

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, January 7, 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: Sullivan, Rogers & Co. representative Matthew Hunt; KMS Actuaries representative Linda Bournival; School Director of Finance David Coelho; Outdoor Recreation Area Study Committee members Jim Lespasio, David Powell, Elizabeth Cowles, and Ronald Taylor; Department of Public Works Director Richard Warrington; Mary Ellen Carter; Caroline Fedele; Pat Corey; Elizabeth McClung; Michelle Saber; Melinda Dietrich; Jim Shea; Finance Committee members Barbara Perry, Meredith McCulloch, Richard Bowen, and Stephen Steele; Town Accountant Debra Champagne; Finance Director Victor Garofalo; Assistant Town Manager Jessica Porter; and Press representatives Kim Siebert and Eileen Kennedy

Chair Cordes called the meeting to order at 7:45 p.m.

13-135 Public Hearing – Removal of Council on Aging Member

The first item on tonight's agenda has been cancelled as the parties involved came to an accord prior to tonight's meeting.

13-136 Public Hearing – Aquifer Protection Special Permit – LogixHealth – 8 Oak Park Drive

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

The motion passed 5-0-0.

Consulting Engineer Gene Sullivan was present to review the Aquifer Protection Special Permit request that was drafted on behalf of LogixHealth. LogixHealth would like to install a standby generator on their property located at 8 Oak Park Drive within the aquifer protection zone. The purpose of installing the generator is to ensure that the business' computers are backed up during power outages because they store health records.

Chair Cordes asked if the storage tank for the generator is underground. Mr. Sullivan replied that the unit is an aboveground generator with a double-walled tank with leak protection.

Mr. Sullivan noted that the entity listed on the permit is not completely accurate as it should be Northwest Enterprises instead of 8 Oak Park Property LLC.

Chair Cordes asked if there were any comments from the public. There were no comments.

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

The motion passed 5-0-0.

Mr. Moonan made a motion to grant the Aquifer Protection Special Permit to install a generator and above-ground fuel tank within the aquifer protection district to Northwest Enterprises property owner of 8 Oak Park Drive under the Bedford Zoning Bylaws. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-137 FY12 Audit Presentation – Sullivan, Rogers & Co.

Finance Director Victor Garofalo introduced Matthew Hunt from Sullivan, Rogers & Co., noting that this is the third year that they have performed the audit for the Town.

Mr. Hunt stated that the initial field work for the audit started in October and that overall it was a smooth process. Mr. Hunt then reviewed components of the Financial Statement, highlighting the activities of the general fund, sewer fund, and Community Preservation Fund.

Mr. Hunt then reviewed the Management Letter, noting the four recommendations that were made by Sullivan, Rogers, & Co. The first comment was regarding the school lunch revolving fund deficit of approximately \$32,000. Mr. Hunt commented that this deficit could be due to a number of factors, but added that it is recommended that the Town investigate and try to resolve any issues that are adding to the deficit.

The second comment in the Management Letter suggested that internal controls to third party organizations that are used to handle financial services be added. Mr. Hunt suggested that the Town obtain reports from these third party organizations and include internal controls in their contracts with the Town.

The third comment concerned performing audits on all existing student activity funds. Mr. Hunt noted that audits of these funds have been planned with the assistance of the School Department.

The fourth comment referred to Governmental Accounting Standards Board (GASB) 68 which will change how pension liabilities will be reported in the financials of the Town. Mr. Hunt noted that these changes will not be in place for a few years, however the auditors wanted to make the Town aware of these future changes.

Mr. Hunt then reviewed the Reports on Internal Controls and Federal Award Programs. He highlighted several findings of the audit including issues relating to missing signatures on child and nutrition cluster documents, costs charged outside of the period of availability for the special education cluster, and requests for funding not being spent within the 30 day deadline. Mr. Hunt noted that none of these findings have been deemed to be major issues.

The Selectmen thanked Mr. Hunt and Sullivan, Roger, & Co. for their thoroughness and timely review of the FY12 Audit findings.

13-138 Actuarial Study Presentation – KMS Actuaries

Mr. Garofalo introduced Linda Bournival from KMS Actuaries who performed the actuary study regarding the Town's Other Post-Employment Benefits (OPEB).

Ms. Bournival started off by reviewing the accounting measurement that was used known as GASB 45, noting the requirement to perform an actuarial valuation of the Town's OPEB every other year. Ms. Bournival noted the assumptions that were made during the study regarding life expectancy, participation rates, demographic characteristics, and health care cost trends. Discount rate assumptions were also reviewed, highlighting the differences between a Pay-As-You-Go (PAYG) plan, a partially-funded plan, and a full pre-funded plan.

Ms. Bournival then reviewed the summary of the key GASB 45 results based on a PAYG system, partially funded system, and a full pre-funded system and how those results compare to the last valuation that was performed. The differences in these funding options were then compared in regards to the discount rates, the OPEB obligation met, OPEB irrevocable trust involvement, and the ramification on the Town's bond rating.

Ms. Bournival pointed out that several measures were recently taken to control the Town's OPEB costs including joining the GIC, pension reform, partial pre-funding of OPEB in an irrevocable trust , and municipal health care reform.

Ms. Fleischman noted the Bedford is one of only a few towns that are currently funding OPEB liabilities and inquired as to the measures that could be taken to obtain the Town's OPEB goals in the future. Ms. Bournival mentioned that she has heard municipalities are thinking about funding OPEB liabilities through a variety of methods, including designating a certain percentage of their general budget to fund OPEB liabilities each year.

The Selectmen thanked Ms. Bournival for her efforts in presenting the actuarial valuation for the Town.

13-139 9 Mudge Way/7 Liljegren Way Athletic Fields – Outdoor Recreation Area Study Committee Report

Outdoor Recreation Area Study Committee member Jim Lespasio read a prepared statement from the committee in response to the 9 Mudge Way/7 Liljegren Way Athletic Fields project. In this statement, Mr. Lespasio noted that when the committee met in January there were 5 out of 9 committee members in attendance. The vote to move forward with the Selectmen's proposal to install fields at this location was passed by a quorum 3 to 2, in favor, but a majority of the members were not present. However, the committee feels that the next priority should be the quality of the existing fields, adding that more data needs to be collected. ORASC also recommended that a long-term field advisory committee be established to maintain the continuity of best practices going forward.

Chair Cordes asked why the committee feels that improving the existing fields should now be the priority when ORASC's original report cited overuse of existing fields as a major cause of the poor field conditions in Town.

ORASC believes that although the goal of adding fields to the inventory is to allow the preexisting fields to rest, they have received information from the Department of Public Works (DPW) that there is already a high demand on resources and the committee is fearful that adding two new fields will make it worse for the DPW.

DPW Director Richard Warrington commented that adding the two athletic fields at 9 Mudge Way and 7 Liljegren Way will create a modest increase in maintenance costs. He added that the existing fields must be rested if the Town ever wants to resolve the field problem.

Michelle Saber, 6 Abbott Lane, asked Mr. Lespasio how long it would take to develop the full analysis of the fields. Mr. Lespasio stated that it would take 2-3 months to develop a full implementation of the next several phases to determine what should be done as a Town to alleviate the field issues.

Ms. Saber asked if it was possible to wait to make a decision regarding these fields until a full plan is developed. Chair Cordes noted that the determination regarding natural or synthetic turf for these fields and the corresponding contract are listed on the agenda and will therefore be discussed.

13-140 9 Mudge Way/7 Liljegren Way Athletic Fields – Determination Regarding Natural or Synthetic Turf

Mr. Moonan stated that he feels that the Town's budget could not withstand paying for synthetic turf. Ms. Fleischman agreed, particularly considering the reoccurring costs to replace the synthetic turf surface.

Mr. Lespasio commented that ORASC as a whole does not feel comfortable with the numbers being quoted, adding that they would rather proceed after a real cost benefit analysis is conducted. Chair Cordes stated that the cost analysis that Mr. Lespasio is referring to is the cost of maintenance over the fields' lifespan, as opposed to the initial cost of installation. Chair Cordes asserted that the estimates are good and are based on the estimates of the field that we are about to install. At this point in the process, to ask for a more definitive estimate would mean the Town would have to go through design services.

The Selectmen agreed that in the current economic climate, they cannot in good conscience go to Town Meeting and request additional synthetic turf fields. Chair Cordes added that even if the Town had the figures Mr. Lespasio referenced, it would not change the Selectmen's opinion about whether synthetic or natural turf should be installed.

ORASC member Elizabeth Cowles noted that the committee's hesitation with these fields partially stems from a concern that the plan was made without much consultation from the users and now the plan is proceeding straight to a design. Chair Cordes explained that this design has existed for several years and input was received from the schools through informal discussions. She noted that this plan has been vetted and has received input from many users, just not ORASC, as it did not exist at that time.

Ms. Saber stated for the record that she is opposed to proceeding forward with the design given that there is still discussion regarding the design and there seems to be no interest by the Selectmen to hear out the requested feedback from the group that was designated to analyze the different fields.

Mr. Rosenberg asked Ms. Saber why she is against installing fields at 9 Mudge Way/7 Liljegren Way. Ms. Saber stated for full disclosure that she is appealing the variance that was granted on this so it is her opinion that as a matter of interest for the Town, it would be wise to postpone the decision subject to litigation.

A brief discussion then ensued regarding the reasons why Ms. Saber is opposed to fields being installed in this location. Ms. Saber noted that she is against it for many reasons, primarily the valuation of her property.

Mr. Siegenthaler made a motion that the Selectmen support the design of natural turf fields on the property formerly known as St. Michael's land located at 9 Mudge Way/7 Liljegren Way. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-141 Agreement Approval – Athletic Field Design – Symmes Maini & McKee – Cambridge, MA

Chair Cordes directed the Selectmen's attention to the two contracts from Symmes Maini & McKee for design services, one drafted on the condition that the Selectmen chose synthetic turf and the other drafted assuming the Selectmen voted for natural turf.

Chair Cordes stated that there has been an appeal of the Conservation Commission's (Concom) decision related to these fields and this appeal has been filed with Superior Court. There will be a certiorari as opposed to trial, which will involve a review of all the information from the Concom public hearings by a judge who will decide if they followed the appropriate procedures and the law.

Mr. Warrington has asked Symmes Maini & McKee if they would be agreeable to the Selectmen making the motion to approve the agreement conditional on the favorable outcome of the court case, knowing the potential for a delay of a year or so. Symmes Maini & McKee have indicated that they are agreeable to those conditions at the current price of the contract.

Mr. Reed noted Symmes Maini & McKee have previously done work for the Town in developing a Master Plan for field improvements and money that was approved at the last Town Meeting will be used to fund the design services.

Mr. Rosenberg commented that he finds it troubling that this project was initially presented as something that needed to be done immediately. At the time, he raised concern that ORASC did not have enough time to finish their analysis and it was decided that the project could not wait for the committee. Now, it is being decided that the design services can wait a year to be completed.

Mr. Moonan noted that he sees this as an opportunity to allow ORASC to finish a complete analysis of the fields.

Ms. Fleischman asked if the Town runs the risk of losing the availability of Symmes Maini & McKee or the current price estimates for design costs if the Selectmen wait to approve this contract. Mr. Warrington replied that cannot accurately predict the market but as the economy returns, contractors do tend to charge more and book more jobs.

Mr. Siegenthaler made a motion to enter into an agreement with Symmes Maini & McKee subject to authorization to proceed for a total value of \$73,400 for design services of two natural turf athletic fields and relocation of the existing baseball field, including drainage systems as outlined in their proposal. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-142 Depot Station Lease Approval – JRM Antiques – 80 South Road

Mr. Reed directed the Selectmen's attention to a lease agreement between the Town and JRM Antiques for the space located at 80 South Road. Mr. Reed stated that JRM Antiques is currently leasing 23 Railroad Avenue, adding that the lease expired on

December 21, 2012. After extensive discussion with the Depot Park Advisory Committee, they decided on the present lease for 80 South Road for a 1 year term as the Depot Station might be redesigned to meet handicapped accessible regulations in the future.

Mr. Moonan made a motion to approve the Lease Agreement with JRM Antiques starting December 21, 2012 to December 20, 2013. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-143 Request for Historic Properties Preservation Fund – Depot Station Design

Facilities Director Richard Jones stated that when the preservation plan for the Depot Station building was done a few years ago, it was decided that the second floor would not be included in the plan. The scope of work for the current request for Historic Properties Preservation funding includes increasing accessibility to the second floor of the depot station building and improving the handicap accessibility in the bathrooms on the first and second floor.

Mr. Siegenthaler noted his concern regarding whether the accessibility improvements will be in line with the current preservation plan for the Depot Station building. It seems that the accessibility work to the first floor would be consistent with the plan, but if the plan did not originally include the second floor, the grant funding could potentially be compromised.

The Selectmen asked Mr. Jones to look into whether grant funding will be compromised if the scope of work for this design includes elements that were not originally included in the preservation plan for the Depot Station building.

Mr. Siegenthaler made a motion to approve design funding of up to \$6,500 provided those funds are used for designs that are consistent with the existing Historic Preservation Plan for the Depot Station building. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-144 Capital Appropriation Request – Bedford Community Access Television

Mr. Reed stated that the Bedford Community Access Television (Bedford TV) director has requested \$1,600 for a storage unit server to expand their hard drive storage capacity. Because this item was not on the original capital request list provided to the Selectmen for this fiscal year, staff thought it would be appropriate for this item to go before the Selectmen for approval. Mr. Reed directed the Selectmen's attention to a letter from the Cable Television Committee who recommend approval.

Mr. Reed commented that the Town's cable providers have furnished capital acquisition funding for the access provider operations which are in a revolving fund. Essentially, the Selectmen are being asked to give access to this revolving fund to pay for the storage unit server.

Cable Television Committee Chair James Shea stated that the Cable Television Committee is supportive of this request but noted that this appropriation request is out of order according to the Bedford TV contract schedule. The Cable Television Committee also wanted to highlight the fact that the Town has paid Bedford TV \$20,000 beyond its budget in 2012. In addition, Bedford TV reported to the Cable Committee during the annual performance review in May that they have \$180,000 in cash assets. In the future, the committee would like to discuss appropriate uses of the surplus funds that the Town has already paid to Bedford TV.

Mr. Moonan made a motion to approve the acquisition of a Thecus Network-Attached Storage System, 9TB for \$1,600 to be appropriated out of the Town's Capital Fund for cable access. Mr. Siegenthaler seconded the motion.

The motion passed 4-0-1, Chair Cordes abstained.

13-145 2013 Annual Town Meeting – Delay of Normal Commencement Date

Mr. Reed commented that Town Meeting is typically scheduled on the fourth Monday of March. As the fourth Monday of March of this year falls on Passover, staff is recommending that Town Meeting be delayed to the following Monday, April 1, 2013.

It was noted that Town Counsel has determined that Town Meeting can be delayed notwithstanding the Town's bylaw.

Mr. Siegenthaler made a motion that the Selectmen delay the 2013 Annual Town Meeting to Monday, April 1, 2013. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-146 Minutes

Mr. Moonan made a motion to approve the Regular Session Minutes of December 10, 2012, as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-147 Town Manager's Report

Mr. Reed stated that staff is currently working on the Town's FY14 Operating Budget. The Selectmen will therefore be reviewing the budget at their next few meetings before it is presented to the Finance Committee on January 31st.

13-148 Open Discussion

Chair Cordes directed the Selectmen's attention to a letter she drafted for the upcoming retirement of long-time Bedford Children's Librarian Sharon McDonald. The Selectmen signed the letter, noting the contributions Ms. McDonald has made to the Bedford Public Library during her tenure.

Mr. Rosenberg noted that the Fields Partnership will be meeting tomorrow and they plan to discuss scheduling and fees for the Sabourin Field.

Ms. Fleischman commented that the Bicycle Advisory Committee is planning to come before the Selectmen at a future meeting to discuss the installment of sharrows in Town.

Mr. Moonan made a motion to adjourn. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The meeting ended at 10:15 p.m.