

Bedford Select Board
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
October 25, 2021

Members Present: Margot Fleischman, Bopha Malone, Emily Mitchell, Bill Moonan, Ed Pierce

Also Present: Town Manager Sarah Stanton; Town Counsel George Hall (left at 9:08pm); Fire Chief David Grunes (arrived at 9:22pm)

At 8:53pm, the Select Board entered Executive Session for the purposes listed above.

MITRE PILOT Negotiations

Ms. Stanton and Attorney Hall provided an update on the status of negotiations for a new PILOT agreement with MITRE.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Bedford Police Supervisors Association Agreement

Ms. Stanton provided an update on the outstanding contract negotiations with the Bedford Police Supervisors Association. The Town and the union have tentatively shaken hands on a new agreement, which will be voted on by the union membership later this week. The new agreement will be under budget, so no additional appropriation at Special Town Meeting will be necessary, though the Select Board will need to approve a transfer of funds.

The new agreement makes adjustments to the residency requirement, personal leave policy, supplemental salary payments, night differentials, and special assignments, and accepts the state language on police reform.

Mr. Pierce asked about the timeline for finalizing the contract. Ms. Stanton said she expected to hear back from the union tomorrow; she did not want to post a meeting unless and until she has the contract in hand.

Fire Station Land Acquisition

Chief Grunes joined the meeting at 9:22 pm.

Ms. Stanton reported on a breakfast meeting with herself, Special Assistant to the Town Manager Charlie Ticotsky, Facilities Director Taissir Alani, and Elie Jammal, the building owner of 175 Great Road. While Mr.

Jammal had indicated that he was open to a normal building sale rather than a taking by eminent domain, he wrote after the meeting that his asking price would be \$7.5 million.

Ms. Stanton does not feel we can successfully negotiate with Mr. Jammal. The owner of the land is willing to sell, probably for \$1.5 to \$2 million, but if Mr. Jammal is insistent on \$7.5 million (which was the amount advertised for 2020 Annual Town Meeting, and included \$1.5 million in expected legal fees for eminent domain), she and the chief do not feel we would be successful with that appropriation at Town Meeting.

Ms. Stanton feels we have two options:

1. Pursue eminent domain for 175 Great Road, with the understanding that success is uncertain; or
2. Pivot to pursue the Stewart Radiance Laboratory site at 139 Great Road, owned by the University of Utah. This is the only remaining parcel on Great Road within the perimeter that maintains our current response times that is possible with eminent domain.

Mr. Moonan noted that, should the Select Board determine to move forward with 139 Great Road, he would need to recuse himself from the vote, as he is a direct abutter.

Ms. Stanton noted that time is of the essence if we aim to get an article on the warrant for 2022 Annual Town Meeting. She stated that the firefighters are very unhappy with current conditions.

Ms. Mitchell stated that she felt 175 Great Road was a superior location, given the flatness of the terrain and the fact that it already has a signal. The slope of the exit at 139 Great Road does create some concern, but if the acquisition process is easier and/or cheaper, that's a compelling case.

Ms. Fleischman noted the complexity of the nearby unsignaled intersection with Bacon and Hillside, including a bike/pedestrian crossing with a rapid flashing beacon. She wondered if we would need to acquire the dentist office on the corner as well, to mitigate the geometric challenges of the intersection.

Mr. Moonan noted that choosing 139 Great Road would require demolishing a building in the Historic District. He asked Ms. Stanton what the timeframe would be for eminent domain, and if that was the chief concern.

Ms. Stanton replied that the main issue is cost: eminent domain generally requires \$1.5 to \$2 million in legal costs. Eminent domain proceedings could take a year or so.

She noted that TD Bank, one of the three tenants at 175 Great Road, has expressed a need to retain its drive-through and safe deposit boxes. She said Planning Director Fields felt that allowing a drive-through in a new location was unlikely to be a problem, since the total number of drive-throughs in Town would not be increasing.

Ms. Stanton stated that Mr. Jammal had expressed interest in a land swap with the existing fire station, and asked whether the Select Board wanted that option on the table. Chief Grunes noted that such a land swap could counter resident concerns that acquiring 175 Great Road would be taking a commercial building off the tax rolls.

Ms. Mitchell expressed hesitation in offering the current fire station as a bargaining chip, given our current conversations about available municipal space for departments, committees, and community organizations. She also noted that the prospect of another bank in the current fire station space, next to the Town Common and in the heart of Bedford Center, might be a hard sell to residents.

Ms. Fleischman noted that the inclusion of the current fire station in negotiations is still no guarantee of a deal. Mr. Pierce stated that he is not in favor of a land swap, but including the current building could be a useful negotiating stance.

Mr. Moonan asked: if the Town could find another building at a cheaper price to offer TD Bank, could we do a direct swap? Ms. Stanton advised that, if we pursued eminent domain, we would be responsible for finding a comparable space for TD Bank.

Ms. Stanton asked for guidance from the Select Board for the next two weeks: should she contact the University of Utah to ascertain their interest, or continue pursuing eminent domain for 175 Great Road?

Ms. Mitchell moved to authorize the Town Manager to explore the possibility of land acquisition of 139 Great Road. Ms. Malone [?] seconded.

Roll call vote: Ms. Mitchell – AYE, Ms. Fleischman – AYE, Ms. Malone – AYE, Mr. Moonan – ABSTAIN, Mr. Pierce – AYE.

Mr. Moonan moved to adjourn the Executive Session. Ms. Mitchell seconded.

Roll call vote: Ms. Mitchell – AYE, Ms. Fleischman – AYE, Ms. Malone – AYE, Mr. Moonan – AYE, Mr. Pierce – AYE.

The meeting was adjourned at 10:06pm.

Respectfully submitted,
Emily Mitchell, Clerk of the Select Board