

**Regular Session Minutes—Select Board Meeting
Remote Participation Meeting
January 10, 2022**

PRESENT: Town Manager Sarah Stanton, Chair Margot Fleischman, Clerk Emily Mitchell, William Moonan, Bopha Malone, Edward Pierce.

ALSO PRESENT: David Castellarin, Finance Director; Michael Sprague, Department of Public Works; Shawn Hanegan; Jeff Cohen; Noreen O’Gara; Karen Dunn, Finance Committee; Dan Carroll; Rick Rosen, Council on Aging; Ben Thomas, Finance Committee.

Ms. Fleischman opened the meeting at 7:00 PM via remote participation conference call.

The Select Board members were asked to announce that they were present: Ms. Mitchell present; Ms. Fleischman present; Ms. Malone present; Mr. Moonan present; Mr. Pierce present.

22-01 Public Comment

There were no public comments

22-02 Change of Manager Applications

Paula M. Verrier - Post 221 - American Legion

Kebin Chen - Blue Fuji Bedford, Inc. d/b/a Blue Fuji

Susan Jimenez - Red Heat Tavern of Bedford, LLC d/b/a Red Heat Tavern

Ms. Mitchell moved that the Select Board approve the Change of Manager Applications for Paula Verrier for the American Legion, Susan Jimenez for Red Heat Tavern and Kebin Chen for Blue Fuji, and authorize the Town Manager to sign on behalf of the Select Board. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: Anthony Hunt Hamilton – American Legion redacted - including Memorandum from PD; Blue Fuji redacted - including PD Memorandum; Red Heat Tavern redacted - including PD Memorandum; Memorandum to the Select Board - Change of Manager for American Legion, Red Heat Tavern, Blue Fuji.

22-05 Consent Agenda – This agenda item was taken out of order.

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AP/Payroll Warrants

Mr. Moonan moved that the Select Board approve the Consent Agenda, and authorize the Town Manager to sign the AP and Expense Warrants. seconded. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: 12202021 Select Board Minutes DRAFT, AP GL Distrib Town ck date 12.23.21, AP GL Distrib Town ck date 12.23.21, AP GL Distribution School ck date 01.06.22, AP GL Distribution School ck date 12.30.21, AP GL Distribution Town ck date 01.06.22, AP GL Distribution Town ck date 12.30.21

22-06 Town Manager's Report – This agenda item was taken out of order.

Ms. Stanton said that budget meetings are underway. The Finance Director and Ms. Stanton are working with department heads to finalize budget recommendations. She also said that it is a tight year for budgets, as the cost of delivery of services has increased, as well as the cost of materials for the Facilities Department and the Department of Public Works. The budget will be presented at the January 24th Select Board Meeting.

Ms. Stanton provide a COVID-19 Update. She reported that there were 433 cases in Bedford in the month of December, up from 122 in November. Bedford's current 14-day positivity rate is 11.2%, with data being updated on Thursday of each week, lagging state numbers released today. The MAVEN (Massachusetts Virtual Epidemiological Network) system does not account for results from home rapid testing kits. Booster clinics are being held on Monday, January 10th and Thursday, January 13th. 77% of Bedford residents have been fully vaccinated; the statewide rate is 74%. In the 5- to 11-year-old age group, 62% are fully vaccinated. With regard to staff vaccination rates, a voluntary survey was sent to Town employees in September of 2021. The response rate was 287; of that, 129 reported they are vaccinated (45%). Four departments are fully vaccinated. Many did not respond to the survey. The Town is ordering thousands of rapid test kits in January. Priorities for distribution will be seniors, people living in low-income housing, childcare centers, public schools, and Town employees. Further information will be posted on the Town website and social media pages.

Materials: COVID Update PPT to the Select Board-January 10, 2022

22-03 Contract

Department of Public Works—Weston & Sampson—Amendment 1—
Engineering Services for Pump Station Design.

Ms. Stanton provided a brief overview of the Amendment submitted by the Department of Public Works for a Pump Station design on Evans Ave. The Parker Road Pump Station funds have been mostly spent, and that project is near completion. The Town has spent an additional \$89,000.00, leaving a balance of \$ 248,000.00, which is being used for the additional work for Davis II and Evans Ave. These funds were approved at the May 15, 2021, Annual Town Meeting.

Michael Sprague, Town Engineer, joined the meeting. Ms. Fleischman asked about energy efficiency of the pumps. Mr. Sprague said that at this

point there is not too much information on this topic, but he will talk to the consultant to see if he can get more information. Mr. Sprague said the Department of Public Works is looking at upgrading more pump stations in the future.

Mr. Moonan moved to approve the Contract Amendment 1 from Weston and Sampson Engineers, for engineering services for pump station design on Evans Ave for a sum of \$56,200.00. Mr. Pierce seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: Weston & Sampson Davis II Amendment #1

22-04 Final Vote – FY23 Capital Budget Presentation

Ms. Stanton stated that she would like the Select Board to vote on the Capital Budget plan this evening, as it will be sent to the Finance Committee on Thursday January 13th. Ms. Stanton stated that the Capital Expenditure Committee (CapEx) decided not to move forward with 3 projects in FY23: the MUNIS Software Conversion, the Town-Wide Municipal Space Needs Study and Modifications, and the Town Center Space Needs Assessment Study. CapEx held another meeting on Monday, January 3rd, at the suggestion of the Select Board to reconsider these projects. At that meeting, they agreed to combine the Town-Wide Municipal Space Needs Study (\$122,000) and the Town Center Space Needs Assessment Study (\$60,000) into one budget line item. CapEx did not vote to put MUNIS back into the capital budget.

Ms. Fleischman acknowledged that the Town's financial software does need to be replaced. Since the need for new software is not going to go away, she would like to revisit this sooner rather than later. She also stated that even though CapEx does not support funding the MUNIS software

conversion, the Select Board could decide to put it on the Warrant now or in the Fall.

Ms. Malone raised the issue of how some employees may be frustrated with the current system and how that may affect morale. Mr. Pierce said that CapEx was concerned about the process for requesting the MUNIS software purchase, which gave them pause on moving forward at this time. Mr. Pierce also stated that another concern for CapEx is running two separate software systems concurrently – our current KVS system and MUNIS until the conversion is complete, which could take approximately three years. This increases the overall cost. He also said that converting to the MUNIS platform should help with recruiting new employees that only have MUNIS experience. Ms. Mitchell said that she does not see the benefit of waiting given the potential risks that the Town could incur, and that the cost of a conversion is just going to keep increasing in future years.

Ms. Mitchell moved that the Select Board approve the Capital Expenditure Plan for FY23 as presented by the CapEx Committee in December with 2 amendments: The addition of the two space needs study as a single item and the inclusion of MUNIS software conversion. Ms. Malone seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: DPW GFOA Sheets, Facilities GFOA Pages, Fire GFOA Sheets, IT Finance GFOA Sheets, Response to Carter re Munis, Response to S. Steele Questions - CapEx Committee 10042021, School GFOA Sheets, Capital Funding FY23-FY28 09152021, Capital Funding FY23-FY28 CapEx Master Sheet Ranking 11172021, FY23 Capital Budget Memo, FY23 Capital Budget Memo, FY23 Capital Budget Overview for Select Board_mec.

22-07 Open Discussion and Liaison Reports

Discussion of Open Meeting Law complaint filed by Patrick Higgins and Associates on December 23, 2021.

Ms. Stanton stated that the Town received an Open Meeting Law violation filed by Patrick Higgins, an attorney from Alabama, regarding the December 6, 2021, agenda item 21-222: Select Board License Renewals. Open Meeting Law requires that every license being issued must be listed on the agenda as a separate line item. This would also apply to any Board or Committee member being appointed. The complaint also noted that the agenda did not state "Town of Bedford, Massachusetts." Town Counsel advised that that is not necessary, as the agenda is only posted on the Town website and outside Town Hall. Therefore, the Town is following the Open Meeting Law.

Ms. Malone moved to instruct the Town Manager's office to revise the December 6, 2021, agenda to include the names of 2022 town license applicants considered on that date. Ms. Malone moved to instruct the Town Counsel and Town Manager to respond to Mr. Higgins's Open Meeting Law Complaint to reflect the fact that the Board has voted to revise the agenda to include the missing applicant names and believes that not including "Town of Bedford" on the agenda is not a violation of OML. Ms. Mitchell seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Materials: Materials: OML Complaint - Patrick Higgins and Associates, OML Talking Points.

Mr. Moonan reported that he attended a Capital Expenditures Meeting (CapEx). Details from that meeting are noted above, under 22-04 Final Vote - FY23 Capital Budget Presentation. He also reported that the Historic

District Commission (HDC) has been approving elements of the renovation and additions to the Police Station in piecemeal fashion.

Ms. Mitchell reported that she also attended the CapEx meeting. The Community Media Committee met and voted to approve the PEG access budget for FY23.

Ms. Malone reported she attended the CapEx meeting.

Mr. Pierce reported his next scheduled meetings will be next week.

Ms. Fleischman reported that she also attended the CapEx meeting. She also attended the Community Preservation Committee meeting. They reviewed all the projects that were presented. CPC asked Ms. Fleischman to report back to the Select Board about finding a spot for four pickleball courts, preferably on the Town campus. The CPC is supportive of the concept, but did not feel they could move forward without a proposed location. Ms. Fleischman and Ms. Robin Steele of the Recreation Commission will bring up the topic at their respective boards. The CPC closed out four article balances for prior projects that have already happened, they are: Community Gardens, National Registry Project, the Jenks Trail Project, and a small balance left for a project for the Trails Committee. The CPC recommended a \$600,000 appropriation for the Municipal Affordable Housing Trust (MAHT) for future affordable housing projects. CPC also recommended funding the cost of the easements for the Minuteman Bike Path extension. They would like to have this go before Town Meeting.

Materials: OML Complaint - Patrick Higgins and Associates, OML Talking Points.

22-08 Executive Session for the purposes of discussing strategy related to the purchase, exchange, taking, lease or value of real property, or litigation.

Mr. Moonan moved to adjourn into Executive Session for the purposes of discussing strategy related to the purchase, exchange, taking, lease or value of real property, and collective bargaining or litigation and not to return to open session. Ms. Mitchell seconded.

The Select Board was polled individually: Ms. Fleischman aye; Ms. Mitchell aye; Ms. Malone aye; Mr. Moonan aye; Mr. Pierce aye. The motion passed 5-0-0.

Meeting adjourned at 8:20 p.m.

Approved as Record Copy

Respectfully submitted by Eileen Blanchette