

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, October 1, 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: 186 Communications, LLC representative Jeffrey Harrington (Wave Guide); Alicia Tillman; Scott Counsell; Outdoor Recreation Area Study Committee members David Sukoff, Chair, Brian Bartkus, Elizabeth Cowles, Jim Lespasio, David Powell, James Harrington, and Ronald Taylor; former Selectman Joseph Piantedosi; Fincom member Ben Thomas; School Committee member Brad Hafer; Planning Board member Jeff Cohen; Cable Television Committee Chair James Shea; Assistant Town Manager Jessica Porter; Finance Director/Treasurer & Collector Victor Garofalo; and Press Representatives Kim Siebert and Mary McBride

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

13-061 Public Hearing – 186 Communications, LLC - Grant of Location – Middlesex Turnpike, Pole #53A to Pole #52

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

The motion passed 5-0-0.

Jeff Harrington of Wave Guide, representative for 186 Communications, LLC requested permission to provide underground conduit on Middlesex Turnpike between poles 53A and 52. He indicated that there is one pole between poles 52 and 53A, but it is at capacity. The company feels it will be aesthetically pleasing to go underground to provide service. The service is going from Billerica into Burlington all the way to Boston and the plan is to stop at Data Center at 55 Middlesex Turnpike. Mr. Harrington is aware of the construction on Middlesex Turnpike and has planned to do the work further back from the road since he knew the poles are eventually going to be moved.

Chair Cordes asked for comments from the public; there were none.

Mr. Siegenthaler asked Mr. Harrington if he was aware that he must file with the Conservation Commission. He responded that he was not, but would take care of that aspect of the job, as well as obtain a street opening permit from the Department of Public Works.

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 a petition from Jeff Harrington Wave Guide, representative for 186 Communications, LLC to construct an underground line for the transmission of lines, conduits and manholes under a public way approximately 210 feet from utility pole #53A to pole #52 Middlesex Turnpike, subject to filing with the Conservation Commission and obtaining a street opening permit from the Department of Public Works. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

13-062 Appointments/Interviews – Cable Television Committee, Wilson Mill Park Planning Committee, Trails Committee, Energy Task Force

Cable Television Committee – Alicia Tillman and Scott Counsell were present this week to be interviewed for the Cable Television Committee as they were unable to attend the previous Selectmen's meeting with the other candidates.

Selectmen Liaison Moonan gave a brief description of the duties and responsibilities of the Cable Television Committee.

The candidates were asked why they would like to be appointed to this committee. Ms. Tillman noted her 15 years' of financial experience working at Hanscom Air Force Base. She indicated that she is interested in donating her time and energy, and since she is so familiar with finances, Ms. Tillman thought she could be an asset to the committee.

Mr. Counsell indicated that he is a freelance television producer and an audio-visual technician. He has worked for the local cable TV station in the City of Everett and has experience negotiating contracts with Comcast. Mr. Counsell knew that Bedford's contract is up for renewal in 2013 and would like to contribute to that effort.

Mr. Moonan asked the candidates if they thought they could persuade Comcast to contribute a higher percentage to the Town than they are currently donating. Mr. Counsell felt that it is possible and noted that other towns are receiving 4 or 5% where Bedford is only receiving 3.5%. He also would make the case that the shelf life of equipment is not that long and would need to be replaced more often.

Mr. Counsell also felt that Bedford Cable Access Television (BCAT) could use at least two part-time employees to help even though the current staff does a wonderful job.

Ms. Tillman noted that the first meeting she attended was the annual report with BCAT. In her opinion, she felt a little more transparency in financial records with BCAT and better communication and reporting between BCAT and the Cable Television

Committee would give the Cable Television Committee a proactive approach to prevent some issues in the future, such as purchasing equipment that was not on the list, etc. Ms. Tillman explained that her duties at Hanscom included budgeting and accounting. The Department of Defense would give the Air Force money to spend and she would oversee the spending.

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

Wilson Mill Park Planning Committee – Brian Bartkus was present for the interview; however Mr. Paiva did not attend as expected. There was confusion as to whether Mr. Bartkus had already been interviewed or appointed to this committee. Mr. Bartkus said he thought he was already serving on this committee since May; however, staff had no record of his being appointed. Chair Cordes did not feel that it was necessary to continue since he has attended several meetings.

Mr. Rosenberg made a motion to appoint Brian Bartkus to the Wilson Mill Park Planning Committee to a term ending June 30, 2013. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Trails Committee and Energy Task Force – No interviews necessary

Mr. Siegenthaler made a motion to appoint James Weissman to the Trails Committee to a term ending June 30, 2013. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Ms. Fleischman relayed that the Energy Task Force is eager to remain a committee, has reviewed the Charge and will concentrate on municipal issues. She recommended appointing Mr. Kalantari who was interviewed at the previous Selectmen's meeting.

Ms. Fleischman made a motion to appoint Robert Kalantari to the ad hoc Energy Task Force to a term ending June 30, 2013. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-063 Ad Hoc Outdoor Recreation Area Study Committee Report

Committee Chair David Sukoff, accompanied by a majority of the ad hoc Outdoor Recreation Area Study Committee (ORASC) members, gave a one hour update on the status of the playing fields in Bedford and their recommendations for improvement. Mr. Sukoff noted that although this was a draft report, they are almost finished with their assignment. The report included a comprehensive inventory of field data, field availability, a summary of best practices for field maintenance, a comparison of fields in

other municipalities, the reconciliation of inventory with current demand, and a comprehensive plan summary.

The report showed:

- Fields are overused by 1,000 hours (mostly by high school sports). Optimum usage is 300 hours.
- Significant shortfall of fields in the fall. Need 2 – 3 more fields.
- All 10 towns surveyed have at least one artificial turf field.
- Recommend turf for Sabourin Field; reconfigure St. Michael's field – net gain 600 hours of playing time.
- Health and safety of the players are not threatened.
- Recommend user fees which will help with maintenance costs. Turf should be replaced after 10 years. (Note: Lexington received \$100,000 in revenue from user fees from three fields).
- DPW is understaffed and could use extra manpower to help with the necessary maintenance of fields.

Former Selectman Joseph Piantedosi commented that when he was the Facilities Director in Andover, he managed town and school buildings, and field rentals. He offered examples of how Andover was able to make money on field rentals which were used for the upkeep of the fields. He also hoped as taxpayer that private funding sources could be found to help pay for the new fields.

Chair Cordes confirmed to Mr. Sukoff that this draft report is now deemed a public record; therefore it can be placed on the Town's website. The final document will replace the draft on the website when complete.

The Selectmen thanked the committee for all their hard work and dedication in getting this job done.

13-064 Special Town Meeting November 13, 2012 – Community Preservation Committee Requests and Review Draft of Warrant

Community Preservation Committee

Community Preservation Committee (CPC) Chair Eugene Clerkin informed the Selectmen that the CPC recently voted unanimously to make recommendations as follows:

1. Continuation of the 3% surcharge.
2. \$3,500 for the Hartwell Town Forest Survey.
3. \$30,000 to the Municipal Affordable Housing Trust (MAHT) for social services pilot program, subject to Town Counsel's opinion, acceptance by the MAHT, and the Selectmen's approval.
4. \$150,000 for field designs at 7 Liljegren Way and 9 Mudge Way.

5. \$150,000 from Recreation Reserves for the Sabourin Field Synthetic Turf project, bond approval for the remainder of the eligible portion of the program contingent upon approval by the Selectmen.
6. \$10,000 from available funds to meet the 10% requirement for affordable housing.

Mr. Reed noted the total cost estimate for turf is \$1.1 million based on bids received in March 2012. Town Manager Reed noted that the Town needs to re-advertise for bids because the bids have expired. Recent changes in the CPA rules would allow all portions of this project to be paid with CP funds except for the actual piece of the carpet. \$495,000 has to be funded with some other Town source of funds such as the tax levy or a Stabilization Fund appropriation. The CPC recommended that the CP portion of the project transfer \$150,000 toward the \$605,000 from reserves leaving \$455,000 that could be eligible for CP funding. The Town would bond the \$455,000 to be paid off with future CP funding in the next few years.

Mr. Moonan asked to have the School Way and the Turf articles postponed until the Annual Town Meeting because the Capital Expenditure Committee has not had the opportunity to offer an opinion and the ORASC has not fully completed its task. Chair Cordes explained that because the Town has been working on the planning for the development of St. Michael's property, for the past six years, the project was started with CPC funds, the Conservation Commission is done with the wetlands mapping, and the design is ready to be looked at, that it is the next logical step and the CPC voted unanimously for it. She recommended that both articles stay on the Warrant and that CapEx can give their recommendation at Special Town Meeting.

Warrant Review

The Selectmen reviewed the Warrant and made recommendations.

Article 1 – Debate Rules

Mr. Siegenthaler made a motion to recommend approval of Article 1. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Article 2 – Acceptance of MGL, Chapter 41, Section 891U – Performance Bond Settlement Account

Mr. Reed explained the purpose of this Warrant article. Typically, when a subdivision road is being created, the developer gives the Town a bank book account as security to be released when the Town is satisfied. The Town just went through two settlements in which the developers gave the Town funds to deposit, but the money cannot be spent until Bedford accepts this statute. Once adopted, the fund will remain active.

Mr. Moonan made a motion to recommend approval of Article 2. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Article 3 – Street Acceptance – Abbott Lane

Mr. Siegenthaler made a motion to recommend approval of Article 3. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

Article 4 – Amend FY13 Operating Budgets

Mr. Siegenthaler made a motion to make recommendation at Special Town Meeting of Article 4. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Article 5 – Amend FY13 Ambulance Enterprise Budget

Mr. Rosenberg made a motion to recommend approval at Special Town Meeting. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

At this time, the Selectmen chose to revise the order of the Warrant articles as printed.

Article 6 – Community Preservation Surcharge – Effective July 1, 2013 (formerly #9)

Mr. Moonan made a motion to recommend approval of Article 6. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Article 7 – Amend FY13 Community Preservation Budget (formerly #10)

The Selectmen chose to delay action on this Warrant article.

Article 8 – High School Synthetic Turf (formerly #11)

Mr. Rosenberg made a motion to place Article 8 on the Warrant. Ms. Fleischman seconded the motion.

The motion passed 4-0-1, Mr. Moonan abstained.

Article 9 – Amend FY13 Capital Projects Plan – Project 13-04 (formerly #6)

Mr. Moonan made a motion to recommend approval of Article 9. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan then explained that he meant for his motion to say to put the article on the Warrant, but not to make a recommendation.

Article 10 – Water Quality Systems Enhancements (formerly #7)

Mr. Reed explained that the initial revenue would not come from water revenues this fiscal year. The water rates are already established, but in the future staff could try to recover the cost of doing this through the water rates. The money will have to be obtained from some other source, i.e. available funds, stabilization fund, or borrowed. The funds will be used to install potential mixing systems at the Crosby Drive and Pine Hill Road water tanks and reprogram our water control system to allow for increased movement of water around the Town.

Mr. Rosenberg recommended approval of Article 10. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Article 11 – Bond Authorization – Portions of School Way and Municipal Complex Access Roads & Parking Areas (formerly #8)

Chair Cordes clarified that the Capital Expenditure Committee and the Selectmen could give their recommendation later or even after the Warrant is published. Mr. Reed noted that because this project was on the Selectmen's priority list, he included it on the Warrant, but agreed with the Chair that the Selectmen could vote to make recommendation at Special Town Meeting. Mr. Rosenberg asked to move the article and have it be re-numbered #11.

It was Mr. Warrington's preference to do this work when school is not in session and get the contractors lined up to do the work. Mr. Reed explained that the original project was proposed at \$825,000 and then when staff analyzed what portion would be eligible under Chapter 90; staff removed \$265,000 for the area around the intersection of Elm/Maple Street for the improvements in the public right of way. This explains the \$561,000 balance.

Mr. Moonan made a motion to put Article 11 on the Warrant, but take no position. There was no second on the motion.

Chair Cordes advised Mr. Moonan that a vote would not be necessary to place the article on the Warrant because the Selectmen only needed a consensus to do that.

Article 12 – Stabilization Fund Appropriation

Mr. Reed felt there was enough flexibility in the budget to recommend an appropriation.

Mr. Siegenthaler made a motion to include current Article 12 on the Warrant and make recommendation at Special Town Meeting. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-065 Contract Amendment – Tim Zanelli Excavating, LLC

Mr. Reed advised that Town Counsel added some language to the original agreement with the consent of the contractor, for the fire station apron. The contractor has executed the Amendment to the Agreement and staff recommends that the Selectmen also sign it.

Ms. Fleischman made a motion to approve the Amendment to the Agreement for the concrete apron replacement at the Bedford fire station between the Town of Bedford and Tim Zanelli Excavating, LLC dated October 1, 2012. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-066 Selectmen/Town Manager Goals – Fiscal Year 2013

Mr. Moonan asked Public Works Director Richard Warrington for the status of the North Road sidewalk project. Mr. Warrington indicated that all property owners were contacted and the selected trees have been cut down. The Department of Public Works (DPW) is waiting for the contractor to become available to install the sidewalk between Carlisle Road and Harvard Drive. Mr. Warrington has a verbal agreement for the first property on the opposite side of the road and will be approaching the new homeowner on the corner. They would like to get it done before the first snow.

Ms. Fleischman asked on behalf of the Transportation Advisory Committee, about the design of the crosswalk on North Road near Gammy's. Mr. Warrington replied that it would be a traditional crosswalk but will have a pedestrian-activated flash beacon as part of the package.

Mr. Reed reported that he prepared the final draft of the goals for the year.

Ms. Fleischman asked the Town Manager if he had any other Economic Development (ED) activities planned or any process for developing local ED that the Selectmen or he might want to consider. Mr. Reed stated that he prefers to work on regional economic development, but said what continues to be an issue for local companies is the need to create better transit connections between the Alewife T stops and work zones in Bedford. This may be a local initiative between the Chamber of Commerce and the business community themselves. The Selectmen may have to fund this in a shared way with other neighboring businesses. Mr. Reed noted that he received a request from the Chamber of Commerce to come to the next Selectmen's meeting to present their ideas for ED.

Ms. Fleischman inquired about the status of televising the Selectmen's meetings on local cable. The Selectmen concurred that they would like the Town Manager to send a letter to Bedford Cable Television inviting them to film the Selectmen's meeting and if

they could meet this request. Chair Cordes noted that she realized the sound quality might not be perfect until they actually wire the room.

Ms. Fleishman requested that Mr. Reed add the process that is required if the Selectmen wanted to ask the state for additional alcohol licenses to the restaurant alcohol policy review.

Mr. Moonan asked the Town Manager if he had a time line in mind for an analysis review for entering agreements with subcontractors on capital projects, such as the fields or any other project. Mr. Reed noted that he would do it this fiscal year.

Mr. Moonan asked if the Selectmen could have an email address put on the Town's website that would forward any emails to their private, individual email addresses, much like the one the Volunteer Coordinating Committee just instituted.

13-067 Miscellaneous Action Items

Mr. Rosenberg made a motion to approve a Chapter 268A, Section 20(b) exemption to Gavin Heffernan – Springs Brook Park Crew to After School Aide. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve a One-Day Auctioneer's License to Jasmin Auctions of Waltham, Mass for an event at The First Church of Christ Congregational on October 27, 2012. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve a Special One-Day Wine and Malt license to St. Paul's Episcopal Church on October 13, 2012 from 7:00 p.m. to 10:00 p.m. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

At this point Chair Cordes wanted to make the appointments to the committees for the candidates that were interviewed earlier in the evening. Chair Cordes disclosed that her husband works for Bedford Community Access Television without compensation, and she has previously filed a disclosure statement to that effect. She continued by saying the Town Manager asked for Town Counsel's opinion on whether she can participate in making appointments to a board that oversees that contract, and he has indicated that she may participate in the process.

Chair Cordes summarized that there are five candidates, for 3 openings, although the Selectmen can add additional members to the committee if they wish. Mr. Moonan advised against increasing the membership because of the difficulty in getting quorums.

Mr. Moonan recommended Counsell, Deen and Whitely. Ms. Fleischman recommended Tillman, and Counsell. Mr. Siegenthaler noted that two individuals have experience in cable related industry.

Mr. Moonan made a motion to appoint Jeff Whiteley and Scott Counsell to the Cable Television Committee to terms ending June 30, 2015 and Alicia Tillman to a term ending June 30, 2014. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

13-068 Town Manager's Report

Mr. Reed noted that given the lateness of the hour and the need to reconvene Executive Session that he would not have anything to report.

13-069 Open Discussion

Chair Cordes made a public announcement that during the earlier Executive Session, the Selectmen voted to approve the Bedford Nurses' contract for FY13, 14, and 15.

Mr. Siegenthaler reported that the Sign Bylaw Review Committee is going to request permission to make a presentation/progress report at Special Town Meeting. The committee met twice last month and will meet twice again this month.

Mr. Rosenberg mentioned that there is a HATS meeting in Concord on October 18th in which the Lt. Governor will attend to discuss efforts to make sure we keep our military installations.

Ms. Fleischman asked the Town Manager if he was aware whether the Board of Health (BOH) received the memo regarding tick borne illnesses from the Town of Lincoln, and if anyone was going to attend. Mr. Reed confirmed that the BOH did receive a copy, but was not certain if anyone was going to attend the meeting.

Ms. Fleischman announced that Wednesday is *National Walk and Bike to School Day*. She is chaperoning the walk and reported that the organizers are looking for celebrities to walk with the students and hoped some of the Selectmen would join them. Ms. Fleischman praised the efforts of the DPW and Police Departments for helping in this effort. The narrow gauge railway that crosses The Great Road is prepared for the event.

Mr. Rosenberg made a motion to return to Executive Session not to return to Regular Session for the purpose of discussing strategy in collective bargaining. Mr. Moonan seconded the motion.

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

The Regular Session ended at 10:35 p.m.