

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, February 11, 2013 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: Chipotle Mexican Grille Restaurant Manager Danielle Stevens; Attorney Stephanie Scannell; Community Preservation Committee Chair Eugene Clerkin; Sign Bylaw Review Committee member Jeffrey Cohen; James Shea; Finance Committee member Ben Thomas; Selectman candidate Caroline Fedele; Director of Public Works Richard Warrington; Assistant Town Manager Jessica Porter; Finance Director Victor Garofalo; Press representatives Kim Siebert and Mary McBride

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

Chair Cordes took a moment to recognize the efforts of the Department of Public Works (DPW), Fire Department, Police Department and the Massachusetts government during Snowstorm Nemo. She added that residents are lucky to live in Bedford because of the very professional staff that runs the Town.

**13-184 Request for Wine & Malt License and Common Victualers License -
Chipotle Mexican Grille – 343 The Great Road**

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

The motion passed 5-0-0.

Attorney Stephanie Scannell and Chipotle restaurant manager Danielle Stevens were present to request a Wine & Malt license and Common Victualer's license. Ms. Scannell explained that other restaurants in the Chipotle chain only serve beer and margaritas, so even though they would have the ability to serve wine they will not. Chipotle is a fast casual dining restaurant that would allow one alcoholic drink per food order. In order for a customer to get another drink they would have to buy more food. There would be no bar and all customers regardless of presumed age would be asked for identification. A manager or assistant manager is present on the floor at all times to ensure that the person who ordered the drink is actually the one drinking it. Drinks are limited to the inside of the restaurant so no one is allowed to sit outside on the patio with a drink.

When asked about the documented violations for serving to minors, Ms. Scannell replied that none of those violations happened in Massachusetts and they have had no

incidents here. Ms. Stevens added that she has not seen any incident in the time that she worked for Chipotle and that she runs a tight ship.

Depending on the construction schedule the restaurant could be open in April, with August being the latest they would open.

Mr. Moonan made a motion to close the public hearing. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to grant a Wine and Malt license and Common Victualer's license to Chipotle Mexican Grille at 343 The Great Road subject to the requirements of the Police Chief and inspection by the Board of Health. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-185 Public Hearing – General Bylaw Amendments – Article 47 Streets, Sidewalks and Public Property – Section 20 – Underground Utilities

Mr. Rosenberg made a motion to open the public hearing on the General Bylaw amendments for Article 47. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Town Manager Richard Reed referred to the current version of the Warrant to describe the General Bylaw Amendment to Article 47, Section 20 requiring utilities to be placed underground from 160 feet west of Bacon Road to the beginning of North Road for a total distance of 1,310 feet and along and across South Road for a distance of 334 feet. This project would be one phase of The Great Road Master Plan.

DPW Director Richard Warrington was present to discuss this amendment which would result in a 2 percent surcharge until the project is finished which could take an estimated 3 years to complete. The Town would be responsible for the connections from the street to the home costing the Town around \$3,000 per house totaling around \$120,000.

The Historic District Commission could make suggestions on the style of the new lights. It was also suggested that research be conducted to see if any of the project could be funded by the state.

Ms. Fleischman inquired whether any other aspects of The Great Road Master Plan could begin such as the part beginning at Hillside Avenue.

Mr. Rosenberg made a motion to close the public hearing. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-186 Public Hearing – General Bylaw Amendment – Article 53 Water System – Section 7 – Water Service

Ms. Fleischman made a motion to open the public hearing for Article 53 – Water System. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Mr. Warrington explained that this General Bylaw Amendment would require any new homes to have a continuous length of copper pipe between the water meter and the outside sill cock so that the Water Division can locate the buried water supply pipe. The cost of doing so will be minimal.

Mr. Rosenberg made a motion to close the hearing. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-187 Vehicle Replacement Agreements – Colonial Ford – Plymouth Massachusetts – Bonnell Ford – Winchester Massachusetts

Three vehicles approved in the Proposed FY13 Equipment and Vehicle Replacement Program have been through the bidding process. The four door hybrid sedan for the Town Manager was awarded to Colonial Ford of Plymouth, Massachusetts with a bid price of \$26,441. Bonnell Ford of Winchester, Massachusetts was the lowest bidder for both DPW vehicles. The four wheel drive pick-up with utility body had a bid price of \$33,100 and the four wheel drive extended cab pick-up had a bid price of \$23,100.

Mr. Rosenberg made a motion to approve the purchase of a four door hybrid sedan from Colonial Ford for \$26,441, a four wheel drive pickup with utility body from Bonnell Ford for \$33,100 and a four wheel drive extended cab pickup from Bonnell Ford for \$23,100. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-188 Proposed Community Preservation Budget

Community Preservation Committee (CPC) Chair Eugene Clerkin presented the proposed FY14 CPC budget. Mr. Clerkin pointed out that \$25,000 from the FY13 Undesignated Fund Balance would be used to complete landscaping at the Wilson Mill Dam which would bring the amount that will be carried over to FY14 to \$50,379.62. The total income and unrestricted fund balance for FY14 would be \$1,716,893.62.

The Historic Preservation appropriation totals \$365,800. The Open Space appropriation would pay \$491,212.50 towards the bond payment for 350A Concord Road. 10 percent of the total balance is allocated toward Affordable Housing for a total of \$166,651.40. The Recreation appropriation totals \$636,299.00. CPC decided to pay cash instead of bonding their portion of high school turf project because it will save the Town \$40,000 in interest cost. The total for Administrative and General Reserves is \$56,900. Total FY14

appropriations equal \$1,716,862.90 leaving \$30.72 in the unrestricted fund balance. \$405,000 of the total funds capital requests.

13-189 Proposed April 1, 2013 Annual Town Meeting Warrant Review – Article Recommendations

Sign Bylaw Review Committee member Jeff Cohen presented an update of the Sign Bylaw Amendments for the warrant. The Selectmen made suggestions on what should be reworded for clarity.

A discussion ensued on whether the Selectmen should go back to the Finance Committee to ask again for the funding for two additional grounds workers in the DPW. Referencing presentations made at other times Chair Cordes stated that there is a real need for additional staff due to the increasing demands of grounds work to be done in the Town. Mr. Moonan requested more information on what areas were being neglected at this time and whether contracting services out might be a better alternative to hiring two additional staff. Mr. Reed added that residents have requested more be done for maintenance of the fields.

Mr. Rosenberg proposed a compromise of requesting one additional staff member for this year was proposed.

Mr. Siegenthaler made a motion to recommend to the Finance Committee a total Selectmen's budget of \$15,495,402. Mr. Rosenberg seconded the motion.

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

WARRANT ARTICLE RECOMMENDATIONS

Mr. Rosenberg made a motion to recommend approval of Article 17 – Water System. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 18 – Great Road Underground Utilities. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 22 – Amend FY13 Community Preservation Budget. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 23 – Community Preservation Budget – Fiscal Year 2014. Mr. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to make a recommendation at Town Meeting for Article 24 – Supplement Operating Budgets for Fiscal Year 2013 and Articles of the 2012 Annual Town Meeting. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 29 – Salary Plan Additional Funding. Ms. Fleischman seconded the motion.

The motion passed 5-0-0

Mr. Reed explained that Article 31 – Massachusetts Health Care Security Trust would allow the Town to invest Other Post-Employment Benefits (OPEB) in the Massachusetts Health Care Security Trust which currently has a higher rate of return because of its broader array of investments than the Town currently has with Morgan Stanley.

Mr. Reed pointed out that Supplement Accrued Sick Leave Fund has not been supplemented since the 2006 Annual Town Meeting. Mr. Reed feels this would be wise because of the number of employees that are coming up for retirement.

Mr. Rosenberg made a motion to recommend approval of Article 32- Appropriate Funds to Sick Leave Buyback Fund. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-190 HATS II Appointment – Conservation Committee Appointee

Mr. Rosenberg made a motion to appoint John Willson as the Conservation Commission at-large Member to the HATS II Committee for a term ending June 30, 2013. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**13-191 Miscellaneous Action Items - Chapter 268A, Section 20(b)Exemptions
Timothy French – Springs Brook Park Crew to Referee**

Mr. Siegenthaler made a motion to grant a Chapter 268A, Section 20(b) exemption to Timothy French. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-192 Minutes

Ms. Fleischman made a motion to approve the Regular Session Minutes of February 4, 2013, as amended. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-193 Town Manager's Report

Mr. Reed announced that DPW Director Richard Warrington will be retiring on April 30, 2013 after over 26 years of service to the Town. Mr. Warrington made the

announcement to his staff earlier in the day. The process for hiring his successor will begin shortly. Chair Cordes praised the work that Mr. Warrington has done for Bedford.

Mr. Reed announced that School Committee member Noreen O'Gara was hired as the new Assistant Director of the library and would be resigning from the school committee. A joint meeting of the Selectmen and the four remaining School Committee members will be held in March to appoint a new member.

13-194 Open Discussion

Ms. Fleischman gave an update from the Bicycle Advisory Committee on the Bike Path extension from the end of Depot Park to the Concord line. There was some positive feedback from the state but there was concern about the timetable and feasibility of the Railroad Avenue connection. Some alternatives were discussed with Mr. Warrington and VHB representatives such as creating an improved unpaved path along the Elmbrook conservation area in conjunction with eventual improvement of Railroad Avenue infrastructure.

Mr. Rosenberg made a motion to adjourn into Executive Session regarding collective bargaining strategy for Emergency Communications Officers and litigation strategy for the Town of Bedford v. Massachusetts Port Authority because discussion in Open Session would compromise the strategic advantage of the Town, not to return to Regular Session. Ms. Fleischman seconded the motion.

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

The motion passed 5-0-0.

The meeting adjourned at 10:34 p.m.