

**Regular Session Minutes - Selectmen's Meeting
Teacher's Lounge C-104, Bedford High School
Monday, April 1, 2013 6:30 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: Town Counsel Robert Mangiaratti, Public Works Director Richard Warrington, and Cable TV Committee member James Shea

Chair Moonan called the meeting to order at 6:30 p.m.

13-234 2013 Annual Town Meeting – Article Recommendations

Town Manager Richard Reed stated that there were three Warrant articles without recommendations. The first being Bills of Prior Years. He suggested that since there were no bills, the Selectmen should recommend indefinite postponement.

Mr. Siegenthaler made a motion to recommend indefinite postponement of Article 5 – Bills of Prior Years. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Reed noted that the motion in the packet spells out transferring \$1 from the Selectmen's budget to the Police Department budget for FY13. This was discussed at the Executive Session after the Selectmen ratified the Emergency Communication Officer's contract. The financial analysis done from Article 23 shows the FY13 settlement cost which indicates that funds are not necessary even though there is an increase in salary due to change of personnel in the department. This resulted in lower salary rates than had originally been budgeted. The reason for the \$1 appropriation is that when Town Meeting votes to fund a Collective Bargaining (CB) agreement for the first time, that obligates the parties to compensate by the contractual terms of the agreement for the remaining of the term of the agreement; in this case through the end of the next fiscal year. The first year of the agreement was FY12 which had no base wage increase; FY13 was a 1.25% increase; and the next year was a 1-1 split. This vote will obligate the Town to observe and follow the contracted and agreed upon provisions of the CB agreement for the remainder of the CB agreement. Mr. Reed felt that it would be better to do it under this article rather than the Operating Budget.

Mr. Siegenthaler made a motion to recommend approval of Article 23 – Supplement Operating Budgets for Fiscal Year 2013 and Articles of the 2012 Annual Town Meeting. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Reed indicated that the current motion for free cash assumes that everything is approved as presented at Town Meeting. The \$2,516,075 transfer of free cash is necessary to balance the budget and leave the goal of \$1,000,000 in excess tax levy capacity which the Finance Committee recommended.

Ms. Fleischman made a motion to recommend approval of Article 32 – Free Cash. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-235 Miscellaneous Action Items

Ms. Fleischman made a motion to grant a One Day Special Alcohol License for Wine and Malt to the Carriage House Café & Bakery f/b/o the Bedford Athletic Association on April 6, 2013. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Chair Moonan noted that the beginning date for the request for a Special Event Temporary Sign should be amended to read April 27, 2013.

Mr. Siegenthaler made a motion to grant a Special Event Temporary Sign to the Bedford Garden Club from April 27 to May 11, 2013. Ms. Fleischman seconded the motion. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

In response to a memo addressed to the Selectmen regarding the possible inability of the detention basin in the rear of the Blake Block building to perform as specified in the engineering plans, a discussion ensued on the leverage the Town would have over the developer and whether any additional occupancy permits should be released. In addition, Chair Moonan noted that the Historic District Commission (HDC) has several issues that they want resolved. Mr. Reed noted that Town Counsel, Selectman Siegenthaler and he discussed this issue and the consensus was that once the applicant was ready to come before the Planning Board with a revised site plan which reflects the changes made during construction, there was a sense that there will be a potential joint meeting with the HDC. The Planning Board has to coordinate that meeting themselves. Mr. Reed noted that the Town feels they have adequate leverage over the developer even before the detention basis issue arose.

Town Counsel Robert Mangiaratti felt it was important that the Planning Board and Historic District Commission make certain they know what they want. In addition the Town has leverage over releasing occupancy permits, as well as an enforcement action available to the Town. If the building does not conform to the terms and conditions of the special permit, it will violate zoning. Staff has informed the developer to come up with solutions to all these issues. Staff also presented a procedure by which these solutions could be documented. He noted that an amended special permit would be beneficial for the Town because all the issues would be straightened out, and it would

also be beneficial for the developer because his property would then conform to the special permit.

13-236 Minutes

Mr. Rosenberg made a motions to approve the March 11, 2013 Regular Session Minutes as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve the March 18, 2013 Regular Session Minutes as amended. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve the March 18, 2013 Executive Session Minutes as written. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-237 Town Manager's Report

Mr. Reed asked if the Selectmen were ready to issue the Bedford Families Unplugged letter to department heads and committees. Ms. Fleischman will double check with the school superintendent to make sure that the high school musical is not scheduled for the March 2014 date and will report back to the Town Manager. Otherwise, the Selectmen approved the release of the letter.

Mr. Reed noted that the Selectmen should have received an invitation from the Bedford Minutemen to the Pole Capping event scheduled for April 6, 2013.

13-238 Open Discussion

Mr. Rosenberg inquired what action the Selectmen would need to take on the medical marijuana referendum recently passed by Massachusetts voters. Mr. Reed noted that this topic could be discussed after Town Meeting adjourns. Mr. Reed noted that the Board of Health Director Heidi Porter is attending a state training on the state regulations of medical marijuana this week. He added that eventually we may want to propose a Zoning Bylaw amendment to deal with this topic at a future Town Meeting.

Ms. Fleischman announced that she attended an official *Commemoration of Women's History Month* to honor women veterans at the Veterans Administration Hospital. A presentation was also made by a Lt. Colonel who had served as a nurse in Vietnam. Ms. Fleischman noted that she discussed the possibility of a meet and greet or a tour of the facility for the Selectmen with Public Information Officer Kristin Presley. Ms. Fleischman encouraged her to do so as Ms. Presley was interested in having a good relationship with the Town and to keep the lines of communication open. The acting director of the VA Hospital was also very glad that a Selectman attended.

Mr. Siegenthaler asked if there were any issues around the marijuana dispensaries being nonprofit and whether that would affect their zoning. Town Counsel Mangiaratti reported that the Zoning Act has exemptions for churches, non-profits, educational, and child care, but there is nothing in the Zoning Act relating to medical marijuana. We have only received regulations from state's Department of Public Health and a decision from the Attorney General which says we cannot prohibit its use or it would be unconstitutional as being inconsistent with the purposes of state law.

13-239 Adjourn to Town Meeting

Ms. Fleischman made a motion to adjourn to Town Meeting. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 7:11 p.m.