town. Copies of the said Bylaws and copies of this Charter shall be made available in suitable form in the office of the Town Clerk. An amount not to exceed the actual cost per copy of reproduction may be charged.

**Section 9-16 ~~9-9~~
Publication of Charter and Bylaws**

The Selectmen shall, within one year of the adoption of this Charter and thereafter at five-year intervals, cause to be prepared a recodification of all existing Bylaws of the Town. Copies of the said Bylaws and copies of this Charter shall be made available in suitable form in the office of the Town Clerk. An amount not to exceed the actual cost per copy of reproduction may be charged.

oo. Article 10 Effective Date of Charter

**ARTICLE 10
Effective Date of Charter**

The effective date of this charter is July 1, 1974, a copy of which article is on file in the office of the Town Clerk.

**ARTICLE 10
Effective Date of Charter**

The effective date of this eCharter is July 1, 1974, a copy of which ~~article~~ is on file in the office of the Town Clerk.

RECOMMENDATIONS

Selectmen: Recommended approval
Finance Committee: Recommended approval
Charter & Bylaw Review Comm.: Recommended approval

Moderator declared them adopted unanimously.

Article 3 – General Bylaw Amendment – Capital Expenditure Committee

Joan Bowen made the following motion and the motion was seconded.

Voted, that the Town amend Article 15 of the General Bylaws known as the Capital Expenditure Committee Bylaw as follows:

Current
15.1 Authority
The Capital Expenditure Committee was established by the Charter of the Town adopted in March 1974.

Proposed
15.1 Authority
The Capital Expenditure Committee was established by the Charter of the Town adopted in March 1974.

15.2 Structure of the Capital Expenditure Committee

The Capital Expenditure Committee shall consist of nine voting members. Six of the members shall be appointed at large by unanimous vote of the Chair of the Selectmen, the Chair of the School Committee, and the Chair of the Finance Committee. There shall be three *ex officio* members, one each from the membership of the Selectmen, the School Committee, and the Finance Committee. The Committee shall elect a chair from the at large members.

An at large member of the Capital Expenditure Committee shall not be a member of any other Town body or hold an office involved in planning, considering, or executing an expenditure that may be subject to review by the Committee. A member of the Capital Expenditure Committee may be a member of a body considering overall fiscal planning for the Town.

15.3 Purpose

The Capital Expenditure Committee shall consider capital appropriations and make recommendations to Town Meeting.

15.4 Definition of Capital Expenditures

Capital expenditures are for items and projects that are expected to last more than one year, and have significant monetary value. The Capital Expenditure Committee shall annually establish the level for the minimum appropriation and the life expectancy that are considered capital expenditures.

15.2 Structure of the Capital Expenditure Committee Membership

The Capital Expenditure Committee shall consist of nine voting members **who shall serve for three-year terms.** ~~There shall be three *ex officio* members, one each from the membership of the Selectmen, the School Committee, and the Finance Committee.~~ **The Selectmen, the School Committee and the Finance Committee shall each designate a person from its membership to serve on the Capital Expenditure Committee.** Six of the members shall be appointed at-large by unanimous vote of the Chair of the Selectmen, the Chair of the School Committee, and the Chair of the Finance Committee. The Committee shall elect a chair from the at-large members.

An at-large member of the Capital Expenditure Committee shall not be a member of any other Town body or hold an office involved in planning, considering, or executing an expenditure that may be subject to review by the Committee. A member of the Capital Expenditure Committee may be a member of a body considering overall fiscal planning for the Town.

15.3 Purpose

The Capital Expenditure Committee shall consider capital appropriations and make recommendations to Town Meeting **based on a six-year plan.**

15.4 Definition of Capital Expenditures

Capital expenditures are for items and projects that are expected to last more than one year, and have significant monetary value. The Capital Expenditure Committee shall annually establish the level for the minimum appropriation and the life expectancy that are considered capital expenditures **after consultation with knowledgeable officials of the Town.**

15.5 Duties of the Capital Expenditure Committee

The duties of the Committee are described in the Town Charter.

15.5 ~~Duties of the Capital Expenditure Committee~~ Responsibilities

~~The duties of the Committee are described in the Town Charter.~~

The Capital Expenditure Committee shall prepare and annually update a six-year plan for spending on town capital projects. It shall be submitted in written form to the Selectmen and the Finance Committee not less than ten working days before the end of the calendar year. The plan shall include expenditures for new construction, major improvements to existing town property and for major purchases of equipment by all town departments, offices, boards, commissions and committees. The plan shall be prepared on the basis of town-wide priorities and shall consist in part of a list of expenditures, by item, for each year of the plan.

RECOMMENDATIONS

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Charter & Bylaw Review Comm.: Recommended approval

Moderator declared this article adopted unanimously.

Article 4 – General Bylaw Amendment – Town Meeting Procedure

Joan Bowen made the following motion and the motion was seconded.

Voted, that the Town amend the General Bylaws, Article 4 known as Town Meeting Procedure, Section 4.4.9 Secret Ballot by striking the second sentence of the section as follows:

Current

4.4.9 Secret ballot

A majority of those present and voting may choose to vote on any article or amendment by secret ballot. All motions on articles involving bond or note issues shall be voted upon by Secret ballot, and such action shall require a two-thirds vote.

Proposed

4.4.9 Secret ballot

A majority of those present and voting may choose to vote on any article or amendment by secret ballot. ~~All motions on articles involving bond or note issues shall be voted upon by Secret ballot, and such action shall require a two-thirds vote.~~

RECOMMENDATIONS

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Charter & Bylaw Review Comm.: Recommended approval

Moderator declared the motion adopted by majority vote.

Mark Siegenthaler made the following motion and the motion was seconded.

Voted, that Articles 5 and 6 be presented together and voted on separately.

Moderator declared that motion adopted unanimously.

Article 5 – General Bylaw Amendment – Transportation Advisory Committee

Mark Siegenthaler made the following motion and the motion was seconded.

Voted, that the Town amend the General Bylaws of the Town by adding a new Bylaw, Transportation Advisory Committee as follows:

TRANSPORTATION ADVISORY COMMITTEE

Authority

The Transportation Advisory Committee is established by the Selectmen.

Membership

The Transportation Advisory Committee, appointed by the Selectmen for three year terms, shall consist of seven members to include one Selectman and one Planning Board member, one member each representing bicycle interests, pedestrian interests, local business interests and two at-large residents.

Purpose

To examine, evaluate and advise the Selectmen regarding board actions and measures that will improve overall resident mobility, expand the use of non-automobile based methods of local and regional transportation, and improve traffic circulation and availability of transportation services that implement the transportation-related recommendations of the Town's Vision Statement and Comprehensive Plan.

Responsibilities

- To identify priority locations for sidewalk and crosswalk additions and extension and to secure public support for proposed sidewalk projects.
- To determine feasibility of preferred traffic calming and safety techniques/locations including signage improvements consistent with sound engineering principles.
- To recommend intersection and roadway improvements as well as bicycle path/route upgrades and additions.
- To investigate expansion of transportation services including interconnections with neighboring Town services and MBTA services.
- To engage residents and businesses in the establishment of a Transportation Management Association or similar employer-based organization.
- To identify funding opportunities for implementation of recommended actions.

RECOMMENDATIONS

Selectmen: Recommended approval
Finance Committee: No position
Charter & Bylaw Review Comm.: Recommended approval
Planning Board: Recommended approval

Moderator declared the motion adopted by majority vote.

A. Richard LeSchack of 8 Carlisle Road made the following motion:

Voted, to move previous question.

The Moderator declared the motion adopted.

Article 6 – General Bylaw Amendment – Bicycle Advisory Committee

Mark Siegenthaler made the following motion and the motion was seconded.

To determine if the Town will amend the Town’s General Bylaws by deleting Article 26, Bicycle Advisory Committee, in entirety as follows:

~~Article 26. Bicycle Advisory Committee~~

~~26.1—Authority~~

~~The Bicycle Advisory Committee is established by the Selectmen.~~

~~26.2—Membership~~

~~The Bicycle Advisory Committee members are appointed by the Selectmen who also determine the number of members and their terms.~~

~~26.3—Purpose~~

~~The purpose of the Bicycle Advisory Committee is to encourage use of bicycles by Bedford residents, workers, and visitors in order to decrease traffic congestion and air pollution, and increase recreational opportunities.~~

~~26.4—Responsibilities~~

~~The responsibilities of the Bicycle Advisory Committee are monitoring activities on current bike paths, planning additional bike paths, signage and facilities for bikers, and working to make bicycle use in Bedford safe.~~

RECOMMENDATIONS

Selectmen: Recommended approval
Finance Committee: No position

Moderator declared the motion defeated.

Article 7 – General Bylaw Amendment – Public Ceremonies Committee

Mark Siegenthaler made the following motion and the motion was seconded.

Voted, that the Town amend the Town’s General Bylaws by deleting Article 33, Public Ceremonies Committee, in entirety as follows:

Article 33. — Public Ceremonies

~~33.1 — Membership~~

~~———— The Committee shall consist of seven members appointed by the Selectmen.~~

~~33.2 — Purpose~~

~~———— The Public Ceremonies Committee shall have the authority to plan and carry out the proper observance of holidays and special events as designated by the Selectmen.~~

RECOMMENDATIONS

- Selectmen: Recommended approval
- Finance Committee: Recommended approval
- Charter & Bylaw Review Comm.: Recommended approval

Moderator declared this motion adopted unanimously.

Catherine Cordes presented the Community Preservation Committee report.

Article 8 – Amend Fiscal Year 2010 Community Preservation Budget

Catherine Cordes made the following motion and the motion was seconded.

Voted, that the Town amend the vote taken under Article 18 of the 2009 Annual Town Meeting, Community Preservation Budget – Fiscal Year 2010 so as to appropriate from Fiscal Year 2010 Community Preservation Fund revenues and reserves the following additional sums for Fiscal Year 2010 Community Preservation Purposes with each item considered a separate appropriation:

Amend Item C. New Sidewalks by adding \$150,000.00 for a new total appropriation of \$400,000.00

Amend Item D. Administrative Costs by adding \$5,000.00 for a new total appropriation of \$20,000.00

Add Item F. CPA Land Acquisition Fund and appropriate \$31,377.72

And further, that the Town amend the vote taken under Article 19 of the 2009 Annual Town Meeting, Community Preservation – Amend Historic Properties Preservation Fund so as to appropriate from Fiscal Year 2010 Community Preservation Fund revenues and reserves the additional sum of \$12,231.66 for a new Fiscal Year 2010 appropriation of

\$212,231.66 for said Fund.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval
Capital Expenditure Committee:	Recommended approval-Item C only
Community Preservation Comm:	Recommended approval
Planning Board:	Recommended approval

Moderator declared motion adopted unanimously.

Article 9 - Community Preservation Bond Authorization - Town Center North Wing

Catherine Cordes made the following motion and the motion was seconded.

Voted, that the Town appropriate the sum of \$1,535,000 for the restoration of Town Center, 12 Mudge Way, under the Community Preservation Program, including the cost of issuance of bonds or notes; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$1,535,000 under General Laws, Chapter 44 or Chapter 44B, Section 11 or any other enabling authority and that the Selectmen are authorized to take any other action to carry out this project.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval
Capital Expenditure Committee:	Recommended approval
Community Preservation Comm.:	Recommended approval

Moderator declared motion adopted by two-thirds vote (In Favor-93, Opposed-8).

Article 10 – Transfer of Excess Balances from Community Preservation Projects

Catherine Cordes made the following motion and the motion was seconded.

Voted, that the Town transfer the following remaining balances from prior approved Community Preservation Projects to the undesignated Community Preservation fund balance for future use, as recommended by the Community Preservation Committee:

From Article 6 of the November 12, 2002 Special Town Meeting entitled “Amendment to 2003 Community Preservation Budget”, Item A. therein entitled “Old Town Hall Preservation and Restoration”, the balance of \$12,681.33

From Article 29 of the 2006 Annual Town Meeting entitled “Community Preservation Budget – Fiscal Year 2007”, Item A. therein entitled “Rufus Porter Murals Preservation”, the balance of \$725.00 and Item C. therein entitled “Town Center Tot Lot”, the balance of \$4,215.07

From Article 14 of the 2007 Annual Town Meeting entitled “Community Preservation Budget – Fiscal Year 2008”, Item F. therein entitled “Tennis Court Practice Walls”, the balance of \$8,871.16

Recommendations:

Selectmen: Recommended approval
Finance Committee: Recommended approval
Community Preservation Comm: Recommended approval

Moderator declared motion adopted unanimously.

Article 11 - Utilization of High School Project Bond Premium

Michael Rosenberg made the following motion and the motion was seconded.

Voted, that the Town establish a stabilization fund under G.L. c.40, §5B or any other enabling authority to be called the “Bond Premium Stabilization Fund,” and that the amount of \$1,014,332.11 is hereby appropriated to such fund, such amount representing the balance of the premium, after payment of underwriter’s discount and costs of issuance, received from the sale of the Town’s \$15,885,000 General Obligation Municipal Purpose Loan of 2009 Bonds (the “Bonds”) allocable to the financing of the Bedford high school project; such stabilization fund to be used for the annual payment of a portion of the interest on the Bonds in order to offset the reduction in interest excluded from Proposition 2 1/2 pursuant to G.L. c.44, §20.

Recommendations:

Selectmen: Approval recommended
Finance Committee: Approval recommended

Moderator declared motion adopted unanimously.

Article 12 - FY10 Operating Budget Amendments

Tom Busa made the following motion and the motion was seconded.

Voted that the Town amend Article 25 of the 2009 Annual Town Meeting, Operating Budgets — Fiscal Year 2010, for expenditures by Officers, Boards, Committees, and for the Reserve Fund in the fiscal year beginning July 1, 2009, as amended, under Article 7 of the August 3, 2009 Special Town Meeting, by amending the following specified accounts with the following revised amounts:

Account #1220 Selectmen – Amend by increasing the current appropriation by \$25,000 for a new sum of \$533,262;

Account #1301 Insurance & Benefits - Amend by reducing the original appropriation by \$50,000 for a new sum of \$8,744,720 with the revenue transfer from the Sewer Fund of \$139,479 to remain unchanged;

Account #1303 Principal & Interest - Amend by reducing the Non Exempt Interest Segregation by \$100,000 for a new segregation of \$1,209,164, and amend by reducing the Exempt Interest Segregation by \$32,000 for a new segregation of \$2,059,813, thereby reducing the total Principal & Interest appropriation to new total of \$7,132,661, and further, transfer the sum of \$71,854.62 from the Bond Premium Stabilization Fund as approved in Article 11 of the November 9, 2009 Special Town Meeting.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval
Strategic Task Force:	Recommended approval

Moderator declared the motion adopted unanimously.

Article 13 - First Parish Town Common Building Restriction Amendment

Walter St. Onge made the following motion and the motion was seconded.

Voted, that the Town authorize the Selectmen to amend the restrictions contained in the Stipulation of Easements, Restrictions and Covenants between The First Parish in Bedford, Unitarian-Universalist and the Town of Bedford, dated June 10, 1976 and recorded in the Middlesex South District Registry of Deeds, Registered Land Section as Document Number 550138 and noted on Certificate of Title Numbers 150442 and 150443 with regard to a portion of the land known as the Town Common, such amendment to be in the following form:

Paragraph 4.(b) (iii) is hereby amended by striking at the end of the paragraph “three thousand two hundred fifty (3,250) square feet.” and substituting therefore “three thousand four hundred (3,400) square feet.”;

and further that the Town authorize the Selectmen to petition the General Court, if necessary, for a special act authorizing the Selectmen to execute on behalf of the Town of Bedford, said Amendment with The First Parish in Bedford, Unitarian-Universalist.

Recommendations:

Selectmen:	Recommended approval
Finance Committee:	Recommended approval

Moderator declared motion adopted unanimously.

Mark Siegenthaler made a motion to adjourn the Special Town Meeting sine die. The Moderator declared the motion passed. The Special Town Meeting adjourned at 9:53 PM.