

Regular Session Minutes – Selectmen’s Meeting
Selectmen’s Meeting Room, Town Hall
Monday, August 5, 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: Joseph Piantedosi, Depot Park Advisory Committee; Bill Deen 460 Old Billerica Road; David Shamlian 14 Hemlock Lane; Steve Mead 64 Springs Road; Ben Thomas, Finance Committee; Arthur Ellis, Historic Preservation Committee; James Shea 30 Independence Road; Don Corey 2 Page Road; Marietta Ellis 3 Burlington Road; Mimi Henning 10 Clark Road; Victor Garofalo, Finance Director Treasurer/Collector; Brett Leida 25 Woodland Road; Roy Sorenson, Director of Public Works; Adrienne St. John, Public Works; Donna Waghorne 1 Homestead Circle; John Premack 2 Stonegate Lane; Scott Venuti 2 Karen Drive; Richard Jones, Facilities Director; Ron Berti 3 Moore Circle; Kim Siebert and Mary McBride, Press Representatives

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

14-24 Depot Freight Shed Use
Proposed Lease for Restaurant

Town Manager Richard Reed informed the Selectmen that in April of 2013, his office was contacted by Mimi and Stephen Henning of 10 Clark Road in Bedford. The Hennings are interested in opening a restaurant in the Freight House located at Depot Park. Mr. Reed told the Selectmen that Code Enforcement Department and the Depot Park Advisory Board were aware of this request. The purpose in bringing this matter in front of the Selectmen was to decide whether this is a project the Town wants to pursue.

Ms. Henning explained to the Selectmen that her desire is to bring a warm, inviting, family-friendly eating establishment to Bedford. She commented on the many chain restaurants throughout the Town and noted that they lack the charm and sense of community that her restaurant would bring to the area. Ms. Henning went on to say that the location of the Freight House is ideal as it is at the end of the bike path and toward the other end of Bedford; away from the more heavily congested areas. Ms. Henning’s desire is to keep the feel and history of Depot Park and the Freight House and believes that her restaurant would help to showcase this part of the Town’s history.

A discussion ensued regarding the merits and limitations of using the Freight House for a restaurant. The general consensus was that this was indeed a wonderful idea and something that would add to the Town. However, it was determined that the Freight House should be preserved as a train museum to keep this part of Bedford’s history

intact and that the timing of such an undertaking is premature. The Selectmen thanked Ms. Henning for her time, hard work and enthusiasm and encouraged her to consider another location for her restaurant perhaps in the Depot itself once its renovations were nearer completion.

**14-25 Proposed Athletic Field Permit Maintenance Fees
Approval of Amendment to 2005 Field Permit Policy**

At a Selectmen Meeting in the spring, Selectman Rosenberg presented a proposed revision of the Field Permit Fees. This idea originated as the synthetic turf field was going through the planning process. Mr. Rosenberg stated that other towns in the area charge these fees. He went on to say that in the past, Bedford wouldn't have been justified due to the poor condition of their fields. However since the renovation and the installation of the synthetic turf, the Town is expected to have a first rate field and should be charging users accordingly.

Scott Venuti of 2 Karen Drive, a member of the Babe Ruth Baseball Committee had concerns about the new fee structure. He stated that the baseball community would not be benefiting from the new synthetic field. However that was not his main concern. Rather, Mr. Venuti informed the Selectmen that the condition of the baseball fields are sub-standard and visiting teams have tried to refuse to play on Bedford's baseball field because the grass is too high. He went on to say that the grass and weeds are growing up through the stands and fans are refusing to sit in the stands for fear of ticks. Mr. Venuti said that on more than one occasion, he or another member of the Committee, mowed the grass before games and removed trash from the fields as there is no trash service. Mr. Venuti thought that the grounds crew would be working to improve the baseball field conditions this past spring given their freed up time due to the synthetic turf being installed. This however was not the case. Mr. Venuti fears that the new fee structure will be cost prohibitive to some families in Town and that the field conditions do not warrant the increase.

Mr. Rosenberg said that he was disappointed to hear that this was an ongoing problem and agreed with Mr. Venuti that it needed to be addressed. He went on to say that this was not an insurmountable problem.

Ms. Fedele wanted to see a separation in discussions of field user fees and turf rental fees. Turf rental fees should be discussed and approved immediately, while field user fees discussion should be delayed until July, 2014.

Mr. Rosenberg agreed with Ms. Fedele that the fee schedule should be amended for field maintenance to begin in July of 2014 to give the Department of Public Works time to get the fields in better condition.

Mr. Rosenberg made a motion to approve the amended Field Permit Fees as follows:

**A. Youth or Adult Non-Profit Organization, 100% Bedford Residents
100% residents (Recreation Department, Babe Ruth, Bedford Lacrosse, etc.
100% Bedford, no exceptions, unpaid coaches)**

A: \$15 field maintenance fee per participant/sport season (effective July 1, 2014).

**B. Youth or Adult Non-Profit Organization, 50% Bedford Residents
At least 50% Bedford (non-profit, provide roster access to primary fields.)**

B: \$15/hr, \$60/day max.

**C. Youth or Adult Non-Profit Organization, less than 50% Bedford Residents
Less than 50% Bedford (non-profit, must have Bedford resident on the roster,
must provide roster. Restricted to 2 field reservations/season, no access to
primary fields.)**

C: \$25/hour/team (2 hour minimum), \$100/day max./team

**D. Youth or Adult For Profit Organization or Organization with Paid Staff
Camp or Clinic Programs (not Recreation or School sponsored): criteria –
must be open to Bedford residents. No access to primary fields.**

D: \$50/hr., \$30/day max.

E. Rental charges for Synthetic Turf Fields

E: At least 50 percent Bedford: \$75 per hour

Less than 50 percent Bedford: \$125 per hour

**Each user will be assessed a \$15 hourly lighting surcharge when
appropriate.**

Light Fees: Applicable to Page Field and E Field only. Rate: (as billed)

Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-26 MWRA Loan Agreement Approval
Water Main Improvements**

Finance Director Victor Garofalo asked the Selectmen to approve borrowing \$500,000 from the MWRA in the form of an interest free bond for a term of 10 years. These funds would be used for the Great Road Water Main Improvement project.

Ms. Fleischman made a motion that the sale of a the \$500,000 Water Bond of the Town dated August 19, 2013, to the Massachusetts Water Resources Authority (the “Authority”) is hereby approved and the Town Treasurer or other appropriate Town official is authorized to execute on behalf of the Town a Loan Agreement and a Financial Assistance Agreement with the Authority with respect to the

bond. The bond shall be payable without interest on August 15 of the years and in the principal amounts as follows:

| <u>Year</u> | <u>Installment</u> | <u>Year</u> | <u>Installment</u> |
|-------------|--------------------|-------------|--------------------|
| 2014 | \$50,000 | 2019 | \$50,000 |
| 2015 | \$50,000 | 2020 | \$50,000 |
| 2016 | \$50,000 | 2021 | \$50,000 |
| 2017 | \$50,000 | 2022 | \$50,000 |
| 2018 | \$50,000 | 2023 | \$50,000 |

Further that each member of the Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing vote. Mr. Siegenthaler seconded the motion.
The motion passed 5-0-0.

**14-27 Proposed Fire Ladder Truck Purchase
Useful Life Determination**

Mr. Garofalo presented the Selectmen with a vote to establish a useful life for a Fire Truck that the Town intends to purchase. Mr. Garofalo stated that the intention is to borrow for only 10 years, but under Massachusetts General Law, equipment can be borrowed for up to 20 years.

Ms. Fleischman made a motion that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$960,000 borrowing authorized by the vote of the Town passed April 1, 2013 (Article 20, Project 14-29) is hereby determined pursuant to G.L. c. 44, section 7(9) to be as follows:

| <u>Purpose</u> <u>Useful Life</u> | <u>Borrowing Amount</u> | <u>Maximum</u> |
|--------------------------------------|-------------------------|----------------|
| Fire Department Ladder Truck | \$960,000 | 20 Years |

Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-28 Extension of Financial Articles Appropriated Prior to
FY12 Approval**

Mr. Garofalo presented the Selectmen with a list of Capital Articles to be extended into Fiscal Year 2014 as they are beyond the two (2) year limitation as provided in Article 13.2 of the General Bylaws. Chair Moonan voiced his concern that there was a lack of information as to why these Articles needed to be extended. He noted that there was a

great sense of urgency by the various departments for these funds but then the funds are still unspent 2 years later.

Mr. Reed responded to this by stating that the outstanding funds total less than 10% of what was originally appropriated to the departments. Mr. Reed went on to say that over the past 10 years, the departments have worked diligently to reduce the amount that is carried over for longer than 2 years. Mr. Reed stated that this was an ongoing project and in the future they would provide more information as to why the Capital Articles needed to be extended into the following fiscal year.

Mr. Siegenthaler made a motion to approve the extension of Article 13, Section 2 totaling \$215,052.78. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-29 Contract Award
 Tennis Court Replacement at John Glenn Middle School
 Vermont Recreational
 Monroe, NH**

Adrienne St. John Public Works Engineer spoke to the Selectmen about a reconstruction project of the tennis courts at the Middle School. There were two scenarios to consider: one that included re-painting the tennis courts at Bedford High School and another that included re-painting of the existing basketball court and skateboard park at Town Center. The Town received a bid from Vermont Recreational. Ms. St. John visited their work at the Acton Middle School tennis courts and was impressed with their workmanship.

Mr. Siegenthaler made a motion to award the contract to Vermont Recreational in the amount of \$124, 697. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-30 Change Order Approval
 Electric Work at Sabourin Field
 Heimlich Landscaping & Construction Co.
 Woburn, MA**

Public Works Director Roy Sorenson asked the Selectmen to issue a Change Order to the current Sabourin Field Renovation Project. As this project is progressing, the Bedford Athletic Director made a request to install underground conduits from the existing electrical service. Mr. Sorenson and the Town's architect for the project, Gale Associates, reviewed this request and found it to be in line with current construction costs for this type of work. Mr. Sorenson went on to say that now is the time to make this installation as it would be more costly and difficult to do once the new turf is in place.

Ms. Fleischman noted that this was the second change order proposed and wanted to know how the project was progressing. Mr. Sorenson said that everything was on schedule and moving forward. He reiterated that this change is time sensitive and should be completed at this stage of construction.

Mr. Rosenberg made a motion to approve Change Order #2 for Sabourin Field Renovation Project in the amount of \$21,500. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-31 Contract Amendment
 Great Road/Springs Road/South Road Traffic Signal Design
 Vanesse Hagen Brustlin
 Watertown, MA**

Mr. Reed presented the Selectmen with a request to add preemptive signals at the Fire Station as an amendment to the signal design for the intersections of Great Road, South Road and Springs Road. This would enable the Fire Department to stop the flow of east and south bound traffic in order to get the equipment out of the fire station in a timely fashion. An additional \$57,000 of Chapter 90 funds from Mass DOT would be needed to complete this design work. Ms. St. John explained that once the Selectmen decide to approve this contract amendment, a cover letter and request for funding will be sent to Mass DOT. Once approval is received from them, the amended contract will be sent to Vanesse Hagen Brustlin.

Mr. Rosenberg made a motion to allocate \$57,000 of Chapter 90 funds to Vanesse Hagen Brustlin to augment the Traffic Signals project for Great Road, South Road and Springs Road. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-32 Amend Traffic Rule & Regulations
 Bedford High School Student and Faculty Parking**

Ms. St. John spoke to the Selectmen about the parking arrangements at the High School. Currently the students are parking at the back of the school. Because the back door locks, it is often propped open so that students who arrive throughout the day don't have to go around to the front of the building. This is a safety concern for students and faculty alike. The Assistant Principal is proposing to move student parking to the front of the building where they will enter the school from the front door, providing for better security. The faculty and staff would park in the lot behind the school. The plan would also add five additional visitor's stalls along the front of the building which would address their current shortage concerns. Ms. St. John went on to say that since these areas are in Schedule 1B of the Town's Traffic Rules and Regulations, the Selectmen need to amend them for enforcement.

Ms. Fleischman voiced her concern that by making this change, there would be an issue of safety for pedestrians. Currently there are no stop signs or crosswalks to

connect the library to the playground. Ms. Fleischman worried that by re-routing all of the student drivers to the front of the building it would increase the risk of an accident. She went on to say that if this change goes through, she would like to see greater attention to safety in this particular area. Ms. Fedele wanted to go on record as agreeing with Ms. Fleischman's concerns about the road that runs from the Library to the High School. She feels that it is an ongoing problem that needs to be addressed.

Ms. Fedele made a motion to repeal any and all Traffic Rules, Regulations and Orders previously approved by the Selectmen and adopt revised Traffic Rules and Regulations as attached hereto as amended this 5th day of August 2013. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

**14-33 Contract Award
 Emergency/Standby Generator Preventative Maintenance
 Weld Power Service Company, Inc.
 Auburn, MA**

Facilities Director Richard Jones asked the Selectmen to award a contract to Weld Power Service Company to do preventative maintenance on the Emergency/Standby Generator located at the Middle School. Mr. Jones stated that this would be an agreement between the School Committee and the Selectmen.

Mr. Rosenberg made a motion to award the contract to Weld Power Service Company Inc. in the amount of \$24,795 for the purpose of preventative maintenance of the Emergency/Standby Generator. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**14-34 Designer Selection Board Appointment
 Bedford Depot Building Exterior Renovations Design**

Mr. Reed informed the Selectmen that a Design Services Evaluation Committee needed to be formed to oversee the Depot Building Exterior Preservation Project. This Committee would be responsible for reviewing the Request for Qualification (RFQ) responses, rank a minimum of three finalists and provide a written explanation for their rankings. Mr. Reed suggested that Richard Jones, Director of Facilities, Ron Scaltreto, Operations Manager and Don Corey, Historical Preservation Commission be appointed to this Committee.

Ms. Fleischman made a motion to appoint Richard Jones, Facilities Director, Ron Scaltreto, Operations Manager and Don Corey, Historical Preservation Commission to serve as the Designer Services Evaluation Committee for the Depot Building Exterior Preservation Project. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

**14-35 Designer Selection Procedures
 Proposed Revisions**

Mr. Reed stated that the Town recently realized that the state updated their recommended Designer Selection Procedures. Mr. Jones proposed that the Selectmen approve a new set of Designer Selection procedures. The ones presently in place were done so in 1986.

Ms. Fleischman made a motion to adopt the Designer Selection Procedures as outlined in the model in the packet. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

**14-36 HOME Project Funding Agreement
 20 Railroad Avenue**

Mr. Reed presented a final funding agreement for consideration. At the June 3, 2013 meeting, the Selectmen had a public hearing regarding the HOME Funding Agreement and Affordable Housing Restriction for the property at 20 Railroad Avenue. Both documents are final and ready for the Selectmen's signature. Brenda Peacock from the Bedford Housing Authority already signed the documents.

Mr. Siegenthaler made a motion to approve the HOME Project Funding Agreement and the Affordable Housing Restriction for the property at 20 Railroad Avenue. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

**14-37 Proposed Cellular Telephone Antenna Special Permit
 274 North Road**

AT&T has been working with the Town to install a Telecommunications Tower at 274 North Road. Mr. Reed stated that on August 8th, the Zoning Board of Appeals would be meeting with AT&T to discuss this matter. AT&T stated that they might withdraw their petition without prejudice if there was resistance from the citizens of Bedford to build a telecommunications tower at this location. If they did withdraw, AT&T would work to find another location within the Town for the tower and not have to wait to reapply if they withdrew their application at the August 8th meeting. Mr. Reed acknowledged that it is against Federal Communications Regulations to deny access to telecommunications companies if there is a consumer need for cellular service.

John Premack of 2 Stonegate Lane addressed the Selectmen. He voiced his and his neighbors' concerns about the proposed location of the tower. He informed the Selectmen that they have retained the services of an attorney in this matter. Mr. Premack stated that he feels this tower would be a wonderful source of revenue of the Town but that another location should be considered. A few of his concerns with the 274 North Road location are: the close proximity to Job Lane House which is a historical landmark; the tower would act as a potential lightning rod and cause electric issues for

homes in the area; and there is a concern that livestock would be harmed or killed should a lightning strike occur as a result of the tower being so close to the pasture.

Mr. Siegenthaler made a motion to authorize the Town Manager Richard Reed to inform the Zoning Board of Appeals that they are not in favor of the current proposed location of 274 North Road for a Telecommunications Tower and recommended further contact with AT& T to discuss the willingness to find a municipal location for this tower. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**14-38 Minutes
Regular Session Minutes – July 22, 2013**

Ms. Fleischman made a motion to approve Regular Session Minutes of July 22, 2013 as amended. Mr. Siegenthaler seconded the motion.

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

14-39 Town Manager's Report

Mr. Reed suggested moving the Goal Setting Meeting from August 22nd to August 20th at 7:00 p.m. The Selectmen were in agreement with this change.

14-40 Open Discussion

Ms. Fedele informed the Selectmen that the Volunteer Coordinating Committee would be meeting on Thursday, August 8th.

Ms. Fleischman stated that there were currently 2 openings within the Transportation Advisory Committee and they were looking to appoint replacements as soon as possible. She said there was currently a very qualified person who is interested in joining the Committee and would like to see this appointment made as an agenda item in the near future.

Mr. Rosenberg inquired when the Economic Development Coordinator position would be available. He feels that someone in that position would be helpful assisting the Hennings or others with developing their business ideas. Mr. Reed said that the position would be posted in the next 2-3 weeks.

Mr. Siegenthaler asked what the Planning Board had in mind for the former Travel Lodge site. A resident had proposed that the Town acquire that area and perhaps make it a green space. Mr. Siegenthaler would like to make this an agenda item for discussion in the future.

Ms. Fleischman made a motion to adjourn the meeting. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

The meeting was adjourned at 10:20 p.m.