

**Regular Session Minutes – Selectmen’s Meeting
Bedford Town Hall – Selectmen’s Meeting Room
Monday, November 16, 2015, 7:30 p.m.**

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

ALSO PRESENT: Finance Director Victor Garofalo; Public Works Director Roy Sorenson; Town Engineer Adrienne St. John; Facilities Director Taissir Alani; Finance Committee member Ben Thomas; Robert Kalantari; Frances Bigda Peyton; Brendan Welch; Amy Pearson; Aubrey Jaffer, Sarah Lance; Janet Powers; Carol Reynolds; Leslie Wittman; Paul Wittman; Dan Bostwilk; Christina Dudley-Merling; Naomi Dogan; S. Carlough Falkner-Carroll; Reni Bostwick; Nancy Caicedo; Marcie Bushnell; Debra Parkhurst Comcast Representative David Flewelling.

Chair Siegenthaler called to order at 7:30 PM.

**16-99 Public Hearing
 Grant of Location for Underground Conduit
 Comcast – 7+8 Oak Park Drive**

Ms. Fleischman moved to open the public hearing for a Grant of Location for Comcast at 7 Oak Park Drive. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

David Flewelling from Comcast presented the Selectmen with a request for location for the Comcast Conduit which will extend to private property. Mr. Moonan asked if the road was recently repaved. Mr. Flewelling clarified that the work will be done within a grass strip and driveways. He also expressed that he believed it had not been paved recently.

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

The motion passed 5-0-0.

Ms. Fleischman made a motion to approve the grant of location to Comcast of Massachusetts III, Inc. for the purpose of installing conduit on Oak Park Drive starting existing vault in the grass facing and extending excising 466 feet plus or minus in front of 7 Oak Drive subject to the street opening permit and payment of the fee. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-103 Common Victualler Application
El Colima Bedford LLC**

Mr. Rosenberg made a motion to approve the application for a Common Victualler license to El Colima Bedford LLC 54 Middlesex Turnpike. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**16-110 Miscellaneous Action Items
One Day Special Alcohol Licenses
Firebox BBQ f/b/o Charles River Wheelman – Old Town Hall –
December 4, 2015.
Committee Appointment – Patriotic Holiday Committee
Committee Appointment Term Update – Cultural Council**

Ms. Fleischman made the motion to grant a one day Special Alcohol License to Firebox BBQ f/b/o Charles River Wheelman on December 4, 2015 at the Old Town Hall. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**Ms. Fedele made a motion to appoint James Burton as the VFW member of the Patriotic Holiday Committee for term ending June 30, 2016. Mr. Rosenberg seconded the motion.
The motion passed 5-0-0.**

Mr. Reed explained that Mr. Lipson had already been appointed to the Cultural Council but that it is beneficial to have his term end in 2018. He had been appointed to a term ending in 2016. This change will balance the term ending schedule. Mr. Reed stated it was a request from the committee initially.

Ms. Fleischman made a motion to appoint Charles Lipson to the Cultural Council for a term ending June 30, 2018. Mr. Moonan Seconded the motion.

The motion passed 5-0-0.

**16-100 Public Hearing
FY16 Property Tax Allocation Among Classification**

Mr. Rosenberg made a Motion to open the FY16 Property Tax Allocation Public Hearing. Mr. Moonan seconded the motion.

The motion passed 5-0-0.

The hearing was opened at 7:40 PM.

Associate Assessor Alan Ferguson presented the Selectmen with the Fiscal Year 2016 Tax Classification. Mr. Ferguson highlighted several aspects of the classification. The presentation covered new growth, tax levy's and tax rates for 2016. Mr. Moonan asked if the growth of commercial property affected growth of residential property. Mr. Ferguson stated that the condition of the property factored into this. Mr. Cordes states that he is aware that there are a

number of vacant commercial properties in Bedford. He suggested to the economic development coordinator ways in which Bedford can attract new business.

Mr. Ferguson also discussed the new Tax rates for 2016.

Residential	\$15.28	4.5% increase from FY15
Open Space	\$11.47	4.7% increase from FY15
Commercial	\$33.50	4.3% increase from FY15
Industrial	\$33.50	4.3% increase from FY15
Personal Property	\$33.50	4.3% increase from FY15

Mr. Rosenberg asked about the Open space. Mr. Cordes stated that there are only 5 properties left in town that qualify for the Open Space Discount. The Board of Assessors have decided to reclassify the properties, eliminating the Open Space Discount for FY17. Mr. Cordes stated that the Selectmen could abolish the Open Space Discount and that this will open a discussion between the Assessors and the Selectmen.

Mr. Moonan asked how appraisals are made on commercial properties and how they are made on residential properties. Mr. Cordes highlighted that the DOR regulates procedures to ensure uniform mass appraisal that the Town follows. There was a discussion on the effects vacant properties had on the Town's tax rates.

Chair Siegenthaler asked if the public had any comments or questions. Robert Kalantari addressed the Selectmen. He voiced several concerns surrounding commercial property valuation. He cited properties he believed were not assessed correctly. Mark Siegenthaler offered that this was a result of the timing of assessments. Mr. Ferguson offered that these parcels are grouped together. Mr. Cordes also offered that the commercial properties are knocked down assessments through appeals process.

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

The motion passed 5-0-0.

Mr. Rosenberg made a motion on the matter of the Tax rate classification to establish a residential factor as to shift a portion of the residential tax burden from residential/open space property classes to the commercial/industrial/personal property classes by increasing the commercial share by a factor of 175%.

On the matter of an Open Space Discount – To grant an Open Space Discount of 25%.

On the Matter of Residential Exemption – Not to grant a Residential exemption, so as not to shift the tax burden within the residential class from residents to non-residents; or from certain low-valuation owner-occupied properties to high-valuation properties.

On the matter of a Small Commercial Exemption – Not to grant a Small Business Exemption; so as not to shift the tax burden within the Commercial/Industrial/Personal

Property classes from certain small commercial properties to other commercial and industrial properties.

Mr. Moonan seconded the motion.

The motion passed 5-0-0.

**16-101 Committee Appointment Interview
 Bicycle Advisory Committee**

Craig Jackson was interviewed as a candidate for the Bicycle Advisory Committee. Chair Siegenthaler explained the charge of the Bicycle Advisory Committee is to advise the Selectmen on ways to improve bicycle safety in the community and improve facilities for bicycle use in the Town. He asked the candidate to explain why he was interested in serving on the committee. Mr. Jackson said that he has been a cyclist in Bedford for 20 years. This had led to an interest in helping to improve bicycle safety measures. Mr. Rosenberg asked if Mr. Jackson was familiar with the idea of paving the reformatory bike-path path. Mr. Jackson replied that as a cyclist, paving would be easier to use, while it is understandable for runners to prefer unpaved surfaces. He states that it is a complex topic that should be considered.

Chair Siegenthaler highlighted the requirements of the Open Meeting Law, Conflict of Interest Law and the importance of Civil Discourse. He also mentioned that there will be leadership opportunities within the committee in the future.

Ms. Fleischman made a motion to appoint Craig Jackson to the Bicycle Advisory Committee for a term ending June 30, 2017. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-102 Resolution in Support of H2870 & 2871
 Repair of Natural Gas Leaks**

Ms. Fleischman presented an overview the aspects for this resolution. House bill 2870 seeks to protect consumers from paying for leaks by prohibiting providers from including the cost of unaccounted gas in the rate base. Bill 2871 requires that all gas leaks be repaired when a road is opened up for a significant repair. Ms. Fleischman commented on the support of these measures from Representative Ken Gordon and Senator Mike Barrett.

Mr. Moonan expressed concern that H2871 did not ensure that the leaks be repaired in a timely manner when roads are opened for construction, but that it was a good start.

Chair Siegenthaler expressed concern as the Selectman have not historically adopted resolutions and suggested that it be in the form of a letter of support from the Selectmen. This was agreed upon by the Selectmen.

Frances Bigda Peyton spoke on the magnitude of the problem and expressed her concern on how Gas leaks are affecting the environment.

Mr. Moonan made a motion for the Selectmen to write a letter in support of H2870 and H2871. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-104 Grant Agreement
Town of Bedford and Bedford Housing Authority
Life Management Program**

Mr. Reed presented an agreement between the Bedford Housing Authority (BHA) and the Town of Bedford to implement a life management skill building program for its residents. This agreement has been approved by the Housing Authority. The Community Preservation funds of \$85,000 will be transferred to the BHA through this grant agreement. Mr. Moonan recused himself from this issue as he is a member of the BHA.

Mr. Rosenberg made a motion to approve the agreement between the Town of Bedford and the Bedford Housing Authority in connection for the appropriation of \$85,000 from the Community Preservation Fund. Ms. Fleischman seconded the motion.

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

**16-105 Exercise of Depot Lease Option
Pino Colasante Hair Salon – Depot Unit #1**

Facilities Director Taissir Alani spoke to the Selectmen about extending the Depot Unit #1 lease to Mr. Colasante through 2016. Mr. Moonan observed that all other depot leases have been approved through 2016 and suggested that the Selectmen should begin discussing the future of the Depot. Mr. Reed suggested drafting competitive requests for proposals for the leasing of space in the building starting January 1, 2017. It was decided that this topic will be revisited in the future.

Ms. Fleischman made a motion for the Selectmen to exercise the option to renew the lease for Pino Colasante Hair Salon at Depot Park until December 31, 2016 for a rate of \$756.00 per month. Ms. Fedele seconded the motion.

The motion passed 5-0-0.

**16-106 Contract Award
Town Hall Elevator Rehabilitation
Motion Elevator Corporation – Dorchester, MA**

Mr. Alani presented the Selectmen with a bid from Motion Elevator Corporation for the Town Hall elevator contract in the amount of \$105,900. Mr. Moonan asked how old the elevator is and how often major elements will be replaced. Mr. Alani stated that an 80 future planning program is being created ensuring the elevator will be addressed in 40 years and that the control box will be replaced in 10 years. Mr. Reed offered that the elevator is part of the original building renovation that was done in 1988 so the elevator is 27 years old.

Mr. Rosenberg made a motion for the Selectmen to accept the bid for the Motion Elevator Corporation for \$89,000 plus \$16,000 for alternate 1 for the Town Hall Elevator rehabilitation project. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

**16-107 Town Hall MEP Project Change Order Approval
Interior Painting**

Mr. Alani stated that during the construction at Town Hall is an optimum time to repaint the affected rooms. The bid is from New England Builders & Contractors in the amount of \$35,000. Mr. Moonan asked if this was a fixed price. Mr. Alani replied that it was. Ms. Fleishman asked if one coat of paint is sufficient. Mr. Alani replied that any place that needed 2 coats of paint as already accounted for. Chair Siegenthaler asked why doors and frames were not included in this. Mr. Alani stated that that will be done by the town itself. Mr. Rosenberg asked for an update on the construction schedule. Mr. Alani stated that they are on schedule. Ms. Fedele asked if the heat will be sufficient. Mr. Reed confirmed that the heat is working and Mr. Alani added that Town Hall is being heated by the boiler.

Mr. Rosenberg made a motion for the Selectmen to approve the change order for the Town Hall MEP project for additional interior painting in the amount of \$35,000 to New England Builders & Contractor and authorize the Town Manager to sign on the Selectmen's behalf. Ms. Fleishman seconded the motion.

The motion passed 5-0-0.

16-108 Fields Policy Update

Mr. Reed presented the Selectmen with an updated policy for the Athletic Fields and Other Recreational Facilities. Changes to this policy included: animals not being permitted, organized non-school/non-recreation department use by permit only, and the addition of pickle ball to be added to the tennis court.

Mr. Moonan asked if the document should mention fees. Mr. Reed stated that there is a separate fee policy that the Selectmen have previously reviewed.

Mr. Moonan made a motion for the Selectmen to accept the use polices for Athletic fields and Other Recreational Facilities for the Town of Bedford dated November 2015. Ms. Fleishman seconded the motion.

The motion passed 5-0-0.

**16-109 Home Rule Petition for Additional On-Premise Alcohol Licenses
Acceptance of Proposed Legislative Amendments**

Mr. Reed explained to the Selectmen that the State Senate is preparing to approve the petition for additional On-Premise All Alcohol Licenses and sent back an updated version. He highlighted section C that states that "once issued, the licensing authority shall not approve the transfer of a licenses granted pursuant to this act to any other location but it may grant a license to a new

applicant at the same location ...". He also explained difference between these licenses and the existing one. There was discussion on the subject of location regulations within the new licenses.

Mr. Moonan made a motion that the Selectmen approve an amendment of the Bedford Annual Town Meeting's petition for an Act Authorizing the Town of Bedford to Grant Additional Alcoholic Beverage Licenses as Senate amended in House 3802. Ms. Fleishman seconded the motion.

The motion passed 5-0-0.

Mr. Moonan inquired if there had been any update concerning Café Luigi's as the Selectman had extended their alcohol license until December while the restaurant is closed for construction. He asked when the process should be concerning this issue. Chair Siegenthaler stated that it is up to the restaurant to renew the license at that time.

16-111 Minutes

Regular Session Minutes – November 2, 2015

Mr. Moonan made a motion to approve the Regular Session Minutes of November 2, 2015 as amended. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

16-112 Town Manager's Report

Mr. Reed mentioned that at the next Selectmen's meeting he will present the Selectmen with a proposed inter-municipal agreement with the Town of Lexington to share Bedford's Animal Control Officer. He has given the Selectmen a draft of the inter-municipal agreement and expressed that it is believed that both Towns would benefit from having this individual work full time and be available all the days of the week rather than each town have their own part time employee. The Animal Control Officer would still be a full time Bedford Employee with Lexington paying for 28 hours of the week plus the costs of benefits. This will be voted on by the Selectmen at a later date.

16-113 Open Discussion and Selectmen Liaison Reports

Ms. Fleishman reported that Fawn Lake Advisory Committee has analyzed the options from the consultants, and have selected wet dredging as the best solution. The committee will present to the Community Preservation Committee (CPC) in December to ask for funds for a design services for FY17 and have a place marker in the CPC Six-Year Plan of \$1,000,000 in 2019.

Mr. Rosenberg commented that Patriotic Holiday Committee Charge has proposed language changes on the topic of an advisory capacity for Memorial Park. He will also be presenting an anticipated payment of \$25,000 by Jet Aviation in connection with a citizen's appeal of a wetlands ruling at Hanscom Air Force Base by the Lincoln Conservation Commission.

Mr. Moonan reported on the Finance Committee meeting. Victor Garofalo provided the Committee with complete list of revolving funds for Committees in the town.

Chair Siegenthaler commented that he would appreciate more information when documents are uploaded to Dropbox for Selectmen's meetings. Ms. Fedele agreed that more information would be appreciated if something is uploaded that will not be provided as a paper version.

Mr. Moonan made a motion to adjourn to Executive Session for the purpose of discussion of strategy for potential litigation not to return to open session. Ms. Fleischman seconded the motion.

The motion passed 5-0-0.

The meeting adjourned at 10:23 PM.