

**Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, December 16, 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: Shalish Patel, Bedford Plaza Hotel Owner; Town Counsel, Robert Mangiaratti; Brian Ward, American Legion Post 221; David Smerling, Boardroom Bistro; Diane Lynch, 194 South Road; Amy Lloyd and Jeff Cohen Planning Board Members; Richard Jones, Facilities Director; Roy Sorenson, Public Works Director; April Delano, Public Works Business Manager; Joan and Frank Gicca, Jan van Steenwijk and Barbara Hitchcock, Bedford Historical Society; Ben Thomas and Richard Bowen, Finance Committee members; James Shea, 30 Independence Road; Victor Garofalo, Finance Director, Jessica Porter, Assistant Town Manager; and Meredith McCullough and Mary McBride, Press Representatives

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

14-140 Public Hearing - Proposed Revocation or Suspension of Alcohol License - Jalaram Kutir, Inc. d/b/a Bedford Plaza Hotel

Mr. Rosenberg moved to open the public hearing. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Owner of the Bedford Plaza Hotel Shalish Patel was present to explain why the Selectmen should renew the annual liquor license for the hotel. Lately, the license has only been used for occasional functions and did not comply with the current policy in that it was not used for multiple periods of 10 days or more. The last function was held on October 27, 2013.

Mr. Patel stated that they are currently working on renovations to the bar and rooms now that some of the transient families are leaving. The restaurant has not been open since 2006.

The Selectmen asked if it would be possible to grant special one-day liquor licenses to the hotel for functions. Town Manager Richard Reed answered that it was not.

Mr. Reed went on to say that in addition to the non-usage there was also the matter of the hotel not passing inspection by Code Enforcement Director Christopher Laskey. It

has been a practice of the Selectmen not to renew a license until it has passed inspection.

Town Counsel Robert Mangiaratti was present to provide legal guidance for the Selectmen. Attorney Mangiaratti reiterated that there were presently two different grounds to eliminate the liquor license for the Bedford hotel, non-usage and failure to conform to building codes. He went on to explain the four options that the Selectmen have. The first option is to cancel the license which would allow the licensee to reapply for the same license. The second option is to revoke the license which would prevent the licensee from reapplying for one year. The third option of suspension would allow the Selectmen to stipulate terms. This option would require the Selectmen to renew the license then suspend it as the current license is expiring at the end of the year. The fourth option would be to renew the license.

The Selectmen discussed the third option at length pointing out that it has not been a practice to renew a license without the state required Certificate of Inspection. Ms. Fleischman stated that the hotel was granted the license under a different premise and it is no longer being used in that manner and wondered if some documentation of use could be provided. Ms. Fedele asked if a function license is any different. Mr. Reed replied that there is now a caterer's license under state regulation but did not know too much about it.

Mr. Patel added that there was no imminent safety hazard at the hotel and asked that the Selectmen to renew the license not revoke it.

Mr. Rosenberg felt that the license should be suspended in the expectation that the property would be restored to its original function and that of the Certificate of Inspection issue would be resolved.

Chair Moonan asked for comments from the public. No comments were received.

Ms. Fedele moved to close the public hearing. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Ms. Fedele made a motion to cancel the liquor license for the Bedford Plaza Hotel effective January 1, 2014, due to the reasons set forth in the memorandum dated December 4, 2013. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

14-141 Alcoholic Beverages Rules and Regulations - Proposed Revisions

The current version of the alcohol policy was adopted in October of 2009. Proposed revisions have been made based on feedback from the community. Some are minor changes; the main changes are outlined in a memorandum dated December 16, 2013 to include online training for servers and managers, allow New Year's Eve extensions

without formal Selectmen approval, change in payment procedures for annual renewals, allowing alcohol to be consumed with food rather than a full meal, and allowing one drink to be served without food.

After some discussion and input from the audience and local business owners, the Selectmen decided to allow servers to take Training for Intervention Procedures (TIPS) classes online and allow for managers who have attended an in-person TIPS training to recertify online. They also decided to change the number from one (1) to two (2) drinks allowed to be served without food.

These changes to the policy will be made and presented to the Selectmen for final approval at an upcoming Selectmen's Meeting.

14-142 Departmental Budget Reviews –Department of Public Work, Facilities and Town Center

Department of Public Works (DPW) Director Roy Sorenson gave an overview of the DPW's budget and how the money is currently allocated according to the various divisions, grounds, water, sewer, highway, maintenance, engineering and administration. Mr. Sorenson elaborated on areas that he would like to improve on such as more preparation work over the winter time so that projects could begin promptly when the weather permitted.

Facilities Director Richard Jones gave a presentation detailing the responsibilities of his department and how the responsibilities are divided and how money is spent on the Town side of operations. Mr. Jones also went over the Town Center and Old Town Hall budget.

14-143 Town Hall Mechanical, Electrical & Plumbing (MEP) Project - Status Update

The Town Hall MEP project was postponed at the Special Town Meeting on November 4, 2013. The cost was higher than anticipated and needed to be placed in the larger scope of the Capital Projects Plan. Mr. Jones pointed out that Town Hall is the first of the Town buildings that need updating. The building systems are reaching the end of their lifespan even though they are working fine today. While it would be possible to break the project into smaller pieces, Mr. Jones explained that this would cost the Town more money in the long run. In addition because the systems are arranged in the small space under the multi-purpose room, there is a requirement that a specific sequence of replacements must be followed since some systems are directly in front of others. To do the projects in pieces would require taking out recently updated systems to get at older ones. Putting this project off for too long would make it coincide with other building updates and would result in paying for two building updates at once. Finance Director Victor Garofalo pointed out that if the Town chooses to bond the project, it would not affect the budget until 2017.

Mr. Jones explained that the design architect has about eighty percent of the design work complete. The architect can complete the design work without going out to bid. The design work would not be lost and could be picked up at a later date in case something does fail.

Ms. Fedele made a motion to the finish the design process for the Town Hall MEP project but not to go to bid. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

14-144 Inter-municipal Agreement Renewal - Shared Energy Planner with Town of Arlington

Mr. Jones explained that sharing an energy planner with the Town of Arlington has been going well and has had no problems with the contract. If the Town should wish to terminate the contract there would need to be six months' notice.

Ms. Fleischman made a motion to the authorize the Town Manager to sign the Shared Energy Planner Agreement between the Town of Bedford and Town of Arlington effective July 1, 2014 for a three-year term. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-145 Bedford Historical Society - Search for Museum Site

Frank Gicca and Jan van Steenwijk of the Bedford Historical Society were present to discuss the need for museum space to house Town artifacts and documents as well as host social functions and lectures. Artifacts are currently being stored in cardboard boxes at the police station. A few artifacts were passed around such as a document with John Hancock's signature.

Mr. Rosenberg made a motion to endorse the concept of establishing a study committee to investigate establishing a Town Museum no later than June 30, 2014. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Chair Moonan and Mr. Rosenberg offered to develop the official charge of the study committee.

14-146 Contract Approval - Recreation Management Software - The Active Network, Inc. – San Diego, CA

The current vendor of recreation management software is discontinuing the current system and is moving toward a web-based platform. A Request for Proposals (RFP) was issued in August and two proposals were received. One proposal was eliminated as they did not follow the instructions laid out in the proposal. The remaining proposal

from The Active Network was ranked highly advantageous and is the same vendor that is being used now. It was noted that Recreation Director Amy Hamilton has been very happy with this vendor and is impressed with the capabilities of the new system.

Ms. Fedele made a motion to award the contract for Recreation Management Software Services to The Active Network Inc. and execute a three-year contract commencing December 17, 2013. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-147 2014 License Renewals Approval

Mr. Rosenberg made a motion to renew the alcohol licenses for The Great Wall, Boardroom Bistro, The Flatbread Company, Bamboo, Asiana Bistro and the American Legion. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to renew the Common Victualers license for Ungion d/b/a Prince Street Café. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

14-148 Miscellaneous Action Items – Amend Form 43 – Blackbeard Enterprises d/b/a Ken’s NY Deli

The Alcoholic Beverage Control Commission’s (ABCC) Form 43 for Ken’s NY Deli was sent back due to the description on the form that broadly described the premises as a mixed-use building between, restaurant, retail and residences. The Form has been amended to narrow this description to the space occupied only by Ken’s NY Deli.

Ms. Fleischman made a motion to reaffirm the license for Ken’s NY Deli based on the revised Form 43. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

The Selectmen also received a request from Attorney Pamela Brown on behalf of Ken’s NY Deli for reducing the cost of the alcoholic beverage fee since they may only have the license for a short period of time before the New Year. The Selectmen decided not to act on this request because the current regulations do not provide for such proration.

14-137 Minutes – Regular Sessions December 2, 2013

Ms. Fleischman made a motion to approve the Regular Session Minutes of December 2, 2013, as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-138 Town Manager’s Report

Mr. Reed requested that the Selectmen sign another Form 43 for the transfer of license to PVG Three now that the signed lease has been received as requested by the ABCC.

The Selectmen were presented with two taxi licenses that did not get signed at the last meeting.

Mr. Reed mentioned that Bedford was one of the honored recipients of the MMA's Kenneth E. Pickard Memorial Innovation Award for its efforts to establish the Middlesex 3 Coalition. The Award will be presented at the Annual MMA Conference on Saturday, January 25, 2014. This is the fifth time since 1996 that Bedford has won the award.

14-139 Open Discussion

Mr. Rosenberg mentioned that the Selectmen need to select someone to preside over the Town Caucus on January 7, 2014. In the past the Selectmen who is furthest away from re-election is the one to preside. Chair Moonan volunteered.

Ms. Fleischman moved to adjourn into Executive Session to not return to Open Session for the purpose of contract negotiations with the Town Manager. Ms. Fedele 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 adjourned at 11:00 p.m.