

**Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, November 18, 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: Board of Assessors Members Bruce Murphy, Ronald Cordes and John Linz; Stephen Poulos Associate Assessor; Ben Thomas Finance Committee; Victor Garofalo Finance Director; Jessica Porter Assistant Town Manager; David Grunes Fire Chief; Mark Sullivan Fire Captain; Robert Bongiorno Police Chief; Police Sergeant Patrick Towle; Steve Sallan, Stanton Foundation; Barbara Kelleher National Grid; Stephanie Cronin Middlesex 3 Coalition Transportation Executive Director; Heidi Porter Board of Health Director; Gene Clerkin, Brenda Peacock, Jane Puffer, Lewis Putney Bedford Housing Authority; Tanzania Peele, Peggy Sukoff, Robert Schmalz Housing Authority Candidates; Adam Schwartz and Karen Kenney, Chamber of Commerce; Roy Sorenson Public Works Director; Robert Batt 338 South Road; Meredith McCullough and Mary McBride, Press Representatives

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

14-113 Public Hearing FY14 Property Tax Allocation Among Classifications

Ms. Fleischman made a motion to open the Public Hearing to discuss the FY14 Property Tax Allocation Among Classifications. Ms. Fedele seconded the motion. The motion passed 5-0-0.

Mr. Linz introduced Stephen Poulos, the new Associate Assessor. Mr. Linz indicated that Mr. Poulos had been with the Town of Bedford for one week. Mr. Linz presented the Selectmen with the proposed Fiscal Year 2014 Property Tax Rate Classification that had been unanimously recommended by the Board of Assessors. Mr. Linz stated that a uniform tax rate would be \$19.46 per thousand dollars. This would result in a residential tax rate increase of approximately \$2,000.

Chair Moonan asked if this was the same classification shift that the Board of Assessors had used in the past. Mr. Linz confirmed that they were the same.

Chair Moonan also asked why some of the numbers for Changes in Property Valuation went down. Mr. Linz explained Open Space had dropped 27.6% as some land was deemed unbuildable in the past was reclassified more appropriately as wetlands.

Personal Property was down 22%. This is due to two main factors. One being that taxable Personal Property is very complex to define and very dependent on corporate structure. The other issue is that 75-80% of Personal Property tax revenue is generated by approximately 12 accounts in Bedford. One company located on Crosby Drive went through a recent restructuring and thus much of their Personal Property was no longer taxable. Also, another company on Hartwell Road changed its classification from manufacturing and thus had less taxable Personal Property. Mr. Linz assured the Selectmen that these were one-time events and not indicative of a trend. Also, Verizon, as a utility company, has its Personal Property value determined by the Department of Revenue. There was a \$3 million drop in this value which reflects Personal Property Valuation being currently down.

Ms. Fedele asked if this significant drop had ever happened before with another account. Mr. Linz said Personal Property is changeable and has ups and downs as companies move. He went on to say that on average things seem to be fine.

Mr. Linz presented the Selectmen with the proposed new tax rates for Fiscal Year 2014. He informed the Selectmen that the rates are not final as they are waiting for confirmation from the Department of Revenue. The Residential tax rate would increase 2.2%, the Open Space discount would drop by 0.2% and Commercial, Industrial and Personal Property would increase by 0.7%.

The Chair asked for comments from the audience. There were none.

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

The motion passed 5-0-0.

Ms. Fleischman made a motion to establish a residential factor so as to effect a 175% allocation of the tax burden from the Residential/Open Space property classes to the Commercial/Industrial/Personal Property classes.

On the matter of an Open Space discount:

To grant an Open Space discount of 25%.

On the matter of a Residential Exemption:

Not to grant a Residential Exemption, so as not shift the tax burden within the residential class from residents to non-residents

On the matter of a Small Commercial Exemption:

Not to grant Small Business Exemption, so as not to shift the tax burden within the Commercial/Industrial/Personal Property classes from certain small commercial properties to other commercial and industrial properties.

Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

14-114 Bedford Housing Authority Vacancy – Appointment Interviews (Joint with Housing Authority Commissioners) Tanzania Peele, Peggy Sukoff and Robert N. Schmalz

Chair Moonan took a moment to talk about the Housing Authority. He stated that it is an independent organization and not part of Town government. Rather it is a State organization with elected members. The Housing Authority is responsible for 80 units of low incoming housing at Ashby Place, 12 units of family housing on Elm Street and 19 budget based voucher units at Bedford Village.

Chair Moonan went on to say that although this was a public meeting there would be no public input and that this was a continuation of a Housing Authority meeting that was held earlier in the evening. Chair Moonan asked all three candidates to come forward as the Housing Authority representatives would be asking them some questions.

Chair Moonan started the interview process by asking the candidates to talk about their background and why they were interested in serving on the Housing Authority.

Robert Schmalz stated the he moved to Bedford 2 weeks ago and learned about the Housing Authority from the Bedford Citizen newspaper. Mr. Schmalz stated that he worked as a lawyer for 40 years in Connecticut and Chaired the Board of Commissioners of the New Haven Housing Authority for 5 years. As a new resident of Carleton-Willard in Bedford, Mr. Schmalz feels that he as access to quality elder housing and wants to assist others in finding the same.

The next candidate, Tanzania Peele, is currently studying political science. Ms. Peele worked on the Obama 2012 campaign and is interested in becoming involved in local government. She is an advocate for the elderly and handicapped members of her family. Ms. Peele echoed Mr. Schmalz's desire to assist Bedford citizens in finding quality, affordable housing.

The final candidate was Peggy Sukoff. She has a background in real estate and education and is thus familiar with regulations. As a senior citizen and a single parent, she is knowledgeable about the needs for affordable housing for both groups. Ms. Sukoff is retired and is interested in contributing more of her time to the Town of Bedford.

Each member of the Housing Authority present asked one question of each of the candidates. After each interviewee responded, Chair Moonan explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse. He also encouraged the candidates to consider taking on leadership roles as chair in the future.

Mr. Reed wanted to remind the candidates that this term would run through March of 2014 at which time if the person was interested in remaining on the Housing Authority they must be elected. Once elected it is a 5-year term.

**Mr. Clerkin made a motion to appoint Tanzania Peele to the Bedford Housing Authority for a term to end on March 31, 2014. Ms. Puffer seconded the motion.
The motion failed 3-5-0.**

**Ms. Fleischman made a motion to appoint Robert Schmalz to the Bedford Housing Authority for a term to end on March 31, 2014. Ms. Fedele seconded the motion.
The motion failed 2-6-0.**

**Mr. Rosenberg made a motion to appoint Peggy Sukoff to the Bedford Housing Authority for a term to end on March 31, 2014. Mr. Siegenthaler seconded the motion.
The motion failed 3-5-0.**

Ms. Peele stated that she was withdrawing her candidacy so as to facilitate the decision process for the Selectmen and Housing Authority.

**Mr. Siegenthaler made a motion to appoint Peggy Sukoff to the Housing Authority for a term to end on March 31, 2014. Mr. Rosenberg seconded the motion.
The motion passed 8-0-0.**

14-115 National Grid – Gas Main Grant Location – 11-15 Notre Dame Road

Barbara Kelleher from National Grid asked the Selectmen to consent to install a gas main from 9 Notre Dame Road to extend to 15 Notre Dame Road. The purpose of this would be to allow residents to convert to natural gas from oil.

**Ms. Fleischman made a motion to install and maintain approximately 190 feet more or less of 2-inch gas main in Notre Dame Road from the existing 2 inch gas main at house #9 northerly to house #15 to serve house #11 and house #15 contingent on the Street Opening Permit and Trench Permit. Ms. Fedele seconded the motion.
The motion passed 5-0-0.**

**14-116 Proposed Extension of Sign Bylaw Temporary Exemptions
Freestanding Temporary Sign & Open Flags**

Mr. Reed asked the Selectmen to approve an extension of the Moveable Freestanding Signs and Open Flags exemption for business. At the November 4, 2013 Special Town Meeting, an amendment was approved that allowed for these signs to be displayed with a special permit. The Chamber of Commerce suggested that Selectmen consider extending this exemption from July 2, 2013 – November 1, 2013.

Ms. Fedele made a motion that the temporary exemption under the Sign Bylaw previously established by the Selectmen from July 2, 2013 through November 1, 2013 allowing commercial moveable freestanding signs to be placed in accordance with the guidelines as recommended by the Sign Bylaw Review Committee and approved at the November 4, 2013 Special Town Meeting, with the exception of the required permitting process, to allow temporary display of "Open" flags as recommended by the Sign Bylaw Review Committee and approved by the same Special Town Meeting, hereby be extended through January 31, 2014. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-117 Bedford Chamber of Commerce – Economic Development Goals Update

Adam Schwartz and Karen Kenney from the Bedford Chamber of Commerce had questions regarding the Town's Economic Development goals. The first question was the status of the Economic Development Coordinator position. Mr. Reed informed them that the position has been advertised and that applications are due by December 23rd. Next, Mr. Schwartz asked for an update on forming a subcommittee to study the alcohol policy for restaurants as was agreed to by the Selectmen at the June 3, 2013 meeting. Ms. Fleischman said that the subcommittee has met and had some recommendations that had to be put before Town Counsel for approval. Mr. Reed said that once these recommendations had been reviewed, this subject would be put on as an agenda item. Finally, Mr. Schwartz said that the Chamber of Commerce has received feedback from small businesses in Town stating they would were unaware of the processes involved in becoming established in Bedford. Mr. Schwartz looked on the websites of other towns such as Burlington and Arlington and found a "How To" sheet to answer questions such as zoning, licenses, useful phone numbers, etc.

Chair Moonan agreed that this would be a useful tool but was not sure where the best place to display this information would be. Ms. Kenney stated that it should be in multiple sites to help facilitate the process.

14-118 Depot Park Historic Preservation Restriction Approval

Mr. Reed presented the Selectmen with a Preservation Restriction Agreement. This Agreement is necessary to ensure that the Town of Bedford is responsible for the maintenance, repair and administration of Depot Park. Chair Moonan asked if this land were to be sold would the Town still have this responsibility. Mr. Reed said that this responsibility would most likely remain with the Town but could transfer to the new owner.

Ms. Fleischman made a motion that the Selectmen accept the Preservation Restriction Agreement between the Commonwealth of Massachusetts by and

through the Massachusetts Historical Commission and the Town of Bedford. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-119 Street Light Maintenance Contract Extension Approval
Coviello Electric, Inc. - Medford, MA**

Public Works Director Roy Sorensen asked the Selectmen to extend a contract between the Town of Bedford and Coviello Electric and General Contracting Company. Coviello has been responsible for streetlight maintenance services in Bedford for the past three years. At Special Town Meeting on November 4, 2013, Article 14 was unanimously passed authorizing the Selectmen to extend the existing contract. Mr. Sorensen stated that Coviello would continue to charge the same rate of \$13,590 per year.

Mr. Siegenthaler made a motion to approve a two-year contract extension to Coviello Electric for maintenance of the municipal street lighting system for a period of October 1, 2013 through September 30, 2015 for the cost of \$13,590 per year. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-120 Community Innovation Challenge Grant Applications
Middlesex 3 Coalition Transportation Coordination
Middlesex Tick Task Force**

Middlesex 3 Coalition Executive Director Stephanie Cronin addressed the Selectmen. Ms. Cronin asked the Selectmen to approve the Coalition's Community Innovation Challenge Grant application. Bedford, along with 4 other communities associated with The Coalition (Burlington, Billerica, Chelmsford and Lowell), is applying for this grant in order to coordinate and improve area transportation resources. This would include a comprehensive analysis of available public and private transportation resources as well as recommendations for better linkages, last-mile services and for the elimination of under-utilized, disjointed and outdated stops. Ms. Cronin went on to say that the grant will assist in establishing a shared transportation network among the five applying communities in order to provide more efficient and consistent regional transportation services in the future. The grant also aims to educate the residents and business community in the region about the benefits of shared services and conduct targeted outreach to encourage development of new transportation programs.

Mr. Rosenberg asked if this was a competitive grant. Ms. Cronin stated that it was but since five communities are banding together it would increase their chances of receiving the funding.

Ms. Fleischman stated that she enjoyed meeting with the transportation groups to strategize. She was particularly pleased to see the business communities getting involved and expressing their needs and how they relate to the surrounding communities.

Ms. Fedele asked what the timeline was for the grant application and the project itself. Ms. Cronin said the grant application was due on Friday, November 22, 2013 and the project's timeline was through December 2014.

Mr. Siegenthaler asked if the Coalition was working toward finding environmentally efficient transportation systems. Ms. Cronin said that issue has been raised but they are not quite ready to move forward at this time as they are in the early stages of development.

Mr. Rosenberg made a motion to endorse the Middlesex 3 Coalition Transportation Coordination's application for the Community Innovation Challenge Grant and authorize the Chair to sign on behalf of the Selectmen. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Board of Health Director Heidi Porter asked the Selectmen to approve the Middlesex Tick Task Force's application for a Community Innovation Challenge Grant. The Town of Bedford is a member of the Middlesex Tick Task Force and one of five towns in Middlesex County hoping to partner with the University of Massachusetts Laboratory of Medical Zoology (UMass LMZ) to create a demonstration project to build a cost-effective disease surveillance database for tick borne illnesses. The Community Innovation Challenge Grant funding is being sought to support this project. Ms. Porter went on to say that various Boards of Health through Massachusetts will provide tick samples to UMass LMZ. They will in turn test the ticks for 3 diseases: Lyme, Human Granulocytic Anaplasmosis and Babesiosis, at a significantly reduced and affordable cost. The reduced cost analysis will be an incentive for more residents to submit ticks for testing than has occurred in the past. This will in turn build the database of disease incidence in Bedford and across Massachusetts and better inform tick bite and tick disease prevention outreach programming for the community through the Boards of Health.

Ms. Fleischman made a motion to authorize the Chair to sign on behalf of the Selectmen to support the Community Innovation Challenge Grant application to establish a tick borne illness surveillance database. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-121 Departmental Budget Reviews
 Fire Department
 Police Department**

Fire Chief David Grunes presented the Selectmen with a budget overview of the Fire Department. The Fire Department has 2 Captains: Chuck Stone who oversees Fire Prevention and Mark Sullivan who is in charge of Operations and Training. There are also a Fire Safety Educator, an EMS Coordinator and two Hazardous Material Technicians. The Minimum Daily Shift Staffing is five – one officer and four firefighters. The Maximum Daily Shift Staffing is six – one officer and five firefighters. Chief Grunes

went on to say there were approximately six calls per day during the week and about 5 calls per day on the weekends. Because there are often simultaneous calls, Chief Grunes explained that it is necessary to have the station staffed accordingly. Chief Grunes stated that the budget increased approximately 1% each year with the majority of that money going to personnel expenses.

Mr. Rosenberg asked when permit fees were last increased. Chief Grunes said that was in 2010 but the added revenue wasn't realized until Fiscal Year 2012. Also, the Fire Department switched to the Enterprise system in Fiscal Year 2013 to better capture revenue and expenses.

Chief Grunes also said that many of the fire trucks are no longer under warranty and thus the Department is responsible for any repairs. A Public Works employee went to training to specifically learn how to fix and maintain fire trucks. Unfortunately the trucks have become so advanced and technical that the Department is limited in how much they can do independently to maintain the vehicles. The majority of the Department's expenses go to vehicle repair and maintenance.

Mr. Rosenberg asked Chief Grunes if there were any plans to create a substation due to the increase in residents in Bedford, specifically along Middlesex Turnpike. Chief Grunes stated that was currently under review but their call volumes have leveled off to that area. Chief Grunes said it would be most likely to have the Fire Department remain centrally located.

Police Chief Robert Bongiorno next presented the Selectmen with a budget overview of the Police Department. Chief Bongiorno showed an organizational chart of the Police Department. He noted there are typically only two officers patrolling the Town on any given day. Due to the increased call volume, this requires the Department to do more with fewer resources. Next, Chief Bongiorno outlined the Department's Fiscal Year 2014 budget. The total budget is \$3.35 million of which \$3.2 million is represented by salaries. The operating expenses are \$148,000 and revenue is \$159,000. The revenue is generated primarily from alarm notices, citations and parking tickets.

Chief Bongiorno is pleased that the Police Department is service-oriented especially in comparison to other communities. One of the Community Services that he highlighted was the Pro-Active Community Enforcement (PACE). This places a plain-clothes officer in areas of the Town that have been targeted as high risk for under-age drinking. Another project that Chief Bongiorno mentioned was the Town's partnering with Middlesex Community College. Criminal Justice students are working with the Bedford Police Department to identify causes for motor vehicle accidents along Great Road. However, Chief Bongiorno reminded the Selectmen that all of these services do come at a cost to the Police Department.

Chief Bongiorno stated that Calls for Service have increased 38% since 1997. He looked specifically at Domestic Calls which have increased 22%. There is a higher level

of service, follow up and training required by police officers than in the past. This is a financial drain upon departmental resources.

14-122 Middlesex Police Mutual Aid Agreement

Chief Bongiorno presented the Selectmen with a Mutual Aid Agreement. This Agreement has recently been signed by thirty-nine other communities in Massachusetts. Chief Bongiorno offered the Selectmen an example of how this Agreement would benefit Bedford as well as the State of Massachusetts. Currently, if a police officer stops a vehicle for a non-arrestable offense such as running a red light but the stop occurs just over the Town line, any illegal substances that are found in that car such as drugs or weapons would be inadmissible in court. The Middlesex Police Mutual Aid Agreement would allow a police officer to admit this evidence in court even if the initial non-arrestable stop occurred outside their jurisdiction. Mr. Reed noted that Town Counsel reviewed this agreement and offered no reason why the Selectmen could not sign it.

Mr. Rosenberg made a motion that the Selectmen approve the Middlesex Chief of Police Association Interagency Mutual Aid Agreement and authorize the Town Manager to execute the agreement on behalf of the Town of Bedford. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-123 Police K9 Unit Grant Proposal

Chief Bongiorno introduced Steve Sallan from the Stanton Foundation. This is a New York based foundation which seeks to fund a non-competitive \$25,000 grant to the Town of Bedford to provide a K-9 unit. The grant will cover the purchase of a dog, training of the dog, construction of a kennel at the canine officer's house, vest, K-9 equipment, food and veterinary care. It would not cover the cost of retro-fitting a police cruiser for the dog. This money will fund a program for a minimum of three years. Chief Bongiorno stated that at the end of the three years, the Bedford Police Department would establish a K-9 gift fund to sustain future funding for years to come. Chief Bongiorno stated that many other surrounding towns already have a K-9 unit. Recently there was an incident in Town that required a dog to be called in from another town. This process took over an hour as the dog was on another call. This time delay could have meant the difference in capturing or losing a suspect. Chief Bongiorno asked the Selectmen to approve acceptance of this grant.

Ms. Fedele expressed her support for this initiative and said the landscape of Bedford would lend itself to having a K-9 unit. She asked if there would be multiple officers trained. Chief Bongiorno stated that it would be a one-on-one training because of the uniqueness of the dog and officer relationship.

Mr. Rosenberg related an incident many years ago when a K-9 unit was used to disassemble a party in the Town. The dog bit several people and it was decided after

this incident to do away with K-9 units. Mr. Rosenberg asked for some assurance going forward that an incident like that would not be repeated. Sergeant Patrick Towle stated that he remembered the incident and indicated that the officer had been knocked unconscious and the dog was off his lead which led to multiple people being bit. Sergeant Towle stated that the dogs are muzzled when going into a crowd situation as they are a means of force. He added that the training of today is much different than it was in the past.

A discussion ensued regarding the long-term budget for this initiative. Specifically, the Selectmen wanted to know about costs associated with retro-fitting a police cruiser for the dog and what other sources of revenue would be put in place once the grant money was spent. There was also concern expressed that an additional "take home" cruiser would be required to implement the program. Mr. Reed stated that he would work with Chief Bongiorno to present the Selectmen with an eight year budget to answer these questions. It was agreed that this issue would be discussed at a future Selectmen's Meeting.

14-124 2014 License Renewals – Preliminary Review

Mr. Reed presented the Selectmen with a list of the 2014 licenses that were up for renewal. Chair Moonan asked if anyone was in default. Mr. Reed stated that Prince Street Café has outstanding personal property taxes. Mr. Reed went on to say that the Finance Department had sent a letter to the Prince Street Café owners informing them that the Town bylaws state that licenses cannot be renewed if there are outstanding taxes.

**14-125 Request for Extension of License on New Year's Eve
Veterans of Foreign Wars**

Mr. Siegenthaler made a motion to grant permission to the Veterans of Foreign Wars to remain open on New Year's Eve until 1:00 a.m. on December 31 (into January 1) and to open on New Year's Day for regular business hours. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-126 Miscellaneous Action Items
Chapter 268A, Section 20(b) Exemptions
Ryan Barnes, SBP Crew to Basketball Referee
George Guay, Referee/Camp Counselor to Referee**

Mr. Rosenberg made a motion in accordance with Massachusetts General Laws, Chapter 268A, Section 20(b) to approve the applications of Ryan Barnes and George Guay. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-127 Minutes – Regular Session November 4, 2013
Executive Session November 4, 2013**

Due to the late hour, it was decided that the review of the Regular Session and Executive Session minutes from November 4, 2013 would be delayed until the next Selectmen's Meeting

14-128 Town Manager's Report

Mr. Reed wanted to discuss potential litigation with the Bedford Plaza Hotel. Because this issue surfaced today, it was too late to add it as an agenda item. Mr. Reed felt it would be a topic to be discussed in Executive Session.

14-129 Open Discussion

Due to the late hour, the Selectmen agreed to start the Executive Session.

**14-130 Executive Session – Collective Bargaining Strategy Concerning
Bedford Permanent Firefighters Contract Negotiations**

Ms. Fleischman made a motion to adjourn into Executive Session for the purpose of discussing potential litigation with the Bedford Plaza Hotel and Collective Bargaining strategy concerning Bedford Permanent Firefighters Contract Negotiations because discussion in Open Session would compromise the strategic advantage of the Town, not to return to Regular Session. Mr. Rosenberg seconded the motion.

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

The motion passed 5-0-0.