

**Minutes – Selectmen’s Forum  
Multi-Purpose Room, Town Hall  
Thursday, October 3, 2013, 7:30 p.m.**

**PRESENT:** Margot R. Fleischman, Caroline Fedele, Mark Siegenthaler, and Michael A. Rosenberg (late), and Town Manager Richard T. Reed

**ALSO PRESENT:** School Superintendent Jonathan Sills; Assistant Town Manager, Jessica Porter; Police Chief Robert Bongiorno, Fire Chief Dave Grunes; Board of Health Director Heidi Porter and member Thomas Kinzer; Code Enforcement Director Christopher Laskey; Finance Director Victor Garofalo; Assessors Bruce Murphy and John Linz; State Representative Kenneth Gordon; School Committee member Abigail Seibert; Finance Committee members Barbara Perry, Meredith McCullough, Stephen Carluccio, Stephen Steele; Planning Board Director Glenn Garber, and members Jeff Cohen and Lisa Mustapich.

The sign in sheet is attached and incorporated herein for all others present.

---

Acting Chair Margot Fleischman called the meeting to order at 7:30 p.m. noting that Selectman Rosenberg would arrive later as he was chairing a HATS meeting.

The emergency evacuation notice was read to the audience by Chair Fleischman.

Chair Fleischman introduced the Selectmen, Town and school officials; and State Representative Kenneth Gordon.

Chair Fleischman explained that there would be a presentation by Town staff followed by a question and answer period for the audience. She explained the rules of civil discourse and asked the audience to abide by those rules.

**Presentation** - Chair Fleischman provided the background of the Department of Housing and Community Development (DHCD) Emergency Assistance Emergency Shelter Program in place since the 1970's. The legislative statute mandates that emergency shelters be provided for homeless residents. State-wide the Commonwealth pays \$82.00 per room/per night to hotels/motels for homeless residents. Currently there are 2,000 families being housed in 53 hotels in 36 communities in Massachusetts. Most residents stay from one month to less than a year. One exception is a family with several children who has stayed at the hotel for 1.5 years due to the difficulty in finding other affordable housing for them. The Bedford Plaza Hotel is housing 88 families.

Representative Kenneth Gordon commented that 111 school-aged children are living at the Bedford Plaza Hotel. About 40 of them are being educated in Bedford and 65 are being bussed to their original neighborhood schools.

Police Chief Robert Bongiorno confirmed that there has been one drug-related incident and 5 domestic disturbances at the hotel. He also explained the situation relating to a police officer picking up a stranded family at Emerson Hospital and returning them to the hotel.

A petition with 55 signatures had been submitted to the Town alleging possible zoning/code violations at the hotel. Code Enforcement Director Christopher Laskey addressed the issue noting that the hotel's current Innholder license has an R1 building code status which allows for transients to stay for no longer than 30 days. To change that code status to an R2 would allow transients to stay longer than 30 days and would require sprinklers in every bedroom. It was also noted that the owner of a Lexington hotel has the same name as that of the Bedford Plaza Hotel, but it is a different person.

Representative Gordon reported that he met with the Department of Housing and Community Development (DHCD) and the House Ways & Means Committee. He reported that the Town was reimbursed for last year's school transportation costs and will be reimbursed for this year's costs too, but not until the end of the year. Rep. Gordon also hopes that the Town can be reimbursed for the education of these extra students.

Each hotel that is currently housing homeless families responded to a Request for Proposal issued by the state and have entered into an agreement with them. Representative Gordon showed proof to the House Ways & Means Committee members and the Department of Housing and Community Development (DHCD) that Bedford is accommodating triple the number of homeless persons per capita than any other town and would like to get that number reduced. The Town now has their assurance that they will not send any more families to Bedford, and as each family leaves, they will not be replaced. They are also looking to move some families to other communities in an effort to reduce Bedford's burden.

Town Manager Reed explained the organization chart for the Town, noting that not everything comes under the control of the Selectmen. He indicated that the Building Inspector sent a written zoning violation notice to the hotel on September 23, 2013 and the hotel owner has 30 days to respond. Mr. Reed confirmed that the Zoning Bylaws can be changed at Town Meeting, but it would have no effect in this particular situation. He also noted that the current R1 use is permitted under the Town's bylaws.

**Public Safety** – Mr. Reed also reported there has been a slight increase in the number of calls to the Police Department from the Bedford Plaza Hotel, as follows:

<u>Calendar Year</u>	<u>No. of Calls</u>	<u>Percentage</u>
2011	78	.7%
2012	144	1.1%
2013	117	1.2%

Disturbances at other rental income properties for the same time frame are:

<u>Calendar Year</u>	<u>No. of Calls</u>
2011	11,721
2012	12,700
2013	9,800 (so far)

Mr. Reed reported that to date in 2013, there have been 5 incidents involving domestic disturbances at the Bedford Plaza Hotel.

**Fire Department** – 1.2% and 1.4% of the total Town calls in the last two fiscal years were both medical and general fire calls. Due to the higher occupancy at the hotel, the calls have increased to 3.4% of all the calls to the Fire Department. Mr. Reed also discussed the impact to the hotel relative to other places in Town such as Ashby Place, Carleton- Willard Village and the VA Hospital.

**Board of Health (BOH)** – Director Heidi Porter noted that her staff does periodic compliance checks at the hotel. The families at the hotel are using the services of Eliot Human Services overseen by the Youth & Family Services Department. The hotel is generally in compliance. The hotel has voluntarily closed down the pool and food service. Any guest can contact the BOH if they feel the need for a sanitary inspection. There have been 12 complaints to the sanitary code. Seven were unfounded and 5 resulted in violations and were fixed within 30 days. There has been no lead paint detected at the hotel.

**Schools** - Superintendent Jonathan Sills reported that the schools continue to fight the battle of providing excellent education to all students. He reported that although there was a huge spike in kindergarten children, there is no overcrowding in the classrooms. There are 9 classes with 22 students each. Out of 203 students, 6 are from the hotel - or 0.66%. The first grade has 169 students; 5 from the hotel. Second grade has 6 students with less than 1 per class, third grade, 4 students with less than 1 per class. In terms of numbers, there is not a significant impact due to the students from the hotel. However, the special services program has been impacted. Federal law requires that the schools provide English as a second language. Thirty of the 44 students use this service. The number of special education is very small. There are students at the pre-school age that have special needs. A few of those students are being evaluated. He admitted that the school department is stretching their resources thin. Having a monitor

on the bus costs \$4,500/yr., and it costs \$40,000/yr. for transportation. The Town is currently paying this fee, but will be reimbursed next year.

Mr. Sills asserted that the families in the hotel did not cause the decline in the school rankings from 18<sup>th</sup> to 36<sup>th</sup>. It was a result of the MCAS scores for certain subsets of Bedford students. However, he reported that the rankings have rebounded.

School bus concerns – Mr. Sills reported that there has been no impact on bus 5 which has 43 students. Bus 14 is overcrowded, but this fact just came to his attention and he will address the issue. Mr. Sill commented that bad behavior of the students on the busses is not something new.

**Affordable Housing** - Chair Fleischman noted that affordable housing has been a commitment for Bedford for several years. Massachusetts requires communities to have 10% of its house stock to be 'affordable'. Until 8 years ago, Bedford had to comply with the 40(b) laws. In 2008, Bedford had 18.3% affordable housing. In 2012 it dropped to 16.7% based upon the population (which has increased). Bedford has 496 of 'real' affordable housing units. 392 are market rate units.

The 40(b) developments allow the developers to circumvent local zoning regulations, and a 25% affordable component is required for these types of developments. Chair Fleischman also explained the income requirements for these types of affordable units. Chair Fleischman pointed out that there are several types of affordable housing programs in Bedford but none is related to the situation at the hotel. The hotel is being used as an emergency shelter for homeless.

**Taxes** - Assessor Murphy discussed property valuations and how they are determined. He indicated that the families at the hotel did not cause property valuations to go down. The median single family home values went from \$506,600 in FY10 to \$537,900 in FY14 due to a robust housing market. Single family homes tripled from last year. A lot of single family homes were purchased by new young families. Developers are tearing down older smaller homes and replacing them with high-priced homes. There has been a mini building boom including condos. Any empty lots are now being built on. The hotel also pays a 6% hotel excise tax for the first 90 days of all occupancies; these funds are collected by the state and returned to the Town the following year. Mr. Murphy also indicated that the Town cannot tax the hotel extra to recover the financial impact to the Town.

**Local Mandates** - Town Manager Reed reported that Bedford is not being required to comply with the Massachusetts local mandates law, therefore, the Town cannot request reimbursement for its expenses from the state. This law was passed in 1981 as part of the Proposition 2 ½ law. Bedford is incurring some expenses as a result of a state run program operating in Bedford.

Mr. Rosenberg arrived at this point.

Mr. Reed took the opportunity to thank staff for their preparation for the meeting.

Before the question and answer period, Chair Fleischman once again reviewed the Rules of Civil Discourse for the benefit of the late-arriving attendees.

***Question and Answer Period***

Several residents asked questions. The topics covered were related to the 10% threshold for affordable housing units; English as a second language classes; perceived incremental costs to educate students; the R1 code violation at the hotel; the fine imposition for the zoning violation; overcrowding and misbehaving on school buses; timeframe of the emergency housing program; busing all the children at the hotel back to their original communities for school; using the Police Department to bring a family back to the hotel from the hospital; the average length of stay for the families; reduction in MCAS scores; installation of video cameras on buses; budget planning for the impact of educating the students; praise was given to the school for their efforts in educating the homeless children for the families who reside at the hotel; lack of a play area for children at the hotel; loitering; taxes; the need for a trajectory report of affordable housing units and the projected increase of students; costs analysis of services provided to families; and whether the hotel paid its taxes on time.

Mr. Gordon announced that he holds office hours at the Council on Aging every month. Chair Fleischman thanked everyone for attending.

The meeting adjourned at 10:05 p.m.