

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

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

ALSO PRESENT: Police Chief Robert Bongiorno, Alcoholic Beverage Control Commission (ABCC) Investigator Timothy Hooten; Attorney Pamela Brown, Bamboo Bar Manager Sunny Kwong and Restaurant Manager Zhong Huang; DoubleTree Manager Lynne Luongo; Council on Aging candidates Lenore Dichard and Alfred Colonero; Land Acquisition Committee members Walter St. Onge, William Speciale, and Tom Mulligan; Trails Committee member Michael Barbehenn; Conservation Commission Administrator Elizabeth Bagdonas; Bicycle Advisory Committee member Terry Gleason; Code Enforcement Director Christopher Laskey; Sign Bylaw Review Committee members Lisa Mustapich and Karen Kenny; James O’Neil, 21 Clark Road; Prince Street Café & Bakery owner Dana Strayton; HATS candidate Marguerite (Maggie) Debbie; B&R, LLC owners Robert and Richard Iovino; Facilities Director Richard Jones; James Shea, 30 Independence Road; Finance Committee member Ben Thomas; and Press Representatives Mary McBride and Meredith McCullough

Acting Chair Margot Fleischman called the meeting to order at 7:30 p.m. noting that Chair Moonan was at another meeting in the building and would be arriving shortly.

14-50 Alcohol Disciplinary Hearings – Destination Bedford Management Inc., dba Doubletree Hotel Boston-Bedford Glen (Doubletree) and Mandarin Bedford, Inc., dba Bamboo

Police Chief Robert Bongiorno, accompanied by Alcoholic Beverage Control Commission (ABCC) Investigator Timothy Hooten, summarized the yearly compliance checks held during July and August. He indicated that the two establishments that failed to ask an under aged operative for their license were Mandarin Bedford Inc., dba Bamboo, and Destination Bedford Management Inc., dba Doubletree Hotel-Boston-Bedford Glen. Further, the Boardroom Bistro has not had its compliance check. All others passed, including package stores.

Town Manager Richard Reed noted that the Alcohol Policy adopted in 2009 contains a section allowing the Selectmen and the Police Chief to issue penalties. Chief Bongiorno reported that he met with both restaurant managers; Bamboo agreed to a two-day suspension, to be held on two consecutive Wednesdays on dates to be determined and

Doubletree was issued a warning because this was their first offense. Bamboo had one previous violation for serving an already intoxicated patron in 2008.

Lynne Luongo, Manager at Doubletree, apologized and commented that she takes full responsibility for the incident at Doubletree and will be strict going forward. She reassured the Selectmen that she takes this seriously and will not let it occur again.

Bamboo's attorney, Pamela Brown, requested that the Selectmen reduce the sentence for Bamboo as this was their first time serving an under aged patron. Sunny Kwong apologized to the Selectmen for his behavior noting that he has been bar tendering for 20 years and this was his first offense. He indicated that it was very busy in the restaurant at the time which led to his neglect to ask for an ID. He asked for a second chance and promised to do a better job in the future.

The Selectmen discussed the Alcohol Policy's section on offenses and determined that although they could have issued a tougher penalty, they would not reduce Bamboo's two day suspension.

Mr. Rosenberg made a motion to approve the recommendations of the Chief of Police in response to the failed compliance check at Destination Bedford Management Inc., dba Doubletree Hotel Boston-Bedford Glen of a warning. Mr. Siegenthaler seconded the motion.

The motion passed 4-0-0.

Mr. Rosenberg made a motion to approve the recommendations of the Chief of Police in connection with a failed compliance check at Mandarin Bedford, Inc., dba Bamboo of a license suspension for two consecutive Wednesdays; said dates to be determined. Mr. Siegenthaler seconded the motion.

The motion passed 4-0-0.

14-51 Appointment Interviews – Council on Aging – Lenore Dichard and Alfred Colonero

Acting Chair Fleischman announced that Mr. Moonan is the Selectmen Liaison for the Council on Aging (COA), but he is at another meeting in the building. She added that generally, it the liaison's job to let the candidates know about the responsibilities and charge of the committee. She asked the candidates why they would like to be appointed.

Lenore Dichard cited her personal experience as having retired two years ago as an administrative assistant from the COA after 20 years. In that time, she worked for four different directors. She also worked for three years as an Assistant Town Clerk. As a volunteer at the COA, Ms. Dichard likes to arrange, organize and collect funds for different events. Ms. Dichard would like to see more social activities or programs at the COA for caregivers which would enable them to have some form of stress relief. As an example, she noted that while the caregiver is in a fitness class, the disabled could

watch a movie. She noted that she had been her husband's caregiver for 29 years after his stroke, but he enjoyed going to the COA. Ms. Dichard noted that October is Fire Prevention Month and stated that excess lint in dryer hoses is the number one cause of house fires. Because of this, she recommended starting a program to inform seniors of this fact and have volunteers go to their homes to clean out the lint out from their dryer hose. Ms. Dichard wants to remain connected with other seniors and stated she would do anything asked of her.

Alfred Colonero noted that he has been a resident for 40 years and his children went to the public schools. He was active with their recreational school activities. He volunteers at the Fix it Shop; has delivered bagels on Saturdays; made popcorn for events; and when the COA used to provide meals to the seniors, he would help with that. Mr. Colonero hoped the COA would reinstitute providing meals on a social level as not many people come there anymore other than for fitness workouts. He would like to start up a coffee day where a member could also bring a guest. He also would like to have some sort of entertainment.

Chair Fleischman explained the Open Meeting Law, Conflict of Interest Law and the Rules of Civil Discourse to both candidates. She also indicated that they would take the vote later in the evening. Roberta Ennis, Chair of the COA, commented that she would like the Selectmen to consider someone who would be a team player and someone who would work with the COA Director.

14-52 Land Acquisition Committee (LAC) – Proposed Pedestrian/Bicycle Easement Acquisition Program

Walter St. Onge, committee spokesman, provided a Power Point presentation outlining the committee's plan for the acquisition of public easements. In addition, he distributed a list of 44 possible trail connections the committee has identified along with their rankings.

The LAC hopes to contact property owners that may be willing to donate and/or grant an easement for the purpose of connecting a pathway as a right-of-way for pedestrians/cyclists as an alternative to using the main roads. Some pedestrians currently use these paths without a legal right to do so.

Chair Moonan arrived at this point (8 p.m.). Mr. St. Onge noted there will be some minor costs involved such as recording deeds at the Registry. The Town will also need to maintain these easements. Mr. St. Onge also noted that anyone who donates an easement is protected under Massachusetts General Laws against being sued if someone should become injured on the easement.

It was anticipated that a member of the LAC would be designated to speak with the homeowners about granting an easement and about receiving a tax benefit. Selectmen Liaison Caroline Fedele relayed that this has been a group effort among the three committees (Bicycle Advisory, Trails, and Land Acquisition Committees), noting that

they worked very well together. She hoped that the message that will be given to the landowners would be the same standard consistent message. Mr. Rosenberg stated that he was very impressed with the work the LAC has done and looks forward to enhanced trails as another Town resource. Discussion ensued on whether the committee planned to install small signs at these easements. Mr. St. Onge noted that it had not been discussed; however, these easements would be part of the Town's map.

Town Manager Reed will look at the current wording in the Town's Warrant for accepting easements to see if trails and pedestrian easements are included in the wording. If not, Mr. St. Onge recommended that the current article be amended at the upcoming Special Town Meeting. It was noted that if the easement is on conservation land, then Town Meeting approval is not required.

Mr. St. Onge announced that there are three vacancies on the Land Acquisition Committee if anyone in the audience was interested in joining and, if not, to please spread the word to their friends.

While the Selectmen waited for the 8:00 p.m. scheduled public hearing, they approved agenda items 14-57, 14-58 and 14-59.

14-57 Town Center Lease Agreement – Iskwelahang Pilipino

Mr. Reed stated that the Iskwelahang Pilipino has been a long-standing tenant at Town Center and they wish to continue their tenancy for three additional years at a moderate increase in rent. He indicated that if the rent is under \$25,000/yr. then it does not fall under the state's procurement laws. Mr. Reed asked for the Selectmen's approval.

Mr. Siegenthaler made a motion to approve the Fixed Rent Lease Agreement between the Town of Bedford and Iskwelahang Pilipino for the period September 1, 2013 through August 31, 2016 at the Town Center. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-58 Miscellaneous Action Items – Chapter 268A, Section 20(b) Requests - Venus Ho-Barber, Substitute Teacher to Library Page and Christopher Wesinger – SBP Operations Mgr. to Youth Center Staff

Ms. Fleischman made a motion to grant Chapter 268A, Section 20(b) exceptions to Venus Ho-Barber and Christopher Wesinger. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

14-59 Minutes – Regular Session August 19, 2013

Ms. Fleischman made a motion to approve the Regular Session Minutes of August 19, 2013, as amended. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

14-53 Public Hearing – Sign Bylaw Review Committee – Proposed Bylaw Amendments

Chair Moonan called the public hearing to order at 8:00 pm.

Mr. Rosenberg made a motion to open the public hearing. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Sign Bylaw Review Committee members Lisa Mustapich, Karen Kenney, and Christopher Laskey were present for this hearing, as well as, James O'Neil, interested citizen, and Dana Strayton, owner of Prince Street Café & Bakery.

Ms. Mustapich first announced that Ms. Strayton prepared a letter in favor of sandwich board signs that she distributed and will be incorporated into the minutes.

Ms. Mustapich conveyed that the committee would like to place six Sign Bylaw amendments on the Special Town Meeting Warrant. The committee plans to disband thereafter. She noted that most of the amendments are housekeeping errors they did not cover in the spring. In addition to the miscellaneous amendments, the committee is also proposing amendments to Article 39.2 Definitions - Reverse Channel Signs; 39.4 Section 2 - Residential Zone, Paragraph A - Wall Signs; 39.6 Special Considerations; 39.4, Section 2, Prohibited Signs; and Article 39.4, Section 5, Industrial Zones.

Ms. Mustapich noted they are still working on movable freestanding signs which include metal popsicles signs. She read through all the restrictions for that type of sign. Chair Moonan clarified that the Historic District Commission has oversight on signs within their district.

Mr. Siegenthaler commented that he saw an arrow sign on a pole pointing to the Prince Street Bakery & Café; however, Ms. Strayton said she was unaware of the arrow being there.

Jim O'Neill, 21 Clark Road, commented that Article 4 *Open Signs* are not required to say "Open" as relayed by Town Counsel. He wanted to discuss free standing sandwich board signs and the fact that they are supposed to be brought in by 8 p.m. and flags are supposed to come down when the business closes for the evening. He was concerned that because the Code Enforcement Officer does not live in Bedford, he would be unable to enforce the bylaws if he did not see the violations directly. There is also confusion among the businesses as to where they can place their sandwich board signs. Code Enforcement Director Christopher Laskey commented that he does not feel there will be any enforcement issues after hours. The Chamber of Commerce is trying to get feedback from the businesses involved and they also offered to police them after hours. Mr. Laskey responded that for a first violation, he will send a letter. If it

becomes persistent, he will issue a violation letter and a citation, and that will usually correct things.

Mr. O'Neill also commented that in 1997, Town Meeting voted to do away with internal illumination and reduced the allowed sign size to 65 and 20 sq. ft. It did not include changes in the industrial area for larger signs. In March 2013, Town Meeting approved an article allowing signs in the industrial zone to be 15 feet high and 100 sq. ft. He asked the Selectmen to refrain from putting this particular article on the Warrant, adding that Town Meeting members are a trusting group of people and without a reason not to do so, will generally vote for their recommendations.

For the record, Mr. O'Neill distributed photographs he took dated 9/1/13 of Margarita's Mexican Restaurant, in Lexington, Panera, and a motel showing the size of the signs and the illumination. He noted that Panera's sign was attractive and met the requirements; the others he felt were too big and bright.

The Chair opened the hearing to the public for other comments. Mr. Laskey commented that the Town allows these types of sign with Zoning Board of Appeals approval in the industrial zones. The width and height of a square footage of a sign includes the stand, frame, and structure. Mr. Siegenthaler stated that he favors internally illuminated signs because less light is cast. Mr. Reed noted that since the last Town Meeting, one 95 sq. ft. sign has been installed at MITRE, but it remains unlit at this point. Mr. O'Neill recommended reducing sign size and coloring because he felt there many things wrong with this Bylaw amendment. Chair Moonan suggested that the committee discuss Mr. O'Neill's concerns at their next meeting and thanked the committee for their presentation.

Mr. Siegenthaler moved to close the public hearing. Mr. Rosenberg seconded the motion.

The motion passed 5-0-0.

**14-54 Appointment Interviews – Hanscom Area Towns Committee (HATS) –
Maggie Debbie and Susan Grieb**

Ms. Grieb was expected to attend the interview process, but she did not attend.

Selectmen Liaison Michael Rosenberg explained the evolution and history of the HATS Committee. Mr. Rosenberg noted that it has become the forum for the four towns to discuss the common issues affecting their towns. These range from public projects and finances to agriculture and recreation. He feels it's the state's best example of regional cooperation and conversation. He finds the meetings are always interesting and challenging.

Chair Moonan asked Ms. Debbie why this particular committee interests her. Ms. Debbie cited her past 15 years of volunteerism for the Town and is looking for a different way to become involved. This committee interests Ms. Debbie because it has

planning, development, and economic benefits and impacts on the Town. She confirmed that she attended the last meeting of the committee.

Mr. Rosenberg asked her if she felt that her employment with Mass Development would create any conflict of interest with something that may be on the HATS agenda. Ms. Debbie answered that there are three divisions; she works on the real estate side and therefore does not believe so, but she would remain conscious of that fact. Ms. Fleischman asked Ms. Debbie for her impression after attending a HATS meeting, of the biggest issues, impacts or opportunities due to our close proximity to Hanscom. Ms. Debbie said she did not know enough at this point to answer that question.

Mr. Rosenberg noted that each town has four appointed representatives on the committee, a Selectmen, a member of the Planning Board, a member of the Conservation Commission, and one at-large member. Only the Selectmen are allowed to vote. The committee has asked all towns to make sure all 4 slots are filled.

Chair Moonan reminded Ms. Debbie that she would be still subject to the Open Meeting Law, Conflict of Interest Law, and Rules of Civil Discourse. Ms. Debbie said she was familiar with these and has taken the online course once before.

Ms. Fleischman made a motion to appoint Maggie Debbie to the Hanscom Area Towns Committee as an at-large representative to a term ending June 30, 2014. Ms. Fedele seconded the motion.

The motion passed 5-0-0

14-55 Class II License Request – B&R, LLC, 50 Concord Road

Richard and Robert lovino were present for the hearing. Town Manager Reed alerted the Selectmen to the fact that the applicants want to take over the used auto dealership at 50 Concord Road, previously run by Bedford Auto Sales. He added that the previous dealership had a restriction of only allowing three cars to be displayed at once. He recommended keeping that same restriction. When the lovino's were asked by the Chair if they were agreeable to the same restriction, they agreed to comply. They also commented that they will be utilizing the same staff.

The issue of having two tow trucks was discussed as it was not part of the application. Mr. Reed commented that a past Board of Appeals Decision regarding allowing a towing business on a non-conforming lot was denied and appealed 20 years ago. The former business was allowed two tow trucks and 15 cars; with the restriction of three cars being displayed. The lovino's commented that the tow trucks will be stored behind the building out of sight. Complaints from neighbors have not been received for 20 years.

Mr. Rosenberg made a motion to issue a Class II license to B&R, LLC, 50 Concord Road, with a restriction that only 3 cars be allowed on display at any given time. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

14-56 Designer Contract Approval – Bedford Depot Building Exterior Preservation and Accessibility Project – Spencer & Vogt Group, Boston, MA

Facilities Director Richard Jones announced that in June he received a grant from the Massachusetts Historical Commission to do historic preservation on the Depot Building. Prior to that, at the 2013 Annual Town Meeting, they voted to grant \$100,000 from FY14 Community Preservation Committee (CPC) funds for the exterior work to the Depot building. He will seek an additional \$75,000 from the CPC to allow for half of the exterior to be done as part of this project. Mr. Jones hired an architect from Spencer & Vogt Group (formerly known as Menders, Torrey & Spencer), noting that the Town has contracted with them several times and are pleased with their services. He recommended that the Selectmen approve the contract.

Mr. Jones said he has a limited time frame in which to provide the design documents and the deed restriction for submittal to the Massachusetts Historical Commission in time for Town Meeting in November. If Town Meeting approves the Deed Restriction, he can go out to bid and construction can commence in January. Town Counsel approved the contract as to form after several discussions regarding the indemnification language. Mr. Jones stated that this project will be funded through a \$60,000 grant and \$100,000 from the CPC. Mr. Reed noted that the vote should contain the wording that the contract is approved "subject to the Town Accountant's signature" which denotes that funding is available.

Ms. Fleischman made a motion to enter into a contract with Spencer and Vogt Group to provide Design Services for the Depot Building Exterior Preservation and Accessibility in the amount of \$12,500 contingent upon the signature of the Town Accountant on the contract. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

14-59 Minutes – Executive Session August 19, 2013 and Goal Setting August 20, 2013

Mr. Rosenberg made a motion to accept the Executive Session Minutes of August 19, 2013, as amended. Ms. Fleischman seconded the motion.

The motion passed 4-0-1, Ms. Fedele abstained.

Mr. Rosenberg made a motion to approve the Goal Setting Minutes of August 20, 2013. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

At this time, the Selectmen decided to take a vote on the Council on Aging appointment. Ms. Fedele stated that she would abstain from voting, as her mother, Roberta Ennis, is

the Chair of the Council on Aging. Mr. Moonan also planned to recuse himself as he missed the interview.

**Ms. Fleischman made a motion to appoint Lenore Dichard to the Council on Aging to a term ending June 30, 2014. Mr. Siegenthaler seconded the motion.
The motion passed 3-0-2, Ms. Fedele and Mr. Moonan abstained.**

14-60 Town Manager's Report

Town Manager Reed reviewed and explained each of the proposed town meeting warrant articles. He added that there may be an additional article for the extension of the street lighting contract. Mr. Reed plans to have the Selectmen vote, close and sign the Warrant on October 7th. In addition, he noted that Planning Board Director Glenn Garber asked the Moderator to reserve 15-20 minutes to present the Master Plan.

Mr. Reed referred to the letter from Housing Authority Chair Eugene Clerkin regarding the Coast Guard housing off Pine Hill Road. Mr. Rosenberg asked if there would be some sort of competition to get that property. The Selectmen decided to invite the Housing Authority members to an upcoming meeting to discuss what they would plan to do with the property if they were to obtain it before the Town contacts Congressman John Tierney. Mr. Rosenberg asked the Town Manager to contact the VA to determine if they have any interest in obtaining the property.

14-61 Open Discussion

Mr. Siegenthaler asked who would present the Depot proposal to the CPC. Ms. Fleischman noted that Richard Jones would be at their next meeting to present the request.

Mr. Rosenberg wished the Chair well with his knee replacement surgery.

Mr. Rosenberg asked the Town Manager if the Sabourin Field would be ready for its first football game on September 27th. Mr. Reed noted that September 27th is the target date, but it should be ready before then. The track will be done about 2 weeks later in early October. Mr. Rosenberg suggested that there should be a dedication ceremony at the field that involves members of the state government, CPC, and the former members of Open Space and Recreation Committee (ORASC) around 6:45 p.m. before the 7:00 P.M. kickoff.

**Ms. Fleischman moved to adjourn. Mr. Rosenberg seconded the motion.
The motion passed 5-0-0.**

The meeting adjourned at 9:50 p.m.