

**TOWN OF BEDFORD
TOWN COUNCIL MEETING
August 24, 2016
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, August 24, 2016 at the Bedford Meeting Room, 10 Meetinghouse Road. Present were Chairwoman Kelleigh Murphy and Councilors Jim Aguiar (Vice Chair), John Schneller, Bill Duschatko, Chris Bandazian, Melissa Stevens and David Gilbert. Also present was Town Manager Rick Sawyer.

Chairwoman Murphy opened the meeting at 7:04 PM.

2. PLEDGE OF ALLEGIANCE –The Pledge of Allegiance was led by Councilor Gilbert.

3. PUBLIC COMMENTS – None.

4. NEW BUSINESS

Chairwoman Murphy explained that she would be moving the Veteran's Tax Credit agenda item to the second item.

a. Reconsideration of the vote to provide a Letter of Support for the Route 101 Pedestrian/Bicycle Bridge Grant Application

MOTION by Councilor Duschatko that the Town Council reconsider the vote of the Town Council made on July 20, 2016 by which the proposition "that the Bedford Town Council support the grant application through a letter from the Chairwoman for the Transportation Alternative Program for the construction of a pedestrian/bicycle bridge over Route 101 and to authorize the staff to proceed with the application process."

Councilor Duschatko stated that the July 20th motion passed and the vote was 3-1.

Seconded by Councilor Schneller.

Chairwoman Murphy asked for any discussion and there was none.

Vote taken – Motion Failed – 2-5

Councilor Aguiar stated that he didn't vocalize a vote and he voted in favor of the reconsideration.

MOTION Failed – 3-4.

Councilor Schneller asked for a roll call vote:

Schneller-aye, Duschatko-aye, Bandazian-nay, Murphy-nay, Aguiar-aye, Stevens-nay, Gilbert-nay.

Kent Messamore, 47 Saint Andrews Drive, didn't understand the rationale for the project and didn't think the \$800k of the Town's portion should be put on the taxpayers.

Joleen Worden, Birchwood Circle, pointed out that she submitted a letter to all of the Councilors from the Bedford Taxpayers Association of which she is the president. They had several points in the letter why they feel the project is a want rather than a need. She thought that the Council rushed to vote when there were only four Councilors present and three absent. She thought all they had to do was to add a user activated walk light with painted crosswalks at the signaled intersection of Nashua Road and Route 101. She thought a bridge crossing Route 101 would obscure the existing traffic control lights making it less safe for approaching drivers coming out of Manchester. There are no surveys to prove that more than a handful of Bedford's 22k people would ever use the proposed bridge. As a taxpayer, she thought it was a ridiculous idea and the BTA totally opposes it.

Ken Hawkins, 1 Barrington Drive, was opposed to the bridge. He thought it was a waste of time and effort and thought they could put a walk light like they did at Wallace Road.

Ken Peterson, 43 Brick Mill Road, was opposed to the bridge. He didn't think that it would ever be used and didn't they needed it.

Mac McMahan, 11 Suzanne Drive, thought they should check the environmental impacts, do a core sample to make sure there is no ledge. He didn't know if the cost included cutting trees. He suggested a mesh railing to avoid people throwing items over and onto the cars. He mentioned ADA inspection, continuing costs for snowplowing. He mentioned the possibility of additional sidewalks. He mentioned the four crossings with the Route 101 widening. He read from the Pedestrian/Bicycle Plan that talked about a bridge.

Bill Dermody, Birchwood Circle, didn't see that the need for the bridge had been established.

Susan Tufts Moore, Bedford Center Road, thanked the Council for voting not to reconsider the previous vote and read the following statement: *I am in favor of the Town's pursuing possible funding to help pay for the cost of a pedestrian/bicycle bridge over Route 101. For many years our residents have expressed the need for a safe way to cross Route 101 and these comments at public hearings have been taken into consideration during the preparation of the Bedford Master Plan of 2000, the Route 101*

Corridor Study in 2002, the Bedford Master Plan of 2010, and the Pedestrian/Bicycle Connectivity Master Plan of 2014. All of which recommend bridging Route 101 to connect the two halves of Town together safely. I commend the Planning Department for attempting to implement the recommendations of our Town's Master Plans and the Route 101 Corridor Study. Although we have a pedestrian crossing signal at Route 101 and Wallace Road, we do not have one at Route 101/Nashua Road and Bell Hill Road intersections. If you have ever seen a child run across Route 101 at the end of Chestnut Drive as I have, your heart will stop. It's frightening. This shouldn't be happening. We should have a safe way for children and adults to go from one side of Route 101 to the other. If the Town builds a handicap accessible bridge, and that's the plan, over the highway and this prevents one child or one adult from being hit on the highway, I think it will be worth every penny that it costs to build it. Additionally, it seems to me that building a bridge in connection with the widening of Route 101 makes considerable economic sense, because of the possible coordination from contractors. It should be less expensive than building the overpass after 101 is widened. In conclusion, I see this as a golden opportunity to examine the possibility of paying in grant money and I think we should seize that opportunity.

Jeanene Procopis, 18 Rumford Lane, thanked the Council for their vote. She also thanked the Town Manager, Planning Department Director and Public Works Director and all of the other staff that helped to keep Bedford on the road and trying to follow the master plans. She is in favor of the bridge and thought it would increase safety.

Scott McKenzie, Ministerial Road, is fiscally conservative, but agrees with that the Town Council has voted for. He thought it was a great investment and thought that the Town Council had done a very good job making investments in projects. Sometimes it's not an immediate need, but what might be considered a want, but the investment is paid off and help increase property values for everyone and make the Town more desirable.

Beverly Thomas, 51 Ministerial Road, thanked the Councilors who voted in favor of supporting the application. She thinks the bridge would definitely be used. She thought it was too hard to cross the road and is very dangerous. She hopes it comes to fruition.

Chairwoman Murphy explained that when an issue comes before her, she takes as much input as she can get from friends that are parents, constituents that call and email her, people that stop her in the grocery store, at the Town playground and the pick-up lines at her children's schools. She takes all those comments and she weighs them and when an overwhelming number of people contact her and ask her to proceed with an idea, she takes it seriously. It then becomes the idea of her constituents and not something that she is either for or against, but something that she is willing to push to a ballot, because she believes the people that put her in office are the people that should get to decide whether or not something is a good idea. She also explained that when grant opportunities are available, she takes a look at a project more seriously.

Councilor Schneller thought that the plan for the pedestrian footbridge was loosey goosey. After environmental impact surveys and engineering work, he didn't think that

the \$1.6 million would be the actual cost; he thought it would be higher. He thought they had to spend a lot of money to get to that number and if it's substantially higher than what they were told, then the Council may reject it or put it forth on the ballot. He thought that the problem with putting something that big and complicated on the ballot was that the people voting would be working with imperfect information. He voted for reconsideration because he had imperfect information and thought that the vote at the last meeting should have included the whole Council. In his opinion, they don't know what the plan is or what the costs are. He felt they would be serving a very small number of citizens who want to cross at that specific point and explained the four signaled crossings with the Route 101 widening that would be no cost to the taxpayer.

Councilor Duschatko stated that he originally voted to pursue the grant application, because he didn't want to see a situation where they didn't act on it because of a small turnout and would have to wait until this meeting which would put undue pressure on the staff to prepare an application. After the vote at the last meeting he received a number of phone calls, email messages and personal contacts questioning his decision and he didn't feel they didn't have enough information, so that was the reason to bring it up for reconsideration. So they could have an open discussion on it. Unfortunately they never got to that and they are back to the original motion. He didn't think bringing to the ballot was the question. That comes much later once they have information like how much money they will get if they get anything and how should they finance it. At that point, it's appropriate for the entire community to vote on that financing package. He thought it was premature going into a grant application without full information including a financing plan. He thought it put the Town Council on the line saying they are committed to this project and committed to selling it to the entire community and they don't even know how they are going to finance it. He thought the discussion would go on for many months and going to consume a lot of emotional energy and physical time and a lot of parts of people who could be doing things that might have a larger impact for the community.

Councilor Gilbert stated that he needed to know more about what reconsideration means, because when he voted, he thought he was voting against the bridge. Chairwoman Murphy stated that she knows that's not true, because she had a telephone conversation with him before the meeting and she explained to him what reconsideration meant so she knows what he's saying is not true. Councilor Gilbert stated that they are just writing a letter. If they are looking to spend that kind of money, then they have to vote on it as a town. He thought there were going to be so many different pieces that were going to come up over the next year or two or however long it takes to get this done. They don't know where it's going or the dollar amount or what it's going to be like, so maybe it's better to let it happen and see where they go. They aren't committing to spend \$800k of taxpayer money. It's very confusing. They need to take their time and see where it goes. He liked what was said about the people in Town giving input. There are two sides to everything, but it's not their job to decide right away. They need input. He's conflicted on the issue. He'll stand by what he said and what they talked about. By no means is he a proponent of it; maybe he'll get there.

Councilor Stevens stated that her understanding was they don't even know if they are going to get the grant, but doing the bridge now in conjunction with the Route 101 widening makes the most sense financially logistically. If they don't do it now, then it's probably not going to happen, so they might as well see if they can get the money. She's in no way saying that she wants to see the bridge built because they really don't know what Route 101 is going to look like. She appreciated everyone coming and giving their opinion, because if they do get the money, they will be having this discussion again and it's good to know what others are thinking.

Councilor Aguiar stated that this was a very simple vote for him last month. They were just voting to write a letter of support to move the grant forward. It was an opportunity to continue to explore a project that's been talked about for a very long time. He knows a lot of people in favor of the project and a lot of people not in favor of the project. He explained that this is an opportunity for the Town to explore a project that they aren't going to spend anymore additional money on until it gets in front of the voters. Moving forward with funding this in any way, he would need to see support by the residents by majority or 2/3, whatever is necessary. It's moving forward for the opportunity to possibly getting some money for the project.

Councilor Bandazian explained that they are in the exploration stage. As a Council or Councilor they have an obligation to be opportunistic about securing funding sources and seeing if there are any available other than those raised through taxes. It doesn't reduce their Federal taxes if the grant money goes to another town. He stated that if the project gets the grant funding, the voters will vote on whether this will come to fruition or not. He thought that young families were moving to cities and places where there are amenities like biking and walking. He thought Windham had out competed Bedford as well as Londonderry and Goffstown. If they want to preserve their real estate values in Town, they have to be more forward looking than just what is going on right now. If they can do something to improve their resale values, it will outpace any tax impact that this proposal would have if it comes to fruition. It is something worth exploring. There is no guarantee that this funding will ever, ever be available again. He will guarantee that if a project goes forward in a future year, construction costs will be much higher. You'll never get another opportunity like this to get it for \$800k.

Kent Messimore, 47 Saint Andrews Drive, stated that he found out about this subject by an article in the Union Leader two or three weeks ago. That's the only way he knew about it and the only reason he's there. He stated that it wasn't published at all in Bedford that he knows of. He also stated that the Town Council took a vote on the agenda before anybody had any opportunity to speak and he thought that was wrong. In regards to grants, he stated that it's not free money. It comes out of their pockets.

b. Veteran Tax Credit Program

Ken Peterson, 43 Brick Mill Road, State Rep, explained that this bill is enabling legislation, which allows towns to expand their eligibility criteria for people who might take advantage of the veteran's tax credit. The debate was passionate about what

whether there were certain types of veteran's who should be allowed to have it as opposed to certain types who should not. What came out of committee was the understanding and realization that when people sign up to serve their country, they are serving their country. Some people have the choice of where they go and some people don't have the choice of where they go and how they serve. This enabling legislation would allow more people to be eligible. The concept of everyone being equal because they served in uniform finally coalesced and that's how this came forward.

Councilor Bandazian stated that this is something that if the Town administers it that only benefits property owners. He wanted to know if the legislature considered providing some benefit to all service people from the State budget. Rep. Peterson stated that they did look at that, but it didn't go very far and died. Because it is tied to those who pay taxes getting a rebate on their taxes as opposed to getting a monetary reward for having served in the service.

Bill Ingalls, Town Assessor, went through a Powerpoint presentation.

<p style="text-align: center;">Discussion of Optional All Veterans' Tax Credit under RSA 72:28-b</p>	<p style="text-align: center;">Present Number of Recipients</p> <ul style="list-style-type: none">▶ As of April 1, 2016 there are 914 taxpayers in Bedford receiving the Standard Veterans' Tax Credit under RSA 72:28.▶ This includes the veteran who served at least 90 days during a period of conflict (World War II, Korean Conflict, Vietnam Conflict, Persian Gulf War,) and who was also Honorably Discharged.▶ This includes the spouse or surviving spouse of the veteran.▶ This includes Reservists and National Guardsmen who served at least 90 days during a period of conflict provided they received Title 10 training for active duty as well as of 2014.
<p style="text-align: center;">New Legislation RSA 72:28-b</p> <ul style="list-style-type: none">▶ This includes all veterans with at least 90 days of active duty and who were also Honorably Discharged; the legislation became effective August 8, 2016 for the coming 2017 tax year.▶ This includes the spouse or surviving spouse of the veteran.▶ This includes Reservists and National Guardsmen with at least 90 days of active duty training including Title 10 training for active duty.	<p style="text-align: center;">New Legislation 72:28-b (cont'd)</p> <ul style="list-style-type: none">▶ The credit can be adopted at the Council's discretion, it is not mandatory.▶ As the Council previously adopted the Optional Standard Veterans' Tax Credit amount of \$500 the Optional All Veterans' Tax Credit would be \$500 as well.

Potential Additional Recipients of Optional All Veterans' Tax Credit

- ▶ Available population disbursement statistics estimate that in Hillsborough County between **10.8%** and **11.7%** of the adult population are veterans.
- ▶ There are **16,082** registered voters in Bedford, giving us a reasonable count of the adult population in town.

Potential Additional Recipients (cont'd)

- ▶ Therefore there are **potentially** between **1,737** ($16,082 \times 10.8\%$) and **1,882** ($16,082 \times 11.7\%$) veterans in Bedford. If this estimate is correct, and if every veteran or spouse or surviving spouse who would qualify if the optional credit were adopted applied, the number of veterans receiving the Veterans' Tax Credit could increase 106% from 914 to as many as 1,882; an increase of 968.

Potential Fiscal Impact

- ▶ The potential increase in re-distributed tax dollars resulting from an additional 968 ($1,882 - 914$) credits at \$500 each is \$484,000.
- ▶ Using preliminary 2016 total valuation figures if the credit were in place now the impact is estimated at **.149** or 15 cents per thousand of assessed valuation.

Potential Fiscal Impact (cont'd)

- ▶ If a town-wide valuation update is conducted effective for the 2017 tax year, it is estimated the impact might drop to **.13** or thirteen cents per thousand as additional revenues from increased valuations would add to the town tax base.

Potential Fiscal Impact (cont'd)

- ▶ Therefore the potential impact to a **\$400,000** residence in Bedford would be approximately **\$60** per year in tax dollars for the 2016 tax year if the credit were already in place, and approximately **\$52** for the 2017 tax year if a town-wide valuation update is conducted and additional revenues affected the impact to .
- ▶ **These are estimates** under the assumptions that available population disbursement figure are correct and that every veteran, spouse, or surviving spouse applies for the credit.

Councilor Gilbert wanted to know if the 914 were the number of veterans currently receiving the credit. Mr. Ingalls stated yes, they've applied for it and they qualify for it. Chairwoman Murphy wanted to know if that number had been higher any time in the last five years and Mr. Ingalls responded yes, up to approximately 970.

Councilor Duschatko wanted to know if he was able to keep statistics by the conflict period. Mr. Ingalls explained that if all of that information was entered into a spreadsheet, then yes, but at the top of his head he would say that the majority of the veterans are from the Vietnam era.

Councilor Aguiar wanted to know if the spread of the 914 was just the standard veteran's credit and Mr. Ingalls responded yes.

Councilor Bandazian wanted to know more about what period of conflict means and for the global war on terror. Mr. Ingalls explained that that would come under the Persian Gulf War, which began on August 2, 1990 and will not stop until by Presidential decree. Councilor Bandazian mentioned the global war on terror and mentioned Afghanistan, which began September 11, 2001 and the end date is not determined at this time. He didn't know who was excluded by the current system. Mr. Ingalls explained that from August 2, 1990 on, it is similar to the Vietnam War after 1962; one does not have to be serving in a theater of conflict. One may be serving anywhere in the world including here, during that time and qualify for the Veteran's Tax Credit. Those that do not qualify would be those who served in the military after January 31, 1955, then end of the Korean Conflict, and up until December of 1962, and if you served after the year 1975 and up until 1990. If you are a reservist or National Guard person who did not receive active duty training during any of those periods, they do not qualify for the credit.

Mr. Sawyer pointed out that the staff report has a recommended motion if they chose to move forward with this tonight, but there is no need for the Council to formally act on this tonight. They could take time and consider the impacts of this tax impact along with the budget if they wanted to. There is no immediate need to act. Mr. Ingalls added that it could be enacted for the 2017 year or the 2018 year, it's at the Council's discretion. Mr. Sawyer added that if they want to provide this credit to all active military veterans they could make the motion tonight.

Chairwoman Murphy wouldn't mind seeing a motion tonight, but it would be the will of the Council.

MOTION by Councilor Aguiar that the Bedford Town Council approve the adoption of the optional All Veterans' Tax Credit as provided by RSA 72:28-b in the amount of \$500 per credit effective for the 2017 tax year. Seconded by Councilor Schneller. Vote taken – Motion Passed – 7-0.

- c. Schedule a Public Hearing on Ordinance-2016-03 to amend Article 262-1, Parking Prohibited, to restrict parking on County Road and Back River Road adjacent to the Peter Woodbury School**

Mr. Sawyer showed a site plan of the Peter Woodbury School and explained that the initial proposal brought by the school district was from their driveway around to the intersection and down 300 feet from the intersection. Based on the input from the

Highway Safety Committee, the proposed ordinance is now being requested to be the entire frontage of the school on both Back River Road and County Road. There is a caveat from the Highway Safety Committee. In times when the school has major events and they have hired a police detail, the police would be able to allow parking on County Road by bagging the signs.

Ken Peterson, Brick Mill Road, member of the Highway Safety Committee, stated that they discussed there would be four events a year and the covers that would go over signs be under the purview of the school so they would just call the Police Department and let them know that they were going to cover the signs because of an event. The sign would say 'parking permitted here for a special event today on this particular side of the road'. The other 361 days of the year there would be no parking allowed along those two sides of the road.

Chairwoman Murphy thanked Mr. Peterson for his service as a Town Councilor and a State Representative. He's always put the interests of the Town of Bedford and its citizens first and foremost, stays involved and keeps the Council updated. She was very grateful for his service.

Councilor Aguiar added that the four specific dates are not going to be mentioned in the motion, because it was made clear by the Superintendent that that's generally what happens now, but that may change and will be further discussed at the public hearing.

MOTION by Councilor Aguiar that the Bedford Town Council schedule a public hearing for Wednesday, September 14, 2016 at 7:00 pm for consideration of Ordinance-2016-03 amending Bedford Town Ordinance, Chapter 262-1, to prohibit parking on the north side of County Road for the length of the Peter Woodbury School property; and to prohibit parking on Back River Road along the Peter Woodbury School property. Seconded by Councilor Duschatko. Vote taken – Motion Passed – 7-0.

d. Adoption of New Ambulance Billing Rate

Mr. Sawyer explained that the last time the Council updated the ambulance fees was in 2013. Based on their recent discussions with the billing provider and looking at the average rates of the communities across the state, it was realized that they are not maximizing the amount of collections that they could be receiving for the ambulance billing. There is a recommendation to change the ambulance billing rates to allow for annual increases in the ambulance billing rates to mirror the current top 15 clients of the billing company, which is Comstar, and to change the rate structure from an individual a la carte to a bundled service.

Theresa Young explained that they had not seen a change in the rate since 2013 because the rates have not warranted that kind of change. Chief Wiggin explained the different bundled services. Ms. Young explained that the third party billing in 2015 billed

for about \$1.2 million in services. Of that, after Medicare and contract allowances have been considered, they actually billed out for \$780k. They collect about 80%, which is really good for an industry standard. What has changed significantly is the rates and rate structures for this year. The third party biller told them it's time to change the rates. They gave several options to choose from. One was the top 50 in New England, one was the average of the State of New Hampshire clients, and one was the average of the top 15 in the State of New Hampshire, which is what they are recommending. She explained that it doesn't affect all of the billing that they do, because 65% of those transferred are actually Medicare, so none of those transports would be affected by a rate change. Nor would the services if they are Medicare eligible. The ones that will change for are the ones billed by the insurance company. The remaining 35% is where they would see a rate change and it's significant for them this year. She showed a chart with an example showing how the change in rate would affect what they did for their services in 2015. She also showed the rate structure, which is the industry standard. Even Medicare is accepting just the bundled rates. Continuing with the individual rates is not in the Town's best interest; they actually lose money.

Councilor Duschatko wanted to know if the collection percentage will drop if they increase the rates. Ms. Young responded no, and the third party vendor said that they are getting 100% of the collections in all increase in rates, even the top 50. Councilor Duschatko questioned the 15 towns as many of them are rural and wanted to know if they were comparable. Mr. Sawyer agreed that there were some small towns. Councilor Duschatko was looking at the mileage because some were high and some were low.

MOTION by Councilor Bandazian that the Bedford Town Council approve annual increases in the ambulance rate to mirror the current Comstar Top 15 NH client average and change the rate structure to a bundled service effective September 1, 2016 and authorize the Town Manager to effect such changes. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 7-0.

e. Presentation of the 2015 Comprehensive Annual Financial Report

Ms. Young stated that there was very little to no change with the Town of Bedford. She pointed out that this is the first year they actually had to record the GASB 68, the pension liability. The Town's portion of that unfunded liability that everyone is talking about. Right now the Retirement System is at about 65% funded, so 35% is unfunded. Of that \$1.4 billion or so, the piece that belonged to Bedford that they had to record in the financial statements was about \$15 million. She referred to page 61 of the financial statements, which showed what the numbers looked like and explained how it is recorded. The net position at the end of 2015 only changed by about \$1 million. She talked about the change in the unassigned fund balance. It was just short of a \$1 million increase. She pointed out that during the budget process for 2016 they used \$500k to reduce the effect on taxes and that wasn't reflected in the graph. As they add in the \$900k to the fund balance at year end, that's before the \$500k is coming out.

Chairwoman Murphy thought that number seemed higher to her than the number that they had discussed during the budget season. Ms. Young agreed. They predicted it was going to be about 14.26 and it actually ended up being about 14.6%. It's a little higher than expected.

Ms. Young mentioned the fund balance policy and they are still below the two months of expenses that they put aside into unassigned fund balance. Chairwoman Murphy stated that they are at 14.6% and the goal is to get to 17%. She mentioned that the Council had passed a motion in her first year on the Council and it was a range with the unassigned fund balance. Councilor Bandazian stated that they've always had a range. GASB's only standard is the 17%. They deviated from that standard and provided justification for it to establish a range of 8-17%.

Ms. Young also stated that the Town's opinion remains a clean opinion from the financial auditors. The audit went really well. The Comprehensive Annual Financial Report (CAFR) was submitted to the Government Finance Officers Association (GFOA). They are hoping to receive the Town's 12th Certificate of Achievement for excellence in financial reporting.

Regarding the Retirement System, they are expecting to hear about the change in rates, if any, in a couple of weeks. It's usually the beginning of September so they'll have it in plenty of time for budget purposes.

Ms. Young mentioned a draft management letter for the year end of December 31st 2015. It's not much different than the year before. They did not identify any deficiencies in internal control that they considered material weaknesses. There are recommendations for the Council to consider and they support all of them:

Improvement of segregation of duties in the finance office – They aren't there yet, but they are working on it.

Develop a more formal risk assessment process – That is visiting our internal controls ourselves and representing where we think we are in internal controls and what we think might be good improvements to make ourselves. Ms. Young stated that the auditors would be in in November to begin their audit. They will review those internal controls that the Town is doing and then they will do some expenditure testing.

Evaluate the indirect costs – BCTV and the sewer fund contribute funds to the general fund. They would like them to revisit those and direct costs again this coming year, because they saw no change from what they were collecting from BCTV.

Review overtime calculations – This is one of the items they had identified in their office last year. They found that the overtime calculations that were built into the finance system that were physically put in there weren't calculating correctly. Those changes have all been made.

Councilor Duschatko wanted to know if they were high or low and Ms. Young stated that it depends. She did say that the first one they found was higher than what it should have been. If it was lower and they owed anybody any money, they would have been paid. No one received additional pay.

Expand our account structure – It's more of an internal accounting process than what they would normally see. They won't get it all done this year.

Review of calculations for compensated absences – They were finding that the contract said one thing and then there were all the additional rules that weren't necessarily in writing. The practice has been that when someone leaves, they pay at the current rate at the balances when they leave. What they would like them to do is make sure they mirror what they are doing in policy to what they are actually practicing. That means actually changing the contracts, so that's their goal.

Ms. Young stated that Rick is waiting for her to give him their responses so they can get it back to the auditor and get the report finalized.

Councilor Bandazian stated that Ms. Young jumped into this in the middle of last year and she has done a great job. Ms. Young stated that the staff has done a great job.

Councilor Aguiar mentioned that there was a 7th item.

Develop departmental time reporting procedures – They are looking for a more standardized version of time and attendance. They need to make sure they are following all of the labor rules including timesheets for all of the employees, that they are getting paid for actual hours worked and they are putting in their real hours worked. She started an RFP and started getting a team together.

Mr. Sawyer stated that the CAFR is on the Town's website.

f. Capital Fund Introduction

Ms. Young explained that in 2004, the Town Council made a huge effort to begin setting aside funds for the 10-year projects. There are a couple of pieces that need to happen in order to make this most effective for the Town. She recommends that they continue with the CIP, but that the funding that they want approved by Town Council be accounted for in a capital fund. It requires that they appropriate it, start the CIP, and vote a fund and that's the piece that was missing. She would like to come back to their next meeting and show them how it would have affected the 2016 budget and have a deeper discussion. Ms. Sawyer stated that Crystal brought this to the Council many times about trying to separate the capital and operating budgets. He thinks it would clearly help identify operating budgets from capital.

Mr. Sawyer thanked Ms. Young for all her time. It's a tough job and she does it really well.

Chairwoman Murphy moved the PFOA agenda item up from Old Business.

g. Transfer from Unallocated Reserve

Mr. Sawyer stated that they are requesting transfer of the full allocation in the Unallocated Reserve Fund to the Town Manager's miscellaneous line item, because the Town Manager doesn't have a consultant line item.

a. PFOA Update

Mr. Sawyer mentioned that in the 1½ area around Saint Gobain, 64 properties have been identified as having contaminated wells and they will never be able to use those wells ever again. The State doesn't see the ability to treat all of those individual wells at each property as the long-term solution. They see the long-term solution as being the extension of municipal water to those 64 homes. In meetings with the State, Saint Gobain and Pennichuck, they've come up with 11 different scenarios on how to bring water to this portion of Town. He thought that once they bring water to that area there would be additional properties that want to connect. He mentioned that there are currently five properties on Greenmeadow Lane whose wells, which are contaminated, have been dry since sometime in early July. They need to look at the 11 options and figure out what the best solution is for the Town. He moved forward and hired a consultant to starting reviewing the 11 options. They are due to have a report back to him by the end of the month and hopefully at the next Council meeting he can report their recommendations. They will then need to take it to DES and Saint Gobain and have Saint Gobain pay for it. That work will require engineering, but the \$25k is for the consultant to advise the Town as to what they feel the best of the 11 options is. Any design work that would need to happen to extend the water lines would be done and hopefully paid for by Saint Gobain. They paid for the engineering to be done for the water line extension in Litchfield and recently agreed to pay for the treatment of the wells 4 & 5 in Merrimack. He's not aware that they have agreed to pay for the construction of any water lines and that is something that DES and all of the communities are actively pursuing with them. The Town has not submitted a request to DES or Saint Gobain because they don't know what the right solution is.

Mr. Sawyer stated that there had been another significant development in the PFC issue and that is the monitoring wells around the Bedford landfill on Chubbuck Road. They received the results at the end of July and two of the five monitoring wells came back with results in excess of the 70/ppt. There is another well that is closer to the abutters that came back at only 2.8/ppt. The State took the results and immediately started their own investigation on abutting properties. As of yesterday, 18 private wells samples had been taken, another four are scheduled and they still had nine households that had not responded.

Mr. Sawyer stated that there was nothing new in the Merrimack landfill study area. The public supply in the Greenfield Farms/Cabot Preserve area continues to show positive results with 10 consecutive weeks at or below 14/ppt, by turning off wells 4 and 5. Saint

Gobain has offered to pay for the design of the treatment for those wells and they've also offered to move the portable treatment system being used in NY to Merrimack later this this year. The Merrimack Village Water District is also pursuing and installing at their own cost, an interconnection with Nashua and a pump station in Nashua on 101A that would supply one million gallons of water from Nashua into the Merrimack system if needed.

Councilor Bandazian wanted to know if there was anything coming up between now and the end of the year that would require the Council's unallocated funds. Mr. Sawyer was not aware of anything.

Councilor Stevens wanted to know much money was in that line item. Mr. Sawyer stated \$25k and he's asking to allocate the entire amount. It's his opinion that they will request reimbursement for all of those funds from Saint Gobain as part of the Town's demand letter. Councilor Stevens wanted to know if other towns have done that and Mr. Sawyer responded that they have. Councilor Duschatko wanted to know if they were dealing directly with Saint Gobain or their insurance company. Mr. Sawyer responded that it's been Saint Gobain representatives or their engineering representatives.

Councilor Stevens wanted to know if this was a line item that they had cut or had it historically been \$25k. Mr. Sawyer stated that it had been around \$25k for the last few years, although two years ago it rose up to \$50k for the website and economic development. For a number of years it was a \$100k line item. Councilor Stevens wanted to know if that was the line where they would get the funds to pay for a consultant to come in and look at the use of their facilities. Mr. Sawyer responded no, that would be a budget item requested as part of the 2017 budget.

MOTION by Councilor Duschatko that the Bedford Town Council authorize the transfer of \$25,000 from Unallocated Reserves (10010252-56910) to Town Manager Miscellaneous (10010204-56910) for use in resolving the PFC water contamination issue. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 7-0.

h. Appointments to Boards & Commissions

Chairwoman Murphy explained that the Zoning Board had a resignation of a regular member in July and there had been a recommendation made by the Chairman of the Zoning Board that alternate member Gigi Georges be appointed to fill the remainder of that vacated term because she's the longest serving alternate.

MOTION by Councilor Steven that the Bedford Town Council appoint Gigi Georges as a full member of the ZBA with a term expiring in 2018. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 7-0.

Councilor Duschatko stated that the entire Zoning Board went along with the Chairman's recommendation.

i. Acceptance & Expenditure of a \$123.98 cash gift from a Bedford Boy Scout

Ms. Sawyer stated that Eagle Scout candidate Jack McCahill constructed a flag repository at the Transfer Station. As part of the Boy Scout guidelines, any extra funding that he had needed to be turned over to the benefactor of the project, which is the Town. He has supplied the Town with a check, but according to State law, they can only accept it by action of the Council. As part of his request, he asked that the money be used to purchase American flags.

Councilor Aguiar wanted to know if it created an accounting issue; Mr. Sawyer said no.

MOTION by Councilor Duschatko that the Bedford Town Council pursuant to RSA 31:95-b accept the gift of Jack McCahill in the amount of \$123.98 and authorize the expenditure in the same amount for the purchase of American Flags and offer their thanks to Jack McCahill. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 7-0.

j. Other New Business – None

5. OLD BUSINESS

b. Council Retreat Items – None

c. Other Old Business – None

6. APPROVAL OF MINUTES

a. Public Session – July 20, 2016

MOTION by Councilor Bandazian to approve the minutes of the public session of July 20, 2016. Seconded by Councilor Aguiar. Vote taken – Motion Passed – 4-0-3 (Murphy, Stevens and Gilbert abstained as they were not present at that meeting).

7. TOWN MANAGER REPORT

- 1) The end of July/beginning of August was a devastating time on our roadways with fatal accidents happening on South River Road and Route 101 and another multi-car accident happening on Route 101 with all three accidents requiring the roads to be closed for several hours. As a result of these accidents and continued observations of aggressive driving, distracted driving, speeding, and running of red lights, Chief

Bryfonski implemented an intensive enforcement program and included the notion that, “we are not out there to ruin your day; we are out there to save your life.”

- 2) Chief Bryfonski was invited & attended the White House 21st Century Policing Briefing on July 15th. Given the timing of this briefing with events happening across our country and the world I know the discussions were meaningful & engaging. President Obama un-expectedly spoke at a portion of the session & also provided a written letter of support & appreciation for our law enforcement community.
- 3) The Summer Concert Series has concluded for the year after holding 10 events at the Bedford Village Common and Pool Complex that were well attended.
- 4) The last day to register to vote or to make name and address changes prior to the Primary is Tuesday, September 6th. The Town Office Building will be open extra hours from 6:30 to 7:30 PM. The Primary is Tuesday September 13th, 7 AM to 7 PM, at the Bedford High School Gymnasium. Sample and absentee ballots are available at the Town Office Building.
- 5) Pennichuck has announced that they would be submitting a rate increase of 19.5%.
- 6) Rep. Guinta will be holding a meeting with the MS4 communities on Wednesday, August 31st at 2:00 PM at the Manchester Dept. of Public Works.
- 7) Website - The new website is currently scheduled to be live on September 1st.
- 8) The Nashua Road sidewalk has been completed with the exception of the lighting and one sidewalk tip-down that is awaiting the relocation of a utility pole. The improvements at the County Road/Nashua Road and County Road/Liberty Hill Road intersections for the 4-way stops have been substantially completed. The LED stop signs have been ordered and will be installed when they arrive.
- 9) Work continues to progress on Wallace road with the phase 2 portion opening this week. Construction continues between Nashua Road and Brick Mill Road. The project is scheduled to continue into November. Work on Lindahl Road has started and plans are progressing for Worthley Road.
- 10) The South River Road TIF Area wearing course has been completed with the exception of the portion between Kilton Road and Meetinghouse Road due to the Market and Main (former Macy’s) project. An open house and ribbon cutting was held with DES on July 29th to celebrate the daylighting of the brook and overall improvements.
- 11) Personnel – Assistant Planning Director position Mark Connors has started to the relief of Becky and the whole Planning Department. Our equipment operator position in DPW that became available due to a retirement earlier this year has been filled by Roland Normand, a Bedford Resident.
 - Officers Matthew Proulx, Corey Ford and Tyler Berry will be graduating from their 16-week training at the NH Police Academy on August 19th. Following graduation, all three will begin their 20-week Field Training Program. The Department has been completing interviews for the two open patrol positions and offers will likely be made soon however the next academy does not start until January.
 - Keven Hodgen, Public Works, received his Road Scholar II.
- 14) September 5th – Town Office/Library/Transfer Station closed in honor of Labor Day.
- 15) September 24th – Old Towne Day from 10:00 AM – 3:00 PM. - Chairwoman Murphy suggested the Councilors attended Old Town Day and circulate amongst the crowd, shake hands and introduce themselves & wear their name tags.

8. COUNCILOR COMMENTS

Councilor Duschatko was concerned about the grant application for the bridge and the requirements of the application in which they have to provide financial readiness. The TAP is a reimbursement program. He read the requirements in the grant application. He didn't want the Town to look foolish in the eyes of the State. The SNHPC has to sign off on it also.

Councilor Bandazian mentioned the meeting with Guinta at 2:00 PM, 475 Valley Street on the 31st. He thought it would be a good idea for the development community, civil engineering community, commercial banking community, and commercial real estate community to show up at the meeting to learn what's going on and to let their feelings be known, because this will be most impactful on those segments of the economy. Guinta sent a strong letter to the EPA administrator echoing similar concerns that Senators Ayotte and Shaheen had previously expressed.

Councilor Gilbert pleaded for people to get off of their cell phones when they are driving and for pedestrians to get off the road, so they don't get hurt.

Councilor Stevens thanked the PD and Sgt. Humphrey for taking her for a ride-a-long. It was informative and she got to ask questions. It was a really good experience. She asked the public to be mindful as they are driving around as the kids go back to school tomorrow.

Councilor Aguiar appreciates the passion of the residents and when there is an insinuation that the elected governing body or staff is trying to pull wool over their eyes, agendas and general supporting documentation are posted at least days before their meetings and everyone is always welcome. Regarding their meeting last month, to suggest that somehow something was untoured was offensive and unnecessary. Every resident is welcome at all of their meetings. He mentioned that school is starting tomorrow so beware of buses and students on the road. He urged everyone to take time and make memories with your friends and family.

Chairwoman Murphy thanked Chief Bryfonski and the officers of the Bedford Police Department who have worked tirelessly along with officials across the State and with non-profit groups to combat drugs in the State of NH. She has attended two wakes in the last 30 days for children who had full lives ahead of them, but for the drug problem in the state of NH. She has watched close friends of hers bury their children. She is deeply grateful for everyone that works to combat this issue throughout the State. It is one that requires more than 100% of our attention because it is one that effects every family in one, way, shape or form in the State of NH and it is very troubling to her.

5. NON-PUBLIC – RSA 91-A:3 (if necessary)

MOTION by Councilor Aguiar that the Bedford Town Council go into non-public pursuant to RSA 91-A:3 II(a) – The dismissal, promotion

or compensation of any public employee or the disciplining of such employee or the investigation or any charges against him unless the employee affected (1) has a right to a meeting, and (2) requests that the meeting be open, in which case the request shall be granted; and

RSA 91-A:3 II (e) – Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against or by this board or any subdivision thereof, or against any member thereof because of his or her membership therein, and until the claim or litigation has been fully adjudicated or otherwise settled.

Seconded by Councilor Bandazian.

Roll Call vote: Schneller-aye, Duschatko-aye, Bandazian-aye, Murphy-aye, Aguiar-aye, Stevens-aye, Gilbert-aye.

The public meeting ended at 9:49 PM.

Respectfully submitted,

Dawn Boufford