

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, October 15, 2012, 7:30 p.m.

PRESENT: Catherine B. Cordes, Chair, Margot R. Fleischman, William S. Moonan, Michael A. Rosenberg, Mark Siegenthaler, and Town Manager Richard T. Reed

ALSO PRESENT: Habitat for Humanity Executive Director Brenda Gould; Regional Housing Services representatives Beth Rust and Dan Gaulin; Taylor Pond representative Andrew Kaye and property manager Carrie Walker; Chamber of Commerce representative Adam Schwartz; James Shea; Terry Gleason; Outdoor Recreation Area Study Committee member David Sukoff; Bedford Housing Partnership member Christina Wilgren; Finance Committee members Thomas Busa and Richard Bowen; Planning Board member Jeffrey Cohen; School Committee member Brad Hafer; Volunteer Coordinating Committee members Joe Piantedosi and Patricia Carluccio; Press representatives Kim Seibert and Eileen Kennedy

Chair Cordes called the meeting to order at 7:45 p.m.

13-071 Habitat for Humanity of Greater Lowell Project – 130 North Road - Approval of Partial Mortgage Release (Lot # 3) – Project Summary and Overview

Executive Director Brenda Gould from Habitat for Humanity was present to update the Selectmen on the status of the project at 130 North Road. The property will be closing on November 8, 2012 and the family is ready to move in. The dedication will take place on November 17, 2012. The final street coating and landscaping might have to wait until the spring but that is dependent on the removal of two trailers and the weather.

Mr. Moonan inquired whether they have accepted the roadway. Town Manager Richard Reed replied that it is a private way and there is no intention at this time to make it a public road. It was further stated that the homeowners' association has a budget for plowing.

The Selectmen expressed their appreciation for Habitat's hard work.

Mr. Rosenberg made a motion to release the \$75,000 lien on Lot 3 to Habitat for Humanity of Greater Lowell. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-072 Regional Housing Services Office- Monitoring Report- Update

Beth Rust and Dan Gaulin were present to discuss the Regional Housing Services Office (RHSO) Monitoring Report. They first started with the July and August monthly report. Lincoln dropped out of the agreement effective October 1, 2012. Acton joined the RHSO. They hired a part-time employee who primarily concentrates on resident services. RHSO will also be conducting a post-purchase training session in Concord for owners of affordable housing. The training will focus on financial planning and insurance information among other things. There have currently been 37 responses out of 250 ownership units.

Town specific projects include Bedford Village whose use is expiring in 2016. Mass Housing is planning to refund Bedford Village through Housing and Urban Development (HUD). They have been in touch with HUD but were told to get back in touch in 2014 to ensure it does not expire.

HOME consortium is responsible for sending out the Consolidated Annual Performance and Evaluation Report. They receive a small amount of federal funds and are currently looking to use the funds to do capital improvements to 20 Railroad Avenue. The funds are hard to use because they can only be utilized for rentals and could expire. There has been talk of changing funding so that participating communities would only have access to the funds for one year. After that one year it would be transferred into a pool to make sure that the money is not sitting unused. The Selectmen would have to sign a mutual cooperation agreement for a three-year term which would need to be signed at the end of this fiscal year. A new agreement will include this change of funding.

The Selectmen commented that they are grateful for the expertise that the RHSO has brought to the Town at a cost effective rate.

Ms. Rust switched focus to discuss the monitoring report. She explained that the three main components are:

1. The tenants must continue to meet the income determinations with appropriate treatment for tenants over the initial income limit.
2. The rent must be calculated in accordance with the regulatory requirements using the appropriate income limits as supplied by HUD and approved by the Monitoring Agent.
3. The units must continue to be properly maintained.

The monitoring agent for non-public housing projects is always clearly defined in the Regulatory Agreement. The Public Housing Authority is monitored by the Department of Housing and Community Development (DHCD).

The main focus of this report was on rent determinations. RHSO sent out requests for information in March. The report contains findings for the Local Initiative Projects (LIP),

Village at Taylor Pond, Patriot Place and Village at Concord Road. Of the three only Taylor Pond consistently submitted regular rent reports to the Town. The DHCD uses the 70 percent of Area Median Income (AMI) calculation which should be used for all LIP properties.

Andrew Kaye of Criterion Development Projects was present along with property manager Carrie Walker to address the overcharges tenants were paying in rent. Mr. Kaye stated they believed they were charging the correct amount and were acting in good faith when they submitted the annual rent to the Town. To rectify the situation they propose that as units come up for renewal they will be charged the correct amount. Mr. Kaye further proposed to charge the new units at the first of the year. Mr. Rosenberg wondered if the tenants would be reimbursed the money they overpaid. Mr. Kaye replied that there was no plan to do so.

Mr. Reed inquired as to how many of the units are Section 8 vouchers who pay the same under any calculation. 10 out of the 47 low and moderate income units are Section 8, so essentially 37 units have been over charged. Mr. Rosenberg wondered what to tell the people who paid \$150 more a month than they should have. Mr. Kaye explained that the regulatory agreement was vague and that the rental calculations diverged shortly after the agreement was approved in 2007. The change in charging rent would take a minor amendment to the regulatory agreement which would need to be approved by the Selectmen.

Taylor Pond is currently under contract to be sold under the previous higher rent charges. Chair Cordes asked if the new buyer was informed of the plan to charge the correct lower rent. Mr. Kaye replied that they have not and was waiting for the opinion of the Selectmen.

Mr. Moonan inquired whether Criterion would be cash flow positive after the proper rent charge. Mr. Kaye answered that he would have to look at the numbers but believed that they should stay in the positive even with the lower rents.

Mr. Moonan asked Ms. Walker what the turnover is for the affordable units. She estimated it to be about 15 percent not choosing to renew but they mostly see a significant tenure.

Patriot Place has also been charging rents over the LIP maximum. Their overages mostly affected the Section 8 issuing agencies. Patriot Place also produced a new rent proposal but is waiting to see what the Selectmen decide regarding Village at Taylor Pond.

Village at Concord Road increased the gross rent when the utility allowance was changed to include water and sewer. This did not affect the net rents but still resulted in overcharges of about \$140 a month. The project sponsor also relied on self-certification of income instead of obtaining source income documentation. The next step is to develop an action plan for the future.

Mr. Reed asked for the opinion of the Bedford Housing Partnership (BHP). Christina Wilgren was present to describe the BHP point of view. Ms. Wilgren stated that the BHP was oriented to the plight of the people who were overcharged by a sizeable sum. They believe the correct rent should be charged when the rent is next due.

Chair Cordes said that the Selectmen were not ready to make a decision about this tonight and would need to talk about it again to determine what further information they would need. Ms. Rust suggested that the future discussion be held over two meetings. Mr. Moonan said that future projects must be held to a tighter standard.

13-073 Chamber of Commerce Economic Development Goals

Adam Schwartz from the Bedford Chamber of Commerce was present to discuss economic development recommendations. Mr. Schwartz composed a list of short-term and long-term goals split up into three categories.

The first category focuses on establishing a dedicated contact person who could inform businesses on the process of starting a business in Bedford. Mr. Rosenberg inquired whether this would interfere with the Middlesex 3 Coalition. Mr. Schwartz responded that it would not compete with the other members of the coalition but promote what is unique about Bedford. The contact person would work to identify opportunities for development, apply for grant funding and develop a strategic economic development plan. Mr. Schwartz also pointed out that further development of the bedfordisbusiness.com website would be great for getting testimonials from residents and businesses.

Category two pertains to improving communication between the Town and businesses. Recommended short-term goals include creating a Business Development Committee and hosting virtual office hours on social media sites as an outlet to ask questions or discuss issues. A long-term goal would be to establish a 3-1-1 phone app where individuals could report issues to the Town.

The last category concerns the process of starting a business. Mr. Schwartz suggests making the permitting process easier by having one place to acquire all the necessary permits.

The Selectmen thanked Mr. Schwartz for his presentation. Chair Cordes said that they could not make a decision tonight but that some of the proposed goals have been discussed already. Mr. Rosenberg asked that economic development be placed on a future agenda for further discussion. Ms. Fleischman stated that she was eager to identify the priorities.

13-074 Presidential Election Warrant - Approval

Mr. Moonan made a motion to approve the Warrant for State Election as presented. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-075 Proposed November 13, 2012 Special Town Meeting - Community Preservation Committee Requests - Article Recommendations – Warrant Approval

Mr. Reed noted that the arrangement of the articles was changed from the previous draft. It was felt that it made more sense to have the bonded articles towards the end of Town meeting because an amendment to the operating budget would be needed.

Mr. Reed went on to say that in the earlier Executive Session the agreement with the Bedford Police Supervisors Association was approved by the Selectmen and would commence on July 1, 2012 for a three year period. The approval of the agreement with the A.F.S.C.M.E union for the Public Works employees needed no additional funding. He recommended the removal of Article 13.

Chair Cordes explained that the Community Preservation Budget received a state distribution match of 29.78%. The Community Preservation Committee was expecting a match of 21% which would give just over \$260,000. With the 29.78% match the town received \$379,041. The Community Preservation Act requires the town to expend or reserve 10% of revenue in the Affordable Housing category of the budget. In order to meet this requirement, the new appropriation needed in this category at the fall town meeting will be \$9278.

Chair Cordes added that the total remaining unrestricted fund balance is \$138,992.51 after all the changes. The other motion made tonight was to take \$100,000 of that and apply it to the Sabourin Field turf. \$150,000 was voted to take from the recreation reserves. The extra \$100,000 in cash will help reduce the amount of bonding. \$355,000 will now need to be bonded.

The \$30,000 approved for the pilot project to provide social services for people living in public housing will be removed from the proposal list.

Article 4 – High School Synthetic Turf

Jean-Marc Slak from the Capital Expenditure Committee was in attendance to present the committee's recommendation on the Synthetic Turf article and School Way article. Concerning Article 4 the vote of 7-0-0 recommended postponing inclusion until Annual Town Meeting because it was felt that it would be sidestepping the long-term comprehensive plan.

Chair Cordes explained that these two projects have been in the works for many years and that the projects have not suddenly appeared. The design of School Way is finished and it is part of the overall Great Road Master Plan.

David Sukoff of the ad hoc Outdoor Recreation Area Study Committee was present to provide answers to questions from the previous meeting. Mr. Sukoff distributed a matrix breaking down the cost and showing the potential gain from that cost for all the proposed fields. Mr. Sukoff explained that the proposed revenue reflect conservative numbers.

The bonded interest of the project would be decreased because of the extra \$100,000 from the CPC budget. The money gained from field rentals could potentially pay the interest.

Chair Cordes suggested creating a comprehensive fee schedule for the rental of the fields. Ms. Wilgren cautioned that pricing the rentals too high could alienate some users and organizations.

Terry Gleason, 10 Lido Lane, stated that this project deserves more attention than it would receive at Special Town Meeting. He went on to say that the project needs to be put in the context of other needs. He explained that even twenty years ago there was a shortage of fields. Chair Cordes responded that Fall Town Meeting has become a regular meeting and said that the Synthetic Turf topic had been on the Warrant at Annual Town Meeting. The Selectmen now possess the additional information needed to move forward on this issue. Mr. Siegenthaler added that it is not logical to only ask tough questions once a year at Annual Town Meeting. Mr. Rosenberg further elaborated saying that this project has been exhaustively researched and is more organized for presentation at Special Town Meeting. In response to Mr. Gleason's comment about the need for fields for twenty years, Mr. Rosenberg stated that two generations understand the need for the fields and that they would be using the Community Preservation budget for what it was intended for. Mr. Gleason suggested that they take into account the cost of maintaining Mudge Way due to the heightened traffic that would be a result of more field usage.

Mr. Moonan commented that it would be doing a disservice to the Town citizens to not have it in comparison to other issues. He also added that by Annual Town Meeting further research could be completed to decide what to do about the other fields.

Mr. Rosenberg made a motion to recommend approval of Article 4. Mr. Siegenthaler seconded the motion.

The motion passed 4-1-0, Mr. Moonan voted against.

Article 6 – Amend FY13 Community Preservation Budget

With the changes voted on earlier by the Community Preservation Commission, the total number of CP Fund balance/transfers for Affordable Housing Reserves is now \$9,278 which brings the total recommended for Fiscal Year 2013 down to \$146,778. Mr. Reed indicated that the \$150,000 recommendation was for funds to pay for the design of the athletic fields at 9 Mudge Way and 7 Liljegren Way. Chair Cordes said that was reaffirmed at the CPC meeting earlier. Mr. Reed added that number was the amount needed if they were going to do a synthetic turf. The Selectmen could decide before Special Town Meeting if they wanted natural grass or synthetic turf or make that decision at a later time. Any unspent funds would be used later.

Chair Cordes explained that the logic of the CPC was to approve the maximum amount so that decision could be made at a later time. Mr. Rosenberg asked the Finance Committee why they decided to disapprove item 15. Finance Committee member Thomas Busa felt that the Outdoor Recreation Area Study Committee made only one recommendation in regards to Sabourin Field and Item 15 would be asking the citizens to approve something that may never be recommended to be done.

Ms. Fleischman asked Mr. Sukoff when the Outdoor Recreation Area Study Committee would be able to make a conclusion for a second recommendation. He replied that it would be difficult before Special Town Meeting. Mr. Sukoff believed that it would be reasonable to expect a recommendation by Annual Town Meeting.

The \$150,000 design cost is strictly for St. Michael's fields. Chair Cordes explained that this project has been ongoing in the CPC for five years. The need in autumn is for three fields in the center of town for junior high and high school sports. Having the design plan now will let further plans be available at Annual Town Meeting. CPC does not decide whether it will be grass or turf, but there is enough money to do the design.

A brief discussion ensued about possibly removing Item 15 from the Warrant. Mr. Reed stated that taking a CPC recommendation off the Warrant is an unprecedented idea. Mr. Rosenberg believes it would be a mistake to remove it from the Warrant entirely. Ms. Fleischman added that any issues or questions could be raised at Special Town Meeting.

Mr. Rosenberg made a motion to recommend approval of Article 6 Items 13, 14 and 16 with Item 15 recommendation to be given at Special Town Meeting. Mr. Moonan seconded the motion.

The motion passed 4-0-1, Chair Cordes abstained.

Article 7 – Amend FY13 Capital Projects Plan – Project 13-04

Mr. Moonan made a motion to recommend approval of Article 7. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Article 9 – Bond Authorization – Portions of School Way and Municipal Complex Access Roads & Parking Areas

Mr. Moonan preferred that this article be considered in the spring at Annual Town Meeting. Department of Public Works Director Richard Warrington preferred to have this approved at Special Town Meeting because it would give the Town more time to schedule the all the necessary contractors to complete the job. If it was pushed back to Annual Town Meeting it would be harder to schedule people before the Fall when it would be very disruptive to do so.

Mr. Moonan made a motion to recommend approval of Article 9 at Special Town Meeting. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Article 12 – Appropriate Funds for Police Supervisors Collective Bargaining Agreement – FY13

Mr. Siegenthaler made a motion to recommend approval of Article 12. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

It was recommended that a sentence be added to the description of item 15 in Article 6 to indicate that permitting of the wetlands mitigation area near the Page Field complex is included in the \$150,000 cost.

Mr. Rosenberg made a motion to approve this warrant as amended, less Article 13 subject to recommendations made tonight. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-076 Minutes

Mr. Moonan made a motion to approve the Regular Session Minutes of September 17, 2012, as amended. Mr. Siegenthaler seconded the motion.

The motion passed 4-0-1, Mr. Rosenberg abstained.

Mr. Moonan made a motion to approve the Executive Session Minutes of October 1, 2012, as written. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to approve the Regular Session Minutes of October 1, 2012, as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-077 Town Manager's Report

Mr. Reed drew attention to the proposed meeting dates for the Selectmen and the Finance Committee. Mr. Rosenberg pointed out that Passover will begin on March 25, 2013 and will continue onto March 26, 2013. These dates coincide with Annual Town Meeting. Mr. Reed stated that the Charter requires that Annual Town Meeting start on the fourth Monday in March but it would be something to think about in the future.

13-078 Open Discussion

Mr. Moonan asked that the group working on the vehicle use policy be put on the October 29, 2012 agenda for a presentation of their findings.

Ms. Fleischman received a memorandum from the Transportation Advisory Committee recommending the next sidewalk project which should be added to a future agenda. She will send an electronic copy to the Selectmen.

Mr. Moonan made a motion to adjourn. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The Regular Session meeting adjourned at 11:05 p.m.