

**Regular Session Minutes – Selectmen’s Meeting**  
**Selectmen’s Meeting Room, Town Hall**  
**Monday, July 1, 2013, 7:30 p.m.**

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

ABSENT: Caroline Fedele

ALSO PRESENT: Lewis Putney and Emily Pruyn, Committee Candidates; Mildred Seaborn, Cable Television Committee Candidate; Adrienne St. John, Public Works; Roy Sorenson, Director of Public Works; Richard Jones, Facilities Director; Victor Garofalo, Finance Director; Jeff Cohen and Karen Kenney, Sign Bylaw Review Committee Members; Jim O’Neil, 21 Clark Road; Trish Domigan, Vanesse Hangen Brustlin; Ben Thomas, Finance Committee; Bobbie Ennis, Council on Aging; James Shea, 30 Independence Road; Kim Siebert and Mary McBride, Press Representatives

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

**14-01      Committee Interviews/Appointments**  
**Council on Aging – Lewis Putney and Emily Pruyn**  
**Cable Television Committee Appointment – Mildred Seaborn**

Chair Moonan introduced two individuals interested in serving on the Board of Directors for the Council on Aging (COA): Lewis Putney and Emily Pruyn. Mr. Moonan stated that the purpose of COA was to provide activities and assistance to the older members of the Town of Bedford. He went on to state that the Board of Directors works closely with the Executive Director to make the department run smoothly and address the needs of its constituents. Chair Moonan then asked both individuals why they would like to serve on the Board of Directors.

Ms. Pruyn stated that she has worked in a volunteer capacity at the COA for a number of years. She would like to help and give back to an organization that has been so helpful not only to her but other members of the Town.

Mr. Lewis has been a resident of Bedford for 46 years and has been going daily to the COA for the past 7 years. He informed the Selectmen that he was instrumental in getting pool tables for the COA and having the Senior Games moved from Ludlow to Bedford this year. This was an all-day event involving 40 players and drew a substantial crowd. Mr. Lewis has also served as a Town Constable for the past 15 years as well as a member of the Housing Authority. Mr. Lewis’s reason for wanting to be on the Board of Directors for the COA is to be more involved in the day-to-day decision making.

Mr. Siegenthaler asked both candidates how they would get more seniors interested in the COA. Ms. Pruyn stated that attendance is very low at the COA which is disappointing. She said that the people she has spoken with have the notion that the COA is for "old people" and they don't consider themselves old. Ms. Pruyn would like to clear up that misconception by letting people know that the COA is a vibrant organization. She said that she would be interested in speaking with the Board of Directors to hear what suggestions they had for increasing the attendance to the COA.

Mr. Putney agreed that attendance could be better at the COA. He suggested starting bridge and cribbage clubs. He'd like to have the Director put a notice up for someone to teach bridge as there are many people interested but do not know how to play.

Chair Moonan reminded the candidates that he is the liaison to the Board and that attendance at Board meetings has been an issue in the past. He reminded everyone of the importance of attending regularly in order to have productive and active discussions on issues facing the COA. He asked both candidates if they would, after serving for a period of time on the Board, be interested in chairing. Both candidates responded in the affirmative.

At this time, 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.

Chair Moonan thanked the candidates for their time and interest. He stated that the Selectmen would be taking a vote later in the evening.

In a memorandum dated June 27, 2013, the Selectmen were informed that at the June 17<sup>th</sup> meeting the number of vacancies for the Cable Television Committee was incorrect. There were actually 2 vacancies instead of one. William Deen had been appointed at the June 17<sup>th</sup> meeting. Mildred Seaborn, the other candidate, was still interested in serving on the committee.

**Mr. Rosenberg made a motion to appoint Mildred Seaborn to the Cable Television Committee for a term lasting until June 30, 2015. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

#### **14-02 Proposed Temporary Exemptions from Sign Bylaw Freestanding Sign and Open Flag**

Jeff Cohen and Karen Kenney of the Sign Bylaw Committee presented the Selectmen with a proposed exemption to The Sign Bylaw, Section 40.2 regarding movable freestanding signs. Presently, commercial movable freestanding signs are not permitted in residential, business, commercial or industrial districts. The proposed temporary exemption would be applicable to all these districts except for residential. Ms. Kenney stated that businesses are eager for this change to happen. They are hopeful that having signs in front of their businesses will attract new customers and increase sales.

She stated that the businesses most interested in this change are along Middlesex Turnpike. They are fearful of competition from Wegmans and other businesses coming to Burlington.

A discussion ensued regarding the Fall Town Meeting and whether or not there would be enough time to gather data to include this on the Warrant. The general consensus was that there would be ample time for businesses to see if having the free standing signs posted over the next few months increased their revenue.

There was also discussion that if this change becomes permanent, there would be a need to standardize these signs so as not to detract from the Town's aesthetics.

Next Mr. Cohen presented the Selectmen with a temporary exemption to the "Open" flags bylaw. Presently, signs that are not expressly permitted are prohibited. As such, "Open" flags are prohibited, even though they are displayed by several businesses in Town. This temporary exemption would permit "Open" flags to be displayed by local businesses on the property at which they conduct business.

Jim O'Neil of 21 Clark Road expressed his concern about the proposed temporary changes to the Sign Bylaws. Namely, he felt that requiring businesses to remove their signs at 8:00 pm is not enforceable and therefore should not be included in the language of the bylaw. He did state that he was pleased the Chamber of Commerce would provide guidance to its members regarding acceptable signage practices.

Mr. Rosenberg wanted to go on record as saying that he didn't want to omit the 8:00 pm provision because it is 'unenforceable.' Rather he suggested finding creative ways to make sure that businesses owners adhere to this rule. Ms. Fleischman concurred saying that the 8:00 pm time is there to avoid any public safety issues after dark and that if businesses owners understood that, they would be more willing to comply.

**Mr. Siegenthaler made a motion to grant a temporary exemption under the Sign Bylaw for a period of July 2, 2013 – November 1, 2013 to allow commercial removable free standing signs to be placed in accordance with guidelines from the revision of July 1, 2013 from the Sign Bylaw Review Committee and to allow the temporary display of "Open" flags in accordance with the recommendations of the July 1, 2013 revisions from the Sign Bylaw Review Committee. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

**14-03            DPW Design Project Status Update  
                    Great Road/Springs Road/South Road Intersection  
                    School Way Project  
                    Minuteman Bikeway Extension  
                    Middlesex Turnpike Phase 3 Design**

Trish Domigan from Vanesse Hangen Brustlin updated the Selectmen on a variety of DPW Projects. First she spoke of the Great Road/Springs Road/South Road

Intersection. There are several issues with this intersection: namely heavy volume, old signal equipment, no bike accommodations or vehicle detection service. Some of the improvements that will take place will be to retime the intersection which will accommodate the users of this area and the installation of new traffic signals that will benefit both vehicles and pedestrians. There will also be a green space added to the Organics Spa property to prohibit in and out traffic from South Road into this business. Ms. Domigan stated that this would also help with public safety as well as traffic flow.

Ms. Domigan also spoke of the intersection changes to come to Great Road that would allow the fire trucks to shut down the traffic signals at the intersections near the fire station in the event of an emergency thus increasing public safety and emergency vehicle response time.

Next Ms. Domigan discussed the improvements happening at School Way. She mentioned road realignment, the addition of sidewalks, landscaping, putting in drainage as well as enhancement of the lighting at the intersection of Elm Street and School Way.

The Minuteman Bikeway extension was the next project discussed. Over the past few years, they have put together funding requests through the Massachusetts Department of Transportation. Ms. Domigan said that the trail itself will connect Depot Park to Wheeler Road. This will either run on Railroad Avenue or along Elmbrook. Ms. Domigan stated that there were constraints with both designs. Railroad Avenue cannot be widened for bike traffic and there are a significant number of trees and utility poles. She also spoke of drainage issues along Railroad Avenue which would have to be addressed.

The issues facing an Elmbrook alignment have to do with conservation. There are two conservation areas that would be affected if the Minuteman Bikeway extension ran along Elmbrook. Ms. Domigan stated that permits would have to be obtained and that legislature would have to approve of using this alignment.

Ms. Domigan discussed the Middlesex Turnpike Phase 3 Design. She stated that Phase 2 is just about complete. This project includes roadway redesign from the Shawsheen River in Bedford to Manning Road in Billerica. This is the last phase of the transportation improvements for this area.

A discussion ensued regarding all three projects. Ms. Domigan answered the Selectmen's questions and addressed the concerns that were raised. It was determined that Railroad Avenue should be the focus of the Minuteman Bikeway Extension rather than Elmbrook due to environmental constraints.

#### **14-04            Contract Amendment - Middlesex Turnpike Phase 3 Design                       Vanesse Hangen Brustlin Watertown, MA**

Town Manager Richard Reed presented the Selectmen with an amended contract for Phase 3 of the Middlesex Turnpike Project. This will be the final phase of this project.

Mr. Reed noted that the storm water standards had changed since the contract was first drafted. Thus in order to bring this project into compliance for wetland review and environmental permits, this amendment is necessary. The proposed funding for this amendment is Chapter 90 appropriations. Mr. Reed informed the Selectmen that Town Counsel had reviewed and approved this contract amendment.

**Mr. Siegenthaler made a motion to approve Amendment #9 for the Middlesex Turnpike/Crosby Drive Transportation Improvement Project in the amount of \$614,130 to be funded from Chapter 90 appropriations. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

**14-05            Change Order Approvals  
                 Sabourin Field Synthetic Turf Project –  
                 Post Ground Sleeves for Protective Netting  
                 Heimlich Landscaping & Construction Corporation, Woburn, MA**

**The Great Road Water Main Rehabilitation Project –  
W. Walsh Company, Attleboro, MA**

Adrienne St. John from the Department of Public Works presented two change order requests to the Selectmen. The first was to install a safety net at the ends of Sabourin Field to protect people on the track from being hit by balls when a game is being played on the field. The Bedford Athletic Director brought this concern to Ms. St. John's attention. The Town's architect for the Sabourin Field Renovation project researched this request and recommended a system of poles set 20 feet on center with a 16 foot high safety net. The Athletic Director said that if the construction company would provide the sleeves and concrete foundations, they would be able to hang the appropriate netting.

**Mr. Rosenberg made a motion to approve the Change Order #1 for the Sabourin Field Synthetic Turf Project in the amount of \$7,400 for Heimlich Landscaping and Construction Corporation to furnish and install the proposed sleeves and concrete foundations. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

Next, Ms. St. John spoke of the Great Road Water Main Cleaning and Lining Project. The project is in its second phase currently. W. Walsh Company, the contractor for this project, recently encountered a few unanticipated issues: mainly additional pits need to be added to access the water main near Loomis Street due to the placement of MCI utility lines and a few gate valves and hydrants that were marked "to remain" couldn't get a complete shutdown to install the by-pass pipe.

**Mr. Siegenthaler made a motion to approve Change Order #1 for the Great Road Water Main Cleaning and Lining Project in the amount of \$32,100 for W. Walsh**

**Company to complete the project as intended. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

**14-06 FY14 Water and Sewer Rates  
Approval**

Victor Garofalo, Finance Director, informed the Selectmen of a slight change to the water and sewer rates from the previous meeting. The new voted rates are a 2.2% for water and 2% for sewer (R2). This resulted in a reduction of approximately \$0.10 for sewer rates. Overall it would be a 2.3% increase on the average household from FY13. Mr. Garofalo presented the Selectmen with the new water and sewer rates for FY14.

**Ms. Fleischman made a motion to approve the FY14 water and sewer rates as follows:**

<b>Water</b>			
<b>1st Meter</b>	<b>Base*</b>	<b>\$35.00/yr. or \$17.50/billing cycle (6 months)</b>	
	<b>R1</b>	<b>\$1.20/100 cubic feet up to 2,000 cubic feet</b>	
	<b>R2</b>	<b>\$5.70/100 cubic feet over 2,000 cubic feet</b>	
<b>2nd Meter</b>	<b>Base</b>	<b>\$35.00/yr. or \$17.50/billing cycle (6 months)</b>	
	<b>R3</b>	<b>\$8.00/100 cubic feet for any used amount</b>	
<b>Sewer</b>			
	<b>Base*</b>	<b>\$45.00/yr. or \$22.50/billing cycle (6 months)</b>	
	<b>R1</b>	<b>\$3.30/100 cubic feet up to 2,000 cubic feet</b>	
	<b>R2</b>	<b>\$9.40/100 cubic feet over 2,000 cubic feet</b>	
<b>Industrial accounts receiving monthly bills will be charged the base charge twice a year for a 6 month billing cycle. There will also be a \$50.00/year fee for each sprinkler service.</b>			

**Mr. Rosenberg seconded the motion.**

**The motion passed 4-0-0.**

**14-07           FY13 Reserve Fund Transfer Requests  
                  DPW Water Purchase  
                  Town Center**

Mr. Reed presented the Selectmen with two fund transfer requests. The first request was from the DPW regarding the purchase of water. The deficit of \$217,327 resulted from purchasing approximately 30% more water from the Towns of Burlington and Lexington during the period when Bedford's water system was suffering from total coliform presence. Ms. Fleischman noted that this was a one-time occurrence and this type of deficit would not be an issue in the future.

**Mr. Siegenthaler made a motion to approve a reserve fund transfer in the amount of \$217,327 for the DPW's Water Purchase. Mr. Rosenberg seconded the motion.  
The motion passed 4-0-0.**

Richard Jones, Director of Facilities, asked the Selectmen to make an \$8,500 zero fund transfer in the Town Center's budget. When preparing the FY13 budget, Mr. Jones underestimated the expenditure for electricity. This is what created the deficit.

**Mr. Siegenthaler made a motion to approve a zero fund transfer of \$8,500 for the Town Center. Ms. Fleischman seconded the motion.  
The motion passed 4-0-0.**

**14-08            Inter-fund Transfer Requests  
                     Facilities Department  
                     Election & Registrations**

Mr. Reed explained that there was an unexpected repair to the water heater at the Fire Station last week. Because of this unforeseen expense, an inter-fund transfer request was submitted to cover this expense.

**Mr. Rosenberg made a motion to approve an inter-fund transfer of \$6,809.34 from the Facilities Salary Segregation fund to the Unsegregated Expenditure portion of the Facilities budget. Mr. Siegenthaler seconded the motion.  
The motion passed 4-0-0.**

Next Mr. Reed presented the Selectmen with another inter-fund transfer request. This request was necessitated by the Special Election for State Senator on June 25, 2013. Mr. Reed indicated that there was no indication that the Town would receive any state reimbursement for this unforeseen expense.

**Mr. Rosenberg made a motion to approve an inter-fund transfer of \$3,151 from the Town Clerk's Salary fund to the Elections/Registrations fund. Mr. Siegenthaler seconded the motion.  
The motion passed 4-0-0.**

As the next person got ready to present, Chair Moonan called for a vote regarding the appointment to the Board of Directors for the Council on Aging.

**Mr. Rosenberg made a motion to appoint Lewis Putney to the Board of Directors for the Council on Aging for a term lasting until June 30, 2016. Mr. Siegenthaler seconded the motion. Chair Moonan voted against.  
The motion passed 3-1-0.**

**14-09            Designer Services Agreement  
                     Town Hall MEP**

Mr. Jones discussed a Design Services Contract proposal with the Selectmen. This project would address the mechanical, electrical and plumbing rehabilitation of Town

Hall. Several companies submitted bids for this project. Geinapp Design was the highest ranked firm to provide design services for this project. Mr. Jones went on to say that the project should be completed by November 1, 2013.

**Mr. Rosenberg made a motion to approve the contract with Geinapp Design in the amount of \$85,175 for the rehabilitation of the mechanical, electrical and plumbing systems at Town Hall. Mr. Siegenthaler seconded the motion.**

**The motion passed 4-0-0.**

#### **14-10 Town Counsel Reappointment/Fee Increase**

Mr. Reed asked the Selectmen to approve the reappointment of Robert Mangiaratti as Town Counsel for Bedford. According to the General Bylaws, Section 3-3 Appointments, Town Counsel's term expires yearly on June 30<sup>th</sup>. Chair Moonan stated that he has spoken with other people who have dealt with Mr. Mangiaratti and his law firm and have been very pleased with their thoroughness.

**Mr. Siegenthaler made a motion to reappoint Robert Mangiaratti as Town Counsel for the Town of Bedford to a term ending June 30, 2014. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

Mr. Reed also presented the Selectmen with a proposed rate increase for the legal services of Murphy, Hesse, Toomey and Lehane. Chair Moonan raised the question of why the law firm thought this increase was necessary. He pointed out that the cost of living increase was approximately 2% while this increase would be close to 4%. Chair Moonan reiterated how pleased he has been with the law firm but was looking for justification for this increase. Mr. Reed stated that their rates had been steady for a long period of time and that the Town of Bedford is usually billed at the lowest of the rates as the need for Administrative and Court Litigation and Tax Title Work is minimal.

**Mr. Siegenthaler made a motion to authorize an increase in the hourly rate for legal services provided by Murphy, Hesse, Toomey and Lehane effective July 1, 2013 as follows: General Town Counsel Service's \$145/hour; Administrative Law Litigation \$160/hour; and Court Litigation and Tax Title Work \$170/hour. Mr. Rosenberg seconded the motion.**

**The motion passed 4-0-0.**

#### **14-11 Appointments Election Workers**

Mr. Reed offered the Selectmen a list of proposed election workers. He reminded the Selectmen that these are also annual appointments. Each year, the Town asks the political parties to make recommendations and the Town Clerk takes this information and compiles a proposed list of workers.

**Mr. Rosenberg made a motion to approve the Board of Registrars' list of election workers dated June 19, 2013. Ms. Fleischman seconded the motion.**

**The motion passed 4-0-0.**

**14-12           Miscellaneous Action Items  
Chapter 268A, Section 20(b) Exemptions  
Ashley MacDonald – Teaching Assistant to SA Camp Counselor  
Stacy Valley – Kindergarten Teacher to SA Camp Counselor**

**Mr. Rosenberg made a motion to approve an exemption under Chapter 268A, Section 20(b) on behalf of Ashley MacDonald and Stacy Valley. Mr. Siegenthaler seconded the motion.**

**The motion passed 4-0-0.**

**14-13           Minutes  
Joint Meeting with School Committee March 12, 2013  
Regular Session Minutes June 17, 2013**

**Mr. Siegenthaler made a motion to approve the Joint Meeting with School Committee minutes of March 12, 2013 as written. Mr. Rosenberg seconded the motion.**

**The motion passed 4-0-0.**

**Mr. Rosenberg made a motion to approve the Regular Session Minutes of June 17, 2013 as amended. Mr. Siegenthaler seconded the motion.**

**The motion passed 3-0-1.**

**14-14           Town Manager's Report**

Mr. Reed informed the Selectmen that the Police Department had recently undergone a re-certification process by the Massachusetts Police Accreditation Program. This is a program that the Bedford Police Department was admitted to three years ago. The Police Department was found to be in compliance with 98% of the established standards. The remaining standards were corrected on site and quickly approved. Mr. Reed commended Lieutenant Jim Graham and Officer Marc Saucier for coordinating this effort.

**14-15           Open Discussion**

Ms. Fleischman recently met with the Transportation Committee to discuss the status of the sidewalk projects for Hemlock and Concord Road. Ms. St. John was at the meeting as well to provide updates on the information gathered regarding feasibility and cost estimates. Ms. Fleischman said that some decisions need to be made as to whether one or both of these projects will be undertaken. Since the Transportation Committee had no other scheduled meetings, Ms. Fleischman would like to have this subject added to the next Selectmen's Meeting for further discussion.

Mr. Rosenberg mentioned that Aid to Military dependents was added to the final legislature's budget in the amount of \$500,000. He hopes that in the future this amount could be increased and not be just an added line item. Mr. Rosenberg wanted to recognize Representative Gordon for his efforts with this matter.

Mr. Rosenberg reminded the Selectmen that Sergeant Michael Cloutier was going to retire at the end of July after being on the force over 40 years. Mr. Rosenberg asked Mr. Reed if a letter of recognition was going to be presented to Sergeant Cloutier for his unusually long length of service. Mr. Reed said that he didn't recall the Selectmen doing anything of that nature in the past. There will be a reception at the end of July when the public can come and thank Sergeant Cloutier for his years of service.

**Ms. Fleischman made a motion to adjourn the meeting. Mr. Siegenthaler seconded the motion.**

**The motion passed 4-0-0.**

The meeting was adjourned at 10:00 p.m.