

Regular Session Minutes - Selectmen's Meeting
Selectmen's Meeting Room, Town Hall
Monday, December 10, 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: Zachary Schlesinger of Boardroom Bistro; Outdoor Recreation Area Study Committee (ORASC) members David Sukoff, Chair, Tara Capobianco, James Lespasio, Elizabeth Cowles, Ronald Taylor, and School Committee member Brad Hafer; Michelle Saber; Public Works Director Richard Warrington; Dan Gaulin, Senior Housing Consultant, Regional Housing Services Office; Bedford Housing Authority Director Brenda Peacock; Attorney Peter Farrow; James Shea; Assistant Town Manager Jessica Porter; Press representatives Kim Siebert and Mary McBride

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

13-117 Request for Change of Manager
Boardroom Bistro, 54 Middlesex Turnpike

Chair Cordes announced that the Selectmen received a request for a Change of Manager from the Boardroom Bistro. Mr. Schlesinger confirmed to the Selectmen that he recently passed the Training for Intervention Procedures (TIPS) class and was familiar with the Town's alcohol policy. He also confirmed that the paperwork was delivered to the Police Department today for his identification badge. Mr. Schlesinger noted that his experience includes working at the bar at T.G.I.F.'s restaurant in Marlborough.

Mr. Rosenberg made a motion to accept the application for a Change of Manager for Boardroom Bistro in which Zachary Schlesinger replaces Nicholas Karasoulos. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

13-118 Mudge Way/7 Liljegren Way Athletic Fields
Determination Regarding Natural or Synthetic Turf

Chair Cordes apologized to the ORASC members for the timing of this issue. She explained that once this issue was approved by the Conservation Committee, the Town has three years to act and that deadline is quickly approaching. Chair Cordes stated that she would like to have a design and the replication done so that Town Meeting will know what they will be voting on; in addition nothing can be done until the replication is

complete. She said she was erroneously under the impression that ORASC was returning last week to give the Selectmen an update, but there was nothing new to report.

Her second point was that before the ORASC committee was formed, the Town had been working on developing the St. Michael's fields for the past six years by mapping out the wetland areas, holding Conservation Commission hearings, and laying out potential designs so this is not a new topic for the Selectmen. She added that the next step in the process is for the Selectmen to decide whether the fields will be artificial turf or natural grass. Ms. Cordes also noted that the Community Preservation Committee is meeting this week and she projected that this design project might be included on their list of recommendations for Annual Town Meeting if natural turf was chosen.

Selectmen Moonan and Rosenberg both recommended that ORASC be given the opportunity to study the St. Michael's proposed fields and return with their results. Mr. Rosenberg pointed out that in a memo from Town Counsel to the Conservation Administrator regarding the development of the former St. Michael's land; he wrote that if the replication area and the athletic fields are not completed within 3 years, then the Selectmen can ask the Conservation Commission for an extension of time. Mr. Rosenberg commented that the most important thing is to follow the process established with the formation of the ORASC committee, and to complete the Special Town Meeting vote. He added that when the field construction was presented as a petitioner's article, it fell short and it was their feeling that the Town requires a more comprehensive study, analysis, and presentation. That seemed to work and now to abandon that process for any reason would be hard to explain especially a soft 3-year deadline like that. He added that the Selectmen are not compelled to accept every recommendation from its committees, but suggested giving them the opportunity to make a recommendation.

For the record, Mr. Rosenberg stated that he recalled Town Meeting voted to designate funds for the design of fields, not just for natural grass fields, so there is no reason to limit the Selectmen's choice to natural grass.

Chair Cordes asked Chair Sukoff if he thought the ORASC would be able to meet during the next few weeks and be ready to come back to the January 7, 2013 meeting to give a report. He stated he would try to hold at least two meetings between now and then. Chair Cordes noted that the Town would only pay for one field design on the basis of soft cost. She then invited Department of Public Works Director Richard Warrington to address the costs involved.

Mr. Warrington felt that he had very good costs to go by referring back to the bid for synthetic turf on Sabourin Field last March, and a wide open, easy-to-define area where staff can show the low- to mid-price of the 5 to 6 bids he received which indicates the cost of doing construction in Bedford. He stated that he carefully looked at what it would cost for tree removal, rough grading, and surfacing at the St. Michael's field area. Mr. Warrington reported that the costs were pretty close, but it must go out to bid first.

He said the design bid estimates were within the numbers he was looking for. Mr. Warrington noted that the bid process would take about six weeks and staff would like to go out to bid before Annual Town Meeting. Mr. Warrington also warned against touching the G field because the Town cannot operate the athletic field without it, and the Town would be at a disadvantage if the H field is touched.

Chair Cordes asked the ORASC members if they had any concerns.

Brad Hafer commented that the committee should take a deep look at this issue. He reported that the schools are thankful for the Sabourin vote, but still feel they need two additional fields and the former St. Michael's property would be that location, but the Town should be prudent on how it goes about making sure that the fields would fit, the boundaries are accurate, and proper drainage is installed.

Chair Cordes noted that this type of information would be discussed with the design consultant, SMMA, the Athletic Director and the School Superintendent. Mr. Warrington indicated that the layout of the two new fields is in consideration of the impact on the neighboring wetlands. He assured Mr. Hafer that the two fields will be very playable and very universal in their use whether it is lacrosse/football/field hockey.

Ms. Cordes recommended that the delay on this process could only go as far as January 7th if we are to ask for funding from the Community Preservation Committee.

ORASC Chair David Sukoff commented that the committee met after Special Town meeting to decide what information would be required to make a decision on these playing fields. He indicated that they needed additional information such as the costs, and how the Sabourin field would be used. He added that ORASC made assumptions, but now they need to determine the results. Mr. Sukoff stated that at their upcoming January meeting, the committee plans to evaluate the information, determine what else is needed, and then discuss the results at a second meeting to determine the outcome. He noted that the committee does not want to rush with such an important decision.

Chair Cordes reported that the Town has been working on creating these two additional fields which addresses the needs in the ORASC report; however, it does not eliminate the possibility of doing something on the H Field at a later time. From the Selectmen's perspective, Town Meeting is the last step. She reiterated that the Selectmen have been working on this project for a long time. Town Meeting has approved the design funds for St. Michael's and she hoped to see it done sooner rather than later. Chair Cordes predicted that the Town is not likely to want to bond another turf field right now.

Ms. Fleischman commented St. Michael's fields would be available to play field hockey, and they do not care whether it is turf or natural grass.

Chair Cordes granted ORASC a few more weeks to discuss this topic and asked them to return to the January 7, 2013 meeting with their findings.

**13-119 Agreement Approval - Athletic Field Design
Symmes Maini & McKee, Cambridge, MA**

Symmes Maini & McKee was unable to produce agreements in time for the meeting.

13-120 Proposed 2013 License Renewals – Approval

Town Manager Reed noted that the Selectmen should approve all the licenses with the exception of the Bedford Plaza Hotel and Bamboo Restaurant as they had building code violations to repair. He expected that they would be ready to approve by the next meeting.

Mr. Rosenberg made a motion to approve the 2013 license renewals as presented except for the Bedford Plaza Hotel's Liquor and Innholder's licenses and Bamboo Restaurant's Liquor and Common Victualers licenses. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

**13-121 Regional Housing Services Office - HOME West Metro Mutual
Cooperation Agreement - Statutory Covenants Support Letter
Discussion**

Dan Gaulin of the Regional Housing Services Office (RHSO) introduced Brenda Peacock, Executive Director of the Bedford Housing Authority (BHA) to assist him in the presentation. He explained the changes that are developing within the administration of the HOME Consortium. Mr. Gaulin reported that Bedford has accumulated \$85,000 worth of program funds since the last project 5 years ago. During the time, the US Department of Housing and Urban Development (HUD) has decreased program funding by 50 percent. Nationally, HUD is requiring the HOME Consortia to commit funds within two years on a consortium-wide basis.

Mr. Gaulin explained that the Department of Mental Health rents two 4-bedroom apartments at 20 Railroad Avenue. He indicated making repairs to this 25-year old building is a good use of HOME funds. The repairs include the roof, permeable driveways, walkways, furnaces and carpentry on emergency exits. The Bedford Housing Authority will share the cost of repairs. He noted that this project is not eligible for CPA funds, but is eligible for HOME funds if they receive certification that federal public housing money would not be involved. The BHA has already filed a Request for Determination of Applicability with the Conservation Commission and received permission for the driveways. It was estimated that these repairs will last for another 25 years.

Mr. Gaulin also reported that federally, HUD is requiring more stringent underwriting standards comparable to what he used to do at the Department of Housing and Community Development (DHCD). Down the road, the annual action plan revisions need to be approved and the HOME agreement signed. Mr. Gaulin sought the

Selectmen's approval of the project and HOME funds. Mr. Rosenberg credited the Bedford Housing Partnership (BHP) with the idea of using HOME funds for the 20 Railroad Ave project and the BHP worked with the experts to make it happen. Ms. Peacock expressed her gratitude to the Selectmen and Assistant Town Manager for helping the BHA with funding the repairs to this building. Mr. Gaulin noted that a public hearing will be required later and that the specifics of the contract need to be finalized. This project will begin in the spring. The Selectmen were in favor of the Railroad Ave project.

The second part of Mr. Gaulin's presentation dealt with renewal of the WestMetro Home Consortium contract. He noted that the Town of Lincoln has indicated that it may leave the consortium and that no other communities have asked to join. Mr. Gaulin was interested to know if the Selectmen would like to stay in the Consortia. Each town gets one year to commit their pro-rata share (Bedford's is \$10,000) of uncommitted funds that would be put into a pool and would be available to any community through the Request for Proposals (RFP) process. Those proposals would then be reviewed by a Project Review Committee and make a recommendation to the consortium as a whole (each town gets a vote). There are going to be new program guidelines which describe the composition of the committee so that those towns get represented on the Project Review Committee. The terms will be rotated so that each town gets a turn to be on the committee, and the guidelines will be established so that good projects would be chosen. Projects that are ready to proceed will be given the high priority. The HOME consortium must spend 15% on community housing development since it started. The RHSO does the administrative work on behalf of the towns.

Attorney Peter Farrow remarked that legislation was filed in 2007 by the Citizens' Housing & Planning Association (CHAPA) and it was next sponsored by Senator Aldrich in 2009. He relayed that it was passed by the Senate on July 30, 2012 and they are now trying to get the House of Representatives to look at it in an informal session. Since the Town of Bedford does not currently have a legislator, he suggested sending the letter to Representative Kevin G. Honan with a copy to the House Ways and Means Committee.

Ms. Cordes asked Attorney Farrow to explain to the Selectmen how this helps with homeownership units. He responded that the Town could choose its own Area Median Income number. This preservation restriction is supposed to last a very long time; once you have the asset, he recommended preserving it. He stated that the current law is not sufficient in that regard, but this will create a structure that will be sufficient and provide a stronger title interest. In addition, it will put the Town a legal position that assures the preservation of the units. He added that the most powerful argument is that it creates a choice; it is not a mandate. Another critical point is that it does not automatically apply to Bedford's inventory; it comes into effect when the homeowners sign a piece of paper. For the existing units, the Town would have to wait until someone refinances. Just one sentence needs to be added to the existing restriction so when the unit resells, it will become effective.

Mr. Moonan made a motion to authorize the Chair to send a letter addressed to Chairman Kevin Honan at the State House relative to *An Act Relative to Statutory Affordable Housing Covenants* on behalf of the RHSO. Mr. Rosenberg seconded the motion and suggested sending copies of the letter to the Affordable Housing Committee Chair and State Representative-Elect Kenneth Gordon.

The motion passed 5-0-0.

**13-122 Miscellaneous Action Items
 Chapter 268A, Section 20(b) Exemptions
 Trevor Proulx – Springs Brook Park Crew to Referee**

Mr. Rosenberg made a motion to grant a Chapter 268A, Section 20(b) exemption to Trevor Proulx. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-123 Town Manager's Report

Mr. Reed asked the Selectmen if they had any changes to the memo addressed to the Planning Board regarding a request to amend the Special Permit at 100 Plank Street. There being no objections, the Chair signed the memo.

Mr. Reed asked if the Selectmen wanted to let the RHSO represent the Town at the HOME Consortium. It was the consensus of the Selectmen to go forward with this plan.

Mr. Rosenberg made a motion to have the RHSO represent the Town of Bedford at the HOME Consortium. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-124 Open Discussion

Mr. Rosenberg noted that the Wilson Mill Park Planning Committee would like to dedicate the bridge spanning the Vine Brook outflow at the Wilson Mill Dam to former Selectmen Gordon Feltman. He noted that there will be a dedication ceremony in May 2013 after the landscaping is complete and asked to have this proposal put on the next agenda. A memorial placard will be placed on the bridge. Mr. Reed agreed to place this item on the next agenda.

Mr. Moonan noted that Bedford Cable Access Television (BCAT) was looking for the Selectmen's approval so that they can begin taping the Selectmen's meetings. Mr. Reed will also place this item on the next agenda.

Mr. Siegenthaler mentioned that the Sign Bylaw Review Committee was meeting this week and asked if anyone could attend the Finance Committee meeting in his place; Mr. Moonan offered.

Mr. Moonan made a motion to adjourn. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The regular session meeting adjourned at 9:20 p.m.