

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, December 3, 2012, 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: Melinda Dietrich; Arbor Resources Committee Chair Jacqueline Edwards; Department of Public Works Director Richard Warrington; Transportation Advisory Committee members Robert Dorer and AnnaLisa Madison; Finance Committee member Stephen Carluccio; Outdoor Recreation Area Study Committee Chair David Sukoff; Richard Madison; Jim Shea; Michelle Saber; Caroline Fedele; and Press Representatives Kim Siebert, Chris Gambon, and Mary McBride

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

13-105 Committee Interviews – Arbor Resources Committee – Melinda Dietrich

Melinda Dietrich, 19 Notre Dame Road, was present to be interviewed for a vacancy on the ad hoc Arbor Resources Committee. As Selectmen liaison, Mr. Rosenberg explained the responsibilities of the committee as working with the Tree Warden and the Department of Public Works (DPW) grounds crew to implement long range plans to strengthen the Town's tree inventory. Mr. Rosenberg noted that he feels that this committee plays a vital role in contributing to the quality of life in Bedford.

Ms. Dietrich explained that she would like to serve on the Arbor Resources Committee because of her strong interest in trees and past experience with creating rain gardens using native plants while living in Ohio. Ms. Dietrich would like to explore that initiative here in Bedford. Referencing her lengthy resume, she further commented that she believes that the Arbor Resources Committee is where she could be of the most benefit to the Town.

The Selectmen commented that Ms. Dietrich's extensive experience and enthusiasm are impressive.

At this time, Chair Cordes explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse. She also encouraged the Ms. Dietrich to consider taking on a leadership role as chair in the future.

Mr. Rosenberg made a motion to appoint Melinda Dietrich to the ad hoc Arbor Resources Committee to a term ending June 30, 2013. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-106 Sidewalk Easements Acceptance

Town Manager Richard Reed directed the Selectmen's attention to two easements for the North Road sidewalk project which require the Selectmen's approval. Mr. Reed stated that first easement is for 80 North Road which would allow for the sidewalk to be installed behind a silver maple tree. The other easement is for 175 North Road and will allow for the sidewalk to be installed behind utility poles. Mr. Reed added that another easement required for this project at 78 North Road will be coming before the Selectmen soon. The owner of this property has indicated her desire to approve to the easement, but has not signed the document as of tonight.

Mr. Moonan made a motion to accept the Sidewalk Easements with Elizabeth Miller for 80 North Road and Anthony Inferrera for 175 North Road as described in the easements attached. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-107 Transportation Advisory Committee Presentation – Proposed Sidewalk Project

Transportation Advisory Committee members Robert Dorer and AnnaLisa Madison were present to discuss a sidewalk project proposed for Concord Road. Mr. Dorer commented that the Transportation Advisory Committee has identified this area in Town as the next location to install a sidewalk as it is a key component to connecting to the existing sidewalk network. Mr. Dorer also noted that this is a busy stretch of road that is frequently used by pedestrians; perhaps due to the bike trail not being paved at this end of town.

Mr. Dorer stated that the abutters of the project were notified of the potential project and were encouraged to attend the meetings concerning the plans. The owner of New England Nurseries was the most active abutter at these meetings. Mr. Dorer commented that while no one stated that they did not want a sidewalk along Concord Road, New England Nurseries strongly opposed it being installed on their side.

Mr. Dorer then outlined the pros and cons of installing the sidewalk on each side of Concord Road. As putting the sidewalk on the north/west side of Concord Road would involve dealing with 17 utility poles, Chair Cordes asked if the Town could rely on NSTAR moving these poles in a timely manner. Department of Public Works (DPW) Director Richard Warrington indicated that considering the large number of poles that NSTAR will have to move, it will most likely take them a while to complete this part of the project.

Mr. Siegenthaler inquired as to whether there were any roadway drainage issues on either side of Concord Road. Mr. Warrington replied that there were no drainage issues on either side.

Ms. Fleischman asked if Mr. Warrington anticipates having to move the road as part of the sidewalk project. Mr. Warrington indicated that currently they do not believe the road will have to be moved, but noted that staff will not know for sure until the project is mapped out.

Arbor Resources Committee Chair Jacqueline Edwards requested that staff consider meandering the sidewalk behind trees when the plans are drafted for this project.

Chair Cordes stated that she believes that this project will serve many people in town and inquired as to what the next step will be in the process. Mr. Reed commented that he can contact NSTAR to ask if they will be able to move the poles for this project in a timely matter.

Ms. Fleischman requested information regarding the potential costs of installing the sidewalk along each side of Concord Road. Mr. Warrington indicated that he will get information regarding the budget of the project, although Town Engineer Adrienne St. John had initially referenced an estimate of \$200,000.

13-108 Agreement Amendment – Middlesex Turnpike/Crosby Drive Transportation Improvement Project Design – VHB, Inc. – Watertown, MA

Mr. Reed stated that Vanasse Hangen Brustlin, Inc. (VHB) is the engineering company that is responsible for the design of the Middlesex Turnpike/Crosby Drive Transportation Improvement Project. Phase 2 of the project is currently underway and in order to be ready for Phase 3, additional services are required. This amendment to the original agreement will allow for these additional services. Mr. Reed noted that these additional services will be jointly funded with the Town of Billerica and the funding source will be Chapter 90 funds. The Town of Billerica has already approved funding for this amendment.

Mr. Rosenberg made a motion to approve Agreement Amendment #8 for the Middlesex Turnpike/Crosby Drive Transportation Improvement Project Design between Vanasse Hangen Brustlin, Inc. and the Town of Bedford in the amount of \$74,250. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-109 Selectmen Recommendation to Planning Board – Proposed Mixed-Use Special Permit Amendment – Taylor Pond Development – 100 Plank Street

Chair Cordes stated that the proposed Mixed-Use Special Permit Amendment for 100 Plank Street is on the agenda this evening for the Selectmen to provide their

recommendations to the Planning Board prior to their public hearing on the matter which is scheduled for December 12th.

Chair Cordes commented that she is not in favor of amending the Special Permit by adding an additional 48 housing units, noting that she believes that the developer bought the property with the knowledge of what is required and has tried to amend the permit several times.

Mr. Rosenberg echoed this sentiment, commenting that this was not the intent of the original agreement with the developer. Mr. Rosenberg feels that it is premature to think that there is no hope for this business building.

Mr. Moonan agreed, stating that the developer purchased this property with the intent of making financial gains. Although the Selectmen acknowledge that the economy is poor, it is not the Town's responsibility to adjust permitting provisions for developers who accept market risks in real estate ventures.

Mr. Siegenthaler commented that he is not in favor of the Special Permit Amendment as it was received, however he noted that it might be difficult to develop retail business at this location and by refusing this request, it is making this an undeveloped parcel. Although he agrees that the developer is responsible for accepting the risk associated with the real estate market, he thinks that perhaps it is more realistic to consider mixed-use permits as applying to an area as a whole instead of parcel by parcel. Mr. Siegenthaler commented that perhaps the Town should consider making changes to its Mixed-Use Permit policy in the future.

Mr. Reed agreed to draft a letter to the Planning Board summarizing the Selectmen's recommendations concerning the proposed Mixed-Use Special Permit Amendment for 100 Plank Street.

13-111 Senator Elect Michael J. Barrett and State Representative Elect Ken Gordon – Discussion Regarding Legislative Priorities

The Selectmen welcomed Senator Elect Michael Barrett and State Representative Elect Ken Gordon to the meeting. Chair Cordes commented that the Selectmen wanted to take this opportunity to familiarize Mr. Barrett and Mr. Gordon with the Town's Legislative/State Government Interests.

Mr. Barrett and Mr. Gordon thanked the Selectmen for having them and both indicated their excitement in regards to serving Bedford and the district as a whole.

Chair Cordes then addressed the list of the Town's Legislative/State Government Interests. The first item on this list is amending Chapter 70 to establish permanent language that will reimburse local schools for the full cost of educating dependents living on military bases within the Commonwealth. Mr. Reed noted that the Town has a piece of legislation that has been drafted which addresses this issue that the Selectmen

would like to see re-filed. Chair Cordes commented that it is a crucial period for this transition as the funding they have seen in the past for this seems to now be vulnerable.

Another priority for the Town is the reimbursement of all costs related to educating students placed in temporary transitional housing by the state. Chair Cordes explained that currently the Town has to pay to bus students to their home schools for those children placed at the Bedford Plaza Hotel who did not previously reside in the community.

Chair Cordes then addressed several issues regarding utility companies including double poles, increased transparency during periods of wide-spread power outages, and adopting legislation to make it easier to establish municipal light companies.

A brief discussion then occurred regarding the issue of the Town's bylaws being in effect on Massport land for developments that are not directly related to airport operations. These bylaws include those relevant to wetland protection and zoning.

Finally, Mr. Moonan and Ms. Fleischman concurred with the need for state funding for transportation to bring the desired employee pool from Boston/Cambridge to work in the technology and health industries in Bedford. He noted that currently it is not easy or practical for those that rely on public transportation to get to Bedford. As many companies that originated in the Cambridge area are now expanding and moving into larger buildings along the Route 3 corridor, it will be essential to the success of these businesses to be able to attract qualified individuals.

Mr. Barrett and Mr. Gordon both agreed that all of the priorities addressed this evening are extremely important and are also issues that are of concern for multiple districts. They are hopeful that many of these goals will be achieved in the future.

**13-112 9 Mudge Way/7 Liljegren Way Athletic Fields – Determination
Regarding Natural or Synthetic Turf**

Chair Cordes stated that this item is on the agenda so that the Selectmen can determine what type of field will be designed at the land located at 9 Mudge Way/7 Liljegren Way (formerly referred to as the "St. Michael's Land"). At the recent Special Town Meeting, funding was approved for the design of the required replication area and the design of either synthetic or natural turf.

Chair Cordes then outlined the costs associated with both designs stating that the estimated construction cost of two synthetic fields would be \$2,450,000, of which \$1,125,000 would have to be raised from the tax levy with the remainder being raised from Community Preservation funds. The construction costs of two natural turf fields at this location would be \$650,000, all of which can be raised from Community Preservation funds.

Mr. Rosenberg commented that in previous discussions regarding these fields, it was noted that the existing baseball field would have to be reconfigured in order to be usable once this land is altered. Mr. Rosenberg inquired as to whether the costs associated with this field reconfiguration were included in the estimates that were provided. Mr. Warrington indicated that the reconfiguration was included in the construction costs.

Mr. Rosenberg questioned why it is imperative to be pursuing this project immediately, as opposed to a year from now. Chair Cordes stated that one reason to pursue this now is that the funding for a design was presented at Town Meeting and was accepted, so the money is now available. Chair Cordes also commented that the approval that the Town received from the Conservation Commission to replicate the wetland area was for three years and the Town would have to apply for renewal if the project was not completed during that time period. Finally, she stated that the construction of the fields will not occur immediately because the wetlands must be replicated first. If the Town wants these fields to be available in a reasonable amount of time in order to provide the needed relief on the other fields, the process should be started now.

Mr. Warrington agreed, noting that these fields have been envisioned for this area since the mid-nineties and will satisfy a demand that currently exists and resolve issues that have been occurring for several years.

Mr. Moonan asked if the cost of constructing an additional field at H Field would be comparable to the estimated construction costs for the fields at the former St. Michael's land. Mr. Warrington stated that in terms of overall cost, installing an additional field at the H Field location would be fairly inexpensive, however staff has not looked into that project in detail.

Mr. Rosenberg commented that one of the concerns that was expressed during an Outdoor Recreation Area Study Committee (ORASC) meeting was that the addition of two more natural turf fields will put too much strain on an already busy grounds crew. Mr. Warrington replied that the additional fields will actually relieve some strain off of the grounds crew as they will not have to continuously sod and grass the fields to keep all teams playing. Mr. Warrington is hopeful that increasing the field inventory will allow the fields to return to a level where the natural rejuvenation of the grass can take place.

Ms. Fleischman commented that it seems that the cost of a synthetic turf is extremely large, especially when the replacement cost for the turf surface is considered. Ms. Fleischman believes that the political will to turf the high school had a lot to do with the fact that it was the main high school field with the lights, stadium seating, and it being a marquee location within the community. She does not believe that the same support will be given towards the cost of installing synthetic turf at 9 Mudge Way/7 Liljegren Way.

Mr. Moonan asked what would be the anticipated timeline of the project if two natural turf fields were designed this winter. Mr. Warrington stated that the design could be completed by Annual Town Meeting and the fields could be online by the fall of 2014.

Mr. Moonan commented that he believes that ORASC has unfinished work in terms of developing a five-year field expansion plan and should first collect additional information before a decision is made regarding the fields at 9 Mudge Way/7 Liljegren Way.

Ms. Fleischman stated that she found the information provided by ORASC to be extremely helpful in making a decision about whether this property should be developed. She noted that for the past ten years the concept of acquiring this property with the explicit intent of building playing fields on it has been discussed. It seemed that the presentation given by ORASC clearly called for the construction of two fields in addition to the high school field. Ms. Fleischman further noted that the Town Campus location is exceptional and the benefits of expanding the Town Campus for convenient, centralized recreational use seem to be obvious.

Mr. Siegenthaler made a motion that the Selectmen support the design of two natural turf fields at 9 Mudge Way/7 Liljegren Way in addition to the replication plan required at H Field. Ms. Fleischman seconded the motion.

Michelle Saber, 6 Abbott Lane, inquired as to when the agenda for this meeting was posted online, as she looked on Friday and did not see it posted and she believes Open Meeting Law requires a 48 hour notice. Mr. Reed stated that the original agenda posted on Thursday mistakenly did not have this item listed but the amended agenda was online as of noon on Friday. Mr. Reed commented that a final vote regarding this project to approve the agreement for the design funding is not occurring this evening; most likely it will occur at the Selectmen's next meeting.

Ms. Saber stated that she feels that it is inappropriate to have the topic brought up as it was not on the agenda 48 hours in advance excluding weekends and holidays. Ms. Saber commented that there is not a large turnout at tonight's meeting and she believes if people knew that this item was going to be discussed this evening, more people would have attended. She suggested that the Selectmen postpone making a decision regarding this topic.

Mr. Reed commented that the Open Meeting Law states that topics should be listed 48 hours prior as reasonably as can be anticipated, the item was added on Friday morning. Chair Cordes stated that there is no reason to take a motion tonight as next week a contract will be presented, so the item will be on the agenda next week.

Mr. Siegenthaler rescinded his previous motion regarding the intent to support the design of two natural turf fields at 9 Mudge Way/7 Liljegren Way.

ORASC Chair David Sukoff inquired as to whether the Selectmen wanted the committee to continue working on a five-year field expansion plan and recommendations for field maintenance and construction. Mr. Sukoff commented that the Selectmen did not ask ORASC for an analysis regarding this field location or for any recommendation regarding which field should be developed after the high school field.

Mr. Moonan commented that he feels that there is more work to be done regarding fields. Mr. Siegenthaler agreed saying, that it will still be important to receive recommendations regarding future field development after the fields at 9 Mudge Way/7 Liljegren Way are developed.

13-110 Proposed 2013 License Renewals – Preliminary Review

Town Manager Richard Reed directed the Selectmen's attention to the list of licenses proposed to be renewed for 2013.

Mr. Rosenberg asked which options are available regarding the Bedford Plaza Hotel's license. Mr. Reed stated that Town Counsel has recommended that the Selectmen continue with the license renewal process. A public hearing is required if they would like to deny a license and there is a requirement that the public hearing be posted in the newspaper a certain number of days prior to the hearing. As there is not enough time to comply with the public hearing requirement before the Selectmen's next meeting, Town Counsel suggested that the Selectmen renew the licenses as planned while simultaneously pursuing the public hearing process if the Selectmen want to deny that particular license.

13-113 Miscellaneous Action Items – Request for Liquor License Extension of Hours on New Year's Eve – The Melting Pot – Chapter 268A, Section 20(b) Exemptions

Mr. Rosenberg made a motion to grant a Chapter 268A, Section 20(b) Exemptions to Jacob Donahue, William Eliason, John Linnehan, Maria Linnehan, and Jeff Taylor. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to grant an extension of hours for The Melting Pot's liquor license on New Year's Eve to 1:00 a.m. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-114 Minutes

Mr. Moonan made a motion to approve the Regular Session Minutes of November 26, 2012, as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-115 Town Manager's Report

Mr. Reed informed the Selectmen that the Sign Bylaw Review Committee will be conducting a public meeting soon regarding proposed changes to the Sign Bylaw and will then be coming in to discuss these potential changes with the Selectmen.

13-116 Open Discussion

Mr. Moonan formally announced that he will be running for a second term as Selectman in the upcoming Town Election in March.

Mr. Rosenberg commented that he had noticed some road work on Hartwell Road near the Edge Sports Center and inquired if the Town Manager knew what was going on. Mr. Reed stated that the work was associated with connecting the new water main for the Hartwell Farms Development.

Mr. Siegenthaler stated that the Sign Bylaw Review Committee has received a few requests to add language to the bylaw that would allow movable signs to be placed outside of businesses for special occasions. The committee discussed the possibility of doing this, but ultimately could not figure out how to allow these signs while maintaining the aesthetics of the Town. Mr. Siegenthaler noted that the Selectmen's ability to grant exemptions to the bylaw for this purpose was discussed as a possible resolution to this issue.

**Mr. Moonan made a motion to adjourn. Ms. Fleischman seconded the motion.
The motion passed 5-0-0.**

The meeting ended at 10:23 p.m.