

**Regular Session Minutes - Selectmen's Meeting**  
**Selectmen's Meeting Room, Town Hall**  
**Monday, January 14, 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:** Lee Stepacher and Ralph Hammond, SuAsCo River Stewardship Council; Andrew Kaye, Criterion Development, Assistant Town Manager Jessica Porter; Jean-Marc Slak and James O'Neil, Capital Expenditure Committee; Jeffrey Cohen, Lisa Mustapich and Karen Kenney, Sign Bylaw Review Committee; Joseph Piantedosi, John Peterson and James Shea, Depot Park Advisory Committee (DPAC); Donald Corey, past DPAC member; Fire Chief Dave Grunes and Fire Captain Mark Sullivan; Richard Jones, Facilities Director; Finance Director Victor Garofalo; Lauren Sheytanian, Finance Department; Press representatives Kim Siebert and Mary McBride

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

**13-149      Sudbury-Assabet-Concord Wild & Scenic Rivers Update**

Lee Stepacher, of the National Park Service, introduced herself and Ralph Hammond who work together on the SuAsCo Council. As a historical note, she pointed out that the Selectmen endorsed the designation of the Concord River as a Wild & Scenic River in 1996 and it was so designated by Congress in 1999. Eight towns along the Sudbury, Assabet and Concord Rivers, as well as state and federal agencies, the Sudbury Valley Trustees, the Organization for the Assabet Rivers (OARS), and the Watershed Community Council serve together to protect the rivers.

Ms. Stepacher highlighted the continued monitoring of the rivers' water quality. The goal of enhancing fishing and swimming opportunities are met by removing weeds and invasive species. The goals also keep in mind that Billerica uses Concord River water for drinking. Ms. Stepacher noted that the Cooperative Invasive Species Management Area (CISMA) has 36 members working together to educate each other about species coming into this river system.

Ms. Stepacher noted there is a small grant program for municipal governments and encouraged the Selectmen to apply for any river management project that Bedford may want to undertake. She noted that Great Meadows National Wildlife Refuge has a significant amount of land area along the river in Bedford.

Ms. Stepacher also mentioned that trail maps for areas along the river were recently created. She indicated that the 2013 River Fest will be on June 21<sup>st</sup>. The SuAsCo Council attempts to reach out to families with preschool aged children with a focus on natural resources.

Mr. Hammond commented that as Bedford's member of the Council, he is impressed with the knowledge, understanding and diversity of the members serving on the Council. Mr. Hammond noted that the Concord River is a terrific resource. He mentioned that the boat launch is a great resource. While boating on the river, Mr. Hammond reported spotting almost as many Blue Herons as he did kayakers.

Mr. Hammond noted that SuAsCo has partnered with the Rotary Club to create the maps. These online interactive maps will also explain the history of each specific area along the river. He thanked the Selectmen for appointing him to the Council, and mentioned that the Town is allowed to appoint an associate member. He hoped the Selectmen would appoint someone, preferably a person who lives near the river. Chair Cordes suggested to Mr. Hammond that she will contact Al Bragg to see if he would be interested in working with them.

Mr. Hammond proudly reported that Al Bragg, Andrew Cogan, and DPW employees Kristin Dowdy and Adrienne St. John received the prestigious River Steward Award presented by the League of Women Voters for coordination, support and awareness of the Concord River. He reported that Kristin Dowdy and Adrienne St. John received their awards for stormwater management.

### **13-150 Village at Taylor Pond – Approval of Amended Regulatory, Rent Reimbursement and Estoppel Agreements**

Town Manager Richard Reed pointed out that the Selectmen discussed these agreements at two prior meetings and they are now in final form. He added that since the last time the Selectmen discussed the rent reimbursement and escrow agreement, it has been updated to reflect reimbursement of rents through December 2012 rather than October 2012. Mr. Reed also noted that the Department of Housing and Community Development has reviewed and approved these documents.

Chair Cordes thanked Mr. Kaye of Criterion Development for working with the Town on this collaborative agreement.

Mr. Kaye pointed out that \$20,000 has been added to the escrow fund by changing the date of the agreement from October to December.

Assistant Town Manager Jessica Porter announced that three motions have been drafted for the Selectmen's convenience.

**Mr. Rosenberg made a motion to approve the Rent Reimbursement and Escrow Agreement with Criterion at Bedford, LLC for the Village at Taylor Pond**

**multifamily housing project located on Taylor Pond Lane at 59 Middlesex Turnpike in Bedford, said Agreement addressing the methodology for reimbursing over-charged rents to tenants who occupied affordable housing units at said project beginning in 2008 through December 2012; and further that the Town Manager is authorized to execute said Rent Reimbursement and Escrow Agreement on behalf of the Bedford Selectmen. Ms. Fleischman seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to approve the Amended and Restated Regulatory Agreement and Declaration of Restrictive Covenants for the affordable rental housing development known as Village at Taylor Pond, 59 Middlesex Turnpike in Bedford, formerly known as Criterion at Bedford which addresses in part the calculation of affordable rents and a change in the number of affordable units; and further that the Selectmen Chair be authorized to execute said Agreement on behalf of the Town of Bedford. Ms. Fleischman seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to approve the Form of Regulatory Agreement Estoppel related to the sale of the Village at Taylor Pond, 59 Middlesex Turnpike, Bedford, Massachusetts from Criterion at Bedford, LLC and to CPF Taylor Pond LLC and to authorize the Town Manager to execute said Form on behalf of the Bedford Selectmen after the Massachusetts Department of Housing and Community Development has approved and executed the Amended and Reinstated Regulatory Agreement and Declaration of Restrictive Covenants. Ms. Fleischman seconded the motion.**

**The motion passed 5-0-0.**

### **13-151 Proposed FY14 Capital Projects Plan – Capital Expenditure Committee Recommendations**

Capital Expenditure Committee Chair Jean-Marc Slak and Assistant Town Manager Jessica Porter discussed their experience working with the new Capital Asset Management Program and the manner in which the program prioritized the requests of the department heads. Mr. Slak explained that while it was a useful software program, it did show major discrepancies between the Capital Expenditure Committee's rankings of items vs. the software program's ranking. Ms. Porter recommended additional training of staff to use the program more efficiently and agreed with Mr. Slak that the program needs to be adjusted as it showed difficulty ranking requests. Mr. Reed assured the Selectmen that Ms. Porter reviewed all requests to make sure the rating system was being applied appropriately.

Mr. Slak reviewed in detail the requests listed on the spreadsheet provided to the Selectmen and clarified how each item was bundled and ranked.

Fire Chief Dave Grunes was questioned about the rusting/corrosion issues of the current ladder truck and was asked if he thought the new truck would suffer the same problems. Chief Grunes responded that electrical connection/couplings have been improved to prevent the migration of electrical charges and that the screws now have a coating of wax. Therefore, these previous issues have been addressed.

### **13-152 Sign Bylaw Review Committee – Presentation of Proposed Amendments**

Sign Bylaw Review Committee members Jeffrey Cohen, Lisa Mustapich and Karen Kenney were present to review the proposed amendments to the Sign Bylaw. As a long-standing member of the Zoning Board of Appeals, Mr. Cohen acted as the representative for the group. He submitted the existing bylaw and highlighted the proposed amendments, as well as the Committee's objectives. Topics discussed included political signs and free speech, internally illuminated signs, the allowed sizes of signs in different zoned areas, enforcement of sign violations. CapEx member James O'Neil identified issues in Articles 9 and 11 that he thought needed attention.

Chair Cordes asked Mr. Cohen to submit the committee's recommended wording to the Selectmen's office by Thursday so that the public hearing notice can be posted in a timely manner. She also suggested that the committee include all proposed amendments; then the Selectmen will consider which of those amendments should be included in the Annual Town Meeting Warrant after the public hearing.

### **13-153 Proposed Design of Bedford Depot Building Accessibility Improvements – Scope of Services Discussion**

Town Manager Reed recalled that at their January 7<sup>th</sup> meeting, the Selectmen had expressed some concerns about a proposal to utilize the Historic Preservation Properties Fund for architectural services related to potential Bedford Depot building improvements. The specific concern was whether or not it would be appropriate to utilize preservation funds for design of accessible bathrooms and recommendations for making improvements to access the second floor of the building when original plans called for the elimination of most of the second floor.

Mr. Reed explained that the intention was to restore the building to a single floor building as it had originally been when it functioned as a train station except for a small area on the second floor. The long-term plan has been to not have any remaining space on the second floor accessed by the public. Since the Town presently lacks funding to fully implement the original preservation plan, the Depot Park Advisory Committee (DPAC) would like to explore whether access to the current second floor could be improved. This improvement could be utilized until such time that the full restoration of the building can be funded in accordance with the original restoration plan. The goal of the DPAC is to enhance the ability of the Town to lease the second floor in the interim.

Mr. Corey commented that DPAC would like to apply for a Massachusetts Historical Commission (MHC) grant for the exterior restoration of the Depot in accordance with the original preservation plan. Included with the exterior restoration would be the development of a ramp from the ground to the front entrance, thereby making the first floor of the Depot Building accessible and enhancing the ability to rent the two existing units on the first floor of the building. MHC would require the Town to match the grant, dollar for dollar. In order to submit a grant application, the Town must complete the design work providing an estimate of the cost of improvements.

Mr. Piantedosi, DPAC Chair, would like the architect to review the types of second floor accessibility improvements for interim use of the building and the range of cost for them. He offered that a chair lift to the second floor would be less costly than an elevator. Making the first floor accessible and restoring the exterior of the building would be the main project objectives to be funded by the grant. He noted that the leases in the Depot expire within the next two years. If MHC approves the Town's grant application, the bid process would need to be completed before the end of the lease period so that the construction can proceed at the time the space is available. He noted that it is crucial to know if the ability to improve access to the second floor would be possible. The additional rent paid by tenants allowed to have a broader range of uses would help the Depot Park Revolving Fund. He pointed out that a year ago DPAC expressed their desire to operate the building as a 4-unit building which would maximize revenue and make the second floor accessible. Even if the original restoration plan proceeds, he states that use of the mezzanine area (remaining second floor area) is also being considered.

Chair Cordes questioned why there is this sudden interest in trying to make the second floor accessible. She also asked whether or not the Depot Park operations were resulting in expenses being fully offset by rental income. Mr. Piantedosi responded that currently direct expenses are being covered unless DPW maintenance services and snow removal expenses are charged. Mr. Piantedosi added it would be desirable to build a Revolving Fund balance for future capital improvements, but that is not possible at the current rental income levels.

It was Mr. Siegenthaler's opinion and preference to have the entire building restored at once rather than piecemeal. He was against spending money for designing better access to the current second floor in contradiction of the long-term plan. Mr. Corey recommended having an ongoing dialogue to discuss Mr. Siegenthaler's concerns. He added that given the present day appearance of the neighborhood, that a single entity occupying the building with the second floor removed is simply not attractive and marketable right now. Mr Corey indicated that the DPAC desires to make the Depot Park financially sustainable and not a burden to the Town budgets. He indicated with adaptive reuse and exterior restoration of the building, it may be possible to make partial progress in making the site financially sustainable. He referred to the Old Town Hall exterior/interior renovations as a successful example of how the Town had implemented partial improvements over a period of time, as opposed to all needed improvements being made in one large project. Mr. Corey said they want to achieve the

same thing at the Depot building by first restoring the exterior, and establishing a platform along the building's front integrating handicapped access. Mr. Corey stated that whether the Town is able to realize universal access to the second floor is a minor issue, but if it can be achieved at a modest cost now, he advised doing so. The architect would need to study the matter to address this question. If the nature of the neighborhood changes in the future and it is possible to lease the building as a restaurant. Mr Corey suggested that the second floor could be removed. He thought that the cost to remove the lift from the stairs would be incidental and he did not understand why this seems to be an obstacle for the Selectmen.

Mr. Peterson commented that it would be very costly to remove the second floor as was proposed in the original restoration plan. He suggested that maximizing the revenue of a two-level building with additional square footage would be more financially beneficial to the Town than to rent a one-story building. Mr. Peterson suggested that there are the objectives of full historic restoration and financial sustainability may conflict with each other, so he recommended that the Selectmen weigh the practicality of where they want to take this building into the future.

Discussion then ensued on whether Community Preservation funds could be used for a second floor renovation.

At their January 7<sup>th</sup> meeting, the Selectmen approved a request for \$6,500 for design funding for exterior restoration and accessibility improvements to the first floor only. Mr. Corey said that the primary focus of the of the architect's design services would continue to be on the exterior restoration and the extent of effort studying accessibility improvements for the project would be at the Selectmen's pleasure.

**Mr. Rosenberg made a motion that the provisions for the design services on the Depot building be amended to include consideration of the use of a lift for the second story access. There was no second.**

**13-154          Department of Public Works – Change Orders - Shawsheen Well #2  
Replacement; Old Reservoir Dam Ring Well Roof Replacement**

Town Manager Reed indicated that there are two change orders proposed for the Selectmen's approval this evening.

The first is with Barbato Construction Company for Shawsheen Well #2 since the project was completed slightly under budget. The change order is for a credit of \$1,011.

**Mr. Siegenthaler made a motion to approve the change order #1 for the Shawsheen Well #2 with Barbato Construction Company. Mr. Rosenberg seconded the motion.**

**The motion passed 5-0-0.**

Mr. Reed stated the second change order is for the Old Water Supply Dam project. He explained that the original intention was to preserve and restore the existing roof structure that goes over the top of the ring well. After investigation of the structural integrity of the existing ring well roof, the contractor determined that it is incapable of being restored; therefore this change order will allow replacement of the roof and replication to its original appearance. The change order is in the amount of \$27,152.82.

**Mr. Siegenthaler made a motion to authorize Change Order #1 for the Old Town Water Supply Dam Project related to the ring well roof replacement. Mr. Moonan seconded the motion.**

**The motion passed 5-0-0.**

**13-155      FY14 Operating Budget Preparations – Review of Finance Committee Guidelines for Selectmen Budgets**

Town Manager Reed distributed the Selectmen's Discretionary Budget spreadsheet. He indicated that a 1% increase in non-personnel expenses can be afforded within the guidelines after reviewing the Finance Committee's FY14 operating budget guidelines and projected FY14 personnel costs. The discretionary portion of the total FY14 operating budget for the combined Selectmen departments is expected to be \$15,448,484.

Mr. Reed stated that the operating budget projection assumed that the Compensation and Wage Schedule within the Salary Bylaw would be increased 2% for FY14. This adjustment is recommended based on comparing Bedford's FY13 schedule to other area municipalities. In addition, Bedford collective bargaining units settled at this time provide for a cumulative 2% wage increase in FY14. He added that there are still some collective bargaining agreements pending, also noting that he has allocated funds in the FY14 proposed budget that would be consistent with those agreements already reached. Mr. Reed noted that Selectmen operating budgets have historically been submitted to meet Finance Committee guidelines and that he expected this would be possible again this year. Mr. Reed noted that he would be providing more detailed operating budget information at the next meeting.

Mr. Reed asked if the Selectmen would like to receive the proposed FY14 Operating Budget electronically or in paper. It was the consensus of the board to receive the budget in electronic form.

**13-156      Miscellaneous Action Items – One Day Special Alcohol Licenses; Chapter 268A, Section 20(b) Exemption**

**Mr. Moonan made a motion to grant a One-Day Special Alcohol License to Boardroom Bistro for the evening of January 21, 2013 at Old Town Hall. Ms. Fleischman seconded the motion.**

**The motion passed 5-0-0.**

**Mr. Rosenberg made a motion to grant a 268A, Section 20(b) exemption for Nancy Anderson. Mr. Siegenthaler seconded the motion.**

**The motion passed 5-0-0.**

**13-157 Minutes**

**Mr. Moonan made a motion to approve the Minutes of Monday, December 17, 2012, as amended. Ms. Fleischman seconded the motion.**

**The motion passed 5-0-0.**

**13-158 Town Manager's Report**

Town Manger Reed introduced Lauren Sheytanian to the Selectmen noting that Lauren is an employee of the Finance Department and will join in the rotation with Colleen Doyle and Patricia Hurd for taking the minutes. The Selectmen warmly welcomed Ms. Sheytanian.

**13-159 Open Discussion**

Ms. Fleischman reported on the recent activities of the Volunteer Coordinating Committee (VCC). The current and previous VCC committees have found it difficult to recruit residents to serve on the Affordable Housing, Fair Housing, and Housing Partnership Committees. Therefore, the VCC researched the Town's Bylaws to determine what the purpose, responsibilities, and membership requirements were for each of the committees and proposed to the Housing Partnership that they formally merge the three committees and limit the membership to nine members, all under the name of the Housing Partnership. These three committees customarily meet together for many years. The members of the three present and separate housing committees endorsed the recommendations of the VCC members. By combining the committees, it would also solve a quorum issue that arises periodically. Ms. Fleischman noted that a public hearing would be required for this proposal as it entails amending the Town's General Bylaws. Town Counsel would review the proposed bylaw amendments. Chair Cordes asked for the proposal to be in the next Selectmen's meeting packet.

Mr. Moonan requested that the amendments to the Vehicle Assignment Policy be made as soon as possible because of the high probability of this matter being raised at Annual Town Meeting. Town Manager Reed confirmed that it will be completed during the month of January.

Mr. Rosenberg announced that the Wilson Mill Park Planning Committee plans to hold the dedication on Saturday, May 18, 2013 and that there will be a plaque in memory of former Selectman Gordon Feltman who was involved in the early stages of this project. The planned landscaping at the park will be implemented and mature over several years, but the Committee hopes that some of it will be complete by the dedication.

**Mr. Siegenthaler made a motion to adjourn. Mr. Moonan seconded the motion.  
The motion passed 5-0-0.**

The meeting ended at 10:30 p.m.