

**Regular Session Minutes – Selectmen’s Meeting
Selectman’s Meeting Room, Town Hall
Tuesday, February 19, 2013, 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: Jessica Porter, Assistant Town Manager; Victor Garofalo, Finance Director; Ben Thomas Stephen Carluccio, Finance Committee; James Shea, 30 Independence Road; Jeff Cohen and Lisa Mustapich, Sign Bylaw Committee; Dennis Regan, National Grid; Kim Siebert and Mary McBride, Press Representatives

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

**13-196 National Grid
Gas Main Location – Ashby Road**

Mr. Regan, a permit representative from National Grid, requested consent to install and maintain approximately 40 feet, more or less of 2 inch gas main in Ashby Road, Bedford from the existing 2 inch gas main at House #8 Easterly to the proposed 2 inch gas main in Ashby Place. Chair Cordes inquired if the Housing Authority wanted to install gas in properties associated with Ashby Place. Mr. Moonan said that The Housing Authority’s initial desire was for hot water but eventually heating. They would be starting with the Administration building only. Mr. Reed informed the Selectmen that this was not an issue open to a public hearing, since Ashby Place is private property owned by the Housing Authority. National Grid only needed approval for the property main on Ashby Road. Mr. Siegenthaler asked who would be paying for this expense. Mr. Regan said he was not sure but either National Grid or contractors would be installing the gas main and the Housing Authority would determine who would pay for the project.

Ms. Fleischman made a motion to grant National Grid’s petition to install and maintain approximately 40 feet of gas main in Ashby Road from the existing 2 inch gas main at House #8 Easterly to the proposed 2 inch gas main in Ashby Place. Mr. Siegenthaler seconded the motion.

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

**13-197 Declaration of Public Pedestrian Easement
McConnell Property, 97A North Road**

Mr. Reed presented the Selectmen with a Declaration of Public Pedestrian Easement from the owners of 97A North Road. Judith and Laurance McConnell, as Trustees of the McConnell Realty Trust wish to grant a public easement from North Road to Paul Revere Road. Mr. Reed stated that the Conservation Committee voted to accept approval of this proposal at their February 13th meeting. Chair Cordes went on to say

that the Planning Board and Land Acquisition Committee want to connect various loops and trails throughout the Town.

Mr. Moonan made a motion to accept approval of the public easement as described in the Declaration of Public Pedestrian Easement for 97A North Road, Bedford. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**13-198 Hartwell Farms Sewer Main Construction Performance Bond
Reduction of Bond Amount for Partial Completion**

At the January 22nd Selectmen's Meeting a Performance Bond was approved for the construction of a new sewer main in Hartwell Road to serve Instrumentation Laboratories and the Edge Sports Center. The original amount approved was \$76,325. Currently, 200 feet of the force main has been constructed which is valued at \$8,600. Pulte Homes is seeking occupancy permits for the remaining 25 residential units. A condition of the Development Agreement for Hartwell Farms requires that the Performance Bond be posted or the sewer main be completed before the last 25 occupancy permits are issued. Pulte Homes proposed to submit a performance bond at a reduced amount of \$67,725. This figure represents the value of the remaining sewer main construction to be completed. Mr. Rosenberg asked when the initial sewer work was completed. Mr. Reed stated it was in December before the initial \$76,325 bond was approved. He further stated that construction has been temporarily halted due to the inclement weather.

Mr. Rosenberg made a motion that the Performance Bond for sewer construction related to Hartwell Farms as previously approved by the Selectmen on January 22, 2013 in the amount of \$76,325 be reduced to the amount of \$67,725 reflecting the value of work completed as of February 15, 2013. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**13-199 2013 Annual Town Meeting
Article Recommendations and Warrant Approval**

Before reviewing the final Annual Town Meeting Warrant, Mr. Reed pointed out a few minor edits that needed to take place such as missing bold text, non-corresponding pages numbers and missing prepositions. Chair Cordes and Ms. Fleischman had some minor edits as well which Mr. Reed noted and will have corrected. Mr. Reed also noted that the Sign Bylaw Review Committee sent a few minor corrections on Friday afternoon. Mr. Reed informed the Selectmen that those edits had been included in the newest version of the Warrant.

Mr. Siegenthaler pointed out a section that needed to be omitted from Article 13 – General Bylaw Amendment – Sign Bylaw- Business Zones. Mr. Siegenthaler directed

the Selectmen to page 30 of the Warrant. He stated that the phrase “and for installing more than one freestanding sign,” was not a provision that the Sign Bylaw Review Committee wanted in the Warrant. Mr. Reed made note of the change and will edit the phrase.

Mr. Reed proposed that they remove one article from the Warrant that refers to the General Bylaw Amendment – Underground Utilities. Mr. Reed reminded the Selectmen that the Town of Bedford undertook a similar project approximately 15 years ago and upon discussion with NStar and the Director of Public Works it became clear that the laws had changed. Therefore, proper steps had been missed in bringing this article to the Warrant. Mr. Reed also pointed out that since Town Meeting was on April 1, 2013, the soonest this bylaw would become effective would be January 1, 2015. There is also a concern that the current surcharge of 2% would jump to 7% if NStar were to do this project. Mr. Rosenberg asked if a \$150,000 down payment was required to get this project started. Mr. Reed said that was still unclear as the person from NStar who handles these projects was on vacation. For all of these reasons, Mr. Reed suggested taking this article off of the Warrant. Chair Cordes and Mr. Moonan expressed their agreement with this decision.

The Selectmen decided what articles they would each present at Annual Town Meeting.

Recommendations:

Mr. Rosenberg made a motion to recommend approval of Article 6. Mr. Moonan seconded the motion.

The motion was passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 7. Mr. Moonan seconded the motion.

The motion was passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 8. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 9. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 10. Mr. Moonan seconded the motion.

The motion was passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 11. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Siegenthaler made a motion to recommend approval of Article 12. Mr. Moonan seconded the motion.

The motion was passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 13. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Moonan made a motion to recommend approval of Article 14. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Rosenberg made a motion to recommend approval of Article 15. Mr. Siegenthaler seconded the motion.

The motion was passed 5-0-0.

Mr. Cohen pointed out that the February 19th version of the sign bylaws differed from the February 15th version noting that the newer version did not capture the corrections and updates that Mr. Cohen e-mailed to Mr. Reed. Mr. Reed stated that there were server problems on the previous Friday and corrections that had been made per Mr. Cohen's suggestions did not get captured in the February 19th version. Chair Cordes said that all of the motions to accept approval of the sign bylaw amendments reflected the February 15th version. Mr. Reed said he would send out a corrected and completed version that reflected all of the changes.

Mr. Moonan made a motion to accept approval of Article 20 – Capital Projects. Ms. Fleischman seconded the motion. The motion was passed 5-0-0

Chair Cordes noted there were three changes to the Operating Budgets for Fiscal Year 14 made by the Finance Committee. There was an addition to the school budget, the Insurance and Benefits budget to cover additional personnel and an increase in the Selectmen's budget to hire one heavy equipment operator for the Public Works Department.

Mr. Moonan made a motion to approve Article 25 as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Rosenberg made a motion to approve Article 26 as recommended. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Moonan made a motion to approve Article 28 as recommended. Mr. Siegenthaler seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve Article 29 as recommended. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve Article 31 as recommended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve Article 32 as recommended. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

Mr. Siegenthaler made a motion to approve the Warrant, with the February 15th version of the Sign Bylaw amendments only, and the February 19th amendments for all other articles. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-200

Miscellaneous Action Items

Review of Committee Members with terms expiring 6/30/13

A discussion ensued about whether or not some of the committees could be absorbed into other committees. Mr. Siegenthaler named the Depot Park specifically. Chair Cordes noted that Land Acquisition and Community Preservation should be listed as well as she acts as the Selectman Liaison for these committees and she will be stepping down as Selectman at the end of March. Chair Cordes went on to ask if the Outdoor Recreation Area Study Committee would still be in existence after June as their project was winding down. Mr. Rosenberg concurred that it will not be necessary past June but there should be consideration to reinvent the committee for the purpose of field monitoring. He added that the committee did not need to be the same size or membership. He concluded that this was something to consider in the future.

Mr. Moonan raised the idea of looking elsewhere for Town Counsel services. Although he is comfortable with the service currently provided, Mr. Moonan feels that it would be in the Town of Bedford's best interest to compare other firms much like they do for Town Auditors. Chair Cordes said that she feels the Town Counsel provides excellent service and the town would find it difficult to find another firm to offer the range of services for the cost.

Ms. Fleischman stated that at the last Volunteer Coordinating Committee meeting, they wondered if the Wilson Mill Project Committee would still be in existence after the dedication. Mr. Rosenberg said he would look into that at the next meeting.

13-201 **Minutes**
Executive Session Minutes – February 11, 2013

Mr. Siegenthaler made a motion to approve the Executive Session minutes of February 11, 2013. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

13-202 **Town Manager's Report**

Mr. Reed inquired if the Selectmen would be meeting with the School Committee on March 12, 2013. Chair Cordes confirmed this meeting was set. Mr. Reed went on to say that he would ask the person who takes the minutes for the School Committee to take the minutes for what would also be the Selectmen's meeting that week.

Mr. Reed reminded the Selectmen that they received the 2012 Annual Report from Bedford Community Access Television. The report also contains their plans for 2013.

Finally, Mr. Reed noted that he would be on vacation the following week and that Assistant Town Manager Jessica Porter would be the Acting Town Manager.

13-203 **Open Discussion**

Ms. Fleischman informed the Board that she had been elected to the Board of Communities for Restorative Justice. She noted that this has been an on-going interest of hers.

Mr. Moonan wanted the press members present to note that the Selectmen now had e-mail addresses on the Town's website. He wanted the public to know that they could contact the Selectmen if necessary.

Mr. Rosenberg inquired about the recent fire on Carlisle Road. Mr. Reed said that while it was still under investigation, the fire did not appear to be suspicious in nature. He added that the Towns of Lexington and Concord also responded.

Mr. Reed responded to an inquiry Mr. Rosenberg made regarding the bids for the synthetic turf field projects. Mr. Reed stated that the bids were in and the lowest one allowed for funding two alternates. The first would allow for the expansion of the track to 8 lanes thus giving Bedford the opportunity to host a regional track meet. The second is the field event area located at the end of the football field. There is not enough funding to allow for the final two alternatives as some monies need to be held back for contingencies. Mr. Reed informed the Selectmen that Heimlich Landscaping of Woburn had the lowest bid. The awarding of this contract would most likely be an agenda item at the March 4th Selectmen's meeting.

Mr. Siegenthaler informed the Selectmen that earlier in the day he attended a meeting of the MBTA Advisory Board where he had the opportunity to see the new General Manager, Beverly Scott. During a question and answer session, the Advisory Board raised the issue that they no longer had authority over the budget. The budget used to

have to go through the Advisory Board for approval. Ms. Scott expressed her concern over a 175 community member board standing between her and the budget. She went on to say that the budget talks should be an ongoing exercise that should include the Advisory Board.

Chair Cordes stated that the appointment authority for Capital Expenditures met recently. They interviewed 3 candidates and appointed Brian Barkus to Capital Expenditures.

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

The motion passed 5-0-0.

The meeting ended at 8:50 p.m.

Minutes approved: March 4, 2013, as amended
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