

**Regular Session Minutes – Selectmen’s Meeting
Bedford Town Hall – Selectmen’s Meeting Room
Monday, May 12, 2014, 7:30p.m.**

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

ALSO PRESENT: Lindsey Bullen, Town Manager Administrative Assistant; Ben Thomas, Finance Committee; James Shea, Depot Park Committee; Kathy Keeffe, Vice President of Finance Operations for Aspen Technology; Michael O’Leary, Cassidy Turley; Paul Casey, Real Estate and Facilities Director of Aspen Technology; Richard Somers, 204 Springs Rd.; Mary McBride and Joan Bowen, Press Representatives; Joseph Piantedosi, Depot Park Committee; Jay Donovan, Community Solutions, Inc.; Chief David Grunes, Fire Department; Capt. Mark Sullivan, Fire Department; Lt. Scott Ricker, Fire Department; Fire Fighter Joe Barrila, Fire Department; John Wilson, Conservation Commission; Roy Sorenson, DPW Director; Alyssa Sandoval, Economic Development Coordinator; Victor Garofalo, Finance Director; Jessica Porter, Assistant Town Manager; Brian Dorrington, Bedford TV

Chair Fleischman called the meeting to order at 7:33p.m.

**14-253 Declaration of Restriction for Long-term Stormwater Management
285 Great Road**

John Wilson of the Conservation Commission presented the Declaration of Restriction for Long-term Stormwater Management at 285 Great Road. This is a standard practice intended to help improve water quality and reduce runoff by putting the responsibility of maintenance on the property owner. There are state standards in place that require certain equipment to be used and it is subject to inspections. All future land owners have a legal obligation to comply and maintain the same standards because of the deed restriction. The agreement was executed on April 16, 2014 and accepted by the Conservation Commission on April 23, 2014. Once the Selectmen approve the document, it will be filed at the Registry of Deeds.

Mr. Moonan made a motion to approve the Declaration of Restriction regarding the Stormwater Management System for 285 Great Road. Ms. Fedele seconded the motion.

The motion passed 4-0-0.

**14-254 Vehicle Purchase Agreement
Two Heavy Duty Dump Trucks
McDevitt Truck of Manchester, NH**

At the 2014 Annual Town Meeting, the purchase of two heavy duty dump trucks passed. One truck is a 6-wheel dump truck and the other a 10-wheel dump truck. The trucks went out to bid for the best possible price following Massachusetts General Law. McDevitt Truck was the lowest bidder on each vehicle. Taylor and Lloyd had two bids because they use two different suppliers for the equipment. The Selectmen asked whether the Town is compelled under the statute to accept the lowest bid. DPW Director Roy Sorenson explained that lowest bid does have to be accepted as long as the trucks meet the specifications and match the quality of the equipment previously owned. Mr. Rosenberg expressed disappointment that the Town was not allowed to award the bid to a long time local business. Mr. Sorenson also noted that the bids came in less than the amount allocated.

Mr. Moonan moved the town approve the bids of McDevitt Truck for both a 45,120 Gross Vehicle Weight Rating (GVWR) Truck and a 70,000 GVWR truck as bid on April 17, 2014. Ms. Fedele seconded the motion.

The motion passed 4-0-0.

**14-255 Massachusetts Economic Development Incentive Program
Aspen Technology, Inc.- 20, 22, and 28 Crosby Drive
Economic Opportunity Area Authorization
Certified Project Designation and Authorization**

Town Manager Richard Reed explained that Aspen Technology is consolidating their Burlington and Nashua, NH locations into one location in Bedford at 20, 22, and 28 Crosby Drive. Aspen Tech requested from the Town consideration for a Tax Increment Financing (TIF) Agreement under the Massachusetts Economic Development Incentive Program. To be able to receive the property tax reductions for five years starting July 1, 2014, the area within the Crosby Corporate Center that Aspen Tech will be located needs to be established as an Economic Opportunity Area (EOA). Additionally, Aspen Tech needs to be deemed a certified project for the 20, 22, and 28 Crosby Drive Economic Opportunity Area.

Kathy Keffe, the Vice President of Finance Operations for Aspen Tech, thanked the committee for their assistance and said that Aspen Tech is looking forward to growing in Bedford.

Michael O'Leary from Cassidy Turley thanked Bedford on behalf of his client and said it was a competitive process when picking a location. He stated that Bedford will now be the global headquarters of Aspen Tech. It is estimated that by 2018, there will be 710 jobs at the complex.

Mr. Moonan asked for clarification about the meaning of the word “decadent” in describing the property. Jay Donovan, the consultant who helped draft the TIF agreement, explained that decadent refers to vacancies in buildings and restoring employment levels to pre-2008 recession levels.

Mr. Moonan also asked why specific buildings were being deemed the economic opportunity area and not the whole complex. The response was that there are six buildings in total and the other buildings were 100% occupied. Mr. Reed also explained that an EOA can only be established once on a given site, so it would be limiting our options for the future if we made the whole complex now an EOA.

The Selectmen expressed that they were thrilled Aspen Tech chose Bedford. They look forward to the good synergy both between Aspen and the Town, as well as with other businesses.

Ms. Fedele moved that the Selectmen approve the resolution authorizing the creation of the 20, 22, and 28 Crosby Drive Economic Opportunity Area as drafted and included in the Selectmen’s May 12, 2014 agenda packet material. Mr. Moonan seconded the motion.

The motion passed 4-0-0.

Ms. Fedele moved that the Selectmen approve the resolution authorizing the designation of a certified project for the 20, 22, and 28 Crosby Drive Economic Opportunity Area as drafted and included in the Selectmen’s May 12, 2014 agenda packet material. Mr. Rosenberg seconded the motion.

The motion passed 4-0-0.

**14-256 Depot Building
 Term of Leases**

Mr. Piantedosi of the Depot Park Commission requested that the length of leases for the Depot Building be changed to have an option of a three year lease as opposed to the current two year lease limit. He explained that with the restoration project estimated to be completed in September 2014, the space will be more desirable to rent since the first floor will be handicap accessible. It is the Depot Park Commission’s belief that tenants will want a three year lease option, especially if they are taking the risk of relocating their business.

The Selectmen expressed concern about this proposed change because it had been their desire to have the leases co-terminate, in case one tenant would want to lease the whole building.

Mr. Siegenthaler arrived at 7:55.

Mr. Piantedosi said that the desire to make a three year lease option comes from a concern that a good tenant will want the space, but will desire a three-year lease because that's standard and we cannot offer that.

Mr. Siegenthaler stated that the improvements need to be looked at as the Town restoring a building for its historical value, rather than as an investment that needs to be paid back. To this, Mr. Piantedosi stated that having the building as a historic resource is the goal, but it would be nice to pay back some of the money so that it is not a burden on the taxpayer.

Chair Fleischman reminded the Selectmen of the discussion that was had at their joint meeting with the Depot Park Advisory Committee over a year ago where it was agreed to start thinking and planning for changes in 2016 because at that point, the value of the property may have changed due to an abutter's development in the area. By extending leases to 2017, the time frame will change and will delay this process.

The Selectmen were in agreement that this matter can be addressed again if the problem should arise because right now it is too hypothetical.

It was also decided that the Depot Park Baggage Cart Dedication would be May 19, 2014 at 3:30p.m.

**14-257 Village at Taylor Pond
Regulatory Agreement Estoppel**

Mr. Reed presented a request from the owners of the Village at Taylor Pond to have the Selectmen approve an Estoppel Agreement. The Village at Taylor Pond is in the process of financing their property and the lender is interested in the estoppel. When looking over the draft to make sure they were in compliance with the regulatory agreement and special permit, it was discovered that they have not yet complied with one provision of the special permit. This provision was a payment of \$5,000/month commencing on January 1, 2014 depending on where the project was in development. The owners want to move forward with financing so the estoppel will include language that Condition 30 has not been met and the owners agreed to this.

The Selectman wanted clarification about which provision was not complied with. Mr. Reed explained that it is Condition 30, which was a requirement that an office building be built on the site by a certain date. If it was not built, payment of \$5000/month would begin and continue up to \$250,000. During that time, the Planning Board amended the special permit to convert the office use to primarily residential use. The owners did not indicate when they would be in front of the Planning Board to deal with Condition 30 but when they do, they can either request to make an amendment to Condition 30, request to extend the time they have, or make the payment.

Ms. Fedele moved to approve the Regulatory Agreement Estoppel related to the lending agreement between CPF Taylor Pond LLC c/o Cornerstone Real Estate Advisors LLC and New York Life Insurance Company c/o NYL Investors LLC, and to authorize the Town Manager to execute said Estoppel on behalf of the Bedford Selectmen. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**14-258 Selectmen Liaison Assignments
Review/Update**

Due to a conflict in meeting times for Mr. Rosenberg, Ms. Fedele will now take over his liaison assignment for Arbor Resources. Mr. Rosenberg will become liaison for the Museum Study Committee. The Sign Bylaw Review Committee should be removed from Mr. Siegenthaler's assignment's because their work is done for now.

**14-259 Fire Department
Paramedic Proposal**

The Selectmen decided to address all other agenda items before reviewing this item.

**14-260 Miscellaneous Action Items
One-Day Special Liquor License**

Mr. Moonan moved for the Selectmen to approve the one-day liquor license for the Bedford Center for the Arts for May 22, 2014 at Old Town Hall. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

**14-261 Minutes
Regular Session Minutes April 28, 2014
Executive Session Minutes April 28, 2014**

Mr. Rosenberg moved to approve the Executive Session minutes from April 28, 2014, as amended. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg moved to approve the Regular Session minutes from April 28, 2014, as amended. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

14-262 Town Manager's Report

Field Update

Mr. Reed explained that about 30 days ago an appeal was filed for the Town's variance for filling in a wetland area at the former site of St. Michael's. The appeal was denied by the court but it was found out today that the plaintiffs had appealed the court's decision.

Mr. Reed urged the Selectmen to decide if they wanted to go forward with the current contract with Symmes Maini & McKee to design the athletic fields.

Mr. Rosenberg moved to authorize Symmes Maini & McKee to proceed with the design of the proposed fields at the former site of St. Michaels' and the wetland mitigation. Ms. Fedele seconded the motion.

Discussion ensued with the Selectmen reaching a consensus that they want to move forward with the design because the fields are an important part of addressing a need and it would send the wrong message to put the brakes on it.

The motion passed 5-0-0.

Bedford Unplugged

The Youth and Family Services Committee has recommended Wednesday November 19, 2014 and Wednesday March 4, 2015 be designated Bedford Unplugged days. No committee meetings or activities would be scheduled during on these days. The Selectmen were in agreement about supporting these events.

Special Legal Counsel Payment

Attorney William August who worked on the Comcast Cable TV Renewal Process is requesting an additional \$1,500 for services rendered that were not originally anticipated. There was no opposition to this additional charge from the Selectmen.

Naming Policy from School Committee

The School Committee has proposed forming an ad hoc committee to address the naming of school facilities and fields. When formed, the ad hoc committee will require a Selectman to serve on it. The Selectmen acknowledge that they have received the draft of the proposed policy and will send someone to the ad hoc committee when the time comes.

14-263 Open Discussion

Mr. Moonan presented a draft of a letter to Massachusetts Senator Barrett expressing concern over the House budget only reimbursing municipalities 50% of what they paid to transport students living in transitional housing to their school of origin. Bedford expended \$308,000 on the transportation in accordance with the McKinney-Vento Act. Because of the timeliness of the matter, it was also suggested that a call be made tomorrow to Senator Barret's office to express the Selectmen's concerns.

Mr. Moonan moved to authorize the sending of the letter under Chair Fleischman's name to Senator Barrett as soon as possible. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Moonan asked for an update about the Middlesex Turnpike Phase 3 project. Mr. Reed said the Transportation Improvement Program (TIP) plan was restructured so that Phase 3 of the Middlesex Turnpike project will not be delayed. The Boston Region Metropolitan Planning Organization (MPO) will vote on Thursday to release the plan for public comment for 30 days.

Ms. Fedele reminded the Selectmen that Relay for Life would be held Saturday. There are some limitations now that the field is turf, but the committee worked well with the Town to figure out solutions.

Ms. Fedele also revealed that Springs Brook Park will open on June 14. There will be no new sand or treatments because of the time frame and instead it will just be drained and filled. There are some safety issues that will be addressed. The committee is also looking to change from a short-term committee to a long-term committee and have someone from the Finance Committee serve on it. On June 16, there will be a dedication for the Frank Bauman Memorial Bench at 5:00p.m.

Mr. Siegenthaler asked what will happen next with the Minute Man Bikeway Extension now that the MassDOT Highway Division determined the project is eligible for funding. Mr. Reed stated that MPO staff will look at it but it will take a while to get funded. Mr. Siegenthaler also asked what was happening with the design of the Railroad Avenue extension. DPW staff is going to start meeting with abutters and Vanasse Hangen Brustlin is looking at more of the technical aspects and feasibility.

Mr. Rosenberg reminded the committee about the Eagle Scout Court of Honor in June and stated that Congresswoman Clark from Melrose would be at the May 22, 2014 HATS meeting.

Chair Fleischman updated the Selectmen about the success of the Community Preservation Committee's walk around Fawn Lake. The initial purpose of the walk was to check out the condition of the lake and see the effects of previous projects, but over 60 residents attended, which showed how much interest there is in the lake. Once a consultant is hired, public forums will be held.

Chair Fleischman also reminded the Selectmen that the second charette for the Coast Guard Housing is on Thursday May 15. There was a lot of interest in the first one and it was productive. Mr. Moonan explained that this charette will feature analysis of the the positives and negatives associated with three different scenarios consultants have developed. Assistant Town Manager Jessica Porter said that it is schedule to go to open bid in the next few months. Mr. Reed explained that the bid is a federal process and it will go to highest bidder. A zoning change will most likely be needed if it becomes privately owned. The hope is that whoever buys the property will take into consideration the information the Town has collected and will collaborate with the Town.

Ms. Fedele departed the meeting at 9:07p.m.

**14-259 Fire Department
 Paramedic Proposal**

Fire Chief David Grunes along with Capt. Mark Sullivan, Lt. Scott Ricker, and Firefighter Joe Barrila presented a proposal to increase staffing in order to both enhance the level of care delivered to residents and to help meet current demand during peak hours.

Chief Grunes explained that the need for increased staffing is in part due to the business community that drives up the population during the day and increases the call volume. Additionally, higher density residential housing and large developments further from the center of Town have changed the way the department responds. There has also been an increase over the years in hazardous material use and associated incidents.

Training current fire fighters as paramedics in Advanced Life Support (ALS) and hiring additional paramedics comes from the department's desire to advance their abilities in order to provide the best care possible and to rely less on an outside vendor.

Chief Grunes explained that a staffing increase would allow the department to more effectively cross-staff and have the appropriate vehicle responding to calls. The current engines now have to be equipped for all the types of calls received.

The plan itself would take 8 years to implement. The first hiring would be done in February 2015. Over a four year period starting in June 2014, four firefighters would be trained as paramedics. If Town Meeting approved the plan the first week of November, the process would begin for background checks, physicals, and then a fire academy and medical orientation. The paramedic would be in full operation by July 1, 2015.

Chief Grunes believed that the plan would also increase revenue because the department would be providing more care. There is also the potential to increase rates because Bedford's rates are currently less than surrounding towns. The Fire Department is scheduled to meet with the Finance Committee on June 5, 2014. At the Selectmen's Meeting on June 9, the Fire Department would request a vote of support for the proposal and for the rate adjustment.

The Selectmen asked about the timing of the proposal and why it was not presented for Annual Town Meeting. Chief Grunes explained that settling contracts delayed the process.

There was also concern about whether the level of care currently provided by the contracted vendor was a public safety issue. Chief Grunes explained that the vendor still meets contractual requirements, but because of changes on their end, the

resources they have provided Bedford have decreased so the Town is not receiving the same care they were at this time last year.

The Selectmen asked whether the fire house has the space for the increased personnel and Chief Grunes said a space study will be conducted. There will be no need for new vehicles as the current ones are designed to store ALS equipment.

To be cognizant of time, the Selectmen will send additional questions they have to Mr. Reed who will forward them to Chief Grunes for response before the June 9th meeting.

Mr. Siegenthaler moved to adjourn the meeting. Mr. Moonan seconded the motion.

Motion passed 4-0-0.

The meeting adjourned at 10:15p.m.