

**Regular Session Minutes—Select Board Meeting**  
**Remote Participation Meeting**  
**February 14, 2022**

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

ALSO PRESENT: Stephanie Dubanowitz and George Hall, Anderson Kreiger; Bob Dutton, Bedford TV; Mark Siegenthaler; Meredith McCulloch; Mark Pearson; Christine Rabinowitz; Rick Rosen, Counsel on Aging Board; Amy Fidalgo, Town Manager’s Office; Renu Bostwick; Carolyn Frost; Karen Willson; Robert Dorer; Bedford TV; Rebecca Pomerantz; Eileen Blanchette, Town Manager’s Office; Ben Thomas, Finance Committee; David Grunes, Bedford Fire Chief; Corinne Doud; Nancy McKinney.

---

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. Malone present; Ms. Mitchell present; Mr. Moonan present; Mr. Pierce present; Ms. Fleischman present**

**22-42 Public Comment**

There were no public comments offered.

**22-43 Determination of Uniqueness for 139 The Great Road – Real Property**

Ms. Dubanowitz explained that under Section 30 of the Purchase and Sale agreement, the purchase and sale is conditional upon various municipal approvals, including completion of this notice of unique real property. This is allowed under Chapter 30B, section 16E—when a municipality acquires property in excess of \$35,000 of value, it can determine that advertising under 30B is not in the best interest of the Town and will not benefit the Town’s interest due to the unique qualities or location of the property. If the Select Board votes for this motion, Town Counsel will publish this notice along with other terms in the Central Register for publication for 30 days. After that period, the Town has satisfied its obligation under 30B and the terms of the Purchase and Sales Agreement. Mr. Hall added that this relates to the power of the Town to opt out of a request for proposals. Ms. Malone asked if the attorneys have seen this process taken in other municipalities. Ms. Dubanowitz and Mr. Hall replied that this occurs almost always, in approximately 90% of cases.

**Ms. Mitchell moved to determine that advertising under General Laws Chapter 30B for the Town's acquisition of the Property will not benefit the governmental body's interest due to the unique qualities of the Property, including the uniquely situated location of the Property. Specifically, the Property (i) consists of a single parcel of land of approximately 60,000+ square feet that has a structure which is not occupied for residential purposes, (ii) provides dispersal through the main roads of Route 62 East and West, Route 4 East and West and Route 225 East and West, which minimizes impact to the neighborhoods and allows for a safer travel for emergency apparatus, and (iii) does not extend the response time more than 1 minute from baseline to any section of populated town. As such, the Property meets the lot size and emergency response time requirements for the location of a fire station. Ms. Malone seconded.**

**The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 4-0-0. Mr. Moonan recused himself from this agenda item.**

*Materials: Record of Vote of the Bedford Select Board*

### **22-44 2022 Annual Town Meeting**

Town Manager Stanton discussed the latest draft of the Town Meeting Warrant, including a change to the debate rules, an appropriation into the stabilization fund of \$500,000, and an appropriation of just over \$1.2 million to the Other Post-Employment Benefits fund. The two latter items were not contributed to in the past two years. Small editorial changes will be made as they are identified. Ms. Stanton noted that the Select Board can make changes to the warrant and their article recommendations through its next meeting on February 22. Recommendations from Capital Expenditure Committee and Finance Committee will be included.

Mr. Moonan urged loosened time limits in the debate rules. He pointed out that most other pandemic restrictions, including masks, may not be in place. He urged a discussion on the topic. He also discussed adding to the rules that new articles would not be introduced after 10:45 p.m. or 10:30 p.m.

Ms. Fleischman recommended flexibility in the debate rules. She stated that she favors the inclusion of a 10:45 limit of introducing a new amendment. For speaker time limits, she suggested being more generous with time than the last couple of expedited town meetings, but not as lengthy as pre-COVID-19. Mr. Moonan requested there to be live presentations. He stated that he would like time limit of 10 minutes for article and amendment presentations. Ms. Mitchell noted that she does not feel that conditions

allow for full return to normal. She hopes a middle ground can be found. Ms. Fleischman reminded the group that the rules can always be waived by a vote of the attendees. She recommended presentations to be limited to five minutes, and noted that presenters can ask for additional time. Ms. Mitchell proposed three minutes for commenters, which would be consistent with public comment, and noted that people can speak twice on an article. Ms. Malone asked for and received confirmation that rules can be waived by a majority vote. Ms. Fleischman urged that guidance be sought from the Town Moderators Association.

The Select Board began consideration of articles for their recommendations.

**Mr. Pierce moved to recommend approval of Article 3, the consent article. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Pierce moved to give a recommendation at Town Meeting for Article 4. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Pierce moved to recommend approval of Article 5, Revolving Funds Expenditure Limits. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Moonan recommended approval of Article 6, Community Preservation Budget. Mr. Pierce seconded.**

Mr. Pierce asked about if the phrase “in fee” in the description is correct. Ms. Stanton stated it was correct, and Ms. Fleischman suggested adding clarifying language about that phrase in the article’s description.

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

**Mr. Moonan recommended approval of Article 7, Proposed FY23 Capital Projects Plan. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Ms. Mitchell moved to recommend approval of Article 8, Land Acquisition for Fire Station – 139 The Great Road. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 4-0-0. Mr. Moonan recused himself from this topic.**

**Ms. Mitchell moved to recommend approval of Article 9, Design and Project Management for the Fire Station. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 4-0-0. Mr. Moonan recused himself from this topic.**

**Mr. Moonan moved to recommend approval of Article 10, Bond Authorization for Inflow and Infiltration. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Pierce moved to recommend approval of Article 11, Minuteman Bikeway Extension. Mr. Moonan seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Ms. Mitchell moved to recommend approval of Article 13, the PEG Access budget. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

Ms. Stanton noted that there are not currently items anticipated for Article 14, so she advised to give a recommendation at town meeting.

**Mr. Pierce moved that the Select Board give its recommendation for Article 14, supplemental budget, at Town Meeting. Mr. Moonan seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

Ms. Stanton noted that the Energy and Sustainability Manager has been added to Grade 12 in the classification and wage schedule. Ms. Mitchell noted that a line of Springs Brook Park staff did not get included at the intended wage level that is consistent with minimum wage. Ms. Stanton said that she would make that change, and that the Select Board can wait until its next meeting to make a recommendation on article 15.

**Mr. Moonan moved to recommend approval of Article 16, Salary Administration Plan Bylaw. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

Select Board members noted that the Select Board's section of the operating budget, Article 17, was voted affirmatively the previous week.

**Mr. Moonan moved to recommended approval of Article 18, Ambulance Enterprise Budget. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Ms. Mitchell moved to recommend approval of Article 19, Salary Plan Additional Funding. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Moonan moved that the Select Board give its recommendation on Article 20, collective bargaining, at Town Meeting. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

For article 21, the Town Manager noted that several retirements occurred this fiscal year, leading to a sum of approximately \$400,000 in accrued leave payments.

**Mr. Moonan moved to recommend approval for Article 21, Supplemental Accrued Leave Fund. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

Regarding Article 22, the Stabilization Fund, Mr. Pierce asked about the remaining funds in the Finance Committee Reserve Fund. Ms. Stanton advised that all of the funds are remaining, some from tax levy and some from stabilization. She advised that the current staff recommendation is for \$500,000 to be deposited to stabilization. The Finance Committee is recommending \$250,000 for stabilization and \$250,000 for OPEB. Mr. Pierce wondered if the Town can move funds back to stabilization from the Finance Committee Reserve Fund, as there will likely be significant money left over. Ms. Stanton stated that she would look into whether that is allowable during the current fiscal year. Ms. Fleischman sought and received confirmation that if money is left over in a reserve

fund, there is a delay until DOR certifies free cash several months later. The current warrant language is currently written for an FY23 transfer, and Mr. Pierce noted that as currently proposed, there would be a third straight year of no contribution to the Stabilization Fund and that he would like to consider contributing in FY22 and FY23 if that is legally allowable. Ms. Stanton stated that rating agencies will become less favorable to pauses in stabilization fund contributions as we come out of the height of the pandemic. Ms. Stanton also reminded the Select Board that it is the Finance Committee reserve, so the Select Board would definitely need feedback from Finance Committee. Mr. Pierce noted that Finance Committee sought feedback from the Select Board on this potential action. The Select Board discussed how it should signal interest in pursuing this potential action.

**Mr. Pierce moved that the Select Board ask the Finance Committee to consider moving up to \$1,000,000 into Stabilization from its reserve fund in FY22 if it is determined to be legal to do so. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Pierce moved to recommend approval of Article 22, Stabilization Fund. Ms. Mitchell seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

For article 23, Ms. Stanton shared that Finance Committee has been discussing the figure of \$250,000. This is short of the proposed contribution in 2020, and well short of the Town's financial policies. She noted that the Town receives interest from this fund, and contributions are looked upon favorably by ratings agencies. She also noted that the Town's OPEB policies will be reevaluated this fall. Ms. Fleischman mentioned that the Town's OPEB liability has grown and shrunk. She asked Ms. Stanton when the next actuarial study will happen, and Ms. Stanton stated it will be next year. Ms. Stanton confirmed that Bedford was one of the first communities to contribute funding to offset OPEB liability, and many more communities are doing so now, especially those with strong credit ratings. Mr. Pierce advocated going higher than \$250,000. Ms. Mitchell asked for and received clarity on the current balances of several funds.

**Ms. Mitchell moved to recommend approval of Article 23. Mr. Pierce seconded.**

Mr. Moonan asked about the tax impact of this article. Ms. Stanton said that it depends on where it is funded out of. For instance, if it is from free cash as has been past practice, there is no tax impact. Mr. Moonan urged the committee to revisit this topic

next week. Ms. Stanton mentioned that Finance Committee is looking for guidance from the Select Board. Ms. Fleischman reminded Select Board members that in 2020 the plan was to go with \$969,000, and she urges the board to go back to \$969,000 as a minimum for FY23.

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

Ms. Stanton reported that the Town was waiting on information from the state regarding Article 24.

Regarding Article 25, Ms. Mitchell suggested that, depending on plans in development by the 300th anniversary committee, the Select Board could consider going above \$10,000 next year. Ms. Stanton said she would report back on the balance of the fund.

Article 26, Free Cash, is a recommendation to be given at town meeting.

**Mr. Moonan moved that the Select Board give its recommendation on Article 26, Free Cash, at Town Meeting. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

*Materials: Bedford ATM Warrant 2022 – 2.10.22*

### **22-45 Consent Agenda**

Mr. Moonan provided an edit to move listed materials to the bottom of an agenda item and to delete a repeated sentence. Ms. Malone pointed out a spelling correction.

**Mr. Moonan moved to accept the regular session minutes of February 7, 2022 as amended. Mr. Pierce seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

**Mr. Pierce moved to accept the two AP/Payroll warrants as listed in the Consent Agenda and authorize the Town Manager to sign on the Select Board's behalf. Mr. Moonan seconded. The Select Board was polled individually. Ms. Malone aye; Ms. Mitchell aye; Mr. Moonan aye; Mr. Pierce aye; Ms. Fleischman aye. The motion passed 5-0-0.**

*Materials: 02072022 Select Board Minutes – Draft; AP GL Distribution School ck date 02.10.22 DC Signed; AP GL Distribution Town ck date 02.10.22 DC Signed*

## **22-46 Open Discussion and Liaison Reports**

Mr. Pierce reported on the Planning Board meeting where members held a discussion with the developer of a potential development off of Carlisle Road of approximately 110 units. It may be pursued as a “LIP,” which would require Select Board approval. The Planning Board also discussed that Select Board would be receiving a presentation on the MBTA multi-family housing guidelines this spring. Mr. Pierce noted that the Conservation Commission discussed the re-paving of the Middlesex Community College parking lot adjacent to the VA, and the latest design was better received than the initial proposal.

Ms. Mitchell reported that Library Trustees discussed bringing additional adult programming back in person. She also participated in the fire station abutters meeting.

Mr. Moonan attended the cultural district meeting, where plans to do a ribbon cutting event on the Common were discussed. The Chamber of Commerce will be involved in putting the event together. The Depot Park Advisory Committee met, with the main topic of discussion the fact that the four tenants all have coterminous leases, and discussions are beginning regarding potential renewals of leases for approximately 2–3 years. Mr. Moonan urged the Select Board to keep the leases coterminous for ease of future planning.

Ms. Malone will attend Recreation Commission on Thursday, and she attended Finance Committee the previous week.

Ms. Fleischman had no meetings to report on, but noted that the Board of Health was meeting at the same time as the Select Board, and she heard that they voted to end the mask mandate at the end of February.

**Mr. Moonan moved to enter into Executive Session for the purpose to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel, not to return to regular session. Ms. Malone seconded.**

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



**Regular session adjourned at 8:27pm**  
**Respectfully submitted by Charlie Ticotsky**