

**Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, December 8, 2014, 7:30 p.m.**

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

ALSO PRESENT: Bedford Housing Authority Commissioners Jane Puffer, Lewis Putney and Gene Clerkin; Bedford Housing Authority candidate Robert Schmalz; Bedford Housing Authority Director Brenda Peacock; Assistant Town Manager Jessica Porter; Attorney Pamela Brown; Amarjit Singh, The Zaika Group; Frans and Mita van Berkhout, owners of Dalya’s; Historic Preservation Commission member Donald Corey; SEB LLC representative Geoffrey Engler; Cable Television Committee members Eric Dalhberg, Scott Counsel, James Shea and William Deen; Facilities Director Taissir Alani; Bedford Babe Ruth Baseball representative Dave Venuti and Steven Mead; Town Engineer Adrienne St. John; Finance Committee member Benjamin Thomas; Joseph Guardino; Jeffrey Cournoyer; William Fair; Meredith McCullouch and Mary McBride, Press Representatives; Brian Dorrington, Bedford TV.

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

15-120 Bedford Housing Authority Interview and Appointment – Joint Meeting with the Bedford Housing Authority

Robert Schmalz was interviewed by the Selectmen and Gene Clerkin, Lewis Putney and Jane Puffer of the Bedford Housing Authority for the vacancy on the Bedford Housing Authority. Mr. Schmalz was interviewed for the position before but was not appointed. He has lived at Carleton Willard in Bedford for a year now and has registered to vote and attended Town Meeting. He also attended Bedford Day and the Town Caucus. Prior to moving to Bedford he lived in Dorchester and New Haven, Connecticut. In New Haven he served as a Housing Authority Commissioner for a number of years. He would like to contribute that experience to Bedford. Mr. Putney stated that after meeting with Mr. Schmalz at a Housing Authority meeting he was satisfied that he would be a good candidate. Mr. Clerkin and Ms. Puffer agreed with Mr. Putney and look forward to working with him.

Chair Fleischman explained the Open Meeting Law, the Conflict of Interest Law, and the Rules of Civil Discourse. She also encouraged Mr. Schmalz to consider taking on a leadership role as chair in the future.

Mr. Rosenberg made a motion to appoint Robert Schmalz to fill the vacancy on the Bedford Housing Authority for a term that expires at the next Town Election on March 14, 2015. Mr. Moonan seconded the motion.

Mr. Rosenberg stated that he hopes that Mr. Schmalz will run for the position at the next Town Election and reminded him that the caucus is on January 6, 2014.

The motion passed 8-0-0.

15-125 Grant Agreement Approval – Municipal Affordable Housing Trust

Assistant Town Manager Jessica Porter explained that this agreement would ensure that the Community Preservation funds transferred to the Municipal Affordable Housing Trust would be appropriated to the Bedford Housing Authority for the Kitchen and Bath Replacements and Window Replacements. Special Town Meeting approved the use of the funds in this manner.

Mr. Siegenthaler made a motion to execute the contract between the Town of Bedford, Community Preservation Committee, Municipal Affordable Housing Trust and Bedford Housing Authority for the purpose of Kitchen, Bath and Window replacements at the Bedford Housing Authority. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

15-121 Public Hearing – Transfer of All Alcohol License – Berkhout Corp. dba Dalya’s to the Zaika Group, LLC dba Holi – 20 North Road

Mr. Rosenberg made a motion to open the public hearing. Mr. Siegenthaler seconded the motion. The motion passed 5-0-0.

Attorney Pamela Brown introduced Amarjit Singh of the Zaika Group dba Holi who is applying to take over Dalya’s space. The Zaika Group owns a restaurant in Woburn and is familiar with the rules surrounding alcohol licenses. Mr. Singh has lived in the United States for 30 years and has worked in a number of restaurants throughout the area. He will be working out of the Bedford restaurant while associates stay in Woburn. The Zaika Group will keep the same floor plan as Dalya’s but will be redecorating. There will be no seating on the deck but will just open up from the function room. Attorney Brown confirmed that Mr. Singh does not have a criminal record as that box was left unchecked on the application.

Chair Fleischman asked for any comments from the public.

Dalya’s owner Frans van Berkhout thanked the Town for a wonderful 20 years. They had a difficult start but were happy with the responsiveness of the Town when concerns were brought forward. They will still own the building and meet with a few potential buyers and thought that the Zaika Group would be a good fit for Bedford.

Mr. Rosenberg made a motion to close the public hearing. Ms. Fedele seconded the motion.
The motion passed 5-0-0.

Mr. Rosenberg made motion to approve the transfer of an all alcohol license from the Berkhout Corp dba Dalya’s to the Zaika Group LLC dba Holi. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**15-122 Request for Common Victualer's License – The Zaika Group, LLC
dba Holi**

Ms. Fleischman noted that the applicants intend to stay open until midnight. Mr. Singh explained that they would like to try this and if it is not viable they will change their hours.

Mr. Moonan made a motion to grant a Common Victualer's License to the Zaika Group, LLC dba Holi. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-123 Appointment Interview – Town Historian

Sharon McDonald was interviewed for the position of Town Historian. The other applicant Alethea Yates withdrew in favor of Ms. McDonald. Ms. McDonald explained that her love of history and Bedford motivated her to apply for this position. She was the Children's Librarian for years before retiring. She would love to share her knowledge with the community. She plans on writing a book for third graders who study local history. She can also help people research their genealogy and facts about their homes.

Mr. Moonan asked what her first course of action would be after her appointment. Ms. McDonald replied that she would use the historical society for day to day tasks but her first project would be to create a video and packet showcasing Bedford in 2015.

Ms. Fedele recommended conducting a program at the schools to teach students about Bedford's history.

Mr. Moonan moved to appoint Sharon McDonald to the position of Town Historian with a term ending June 30, 2015. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-124 Willson Park Spelling Correction

Historic Preservation Commission member Donald Corey explained that there was a long standing spelling inaccuracy concerning Willson Park at the intersection of The Great Road, Concord Road and North Road. The mistake was originally made in 1939 and has been perpetuated since then. Research showed that the park was named for Minuteman Captain Jonathan Willson who was killed on April 19, 1775.

Town Manager Richard Reed added that Town Counsel stated that the Selectmen have the authority to make the correction.

Mr. Siegenthaler made a motion to direct staff to make the necessary spelling corrections to Town Maps and other documents referencing Willson Park. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-126 Local Action Unit Agreement Approval – Municipal Affordable Housing Trust

Geoffrey Engler of SEB, LCC has been hired by Loomis Street Development, LLC/The Crossing at Bedford to manage the Local Action Unit application for the DHCD and later application and lottery process for the two affordable ownership units. After the initial purchase, the resale of any of the units would be handled by the Regional Housing Services Office. The affordable units will be finished the same on the exterior and interior as the non-affordable units. The regulatory agreement will be executed at a later time when the DHCD responds with their changes. The chair is asked to sign the application to the DHCD. The developer hopes to have the project complete by the end of May, 2015.

Mr. Moonan made a motion to authorize the chair to sign the Local Action Unit Agreement at the Crossing at Bedford Ms. Fedele seconded the motion.

The motion passed 4-0-1, Mr. Siegenthaler abstained as he works for the DHCD.

15-127 Cable Television Committee – PEG Access Funding/ Revolving Fund

Members of the Cable Television Committee were present to discuss the Cable Revolving Fund and its management. The committee went through the process of creating a long term capital plan so that they could anticipate capital needs. They anticipate having just enough funds to accomplish this but emphasized the need for careful planning and monitoring of cable expenditures. The Town Manager worked with the Town Accountant to divide the Revolving Fund into different subaccounts with each one tied to the allowable uses of each form of income. The committee felt that they should have more oversight when it comes to purchases as they were unaware of some recent purchases. Mr. Reed replied that every purchase has been accounted for in the spreadsheet and any purchase that he is not authorized to approve would have to be approved by the Selectmen. The bulk of recent expenses have been used to upgrade the Selectmen's room so that meetings can be recorded.

The Selectmen thanked the Cable Television Committee for the time that they put into creating the long term plan but believe the oversight process the committee described is outside of the committee's charge. The creation of the subaccounts will hopefully provide the committee with a better idea of what is being spent and will resolve the communication issues for the committee.

15-128 Depot Building Lease Approval – Bedford Babe Ruth Baseball

A one year lease has been negotiated with Bedford Babe Ruth Baseball with an optional extension of one year. The square footage has been reduced with the exterior renovations but is still sufficient for the organization's needs. The President of Bedford Babe Ruth Baseball, Steven Mead, noted that the renovation of the exterior resulted in the loss of electrical outlets for their space and asked that this be fixed. Facilities Director Taissir Alani said that the Facilities Department will take care of this.

Ms. Fedele stated that she has heard complaints about the windows not opening. Mr. Reed responded that locks needed to be installed before the windows would be allowed to be opened.

Mr. Moonan made a motion to authorize the Town to enter into a lease with Bedford Babe Ruth Baseball to be located at Bedford Depot Building Unit #2 for a term of one year until December 31, 2015 with the option of extending the lease of one more year until December 31, 2016. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

15-129 2015 License Renewals – Approval

One business, Ungion, LLC dba Prince Street Café, has outstanding personal property taxes for the prior year. In accordance with the bylaws, the Selectmen can postpone renewal of a license when a business has not paid their taxes.

Mr. Moonan moved that the Selectmen approve the list of 2015 License Renewals as presented in the December 8, 2014 agenda item #15-129 with the exception of the Common Victualler's license for Ungion, LLC dba Prince Street Café because of outstanding personal property taxes. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**15-130 Miscellaneous Action Items – Chapter 268A, Section 20(b) Exemption
Greg Barry – Custodian to Referee**

Mr. Rosenberg made a motion in accordance with Massachusetts General Laws, Chapter 268A, Section 20(b) to approve the application for Greg Barry. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

15-131 Minutes - Regular Session Minutes – November 17, 2014

Mr. Rosenberg made a motion to approve the Regular Session Minutes of November 17, 2014 as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-132 Town Manager's Report

Mr. Reed explained that there was another leak in the Sewer Force Main in Lexington. A ten foot section needs to be removed and replaced. There was a piece in storage to replace this break and the repair was completed on Friday evening, December 5th. With the winter season coming it was suggested that a bypass pipe be put in place on the bridge going over Interstate 95/Route 128 as a precaution against future breaks. A change order to the existing contract with Revoli may be needed and the decision will need to be made in the next few days. Town Engineer Adrienne St. John explained it would cost approximately \$150,000 to relocate the bypass pipe and install valves with an additional rental fee on top of the \$150,000. The rental fee needs to be negotiated.

The 2014 Annual Town Meeting approved 2.1 million dollars for the design fee and construction of phase 1. About a month ago a contract was approved by the Selectmen for phase 2. All three processes came in under 2.1 million so that money can be used for the change order. Ms. St. John asked for a motion indicating the intent of the Selectmen to support this change order.

Mr. Rosenberg suggested expediting the process by calling a Town Meeting. Ms. St. John replied that they will ask Weston and Sampson to do the design work for the next phase which will not be completed until Annual Town Meeting anyway. Requests for bid will be asked for right after Town Meeting.

Mr. Moonan made a motion to enter into a contract for a temporary force main bypass pipe over Interstate 95 up to \$150,000 with additional funds for the rental fee not to exceed the Town's bonding authority. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

15-134 Open Discussion and Selectmen Liaison Reports

Ms. Fedele will be meeting with the chairs of the Trails Committee and Conservation Commission to discuss the charge composition and current status as a subcommittee of the Conservation Committee.

Mr. Siegenthaler explained that the engineers of the Fawn Lake study are compiling a matrix with 20 options for the Town to consider and those results should be available in January.

Mr. Rosenberg inquired whether the Middlesex Turnpike project will be included in the TIP process for next year. Mr. Reed replied that it should remain on the list but the Town will not know for sure until the drafts are released.

Mr. Rosenberg asked if there were any updates on the education funding for military students. Senator Barrett and Representative Gordon are trying to restore the state funding but it is unlikely will happen before the holiday break. Mr. Rosenberg wondered if the affected towns could take legal action against the Commonwealth. Mr. Reed is unsure of what other towns will do.

Ms. Fleischman presented material from MassDOT regarding the proposed construction of a salt and sand storage facility just north of Route 62 and west of the Route 3 and Route 62 interchange. Mr. Reed stated that the Town was first notified of the sale of the property next to iRobot but not of the relocation of the facility into a residential area. An informational meeting was held in October but residents of the area were not notified. Representative Gordon is working to schedule another meeting in January, 2015 with wider notification of residents. Since the land is owned by the State there is not much that the Town can do other than permitting through the Conservation Commission. Conservation Commission member and resident of Meadowbrook Road Joseph Guardino believes that the run off from the facility will change the PH balance of the Vine brook. He stated that there are other locations in Town that will not have an environmental impact. Jeffrey Cournoyer of 50 Meadowbrook Road stated that the list of concerned residents is growing. Work is slated to start in April.

Mr. Siegenthaler recommended that this be put on the next Selectmen's agenda. Staff will ask Representative Gordon to send out a notice to the abutters for the meeting in January.

Ms. Fleischman contacted the congressmen elect office and informed him of Bedford priorities. She asked the Selectmen to let her know if there was any other information that they would like passed along.

Mr. Moonan made a motion to adjourn into Executive Session for the purpose of discussing contract negotiations with non-union personnel not to return to open session. Ms. Fedele seconded the motion.

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

The meeting adjourned at 10:06 p.m.