

Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, June 3, 2013, 7:30 p.m.

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

ALSO PRESENT: Public Works Director Candidate Roy E. Sorenson and his wife Kristin, their three children Grace, Ava and Jackson, his in-laws Joseph and Nancy Arcadipane; Conservation Commission Administrator Elizabeth Bagdonas; Attorney William Solomon; Beth Rust, RHSO Community Housing Coordinator, Daniel Gaulin, Senior Housing Consultant at RHSO; Brenda Peacock, Bedford Housing Authority Director; Maureen Carroll, NSTAR representative; Adam Schwartz and Karen Kenney representing the Chamber of Commerce; Jeffrey Cohen, Sign Bylaw Review Committee; James Shea, Cable Television Committee; Assistant Town Manager Jessica Porter; Finance Committee members Richard Bowen and Meredith McCulloch; and Mary McBride, Press Representative

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

13-276 Confirmation of Town Manager Appointment – Public Works Director - Roy E. Sorenson

Town Manager Richard Reed explained the process used to help staff recruit and appoint a new Public Works Director. Roy Sorenson is Mr. Reed’s choice and he asked the Selectmen to confirm the appointment. Mr. Reed noted that Mr. Sorenson is currently employed by the City of Nashua, New Hampshire as their Superintendent of Streets. He was previously employed in the Public Works Department in the City of Melrose and Town of North Reading. Mr. Sorenson earned his Bachelor’s Degree in Civil Engineering while attending evening classes.

Mr. Sorenson introduced his wife Kristin, their children, and his in-laws to the Selectmen. Mr. Sorenson then thanked the Selectmen for the opportunity to become the Town’s new Public Works Director and for inviting him to the Selectmen’s Meeting. Mr. Sorenson noted that he grew up in Burlington and his wife was from Bedford. He began working for towns as a heavy equipment operator and worked his way up to this position. He also noted that he attended classes at Middlesex Community College in the 1990’s.

Chair Moonan asked Mr. Sorenson to explain his philosophy on keeping roads up to par, and the frustrations he feels that need to be addressed and overcome. Mr.

Sorenson responded that the economic cycle has been down for the past few years, but he thinks the industry is leveling out as far as the price of the asphalt is concerned. Mr. Sorenson's opinion was that all roads need to be inventoried and appraised, noting that primary roads are most important. He would determine those roads that need to be repaved, rebuilt or just maintained. He felt that the taxpayers will get their money's worth over time if a road is built correctly.

Ms. Fleischman made a motion to confirm the Town Manager's appointment of Roy E. Sorenson as our Public Work's Director. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

The Selectmen congratulated and welcomed Mr. Sorenson to the Town of Bedford.

13-277 Declaration of Restrictions Approval – Stormwater Management Maintenance System Inspection & Maintenance Plan – The Pope Family 2012 Decedents' Trust, 160 Middlesex Turnpike

Conservation Commission Administrator Elizabeth Bagdonas explained the Stormwater Management Restriction for the property located at 160 Middlesex Turnpike which is owned by the Pope Family. The Restriction, which is in perpetuity, will guarantee compliance with state stormwater standards and will be the legal obligation of the present and any future owners of this property. Ms. Bagdonas noted that the Conservation Commission members signed the restriction, and the Selectmen need to approve the document.

Mr. Rosenberg made a motion to adopt the Declaration of Restrictions Regarding Stormwater Management System Inspection and Maintenance Plan at 160 Middlesex Turnpike. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

13-278 Interview of Special Legal Counsel Candidate – William Solomon

Attorney William Solomon was interviewed by the Selectmen for the possibility of serving as the Town's Special Counsel with regard to the contract negotiations for the renewal of Comcast's license. The Selectmen interviewed William August for the same position on May 6, 2013.

Attorney Solomon noted that his firm represents over 60 towns as town counsel and that he does mostly cable television licensing. He indicated some of his accomplishments such as getting a higher percentage of PEG access fees from the cable companies. He prepared and distributed two spreadsheets for the Selectmen to review; the first being Comcast's subscribers, revenue and PEG support for the past 10 years; the second being the difference in the amount of Comcast subscribers after Verizon was added as a second cable company. It showed a decrease in Comcast subscribers and an increase in Verizon subscribers.

Attorney Solomon said he focuses primarily on indemnification, public way requirements, repair of the public ways, and undergrounding which he said would provide the Town with a better product. He confirmed that he routinely deals with the same people at Comcast when negotiating. Attorney Solomon said he would work hard for the Town taking into consideration its needs and interests.

Chair Moonan asked if there were any comments from the public. The Selectmen thanked Attorney Solomon for coming in and would advise him later of their decision.

13-279 Designer Selection Evaluation Committee Appointment – Town Hall Mechanical, Electrical & Plumbing Rehabilitation Project

This agenda item was delayed until later in the evening due to the scheduled public hearing.

13-280 Public Hearing – HOME Funds – 20 Railroad Avenue

Chair Moonan announced that he would recuse himself as he serves on the Bedford Housing Authority.

Mr. Rosenberg made a motion to open the public hearing on the HOME project at 20 Railroad Avenue. Ms. Fleischman seconded the motion.

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

The Regional Housing Services Office (RHSO) Community Housing Coordinator Beth Rust and Senior Housing Consultant Daniel Gaulin; Bedford Housing Authority Director Brenda Peacock; and Assistant Town Manager Jessica Porter were on hand to explain the request for HOME funds.

Ms. Rust reminded the Selectmen that this past December, they discussed the project and obtained the Selectmen's support. The RHSO is seeking a vote to grant \$83,456 of Bedford HOME funds to the Bedford Housing Authority to renovate 20 Railroad Avenue. This grant will be comprised of HOME funds from FY09-FY13. The total project will cost \$100,798. Bedford anticipates receiving \$17,342 from the Bedford Housing Authority for this project.

Bedford Housing Authority Director Brenda Peacock reported that the project includes a new driveway, walkways, furnaces, air conditioning units and kitchen cabinets. She also reported damage between walls near the front door due to an ice dam. Ms. Peacock anticipates that the work will be completed this year. The DHCD architect is willing to prepare the scope of work once notified of the decision by the Selectmen.

Mr. Gaulin stated that he wants the Federal Government to recognize and acknowledge what the Town brought to this deal. He added that if the equity is not included, both units would then need to be considered HOME units. This gives the Housing Authority a little more flexibility.

Ms. Rust stated that the Selectmen should vote on this amendment to the Action Plan because it is establishing the project for the first time; the Selectmen will not have to vote it again next year. Ms. Rust reiterated that the actions for the Selectmen this evening are to vote on the HOME funds (\$83,456) and two legal documents - the HOME Funding Agreement and the Affordable Housing Restriction. Those are still in draft form and are ready to go to Town Counsel. They will require your approval at a later date. Mr. Rosenberg asked if there is any evidence that HOME funds are being affected by sequestration. Ms. Rust stated that next year's allocation will remain unchanged; after that there is no evidence.

Chair Moonan asked for any comments from the public. Hearing none, he asked for a motion to close the hearing.

Mr. Rosenberg made a motion that the public hearing be closed. Mr. Siegenthaler seconded the motion.

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

Mr. Rosenberg made a motion that the Selectmen approve the Bedford HOME Program grant in the amount of \$83,456 for the Bedford Housing Authority renovation at 20 Railroad Avenue. Ms. Fleischman seconded the motion.

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

13-281 Approval – HOME Mutual Cooperation Agreement and HOME Analysis of Impediments

Ms. Rust also presented the renewal of the WestMetro HOME Consortium - Mutual Cooperation Agreement which is the legal framework that binds the HOME Consortium together. The term of the agreement is from July 1, 2013 through June 30, 2014. The Mutual Cooperation Agreement takes effect July 1, 2014 for three years to June 30, 2017. She indicated that the Chair should be authorized to endorse the agreement.

Mr. Siegenthaler made a motion to approve the Amendment to the Mutual Cooperation Agreement Amendment #1 effective July 1, 2013 to June 30, 2014, and to authorize the Chair to sign the Amendment on behalf of the Selectmen. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion approve the Mutual Cooperation Agreement effective July 1, 2014 to June 30, 2017. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Assistant Town Manager Jessica Porter presented the Analysis of Impediments to Fair Housing. Ms. Porter stated that the report needs to be completed every five years, and contains various demographic and statistical information about Bedford, as well as what Bedford determined to be impediments to fair housing. This information will be the subject of the Bedford Housing Partnership's goals to work on for the next five years.

The Bedford Housing Partnership and the Planning Board have given their input for this report. Ms. Porter also asked that Chair Moonan be authorized to sign on behalf of the Town.

Mr. Rosenberg was enlightened to see that the report indicated that the population growth in Bedford over the past ten years has been mostly minorities, and the Town should feel good about that.

Ms. Porter noted that the Town is looking in to changing the General Bylaws regarding restrictions on accessory apartments and the affordability issue of Bedford.

Ms. Fedele made a motion to approve the Analysis of Impediments to Fair Housing, as drafted, and to authorize the Chair of the Selectmen to sign on behalf of the Town. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-279 Designer Selection Evaluation Committee Appointment – Town Hall Mechanical, Electrical & Plumbing Rehabilitation Project (MEP)

Town Manager Reed explained that the Town needs to hire an architect for the design work for the Mechanical, Electrical & Rehabilitation Project Plumbing (MEP). He noted that the Town's Selectmen previously adopted the procedures for Designer Services for building construction, reconstruction, alterations, remodeling and repair projects that cost more than \$10,000. The procedure includes that an Evaluation Committee of three must review the bids. Facilities Director Richard Jones recommends that Town Manager Richard Reed, Facilities Operations Manager Ronald A. Scaltreto, and he be appointed to the Evaluation Committee.

Ms. Fleischman made a motion that Town Manager Richard T. Reed, Facilities Director Richard B. Jones, and Facilities Operations Manager Ronald A. Scaltreto, be appointed to serve as the Designer Services Evaluation Committee for the Town Hall Mechanical, Electrical and Plumbing Rehabilitation Project. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

13-284 Special State Election – June 25, 2013 for Senator in Congress – Warrant Approval

Mr. Reed noted that the Selectmen need to approve the Special State Election Warrant for Senator in Congress. The election is scheduled for June 25, 2013.

Ms. Fleischman made a motion to approve the Special State Election Warrant. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

13-282 Public Hearing – NSTAR Electric Company – Wilson Road – Pole 296/22 – W. O. #1937684

Mr. Siegenthaler made a motion to open the public hearing for NSTAR on a grant of location on Wilson Road. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Maureen Carroll, representative for NSTAR, requested permission to install 63+/- feet of conduit underground from pole 296/12 Wilson Road, approximately 452 feet southwest of Hume Road to provide service to a new dwelling at 88 Wilson Road. The previous house was demolished. The homeowners elected to have their utilities underground.

Chair Moonan opened the hearing to the public. No comments were received.

Mr. Siegenthaler asked about the progress of double poles in Bedford and the Middlesex Turnpike road reconstruction project. Mr. Reed reported that double poles continue to be an issue, and on Middlesex Turnpike, the primary services have been switched from the old poles to the new. The other utilities have to complete their work. After the fiber optics and telephone lines are switched, then NSTAR will return to activate the system. Communication between utilities continues to be an issue. Mr. Reed reported that some utilities do not frequently check the mutual central system to determine when it is their turn to go out to the poles. He deemed this system as inadequate.

Mr. Rosenberg made a motion to close the public hearing. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve a Grant of Location for 63+/- feet of conduit at pole 296/12 on Wilson Road, subject to a street opening permit from the DPW. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-283 Bedford Chamber of Commerce – Economic Development Goals

Adam Schwartz, representing the Chamber of Commerce, and Karen Kenney, representing the Sign Bylaw Review Committee were present to discuss possible amendments to the Alcohol Policy and Temporary Sign Permit regulations.

Mr. Schwartz asked the Selectmen to consider revising the Alcohol Policy as it relates to having to order a full meal before an alcoholic drink can be ordered. They indicated that restaurants are losing business to surrounding towns (Burlington, Lexington, Billerica, and Concord) as those communities do not have this stipulation in their policies. Mr. Reed noted that he also has reviewed the policies of other towns and Concord does address this issue but the wording is different. He also indicated that it has been the practice of the Town for the past 25 years, but has only been put into

writing about 14 years ago. Each new licensee is told they can only serve alcohol with a full meal.

Mr. Reed, Ms. Fleischman and Mr. Siegenthaler determined that they will meet separately to review the Alcohol Policy to determine whether amendments should be made.

Ms. Kenney indicated that the second issue was to allow businesses to have a temporary A-frame freestanding sign in front of their businesses on a trial basis to see if it helps increase business. Ms. Kenney was willing to notify Chamber members. Ms. Kenney noted that one-third of the businesses in the Chamber want to participate. She asked to do this for example on either Independence Day weekend, tax free weekend, Labor Day, Bedford Day or any other time the Selectmen would like to try it out. The businesses were willing to track the sales to see if there was an increase and report those findings to the Selectmen.

Jeff Cohen, also from the Sign Bylaw Review Committee, commented that a proposed Sign Bylaw amendment to this effect will also be included in the Special Town Meeting Warrant. Town Manager Reed noted that this request would require all businesses to come to his office to apply for a sign permit. The Chamber's thought was to create a one-day town-wide weekend which would meet the parameters for a temporary sign. Mr. Reed agreed to try if the signs met the parameters. Mr. Siegenthaler cautioned that this topic needs to be an agenda item so the Selectmen can vote on it. He also recommended that the signs be out on a weekday while the Building Inspector is in Town to enforce the guidelines. Mr. Siegenthaler was in favor of giving it a try. The Selectmen determined that any freestanding A-frame signs should only be out during hours of operation. Ms. Fleischman hoped it could be done tastefully as is the case in other small New England towns. From the discussion, Chair Moonan summarized that this request would not be a permanent process, would not involve the Town Manager's office, it would be for specific day(s), and businesses that participate need to report back on their sales. Chair Moonan requested that this topic be added to the June 17th agenda. If this is done, the businesses may be able to put out their signs on Friday, July 5, 2013.

Mr. Schwartz recommended that a joint event be held between certain Town employees and Bedford business owners and prospective businesses so they can get to know one another and what regulations the Town has that members may not be aware of. The Chamber was willing to provide the location and food.

Jeff Cohen reported that Ralph Zazula moved from Bedford and has resigned from the Sign Bylaw Review Committee.

13-286 Committee Appointments

The Selectmen reviewed the list of committee members to be reappointed. Chair Moonan announced that Kevin Latady does not wish to be reappointed to the Historic

District Commission (HDC). Because of this, it was determined that Mr. Latady could no longer serve as the HDC's representative to the Sign Bylaw Review Committee. Mr. Rosenberg preferred delaying the vote for the Wilson Mill Park Planning Committee until that committee meets again and they decide whether they need another year to complete their mission.

Ms. Fleischman made a motion to approve the list of reappointments with the exception of the Wilson Mill Park Planning Committee, Kevin Latady on the Historic District Commission, and Ralph Zazula on the Sign Bylaw Review Committee. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-285 Appropriation Transfer Requests – Code Enforcement – Salaries to General Expenditures and Insurance & Benefits to Selectmen

Town Manager Reed presented two requests for Appropriation Transfers between Departments. The first transfer was from Code Enforcement Director Christopher Laskey requesting that \$2,900 be transferred from the Salaries Account to General Expenditures – Contract Services in order to cover a shortfall for a new software program from People GIS for mapping, permitting, and licensing. The present balance in this account is \$57,853.

Mr. Siegenthaler made a motion to recommend approval of the \$2,900 Appropriation Transfer for Code Enforcement. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The second request was from the Finance Department for \$29,900 from the General Insurance Account to the Expenses/Reserves – Selectmen Budget for replacement cost for the police cruiser that was totaled in an accident. Mr. Reed also noted that Bedford received \$29,900 for the replacement of this vehicle; however under MGL Ch. 44, Sec. 53, when an amount is received for an insurance claim in excess of \$20,000, the entire amount must be applied to the general fund and appropriated at a future Town Meeting or closed to free cash. Mr. Reed indicated that this will be taken from the Selectmen's budget and restored after a Town Meeting vote.

Mr. Rosenberg made a motion to approve the \$29,900 transfer request from the Finance Department. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

13-288 Miscellaneous Action Items – Requests for One-Day Special Liquor Licenses – Ungion dba Prince Street Café & Bakery and Rotary Club of Bedford, and Chapter 268A, Section 20(b) Exemptions

Mr. Reed announced that there are two requests for One-Day Special Alcohol Licenses and several 20(b) requests.

Mr. Rosenberg made a motion that the Selectmen approve a One-Day Special Alcohol Request from Ungion, dba Prince Street Café & Bakery for June 16, 2013 at Old Town Hall. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve a One-Day Special Alcohol Request from the Rotary Club of Bedford for June 19, 2013 at Old Town Hall. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to grant Chapter 268A, Section 20(b) exemptions to: Robert Ackerman, Nuri Barlas, Karina Cammarano, Alex Ferrari, Tristan Hart, Katy Hollyday, Benjamin Johnson, Claudia Lawry, John Linnehan, Maria Linnehan, Alli Lua, Jessica Reed, Benjamin Richter, Jeffrey Taylor, Matthew Timperio, Leanna Silvestrone and Zachary Walters. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-287 Special Legal Counsel Appointment – Cable Television Matters

The Selectmen discussed the similarities and differences between William August and William Solomon. Mr. Reed commented that both are well qualified, but their philosophies are different, and that the Town wishes to remain in an informal process, if possible. He added that Attorney August has a broader approach that is based more on looking at the Selectmen as the issuing authority and lead provider rather than the PEG access provider. Mr. Solomon hopes to increase the percentage of PEG access fees in order to obtain additional funds for the Town.

Cable Television Committee member James Shea commented that Bedford is currently following the informal process with Comcast on the terms and conditions for the new license. If an agreement is not reached by December, then the Cable operator would exercise its rights under the formal process and submit to Bedford a cable license that would be responsive to Bedford's needs. A municipality has four months to consider a cable operator's formal proposal. The cable operator cannot submit a formal proposal until December or unless we notify them that we completed the ascertainment process. The Cable Television Committee would rather negotiate this informally.

Ms. Fedele commented that she is a big supporter of preparation, knowing your audience, and knowing what you want to discuss. She added that Attorney Solomon spoke about Mrs. Altmann, building a network, not knowing what we are dealing with, and the fact that there was miscommunication regarding the interviews, and leading with something that was not important. Her sense was to support William August.

The Selectmen concluded that both counsels were excellent candidates but ultimately chose William August as he was more in line with what the Selectmen were seeking.

Ms. Fedele made a motion to appoint William August as Special Counsel. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

13-289 Minutes – Regular Sessions May 17, 2013 and May 20, 2013

Mr. Rosenberg made a motion to approve the Minutes of May 17, 2013. Mr. Siegenthaler seconded the motion.

The motion passed 3-0-2, Mr. Moonan and Ms. Fedele abstained.

Mr. Rosenberg made a motion to approve the Minutes of May 23, 2013, as amended. Ms. Fedele seconded the motion.

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

13-200 Town Manager's Report

Mr. Reed announced that the first annual meeting of the Middlesex 3 Coalition is on June 14th. Officers will be elected and a status report will be given on the recent year's activities. Professor Barry Bluestone from Northeastern University will be a guest speaker, and the Selectmen are invited to attend.

Mr. Reed received word from Richard A. Davey, Secretary and CEO of the Massachusetts Department of Transportation indicating that Bedford would be receiving their projected allotment of \$469,634 upon passage of the Chapter 90 terms bill in the Legislation. The Legislature approved \$300 million, but the Governor is worried about revenue, so he only released \$150 million. Mr. Reed indicated that this allotment is less than we received last year. The MMA is urging Selectmen to call the Governor's office. Mr. Reed noted that Town Engineer Adrienne St. John will be able to indicate the impact and he projected that it may affect us by next spring.

13-291 Open Discussion

Ms. Fedele announced that Springs Brook Park will open on June 13. The Recreation Commission has implemented the improvements recommended by Beals & Thomas. They are also working on "Christian's Law" which requires the Massachusetts State Department of Public Health to approve rules that will require municipal and recreational programs and camps to have a system in place to have Coast Guard-approved life jackets available to non-swimmers and at-risk swimmers. The bill excludes artificial bodies of water such as swimming or wading pools. Programs would need to identify and classify non-swimmers and at-risk swimmers during the first lesson. The Bedford Board of Health is working on the definition of at-risk swimmers.

Ms. Fleischman reported that the *Towards a Healthy Bedford* event was well attended, lively, and thought provoking and everyone who attended had a great time.

Mr. Rosenberg asked if construction had started yet at Sabourin Field. Since no one was aware, Mr. Rosenberg will investigate on his own.

Mr. Rosenberg asked the Town Manager to have the Police Chief report on what impact the Prom Stroll had on traffic. Mr. Reed noted that the road was closing at 3 p.m. Mr. Rosenberg announced that this is the largest graduating class in the past 25 years.

Mr. Rosenberg asked to have a copy of the Finance Committee rotation list for the Selectmen in the next packets.

Mr. Siegenthaler asked about the trash/recycling pickup day. Mr. Reed noted that it was the consensus of the Selectmen at the last meeting to change the date of trash/recycling pickup to Monday. The contract amendment should be on the next Selectmen's agenda. Mr. Reed reviewed the advantages the Town would gain by changing days.

**Ms. Fleischman made a motion to adjourn. Ms. Fedele seconded the motion.
The motion passed 5-0-0.**

The meeting adjourned at 10:05 p.m.