

Regular Session Minutes – Selectmen’s Meeting

Selectmen’s Meeting Room, Town Hall

Monday, October 21, 2013, 7:30 p.m.

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

ALSO PRESENT: Tom Bigda-Peyton and Dave Enos, Transition Town Bedford; Suzy Enos, Energy Task Force member; John Cronin and James Garabedian, Ken’s NY Deli Bruce Blake, 17 North Road; Terry Gleason, 10 Lido Lane; Robert Batt, 228 South Road; Attorney William August; William Deen, Alicia Tillman and James Shea, Cable Television Committee; Public Works Director Roy Sorenson; Town Engineer Adrienne St. John; Youth and Family Services Director Sue Baldauf; Veteran’s Services Agent Ryan Lennon; Facilities Director Richard Jones; Capital Expenditure Committee Chair Mary Ellen Carter; Finance Committee member Barbara Perry; Elizabeth McClung, 5 Winchester Drive; Joseph Piantedosi, 14 Putnam Road; Marc and Kay Hamilton, 70 Great Road; Jim Coriorbselt; Assistant Town Manager Jessica Porter; Finance Director Victor Garofalo; Kim Siebert and Giana Campanale, Press Representatives

Chair Moonan called the meeting to order at 7:30 p.m.

14-88 Solarize Massachusetts – Potential Bedford Participation

Solarize Massachusetts is a program that would give interested citizens a more affordable way to install solar panels on their homes. Bedford would be partnering with the Town of Lexington as it would drive down the cost.

Town Manager Rick Reed explained that Town Counsel had to review the draft contract but believed that there was nothing noteworthy that worried him. He added that this would be Lexington’s second year in the program if they received the grant, and in the last year they used about 110 hours of staff time. Mr. Reed believed that Recycling Coordinator Gretchen Carey would be the best staff person for the job. It would cost roughly \$3,400 more in the Department of Public Works’ budget to finance this extra staff time. Mr. Reed went over the general duties that would be expected. A decision is expected by February 2014.

Ms. Fleischman made a motion to authorize the Town Manager to sign the application for Solarize Massachusetts round two and further support amending the Department of Public Works’ Operating budget to include \$3,400. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

14-89 Crosby Drive Drop Box Agreement Approval – United Parcel Services, Inc.

Mr. Reed noted that Town Counsel reviewed the Agreement and expressed no concern. Mr. Reed referenced the picture included in the packet that showed that the new box would be located beside the current FedEx box on Crosby Drive.

Ms. Fedele made a motion that the Selectmen approve an agreement with the United Parcel Service, Inc. for the location of a Drop Box in the pull-off area located at 23 Crosby Drive and that the Selectmen authorize the Town Manager to execute the agreement on their behalf. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-90 Call of Annual Town Caucus – January 7, 2014

Mr. Siegenthaler made a motion to call the Town Caucus for Tuesday, January 7, 2014, with a postponement date of Wednesday, January 8, 2014, at 7:00 p.m. in the Town Hall Multi-Purpose Room.

The motion passed 5-0-0.

14-91 Charter and Bylaw Review Committee – Proposed Membership

Mr. Reed explained that it was time again to review the Town Charter. Town Moderator Betsey Anderson had served on every committee thus far and is willing to do so again. Mr. Rosenberg inquired whether their findings would be ready for the 2014 Annual Town Meeting. Mr. Reed replied that the changes must be voted on at Town Meeting and then at the Annual Election in March so the likelihood of it being ready by then suggests a longer process. The action taken tonight will start the process of searching for members, which the Volunteer Coordinating Committee may coordinate.

Ms. Fleischman made a motion that the Selectmen re-establish the Charter Review Committee with the purpose being to review the present Town Charter and recommend any proposed changes for either the 2014 Annual Town Meeting or a 2014 Special Town Meeting said committee to consist of nine members including the Town Moderator, a member of each of the Selectmen, School Committee and Planning Board, and five citizens at-large. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

The meeting was running ahead of schedule so the Selectmen moved onto another agenda item before the scheduled public hearing.

14-95 Speed Sign Regulations Approval – Hartford Street and Bacon Street

Department of Public Works Director Roy Sorenson was present to explain the results of the Massachusetts Department of Transportation (DOT) study to reduce the speed limit on portions of Hartford Street, Crescent Avenue and Bacon Road. This section has become a dangerous cut through for traffic due to speed. The DOT concurred that the speed limit should be reduced from 30MPH to 25MPH. The next step in the process

would be to determine where the signs should be posted. A future traffic calming solution could entail adding a sidewalk, which would require the acquisition of easements and possible further road reconstruction.

Mr. Rosenberg made a motion to adopt Speed Regulations 7921 as permitted in the Massachusetts Department of Transportation memorandum. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

14-92 Public Hearing – Wine & Malt License Application – Blackbeard Enterprises LLC d/b/a Ken’s NY Deli – 72 Great Road

Mr. Siegenthaler made a motion to open the Public Hearing. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

John Cronin and Jim Garabedian from Ken’s NY Deli were present to answer questions concerning their application for a Wine and Malt application. They informed the Selectmen that they would be keeping the same menu with a few new additions such as brick oven pizza and pasta dishes. They will be closing at 8:00 p.m. All servers and managers are TIP certified and it is their policy to card everyone.

Mr. Reed noted that this would be the second wine and malt issued. There are three remaining unissued wine and malt licenses available. Mr. Reed also explained that Attorney Pamela Brown asked that Ken’s NY Deli be charged half the annual fee for the license since the Alcoholic Beverage Control Commission runs on the calendar year.

The Selectmen decided to vote on the wine and malt license after voting on the Common Victualers license.

Mr. Rosenberg made a motion to close the Public Hearing. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-93 Common Victualers License Application – Blackbeard Enterprises LLC d/b/a Ken’s NY Deli – 72 Great Road

Mr. Cronin informed the Selectmen that a revised drawing of the floor plan has been submitted to the Code Enforcement Office.

Mr. Rosenberg made a motion to approve the Common Victualers license for Blackbeard Enterprises LLC d/b/a Ken’s NY Deli at 72 Great Road. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve a wine and malt license for Blackbeard Enterprises LLC d/b/a Ken’s NY Deli at 72 Great Road contingent upon approval of the revised layout by the Code Enforcement officer with a fifty percent

reduction in license fees as provided for in the alcohol policy. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-94 Comcast Cable TV License Renewal Process – Acceptance of Ascertainment Reports and Board of Selectmen Findings for Cable Advisory Committee

Attorney William August of Epstein and August, LLP was present along with Cable Television Advisory Committee (CATV) members Jim Shea and William Deen to explain the Ascertainment Report and Findings of the Cable TV survey. The survey was mailed to all residents and 732 responses were received. In addition, input was requested from Town Departments, Bedford Television and a public hearing was held on April 25, 2013

Mr. Deen explained the findings and identified recommendations based on the needs and interests of the Town.

Both Verizon and Comcast pay two categories of fees to the Town; PEG access fees based off of gross revenues and funding for capital expenditures for technology for Town television. Currently Comcast is paying 3.5 percent in gross revenues. CATV believes this percentage is still sufficient and does not feel that it is necessary to increase this percentage. They would, however, like to leave the option open to increase the percentage to 4.25 percent in 2019 when the Verizon contract expires.

The second recommendation would ask for capital payments totaling \$184,849.00.

The third recommendation would ask that Comcast construct a basic fiber Institutional Network to connect town and school buildings to Bedford Television. The current analog technology is inferior to the Verizon contribution.

Other miscellaneous recommendations were discussed such as updating the cable service at the schools and how payments are made to the Town. Attorney August explained the recommendation in more detail and added what the Town could expect in response from Comcast. Attorney August also explained that the next step would be to submit the findings to Bob Carr at Comcast.

The Selectmen noticed some discrepancies in dollar amounts from the Committees' report and from Ascertainment findings from Attorney August.

Mr. Rosenberg made a motion to approve the Cable Television Committees' Ascertainment Findings and authorize the Town Manager to sign on the Selectmen's behalf subject to using the corrected numbers as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-96 November 4, 2013 Special Town Meeting - Article Recommendations – Article 13 – Bond Authorization – Town Hall Building Systems Replacement & Article 15 – Amend FY14 Operating Budget – Article Assignments

Finance Director Victor Garofalo went over the FY14 Operating Budget. Due to an increased workload, the Veterans Services agents will need to increase the hours in Bedford from fifteen to eighteen hours per week. With this increase the operating budget would need to increase by \$1,954.24 for the six month period from January 1, 2014 to June 30, 2014. The same hours would be carried into FY15 as well.

Mr. Reed also noted the DPW's Operating Budget would need an additional \$3,400 to cover the additional hours for the Recycling Coordinator if the Town should receive the Solarize Massachusetts Grant.

Mr. Rosenberg made a motion to recommend approval of Article 15 – Amend FY14 Operating Budget. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Facilities Director Richard Jones made a PowerPoint presentation detailing the background and additional options for the Town Hall Building Systems Replacement project. Additional options include phasing the project over a longer period of time but he cautioned that this would greatly increase the cost of the project. Mr. Jones added that the Town Hall was the first building to be renovated and those systems are now beyond their maximum effective life use. The Town Hall is the first building in the sequence of replacing building systems. Mr. Garofalo added that this project would have no major impact on the debt as some debt is about to be retired so there would be no real tax increase.

Capital Expenditure Chair Mary Ellen Carter and Finance Committee member Barbara Perry both expressed their respective committees' concern about the timing of having the article on the Special Town Meeting Warrant. They felt that it would be best to see this project in relation to other capital projects. The Capital Expenditure Committee especially felt that this project was quite unexpected. Mr. Siegenthaler and Mr. Reed both pointed out that this project has been in the works for eighteen months and that money was approved at the 2013 Annual Town Meeting for design work. Elizabeth McClung, 5 Winchester Drive, added that she felt it was important to see this project in relation to other larger projects in case something unexpected happened to another building.

The Selectmen decided to keep their original motion on making a recommendation about Article 15 at Town Meeting after they have heard from the Capital Expenditure Committee.

Mr. Siegenthaler made a motion to recommend approval of Article 18 – Stabilization Fund Appropriation in the amount of \$175,000. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

14-97 Town Hall Building Systems Replacement – Appointment of Owners Project Managers

With the design process underway for the Town Hall Building Systems Replacement an Owner's Project Manager needed to be designated since the project will total over 1.5 million dollars.

Ms. Fleischman made a motion appoint Richard Jones as Owner's Project Manager for the Town Hall MEP project. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-98 Historic Properties Preservation Fund – Depot Building Exterior Preservation Project Approval

Mr. Jones requested approval for the use of \$73,400 from the Historic Preservation Fund to fund the restoration project for the exterior of Bedford Depot Building. The grant that the Town received from the Massachusetts Historical Commission was lower than anticipated and the \$73,400 would make up the difference. These funds would be replaced in the FY15 budget.

Mr. Siegenthaler made a motion to approve the use of \$73,400 for the purpose of exterior preservation of the Bedford Depot Building. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-99 Hanscom Air Force Base Community Relations Priorities – Air Force Chief of Staff Visit

Mr. Rosenberg asked the Selectmen what information they would like to be discussed at the meeting with General Welch on November 7, 2013. The HATS committee hoped to keep the comments as regional specific as possible.

14-84 Miscellaneous Action Items - One Day Special Liquor License - Chapter 268A Section 20(b) Requests

Mr. Rosenberg made a motion to approve a One Day Alcohol Permit to Pahaca LLC dba Catering by PJ's at the Lodge f/b/o Amy Mason on October 26, 2013 at Old Town Hall. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to grant waivers under Chapter 268A, Section 20(b) to Parker Taggard, Matthew Timperio and Michael Sargent. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-85 Minutes – Forum Minutes – October 3, 2013 - Regular Session
Minutes – October 7, 2013 - Executive Session Minutes –
October 7, 2013**

Ms. Fedele made a motion to approve the Forum Minutes from October 3, 2013, as amended. Ms. Fleischman seconded the motion.

The motion passed 3-0-2. Chair Moonan and Mr. Rosenberg abstained.

Ms. Fleischman made a motion to approve the Executive Session Minutes from October 7, 2013 as written Mr. Siegenthaler seconded the motion.

The motion passed 4-0-1. Ms. Fedele abstained.

Ms. Fleischman made a motion to approve the Regular Session Minutes from October 7, 2013, as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-86 Town Manager's Report

Mr. Reed did not have anything to discuss.

14-87 Open Discussion

Mr. Rosenberg pointed out that the 300th anniversary of the Town is in 16 years and that it would be a good idea to start putting away money for that occasion.

Ms. Fleischman made a motion to adjourn into Executive Session for the purpose of discussing litigation strategy not to return to Open Session. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

The Selectmen were polled individually: Fedele, aye, Fleischman, aye, Moonan, aye, Rosenberg, aye and Siegenthaler, aye.

The meeting was adjourned at 10:27 p.m.