

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
January 26, 2022
10 Meetinghouse Road**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, January 26, 2022, 10 Meetinghouse Road. Participating were Dave Gilbert (Chair), Bill Carter (Vice Chair) and Councilors Sue Thomas, Denise Ricciardi, Bill Duschatko, and Lori Radke. Also present was Town Manager Rick Sawyer.

Chairman Gilbert opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – Led by Chairman Gilbert.

3. PUBLIC COMMENTS – None

4. PUBLIC HEARING

a. Second public hearing on the proposed 2022 budget

MOTION by Councilor Radke that the Bedford Town Council open the public hearing. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 6-0.

Mr. Sawyer stated that they were recommending five changes, which would be a \$0.01 reduction in the proposed tax rate from \$4.06 to \$4.05.

Karen Simmons, 58 Birkdale Road, thanked the Council for all of their work on the budget and all they do for the Town, because she knows it's a thankless job. Her biggest concern was the Capital Improvement Plan. She didn't think they could kick the can down the road anymore with the Town's facility's needs. She looked at the Facilities Master Plan and the Town Master Plan and quoted Mr. Sawyer on the Facilities Master Plan, 'The Town of Bedford has not constructed or expanded any of its facilities in over 20 years during which time the number of employees and the population has grown significantly. This Plan will provide the framework for all needed facilities across all departments, the development of concept plans and cost estimates for each site.' Her concern is that they don't do this piecemeal. She was wondering if there was going to be a revisit of that Facilities Master Plan or some sort of comprehensive plan that's done for the Town's needs.

Mr. Sawyer stated that the Council has had a subcommittee working on facilities for the last several years and has made decisions on how to move forward. The biggest piece started at last year's Budgetary Town Meeting where \$2m was set aside for the acquisition of land for construction of Police or Fire on South River Road. A parcel has not been purchased to date. There is no major investment in this budget for facilities. The projection in the handout talks about a bond request going to the voters in 2023 for construction of that facility. There is a phasing of construction, not doing it all at once and

not asking for one large bond. That's where the Council stands on how to move forward. It will likely be Police and Fire in the first phase, which would include remodeling the existing Safety Complex to move some departments into there. Then eventually the Town Office Building, Library, and Highway Garage coming next.

Councilor Radke gave an analogy between the road bond and a facilities bond and it would be the same. Chairman Gilbert stated that that's the way they are looking at it and that's the plan they are trying to get to; a phased in approach.

Ms. Simmons understood that it had to be done in phases, but thought the whole thing has to be planned for as one thing.

Chairman Gilbert stated that last year was a tough year, because of COVID; they had a lot of problems getting things like appraisals or anything moving quickly. They are at the point now to get things rolling. They won't be able to put a bond issue together until 2023. There are a lot of things that have to happen between now and then with planning, engineering, etc. The biggest issue they saw was the Police Station was inadequate for what they need and the Fire Department needs more space. They are going to address all of those needs. It's been a long drawn out process this year.

Ms. Simmons mentioned the wages and salaries and the new positions that were being asked for, specifically the 2½ admin positions. One for Strategic Initiatives Director and Assistant Town Manager. In addition to the salary and benefits for that position there is also a request for \$38k to create a new office space. There is a request for a full-time Accreditation Manager for the Police and also a part-time HR assistant. She was wondering if they had looked at the NH Annual Municipal Survey for Wages and Salaries to see if Bedford is comparable with wages and salaries as well as staffing; the number of positions in each department. That would be a benchmark.

Mr. Sawyer stated that every time there's a position proposed the Department Head includes an analysis that is provided to the Council on why the position is needed. They also come with a comparison to other like communities. Some positions work out well for doing that and a little bit harder on some others. Every year they look at the salary surveys from NHMA and they also do direct surveys with like communities. The Council votes every year to increase or decrease on the non-union wages across the board. They do compare themselves to NHMA survey as well as directed surveys for both things.

Ms. Simmons stated that knows people who are struggling to hold onto their homes, because they can't pay the taxes. They are on fixed incomes. She asked them all to remember that when they think about how much they really need the things that are in the budget. Her other point was to look at the revenue side of the equation. She was wondering the last time an analysis was done of the user fees that are being charged in Bedford. She referred to the Planning Board meeting where she had comments about the way the impact fees were being charged. There are impact fees that are being assessed on new residential construction only for School and Recreation only, not any of the other things that these folks would use. She stated that there was a nursing home in Town that

is a 5013C, which means they don't have to pay any property taxes. That facility has put a tremendous burden on the Police and Fire departments. They have not, as a facility, put anything towards those Police and Fire expenses such as training and equipment, specifically for that type of facility. She wanted to know if they could look at it again, because she didn't see the equity there.

Mr. Sawyer stated that impact fees per State law can only be assessed for the expansion of capital needs, so they can't be used for things like training and staffing. They have to have a direct nexus to the need. Once they identify that they are going to build a Police station or Fire station that would be the time to assess as to whether they could assign an impact fee to residential and commercial users to help pay for a Police station or a Library expansion. Because they haven't identified any they couldn't legally put an impact fee in place for those, because they don't know what they are collecting for and State law requires that they must spend those fees within six years or the money has to be returned to the people who paid those fees. The Town has had School impact fees and Recreation impact fees for a long time, because those were clearly identified needs because of residential construction causing the need to expand the schools; build a high school, build a middle school, and build more ball fields. The School impact fees have been used for the last decade to pay off the debt service for the high school and middle school. The Recreation impact fees were used most recently to help offset the cost of the reconstruction of Sportsman Field for the ability to be able to play on that longer into the season and the end of the year. They've extended the use of that; that's a capital expense that can be used with impact fees. More impact fees could be looked at once a decision is made on what it is they are going to build. Regarding the retirement home that was brought up, they have an agreement with the Town Council to pay a PILOT, Payment in Lieu of Taxes, where they pay their entire portion of the Town tax rate, so they are paying for the Fire, Personnel and all of the administrative services. They are fully paying their Town portion. What they don't pay is the School taxes, because technically they don't have an impact on the School system.

Ms. Simmons stated that it was her understanding that those payments they were making were 100% voluntary.

Mr. Sawyer stated that they are, but they have an agreement that continues indefinitely with the Town to do that. They would have to get a release from the Council to stop paying those. He had no indication that they had any desire to stop paying those fees.

Ms. Simmons stated that her frustration with the whole thing and the process was that down the road they could start to charge for that. She's been in the Town for 25 years and she's been paying for this stuff. She asked that they give it some thought and see if there was anything they could do to break the cycle.

Mr. Sawyer stated that no residents have been paying for new buildings that they haven't put any money towards building yet. Impact fees could be used to offset those taxes that residents will pay when something new comes to Town.

Ms. Simmons stated that her issue was, as that report says, they haven't built any new Town facilities in 20 years. She helped pay for that new high school, middle school, etc. She didn't even have any kids, but the whole system seemed convoluted to her.

Councilor Thomas stated that quite a bit of impact fees were used to offset the building of those buildings. Anything that still comes in can be used. The bond is still being paid by all of us. They are still using those impact fees, because there was a building planned. When you only have six years to pay out something, it's a process to buy the land and plan the building, and get the bond passed.

Chairman Gilbert stated that that's kind of the process that's going to happen when they go after building anything. He's been here 25 years and the last building the Town built was the Library in 1996.

MOTION by Councilor Thomas that the Bedford Town Council close the public hearing. Seconded by Councilor Carter. Vote taken – Motion Passed – 6-0.

Mr. Sawyer stated that the proposed Motion #1 would address the five items that they can go over. The 2nd Motion would be for the creation of the Capital Reserve warrant article. The 3rd Motion is for the general budget warrant article for everything else. Together they total \$38,314,652 assuming they make the changes as proposed. Any other changes they will get a new number.

Councilor Carter wanted to know what the fund balance was now once they take out the \$1.25m that is scheduled to be coming out. Ms. Penny stated that she estimates that to be about 13% in 2022 at the end if everything goes according to plan.

Councilor Carter stated that he wanted to make some adjustments when it came to the personnel line.

MOTION by Councilor Carter to eliminate the Director of Strategic Initiatives and all the associated building going along with that. Seconded by Councilor Radke.

Chairman Gilbert wanted to know why he wanted to do that. Councilor Carter stated that he didn't think they could bring forward five positions this year to the taxpayers of Bedford.

Councilor Duschatko wanted to know if it would be more appropriate to talk about all new positions rather than do them one at a time.

Councilor Carter withdrew his motion.

MOTION by Councilor Carter to eliminate the Director of Strategic Initiatives, Police CALEA manager, and the part-time Human Resources Assistant.

Councilor Carter stated that that's his motion.

Councilor Radke wanted to know if he was proposing to leave in the two Fire positions and the Police Detective. Councilor Carter stated that they leave in the one Detective and the Two Firefighter/EMT's.

Councilor Duschatko wanted to know if he could amend that. Councilor Radke stated that it's not really a motion. They took the motion off the floor so now it's just discussion.

Councilor Duschatko wanted to add the removal of the part-time Town Clerk. Councilor Thomas wanted to clarify that that's not a new position, just one that hasn't been filled. Ms. Penny stated that that position is already in the budget. The Town Clerk asked for some increased hours.

Sally Kellar stated that the former Deputy Town Clerk was able to come in seasonally for the elections and was available on the fly. She didn't know if moving forward to find someone to help them would be that easy. She thought that potentially having someone with more part-time hours it would be more enticing for them to work. A lot of other towns our size have more help in the Town Clerk's department, whereas is mostly just her and if she is not around then there is no one to service the residents when she is away from the office. She thought having a part-time person might help them. She took a look at the difference in hours if they kept it as is versus having a part-time person. Ms. Penny stated that if they were to disregard her request to increase the hours, they could reduce the budget by \$8,741, to arrive at the hours that she needs for the remaining elections in 2022. Ms. Kellar stated that three months out of the year, because they have three elections this year, the Deputy Town Clerk was in the office working with her. As soon as the absentee ballots are delivered, everybody is coming to get their ballots. With the increased requests for absentee ballots, she didn't know how long that was going to take place. It would be beneficial to have someone besides just her in the office for the month prior to an election taking place. That's where a lot of the hours come from. There are some years where they only have one election. She put together the numbers of how many hours leaving it as is would probably come out to be. Chairman Gilbert stated that it's not an additional position it's just more hours for a part-time position that they already have. Councilor Radke wanted to know if they had received any interest yet or gone out yet to look. Ms. Kellar stated that she hadn't gone out yet, because she didn't know what she could offer. Councilor Radke clarified that it's not an additional person, it's just additional hours during election times. Mr. Sawyer stated that the request was for 20 hours a week every week. The amendment if they were to accept that would change it from 1,040 hours to 634 hours for the year. Ms. Kellar stated that some of the hours that were budgeted in the past for the Deputy Town Clerk, to have someone in there part-time would a lot easier if she were to go to a conference or to a training for Town Clerks. That's another time away from the office and no Town Clerk representation when she's not there. Councilor Radke wanted to know if they were still looking into having the window clerks do vital records. Mr. Sawyer stated that they have not put the extra demand of vital records on their brand new window clerks as of yet. He thought it was something they could add to their skill set once they are here for some time. They could be a back-up,

but the Town Clerk has to be the primary vital records clerk in the community. Councilor Radke stated that if there is no one there to do the vitals, it's not the end of the world. People have to understand that. She wanted to know if 654 hours would be enough for the elections. Ms. Kellar responded yes. Councilor Radke stated that you can go to any city or town clerk to get vitals. They can go to surrounding towns. The need to have somebody sit in the office and wait when it's not really needed is something they should consider. They can go elsewhere.

Councilor Duschatko stated that he read through a thorough job description for the CALEA manager position and discovered he didn't have a clear understanding of the position. He thought there was more to the job than just a clerk. He talked about a new Police facility and thought there should be a close coordination and communication among the whole aspects of the certification process. He thought it was a great opportunity to rethink their administration approaches and what they are trying to do. He would like to move the total one year costs of \$62,004.98 for the accreditation manager into Unallocated Reserve while they consider the benefits and roles of that position. It keeps it open without any particular commitments onto styles of people or specific personnel. He mentioned the Director of Strategic Initiatives and how it was similar to the CALEA manager. They are both very project oriented and some of those projects overlap. He believed that under Town Manager Sawyer's ideas was that some responsibility be shifted and the responsibility for the IT Department should be shifted from the Police Department to the office of Strategic Initiatives along with oversight and running of the Recreation Department and a few other areas that fall between the cracks in the organizational structure. He would like to leave it as an unfilled position and move the appropriate amount of money into Unallocated Reserve on the same basis he described for the accreditations manager.

Chairman Gilbert added that with the Director of Strategic Initiatives position, he didn't think they needed the building costs. He thought they could work around what they have and not build a new office. Councilor Thomas agreed that if that position stayed in she would going to have that removed.

Ms. Penny stated for the two positions combined, the \$62,004.98 plus the \$114,242 for the Director of Strategic Initiatives, less the \$38k for building, she gets \$138,247 going into Unallocated Reserve. Mr. Sawyer stated that if they want to move everything but the facility portion, it would be \$76,242.20 for the Director of Strategic Initiatives.

MOTION by Councilor Duschatko that the Bedford Town Council move \$62,004.98 for the CALEA Manager and \$76,242.20 for the Director of Strategic Initiatives, without the \$38k for building costs, for a total combined of \$138,247 into Unallocated Reserve. Seconded by Councilor Radke.

Councilor Radke was confused on what that means. She wanted to clarify that Councilor Duschatko wants to put the money away and look at everything and then hire someone, because she was confused. She didn't understand how it was going to work.

Councilor Duschatko explained that he thought they needed a thorough review of where they are going on the personnel stuff and the long-term impacts of this, which is one of the reasons he had a request to look at a 3-year budget. That starts putting them into what they want to be in two or three years. He thought they could spend a little time planning these ideas in the next several months, particularly the significant change and the make-up of the Council coming up depending on who runs and how the election turns out. It's buying a little time, but at the same time they decide that it's going to go this way and they do it in April or May or whenever. They find the right people and get them on board, because they've allocated the funds. It's just being a little bit cautious without a huge change in the numbers and they are moved around. Looking at where they are going to be two or three years from now, he believed they could successfully handle this type of thing, but he's a little reluctant to rush into it right now.

Councilor Radke wondered why they don't wait and just plan for the whole year and then come back to the budget for next year, 2023, with a sound plan.

Councilor Duschatko thought they may have to do things earlier. If they can get their things on track for a facilities project, they are going to have to get some people working with them. It might be a question where they hire this out to a 3rd party, a construction type manager, who they never employ, but are part of the project. Or they may decide, because of all these other things it's better to find this person or people to accomplish both these things.

Councilor Radke wanted to know if Councilor Duschatko was saying to put the money in Reserve in case something comes up. It's not an automatic hire.

Chairman Gilbert thought they put it in Unallocated and then they have the option to define what they want and pull the trigger when they can when it's appropriate, and that isn't a whole year from now. It could be three or four months from now.

Councilor Duschatko stated that they don't want to be in a situation that this is a budget decision a year from now, because that means they wouldn't be hiring people for another year and a half when they need them now to get those projects done. The interaction between the certification manager, and the Fire Department is working in the same direction, and they want to get that involved at the same time. They are going to need those coordinators.

Chairman Gilbert thought it gave them flexibility for this year and if they decide not to do it they don't have to. If they do, they can pull the trigger now instead of waiting a year. They've also got things like energy initiatives coming up, some PFAS response stuff coming up, and grants they have to apply for. He also thought the IT Department under the Police Department was kind of weird, but it was necessary. He thought it was appropriate to readjust to these positions and see how they can actually do it.

Councilor Radke stated that it's not earmarked for those positions; it's just money put away for possible different positions that would meet the needs when they get to that

point. If they end up getting a parcel of land and they start building, they have to get that ball rolling and clearly the Town Manager is going to need help, so they get a project manager and they use those funds to help with that. Chairman Gilbert stated that they are talking about hiring employees of the Town. A project manager is different.

Councilor Thomas stated that when the high school was built, Tim Mayes spent 75% of his time or more on the building itself. They had a project manager, but they also had an assistant superintendent. It's a big chunk of time. She didn't think they were putting money away for just a one-year; they hire someone until the building is designed and then they go their merry way. They are putting money away for a position that's somewhat defined and somewhat undefined. Councilor Duschatko stated that they are trying to better define it. Councilor Thomas stated that it is a position that they would add. Chairman Gilbert stated that in the future, more things are going to come up and that person would deal with them as they come up. They need to define it for the CALEA manager and the Director of Strategic Initiatives.

Mr. Sawyer stated that he thought the staff would take this as they are not approving the positions, but there is money available should they be able to convince them later in the year that they should fund those; the money would be available to do it, but they are not approving those positions as part of the budget. They would have to come back to the Council to move those unallocated funds into the appropriate wage and benefit lines in the future. Chairman Gilbert stated that it would be \$138k. Ms. Penny stated that they are effectively removing \$38k from the budget. The amount to be put into Unallocated Reserve would be \$138,247. Chairman Gilbert stated that's what they are adding to Unallocated Reserve, but they are taking away the \$38k out of the budget. Ms. Penny stated that the \$38k is .008 on the tax rate. Mr. Sawyer stated that it would reduce the tax rate by almost a penny. Councilor Carter stated that all of those unallocated funds are just used for personnel if they choose to use it. Mr. Sawyer stated that they completely at the discretion of the Council as to how they would use them for anything. This past year they had to use some Unallocated funds for a special election and PFAS remediation. Chairman Gilbert stated that it's really up to the Council what to do with Unallocated. They get control over what they want to do, but they are not going to just push it aside and not deal with it. They are going to look into these positions as they go along in the months and if they are ready to go, they go and they're not, they're not.

Councilor Carter stated that he would like to get to a certain number on the budget. The staff made great strides to get that number down. He was looking at where he would be comfortable with a tax rate for the taxpayers of Bedford. It sounds like there is support towards that Unallocated. It would come down to a motion to see where they go with that at least on those two positions.

Councilor Radke mentioned that in the line item they have a CALEA contractor and wanted to know how that was different from the CALEA manager that was being proposed. Mr. Sawyer stated that they use an outside service to work with the staff and make sure that everything is going to be able to be acceptable for accreditation. Councilor Radke wanted to know if they need both. Mr. Sawyer stated that's how they've been

progressing and that's how they believe they need to progress. They haven't had both, but they also haven't been able to get to accreditation. Councilor Radke wanted to know if the two of those positions would get them there. Mr. Sawyer stated that that was the plan. Mr. Sawyer stated that the consulting line in the budget is about \$10k. Councilor Radke wanted to know if they were duplicating efforts. Councilor Duschatko stated that he hoped they would find the right person and they wouldn't need the extra one. It's getting a little complicated to discuss at this level. Councilor Radke wanted to know how CALEA affected their insurance. Mr. Sawyer stated that it does affect their property and liability insurance with the carrier. They would be able to reduce their liability insurance. They indicated that as soon as they become accredited to let them know and they would be able to reduce their liability insurance by a certain percentage. Councilor Radke thought they needed to move in that direction. Her only concern was adding five positions all at once was a lot to take on. She liked Councilor Duschatko's idea now that she has absorbed it a little bit.

Chairman Gilbert polled the Council to see if any of them were in favor of the HR position and the response was no. Councilor Radke thought maybe it's something they could look at it next year.

Councilor Duschatko withdrew his motion.

MOTION by Chairman Gilbert that the Bedford Town Council accept the Director of Strategic initiative and the CALEA Manager as Unallocated Reserve, move that to Unallocated Reserve, take away the \$38k of the building cost, and also approve the detective position and the two Firefighter positions and not the HR position. Seconded by Councilor Duschatko.

Councilor Carter wanted to know if they were increasing the hours of the existing Deputy Town Clerk. Councilor Thomas stated that it was already in there. Chairman Gilbert stated that the position is there, but increasing the hours. Councilor Thomas stated that the increased hours are already in there; it's whether they want to reduce it back. Chairman Gilbert stated that he didn't want to add the reduction; leave it as it is. Ms. Penny stated that it would be a reduction of \$8,741. Councilor Radke stated that she said it was fine. Chairman Gilbert stated that they will do that too.

Amended motion:

MOTION by Chairman Gilbert that the Bedford Town Council accept the Director of Strategic initiative and the CALEA Manager as Unallocated Reserve, move that to Unallocated Reserve, take away the \$38k of the building cost, and also approve the detective position and the two Firefighter positions and not approve the HR position and not approve the added money for the Town Clerk position. Seconded by Councilor Duschatko.

Mr. Sawyer stated that the reductions are \$38k, \$19,312, and \$8,741.

Vote taken – Motion Passed – 6-0.

MOTION by Councilor Thomas that the Bedford Town Council amend the budget for the five items identified in the staff report dated January 19, 2022. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0.

Mr. Sawyer stated that if Councilor Carter still wanted to get to \$4 they would still need to cut \$200k or add \$200k in revenue. Councilor Carter stated that the staff and Town Manager did a great job to get close to where he thought they should be and they are down to \$4.03.6. He was completely satisfied with that effort to get to that price point.

MOTION by Councilor Thomas that the Bedford Town Council move Article 3 the 2022 Capital Reserve Fund as presented forward to the Budgetary Town Meeting Scheduled for March 9, 2022 with a total appropriation of \$1,394,808. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0.

Councilor Duschatko wanted to know if this was going to affect their calculation on Unallocated Reserves. Ms. Penny stated yes, Unassigned Fund Balance is a math problem. The denominator is their total appropriations for School, Town, County and they just had to increase the appropriations, so that's where she arrived at the 13.01%. Mr. Sawyer stated that the math problem changes with the School budget as well.

MOTION by Councilor Duschatko that the Bedford Town Council move Article 4 the 2022 operating budget as presented and amended forward to the Budgetary Town Meeting scheduled for March 9, 2022 in the following amounts:

General Fund	\$34,035,818
Recreation Day Camp	\$ 82,569
Bedford Comm. TV	\$ 475,240
Sewer Fund	\$ 2,260,164
Total Appropriations	\$36,853,791

Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-0.

5. NEW BUSINESS

a. Scheduling of a public hearing for consideration of the Hazard Mitigation Plan update

Becky Hebert, Planning Director, stated that the Town's Hazard Mitigation Plan committee had been working on an update of Bedford's Hazard Mitigation Plan. The

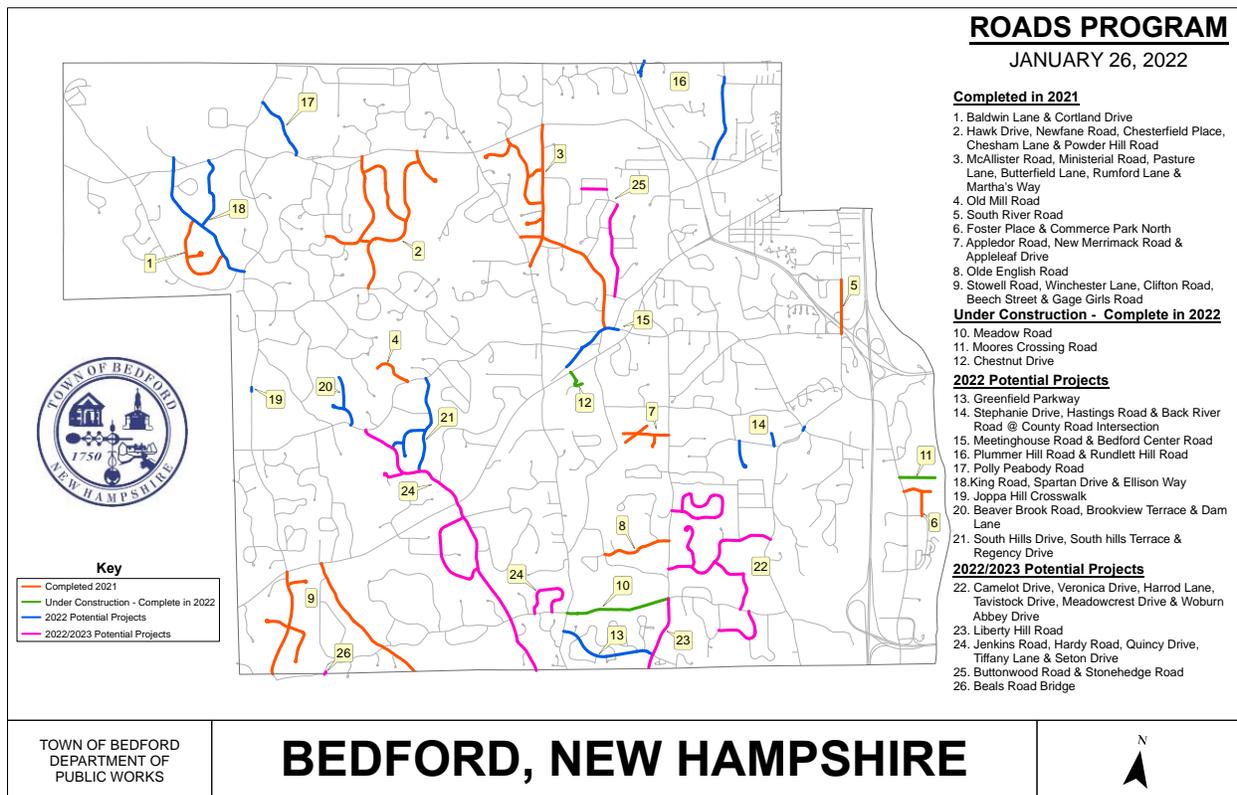
Hazard Mitigation Plan was important, because it makes the community eligible for certain grant programs, FEMA grants and other Federal grants that may be needed if the Town were to respond to a hazardous event. The Plan update was funded through the NH Division of Homeland Security and Emergency Management. The money was provided to Southern NH Planning Commission who worked with the Hazard Mitigation Committee to prepare the report that was forwarded with the staff report. They recently received an email. Once the plan was completed, the Town needed to forward it to NH Division of Homeland Security and Emergency Management for their review and approval. At the end of December, they heard that the Plan was ready for adoption and the process for formerly adopting the Plan is a public hearing to be held by the Town Council.

MOTION by Councilor Radke that the Bedford Town Council schedule a public hearing for February 23, 2022 at 7:00 PM for consideration of adopting the 2021 Hazard Mitigation Plan Update. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 6-0.

b. 2022 Roads Program update and award of contract extension

Jeff Foote, Public Works Director and Jeanne Walker, Assistant Public Works Director and Town Engineer came forward.

Ms. Walker went through the Roads Program update:



Councilor Carter wanted to know if Beals Road bridge was a red listed bridge and Mr. Foote responded yes and stated that it has been for 8 or 9 years. Councilor Carter wanted to know if that was something that they would try to get some Federal funds to fix. Mr. Foote explained that 7 or 8 years ago the Town went through an exercise to improve the bridge. 80% of the improvements are in Bedford and 20% are in Merrimack. Bedford is prepared to move forward with their portion, but they haven't had any success getting Merrimack to contribute their share. It's been at a standstill for about 6 years. It's about a \$1.2m project and the State pays for 80% of it. The Town would be on the hook for about \$200k and Merrimack would be on the hook for about \$50k. They will reach out to them and see if it's something they can include in their budget. In July of this year it will be up for funding. Councilor Carter wanted to know the cost to do Polly Peabody and Mr. Foote thought it was about \$700k. They are moving towards eliminating gravel roads in Town to reduce maintenance. A paved road on that road in particular would be much better for the environment, because of sediment transport. Councilor Carter stated that the paving of Old Mill Road and Gage Girls Road was tremendous.

Chairman Gilbert stated that Polly Peabody was due to be paved and wanted to know how many roads were left that were unpaved. Mr. Foote stated that after this year they will have Holbrook Hill, Tinker Road and County Road West.

MOTION by Councilor thomas that the Bedford Town Council authorize the Town Manager or his representative to advance the engineering, permitting, and to acquire property easements necessary to advance the 2022 Roads Program as proposed utilizing previously authorized bond funds and the 2022 local roads budget by expanding the previously awarded bid contracts with Continental Paving Inc. of Londonderry, NH and Busby Construction of Atkinson, NH. Seconded by Councilor Carter. Vote taken – Motion Passed – 6-0.

c. Award of bid (2) six wheel cab & chassis (dump trucks)

Mr. Foote explained that this is an ongoing process. Each year they replace two of the six-wheelers. On January 5th and they opened the sealed bid. These are replacing trucks purchased in 2011 and 2013. The estimated trade-in value for the trucks is \$30k each. They are planning to advertise the two existing six-wheelers on Friday. There was one firm that submitted a bid for the six wheel cab & chassis from Allegiance Trucks of Manchester. The funding for the purchase would come from the 2021 unspent appropriations approved at the Town Council meeting on November 17, 2021.

Councilor Carter wanted to know if these were the same style trucks they have now and Mr. Foote responded yes.

Councilor Duschatko wanted to know if he could estimate the increased price of the used cab & chassis. Mr. Foote stated that they are trying to let that out immediately, because they believe they will have others who are interested in purchasing the used equipment now versus in the middle of the summer or next fall. He's hoping they will see an increase

in value when they sell. Councilor Duschatko wanted to know when they sell if it's complete or stripped and Mr. Foote stated that they don't disassemble it for sale.

MOTION by Councilor Ricciardi that the Bedford Town Council award Contract #19-2021 to Allegiance Trucks of Manchester, NH in the amount of \$200,000 and to authorize the Town Manager to execute the contract. Seconded by Councilor Carter. Vote taken – Motion Passed – 6-0.

d. Award of bid (2) six wheel equipment

Mr. Foote stated that they received two bids for the dump body, plow and sander. The lowest qualified bid was submitted by H.P. Fairfield of Hopkinton, NH for Tenco Industries Equipment. The purchase price does not reflect any resale value. The cost and funding would come from the use of 2021 unspent appropriations approved by the Town Council on November 17, 2021. He mentioned a newspaper article that stated, 'The Producer Price Index (PTI) for steel mill products increased by more than 120% in 2021.'

Councilor Carter wanted to know these are the same trucks that they bought last year and Mr. Foote stated that it's the exact same. Councilor Carter wanted to know if the equipment on the old truck fit on the new truck and Mr. Foote responded no. Councilor Carter wanted to know the difference between Tenco Equipment and Everest Equipment. Mr. Foote stated that they are owned by the same conglomerate.

MOTION by Councilor Radke that the Bedford Town Council award Contract #20-2021 to H. P. Fairfield of Hopkinton, NH in the amount of \$254,722 for two and to authorize the Town Manager to execute the contract. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 6-0.

e. Award of bid (1) Mechanic service truck with plow

Mr. Foote stated that this is for the replacement of the mechanic's truck, which is 19 years old. The replacement value on this is \$5k. Key Ford of York, Maine submitted a bid of \$100,289, which doesn't reflect the \$5k resale value of the existing truck. The cost and funding for this is proposed to come from the 2021 unspent appropriations that was approved by the Town Council on November 17, 2021 and an additional transfer within the Department of \$50,011 of unspent appropriations.

MOTION by Councilor Ricciardi that the Bedford Town Council award Contract #18-2021 to Key Ford of York, ME in the amount of \$100,289 and to authorize the Town Manager to execute the contract. Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-0.

f. Action on request to release legal opinion regarding modifying the Town Charter

Mr. Sawyer explained that communications between the Town attorney and the Council were considered not generally public information, but the Council has the ability to release that to the public if they so choose. There was request from a resident to release the opinion that the Town Council received from Upton & Hatfield on January 7, 2022. He didn't see anything in that particular opinion that would harm anyone or anything by its release. Councilor Carter wanted to know if there was anything that needed to be redacted and Mr. Sawyer responded no.

MOTION by Councilor Radke that the Bedford Town Council release the January 7, 2022 legal opinion from Upton & Hatfield regarding the Charter changes relative to an official ballot form of government. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 6-0.

g. Appointment to the Highway Safety Committee

Chairman Gilbert stated that long-time Highway Safety Committee regular member Madonna Lovett Repeta resigned from the Committee. A recommendation was put forward that they appoint Ken Peterson as a regular member with a term to expire in 2023. He's been on the Committee as an alternate and he has requested to be a full-time member. Chief Bryfonski sent a message recommending it. He's also a former Councilor.

MOTION by Councilor Carter that the Bedford Town Council appoint Ken Peterson as a regular member of the Highway Safety Committee with a term to expire in 2023. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0.

h. Other New Business

Mr. Sawyer explained that yesterday they received a letter from the Department of Environmental Services acknowledging that the two preliminary grant applications that they submitted last fall were accepted and are able to move on to what they consider a final application. The next level of applications is much more detailed and requires a lot more work. As part of that, the State requires that the governing body acknowledge that they will accept the grants if they are received. They included those grant amounts in the appropriations and revenues for the 2022 budget so they could spend the money if they get it. This is saying that they would formally accept it if they are awarded.

MOTION by Councilor Carter that the Bedford Town Council accept PRLF-14 Bedford Center Road Municipal Water Main Extension grant in the amount of \$1.5M and PRLF-15 Bedford Private Well Owner/Public Water Connections grant in the amount of \$1.4M and authorize the Town Manager to complete any necessary actions associated with the acceptance. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0.

6. OLD BUSINESS

- a. Other Old Business – None

7. APPROVAL OF MINUTES

- a. Public Session – January 12, 2022

MOTION by Councilor Radke that the Bedford Town Council approve the minutes of the January 12, 2022 Public Session. Seconded by Councilor Carter. Vote taken – Motion Passed – 6-0.

- b. Non-Public Session – January 12, 2022

MOTION by Councilor Carter that the Bedford Town Council approve the minutes of the January 12, 2022 Non-Public Session. Seconded by Councilor Radke. Vote taken – Motion Passed – 5-0-1 (Thomas abstained).

8. TOWN MANAGER REPORT

- 1) PFAS Public Meeting regarding Cancer Concerns – The Department of Health and Human Services has announced that they will conduct a public information meeting virtually on Thursday, January 27, 2022 at 6:30 PM, advanced registration is required at: www.bit.ly/3tih5dT. This meeting is being conducted as a result of testing of those who have consumed water from the Merrimack Village Water District (MVD) having higher than average results for some cancers. In Bedford those in the areas in and around Greenfield Farms, Cabot Preserve, and Brick Mill Road are served by Pennichuck Water Works with the water coming from MVD. Anyone in these areas or who has a well impacted by PFAS should attend this meeting.
- 2) February 2nd at 6:30 PM – PFAS Public Health Report Virtual Public Meeting. See Town website alert to register or watch the simulcast on BCTV Channel 16.
- 3) PFAS Contamination –If you have received a request for well testing from Golder Associates, sign the agreement and return the paperwork. Outside of the Saint-Gobain area of responsibility (generally north of Route 101) residents can request that their well water be tested by submitting an application through the NHDES website at: https://www4.des.state.nh.us/nh-pfas-investigation/?page_id=307. Our request for a grant to reimburse residents for treatment systems in this area is still under review by NHDES. We have been told we can move our grant request to extend the water main down Bedford Center Road to the next phase which requires a final application and information be submitted to NHDES for action. It is anticipated that if the grant is approved construction will start as soon as possible. There is also \$6,500 reimbursements for anyone in the Non-Saint Gobain area that exceeds PFAS limits and installs a point-of-entry treatment system or connects to public water. That should cover the cost for a vast majority of people who install point of entry treatment systems. The money hasn't been award to us and there is no reimbursement program yet, but

stay tuned. It will probably be early summer before those reimbursement programs are fully approved and ready to be awarded. There will be an application process. You would have to show that you've had PFAS readings that exceed the limits and you have to provide your receipts for any work that you have done. The State will also be conducting a reimbursement of \$1,500 statewide in areas where there aren't responsible parties, so you wouldn't be able to get this if you are in the Saint Gobain area. You can only get either the \$1,500 or the \$6,500; you can't get both. The reimbursement application is not yet available and it will probably be May or June.

PFAS Groundwater Contamination Grants – All still pending:

- \$1,500 – State of NH
- \$6,500 – Bedford
- \$1.5m – Bedford Center Road water main extension

4) The registration period for open elected positions is January 19 - January 28, 2022.

Open Town Elected Positions:

- Two Town Council positions (3-year terms)
- One Town Council position (2-year term)
- One Library Trustee (3-year term)
- One Trustee of the Trust Fund (3-year term)
- One Supervisor of the Checklist (6-year term)
- One Town Moderator (2-year term)

Open School District Positions:

- One School Board position (3-year terms)
- One School District Moderator (3-year term)
- One School District Clerk (3-year term)
- One School District Treasurer (3-year term)

Any Bedford registered voter wishing to file for Office must do so by contacting Town Clerk Sally Kellar at 472-3550. The Town Clerk will be available during office hours at the Town Office Building, 24 North Amherst Road and until 5 PM on the last day of filing. As per RSA 669:19 candidates who file on the last day of the filing period shall do so in person before the Town Clerk.

5) Candidates Forum Hosted by the Bedford Men's Club

- Town Council - February 10th – 7 PM, BCTV
- School Board – February 16th – 7 PM, BCTV

6) As a reminder political signs are not permitted in any traffic island or on any town owned land without approval of the Town Council.

7) COVID-19 Pandemic – Bedford currently has 172 COVID-19 positive cases with significant spread occurring in the community. Bedford has had a total of 4,458 cases. 59.8% fully vaccinated Bedford and 65.6% with one dose. The Bedford Fire Department is providing free clinics for vaccinations on Wednesday February 2 & 9, from 3-7 PM for those eligible 5 years of age and older, first dose, second dose, or booster for Pfizer. Appointments are required and can be scheduled by emailing Elizabeth Duclos at educlos@bedfordnh.org or 603-472-3219.

8) Family Snowman Challenge – build a snowman in your own yard and submit a picture to the Recreation Department by January 31st. Be sure to challenge your friends and neighbors!

9) The Bedford Winter Parking Ban began on November 1st, which requires no parking

on public roads between midnight and 8 AM.

- 10) The Bedford Recreation Department is again sponsoring the “Spread the Love” event February 1-12 where residents are encouraged to drop jars of peanut butter, jelly, and or jam at the Recreation Department in the Town Office Building in support of the Bedford Community Food Pantry.
- 11) **February 9 – School System Deliberative Meeting, 7 PM, Bedford High School**
- 12) February 13 – Cinema Sunday, “It happened One Night”, 1:30-4:30 PM, Bedford Library. Please register in advance on the Library website.
- 13) February 21 – The Town Office Building, Library, and Transfer Station will be closed for Presidents Day.
- 14) February 27 – Concert & Cookies Series, 2:30 PM “Steve Blunt & Marty Kelly” at the Library. A kid’s concert with music and readings. Please register in advance on the Library website.

Chairman Gilbert stated that they just had Golder on the property and there were eight or so tests. He wanted to know if it was going to work the same way if they have one of the eight or however many tests they do; would that trigger it. Mr. Sawyer stated that the Town and the State are working through what the parameters will be, but his expectation was that if you have exceedance of any one of the four regulated PFAS chemicals and you want to install a point-of-entry treatment system or connect to public water you would be able to be reimbursed. Chairman Gilbert confirmed that it’s the State limit. Mr. Sawyer stated that it’s the State regulated limits. It will be first come/first served; it’s \$1.4m on the reimbursement program. Once the money is gone that would be the end of the program, but that is sufficient enough money to cover all of the known residents that have exceedance outside of the Saint Gobain area at this time.

Councilor Duschatko wanted to know if it covers anyone who may have a claim against the Merrimack Water District. Mr. Sawyer stated that everybody who receives Merrimack Village Water District water through Pennichuck in Bedford would be part of the Saint Gobain responsibility area, so they would not be eligible for any grants or reimbursements from the State or from the Town.

9. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Radke wished all the candidates that are running in any elected office the best of luck.

Councilor Carter stated that at the Conservation Commission meeting, they had two Dredge & Fill applications. One for the Carnevale Spa Associates on Olde Bedford Way. The other one was a NH DOT project to rehabilitate the Bowman Brook culvert underneath 114. The Conservation Commission is conducting a logo contest going on until March 6th. They are going to be working on conservation area monitoring, naming some of the conservation areas, especially with the recent purchase of the Marston property. Other business was the blazing of some conservation lands. CUB day is April 16th, 9-1. They are going to be going through a Big Tree Program. It’s going to be on Saturday, March 19th. You can register through the Library. It’s going to be an introduction

to the State's Big Tree Program and the winter tree ID training. They are just about to be named with the largest red ash in the State of NH, which is at Joppa Hill. Next month is the February workshop for the Conservation Commission.

Councilor Duschatko stated that at the Planning Board meeting, they moved two zoning amendments to the ballot. They covered solar installations as well as accessory buildings. They also agreed to support the citizen's petition that is designed to limit the size of medical clinics located in the Performance Zone. He testified for Senator Ricciardi's sponsored bill that would give all municipalities in NH the rights to issue municipal bonds to enter either private or public partnerships to expand broadband networks with the idea of improving service of all aspects of speed and price to all residents. The bonds would only be issued through the process of a Town vote. There is a large number of communities that currently have this power and they are primarily in areas that are rural and viewed as underserved. The big difference in arguments here is that their current providers in the majority of population in the State claim that they provide more than adequate service to the residents while they ignore the rest of the rural areas on that. They take some exception to it based on the feedback they've had from all of you in the Town and he knows that there is great dissatisfaction with the current levels of service and they are trying to take steps to improve that.

Chairman Gilbert stated that the ice-skating rink at EFJH is open. Check the website for available times.

10. NON-PUBLIC – RSA 91-A:3 II (d)

MOTION by Councilor Carter that the Bedford Town Council go into non-public session per RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property. Seconded by Councilor Radke.

Roll call vote: Radke-aye, Carter-aye, Thomas-aye, Ricciardi-aye, Duschatko-aye, Gilbert-aye.

The public meeting ended at 9:00 PM.

Respectfully submitted,

Dawn Boufford