

**TOWN OF BEDFORD  
TOWN COUNCIL MEETING MINUTES  
November 15, 2023  
10 Meetinghouse Road**

**1. ROLL CALL:** A meeting of the Bedford Town Council was held on Wednesday, November 15, 2023, 10 Meetinghouse Road. Participating were Bill Carter (Chair), Lori Radke (Vice Chair) and Councilors Phil Greazzo, Sue Thomas, Dave Gilbert, Kathleen Bemiss, and Michael Strand. Also present was Town Manager Rick Sawyer.

Chairman Carter opened the meeting at 7:00 PM.

**2. PLEDGE OF ALLEGIANCE** – Led by Councilor Bemiss.

**3. PUBLIC COMMENTS** – None

**4. PUBLIC HEARING**

- a. Consideration of Ordinance 2023-04 amending Chapter 190-3, Licensing, to remove the requirement for a State of NH hawker and peddler license when obtaining a Town license**

Mr. Sawyer stated that the proposed change was a result of the State taking away their requirement for the license that the Town's license refers to, so they can no longer require somebody to submit something that didn't exist.

Chairman Carter opened the public hearing.

Chairman Carter closed the public hearing.

**MOTION by Councilor Gilbert that the Bedford Town Council approve Ordinance 2023-04 amending Bedford Town Ordinance Chapter 190-3:A, to remove the requirement for a State of NH hawker and peddler license in order to apply for a Town of Bedford Peddler, Hawker, and Itinerant Vendor license effective upon passage. Seconded by Councilor Strand. Vote taken – Motion Passed – 7-0.**

**3. NEW BUSINESS**

- a. Update from Senator Ricciardi and the Bedford Delegation**

Denise Ricciardi, State Senator for District 9 representing Bedford and 12 other towns in her district. She read a statement:

As a town you are the face of the community and residents turn to the Town first for guidance. Having served, like you at a local level, I understand the decisions made at the State level impact both residents and municipal operators and budgets at a local level. I am proud to have kept her 2020 campaign promise by filing the legislation SB99 to significantly increase the local portion of State Meals & Rooms revenue sharing providing

direct tax relief. During the 2021 legislative session, SB99 enacted a major change in how the Meals & Rooms distribution to municipalities are calculated. The State now distributes 30% of the actual revenue collected back to municipalities through a dedicated fund on population. Fiscal year 2024 revenues exceeded plan further increasing Bedford's share of Meals & Rooms distribution. Since the passage of SB99, Bedford has seen a cumulative \$1,070,862 increase in Meals & Rooms revenue directly offsetting the tax rate each year. In this session, I have chaired the Transportation Committee and served as Vice Chair of Commerce Committee. Both committees have been incredibly enjoyable and I appreciate the opportunity to support our small businesses and have success ability to the Granite State. The legislative session has focused on uplifting Granite State families through the State budget process. We prioritize community, safety, education, health, and the environment of our home stated resulting in a bi-partisan and fiscally responsible budget plan that balances spending and focuses on the needs of our residents, families, local business, and property taxpayers. Specific to Bedford, your allocations for 2022 and estimate for 2023, the surplus is used to reduce local property taxes. On the Highway Block Grant in 2022, Bedford received \$579,843. In 2023, the Highway Block Grant is estimated at \$578,980. That's based on declining gas tax road tolls. I supported legislation to fund additional highway and infrastructure projects. In 2022, SB401 provided a one-time payment to Bedford for Highway Block Grant of \$491,960 and a one-time bridge aid of \$381,538. For 2023, HB2 Highway Block Grant one-time payment to Bedford's estimate is \$163,000 and the bridge aid one-time payment estimate is \$105,000. In this upcoming 2024 next session, I will introduce legislation to continue funding one-time payments for road and bridge infrastructure projects using State surplus and advocate for the importance of the State partnership with all of you. Over the past three legislative sessions, I supported many State aid programs and additional funding benefitting municipalities and property taxpayers and I will continue to champion clean water and water pollution grants that benefit residents, taxpayers, businesses, and our visitors to the Granite State. I'm also proud to share that in 2022, I received Legislator Champion Award from the NH Food Access Coalition for my efforts towards ending food insecurity in our Granite State. In 2023, I received Legislator of the Year from New Futures for my leadership in advocating for historic investments in childcare and family support services. Additionally in 2023, I have just received an award from the Business in Industry Association as a policy leader recognizing my pro-business, pro-economic growth positions and policy solutions. I want you to know that I am very dedicated to representing District 9 and addressing the pressing issues that matter most to our community. I have 12 bills filed for this upcoming legislative session and I just want to highlight a few. Groundwater Protection Act amendment for PFOA. This is a remediation for drinking water contamination issues protecting property owners and insuring equitable remediation. One of the other highlights that she's bringing forward is the prior authorization reform bill. It defines and regulates the prior authorization process for health care services ensuring adverse determinations that are being made by qualified physicians and establishes strict time frames for prior authorization decisions and appeal. I'm sponsoring a Wastewater Engineering Standards Act clarification. This is going to clarify the interceptor sewers. This is very important, because this impacts State aid grants for more State funding for municipal projects. Another one of my highlights is the NH Transportation Infrastructure Support Act. This aims to invest \$40M State surplus in roads and bridges, enhance infrastructure design and reduce the local property tax burden. I will mention one more out of the 12 and that is legislation to establish a committee to study the effects of the housing crisis on the disability community in NH.

This recognizes the statewide housing crisis including rising prices, decreased ownership effecting all residents including those with disabilities. It acknowledges the disproportionate impact of the affordability crisis on these marginalized populations and the challenges faced by adults with disabilities in finding affordable housing. All of the legislations that I'm putting forward this year is bi-partisan. I'm committed to doing what's right for the people and supporting all of our cities and towns in the effort to provide stability and services to our residents. As most of you know, I always have an open door policy and I look forward to continuing to represent all of the people of District 9.

Sen. Ricciardi stated that there were a lot of LSRs, bills had not been drafted. There were over 300 that could impact municipalities.

Councilor Radke thanked Senator Ricciardi for all the work she had done in Concord. She had certainly accomplished a lot in the last few years; especially the Rooms & Meals. She wanted to know if there were any LSRs that they should be thinking about. Sen. Ricciardi stated that there were a lot of them there. As they get drafted, she would bring them more to their attention. Right now when it's just an LSR, it was a little hard to comment appropriately, but she should keep them in the loop. That list was just the municipality ones; she only pulled those. Councilor Strand appreciated her for targeting that for them.

Councilor Bemiss thanked Senator Ricciardi for all of the work that she had done. She worked crazy hours for no money. Sen. Ricciardi stated that it was an honor to serve.

Councilor Thomas said that there was declining gas tax and road tolls and wanted to know if there had been any discussion on what to do with the rising electric cars who were not paying gas taxes and it's reducing. Sen. Ricciardi stated that they put a bi-partisan bill forward last year that had a special registration fee for electric vehicles. It was a concern, because the vehicles were much heavier, so they would take more of a toll on the roads. There were committees that were doing some studies to see how else they could best serve the upcoming EV community. Councilor Radke wanted to know if that bill passed and Sen. Ricciardi responded yes. Councilor Radke clarified that if you had an electric car you were going to get an extra fee when you register it. Sen. Ricciardi stated that she'd already had constituents call her upset about it.

State Rep Catherine Rombeau, District 2, thanked them for including the representatives. She appreciated Sen. Ricciardi reaching out and setting a good example of laying the groundwork. Regarding the EV, she also sat on Transportation in the House committee and she would say not a lot decided yet. She didn't know yet what bills they would see heading into the new year. All the LSRs were still in drafting process. The House had to be done sooner than the Senate, so their deadlines were the end of this week. Senate bills were not always out for everyone to see and the House bills they might just get a generic description. None of them had access to the full bills at this point. She was happy to look into, if she could find descriptors, of what might be going on with those bills.

Councilor Strand thanked Rep Rombeau for coming; it was unfortunate the rest of the delegation couldn't make it. He thanked Sen. Ricciardi her persistent support for PFAS remediation and the work that she'd done on that, because it's made a big difference.

Chairman Carter wanted Rep. Rombeau to pass on to the Democrats for their help cleaning up the road in the fall. Ms. Rombeau stated that she would pass that on.

Rep. Rombeau stated that they would be back in session in January. The House had over 1,100 bills last year. Things were still in drafting, but there were a lot. She was still trying to learn to pick and choose the best place to put her time and energy in. She was prime sponsoring one bill this session, which was to eliminate patient cost sharing for supplement and diagnostic imaging for breast imaging. It was still being signed off on this week, but that was the bill she was working on right now and sponsoring. She was looking for bi-partisan support and lining up folks on both sides of the aisle. The other bills she was co-sponsoring, but not the prime sponsor for were primarily PFAS related also as it continued to be a big focus for Bedford and surrounding communities. One was for reestablishing the commission that was studying the impacts of PFAS in Merrimack, Bedford, Londonderry, and Litchfield. Another one was relative to the liability for blood testing for PFAS and who might bear the burden. Sen. Ricciardi stated that she co-sponsored those as well. Rep. Rombeau stated that they were on a number of bills together that related to Bedford particularly. There was a bill in terms of responsibility for decommissioning equipment that might be related to the transmission of PFAS chemicals. Those were the kind of bills she had been signing on for. One other one that hopefully would feel like a practical problem solving bill that she was co-sponsoring, another bi-partisan effort, was for folks who bought a new car from a licensed dealer, they didn't need to get their inspection for 2 years. That was a Transportation bill. She really liked being on Transportation; she felt those were the kinds of bills they should be working on, because they're hopefully eliminating some unnecessary hurdles for folks.

Councilor Greazzo wanted to know when the filing period for new bills closed. Rep. Rombeau stated that the filing period was closed. They had veto day a few weeks back where bills that the Governor vetoed; they had to vote whether to override the vetoes. One thing they had to vote on was to extend the time for bills to be in redraft, because legislative services had been overwhelmed this year, so it got extended to this Friday.

Mr. Sawyer thanked Sen. Ricciardi for her support on the 10-year plan for Bedford and specifically a project that they just asked the GACIT Committee to add, which they had since done based on her lobbying of including that, which was a bridge replacement project on Nashua Road. It gets that project into the 10-year plan for the first time.

Chairman Carter stated that Rep. Kristen Noble had sent an email to all of the Councilors. She had apologized for not being able to there, but she listed some of the LSRs that she was working on.

Rep. Rombeau stated the bill they were talking about with inspections, Rep. Gorski was a co-sponsor on that bill too. They were both on Transportation, so it had been a good opportunity to work together.

Mr. Sawyer stated that Rep. Foxx had said that he would be coming tonight, but he knew he be late and might miss the agenda item.

Councilor Strand stated that he was appreciative of the 2-year inspection. Councilor Bemiss wanted to know when that went into effect. Rep. Rombeau stated that it hadn't

passed yet. Sen. Ricciardi stated that it had to go through the House and the Senate and then crossover. Rep. Rombeau stated that there had been a lot of efforts to eliminate inspections entirely and this seemed like a good incremental step to some practical burden elimination without giving up the safety aspect and the reasons for doing them in the first place.

Councilor Greazzo stated that it was hard to get passed when the members that owned inspection stations; there were quite a number of legislators that owned inspection stations. That was one of the reasons why it doesn't pass.

Councilor Bemiss thought maybe where it was just focusing on brand new cars in that 2-year period. Rep. Rombeau thought they could bring people together people who were worried about safety issues and people who felt it was overly burdensome for the inspection process; it seemed like an incremental step.

Chairman Carter appreciated that they came and talked with them. He thought twice a year, spring and fall, it would be great to hear what's going on at the Statehouse and knowing that all of their reps were hard workers making sure they were doing the best for Bedford. Rep. Rombeau stated that if they came back in the spring they could tell them what happened with some of those bills.

Sen. Ricciardi stated that if they had questions, they could always reach out to either one of them; they would respond. They were a resource for them and any resident. Because she got a lot of emails about getting the money for Rooms and Meals, but their tax bill went up. She didn't want to get into the weeds, but she had a very good explanation that simplified it. She thought the residents may be confused on the process. If anyone wanted to reach out to her, she could go over it step by step with Rick Sawyer. She thought that might help to understand the process of how their tax bill was set.

**b. Review and approval of a development agreement proposed for compensation of a public utility easement at Primary Plaza, 209 Route 101**

Mr. Sawyer stated that on September 1<sup>st</sup> the owners of Primary Plaza recorded a public utility easement to the benefit of Pennichuck Water Works in support of their PFAS remediation water main project that had been going on along Bedford Center Road down to Primary Plaza. Following the recording of that easement, the owners of the property requested compensation for the impacts that the easement had on the property and were asking for potentially payment over a 3-year period or any period the Council may see fit. The project extended the water main to that portion of Town that had never had it before. It also included 3 hydrants along the water main including one at the intersection of Wallace Road and Route 101. The easement had impacted the travel lane across the 101 side of the plaza and the parking there. The water main and hydrant had been installed. There was a development agreement requested and was drafted by the Town attorney. The funding didn't need to be decided tonight, but it would have to be included a future budget or potentially use year-end funds or ARPA funds if they so choose. Councilor Radke thought or a combination of them.

Councilor Greazzo wanted to know why the request came after the filing of the easement. He wanted to know why it wasn't presented to them beforehand instead of after the fact.

Mr. Sawyer stated that it was their understanding that the easement would come to them free of charge or free to Pennichuck. After it was installed and they saw the impacts they requested that it be done. The grant didn't have funding to pay for it. There was some discussion early on as to whether the grant would have funds available to pay for it. At the time they understood there would not be a request for funding and all the legal fees were taken out of the grant request with the State. Councilor Greazzo wanted to know if there was another path to bring the water to that area. He wanted to know if it could have gone a different way. There was a plaza across the street that was larger. Mr. Sawyer responded not with the funds available in the remediation grant. It was a \$1.5M grant and they barely had enough money to complete the project. They could have gone all the way up North Amherst Road and all the way down Wallace Road, but it would have been triple the cost. Councilor Greazzo stated that he was thinking down Bell Hill Road and then across the street to Convenient MD and that plaza. Mr. Sawyer stated that the water was coming from Bell Hill Road and down North Amherst Road to Bedford Center Road. That's how they extended it. There was water at Convenient MD, but getting across 101 down by Wallace Road would have been significantly cost prohibitive and wouldn't have solved the problem for PFAS contamination along Bedford Center Road, North Amherst Road, the Town Office Building; all those areas that the water main was designed to serve. The south side of 101 where French Atwood Marketplace and the Bedford Village Common were, were all within the Saint Gobain consent decree area where Saint Gobain was responsible for mitigation of PFAS. This side of the road, Primary Plaza, Town Office Building, there was no responsible party named. That's why they sought that grant with the help of Mr. Greiner and others who were impacted as well.

Councilor Radke wanted to know if that water line could be extended further north for further business opportunities. Mr. Sawyer responded northwest and south. It was now at the intersection of 101 and Wallace Road. They know they have contamination on Wallace Road and additional parts of North Amherst Road from the Town Office Building to Wallace Road. They know there were impacts the further up Wallace they go towards Chubbuck. They anticipate that Pennichuck would need to extend the water main westerly on 101 at some point in time. The water master plan for the whole community showed a water tank being built out towards Hardy Road on Route 101 and this main would need to be extended to do that. Councilor Radke thought if not now then at some point down the road. Mr. Sawyer believed at some point in time someone would have to buy an easement to get the water main through Primary Plaza or along 101 in some fashion. They reviewed adding water and sewer on Route 101 as part of the 101 widening project and the Council at the time thought it was cost prohibitive to fund the installation of those utilities. The State said they would design their project then without those utilities in there and when the Town needed to do them, they would be putting them outside of the right-of-way when they move forward in that section between Wallace and Constitution.

Councilor Bemiss stated that she had gone back and forth on this. She had talked to everybody under the sun and had read all the documents. She talked Chief Hunter, Mr. Greiner, Town Manager, and she had gone back and forth, because it was a lot of money to burden the taxpayer with. She believed the benefit to the community to have that water line accessible, have fire hydrants there, that the benefits outweighed any of the cons she was feeling.

Chairman Carter mentioned the hydrant at the corner and wanted to know if they were planning to do any protection of it. In the winter if somebody missed that turn, that hydrant was sitting right there. Mr. Sawyer stated that they would have to discuss that with the property owner. He saw the same thing with the hydrant there. He thought the 3 large boulders that they removed from the construction were going to stay there, but they left the site. They would talk with the contractor and the property owner. Chairman Carter thought it was a safety concern, because they hit it once then it became a target. Mr. Sawyer stated that it was out there on an island by itself and in the path of a car that could jump that curb very easily. Councilor Bemiss thought they moved the rocks, because it would interfere with access. Chairman Carter wanted to make sure that they address it.

Councilor Strand thought any extension of critical water infrastructure was a priority. It was important for transparency to address perception, because when he first looked at it, he was concerned that this was a taxpayer subsidy to a private business or property owner. He didn't think that's what this was. There was a water safety or fire abatement requirement in terms of size of piping, so there were additional costs that would be incurred by the property owner. He suggested that they use ARPA funds to cover it and there would be no taxpayer impact. They could do it in one shot and move on.

Councilor Greazzo wanted to know what the \$60K was for. He wanted to know if it was to purchase the easement that was already in place or was it to cover costs of something. Mr. Sawyer stated that the request was for reimbursement of the easement. Councilor Strand stated that due to a requirement and arrangement; a Bedford ordinance related to fire safety, a larger diameter pipe may be required to run the water. Councilor Greazzo stated that the water was already run and wanted to know what greater diameter of pipe would be required that was not already there. Mr. Sawyer stated that there was no cost to the developer for the pipe that was in the ground. They had some additional costs on their side to sprinkler their building. The fire service to their building from the main that was installed was expensive and the installation of a sprinkler system in the building would be expensive when and if they time came to put that in. There was no cost to the owner other than potential impacts of what the easement did to their property. Councilor Greazzo wanted to clarify that a building that didn't have sprinklers and didn't have water, now that it had water, was going to be required to have sprinklers; that didn't seem logical to him. They didn't have sprinklers in the first place; he didn't think they should be requiring them to have sprinklers now. If they choose to have sprinklers fine, but to give the Town the benefit of having a water main through their property and now requiring them; he would give them a waiver on that. They wouldn't be paying for the easement; he would make a straight trade. Councilor Bemiss stated that she asked the fire chief that question and because of the way the ordinance was written and accepted by this Town Council this past summer. Mr. Sawyer stated that that language didn't change this summer; that language had been in there for some time. Councilor Bemiss stated that something changed. The fire chief said that he would not be in favor of giving a waiver, because of the life safety issues. Councilor Greazzo clarified that weren't currently there now. Mr. Sawyer stated that was correct. Councilor Greazzo stated that this was a residency that people were living there 24 hours a day; they were there for business to work for 12 hours a day. He wanted Mr. Greiner to speak to it.

Bill Greiner, 12 Aspen Lane, and one of the principles of the plaza, stated that this was one of those earmarks that people either liked or didn't like. They found out they found

out they had PFAS on the north side of 101. They asked if they could get some money in the State budget to cover it and the answer was yes. When that was done, things were different and as Mr. Sawyer said, there was barely enough money to get over the finish line. They weren't even thinking about sprinklers. The process was going and Mr. Sawyer reached out to him and stated that even if they never hook their building up to public water, the fact that the public water was within X number of feet of their building, they had to hook up. That was an unfunded mandate. He didn't think that made sense and wanted to know if they could get that waived. He wanted to know if there was some grandfathering and Mr. Sawyer told him that he didn't think so, but they'd try. He stated that Mr. Sawyer talked to Chief Hunter and there were discussions at the State level. It was more than just Mr. Sawyer and he having a conversation about what happens. He asked Mr. Sawyer if they said don't bring it to the plaza and just stop it right before the culvert, they're not going to let it come on the plaza or nobody in the future could hook up either; he didn't want to get burdened with a \$200K sprinkler bill that he would have to pay, which they didn't expect at the time. He was told that there was no way around that. There was zero way to waive that. He would write a \$60K check today to save \$200K, but that wasn't possible to do. At that point, that monster they were creating was going to cost them a lot more money. They lived with that and worked a deal out with Mr. Sawyer and Chief Hunter that they weren't going to write that check today. As they lost tenants, if X tenant left the plaza they would sprinkle that space, so there was no disruption. They weren't going to throw everybody out today and tear the place apart to put in a sprinkler. They just put \$1.5M in the plaza over the last couple of years. They weren't going to redo that until somebody left. They had an agreement in place between Mr. Sawyer, Chief Hunter and himself that they'd be there. Then they said to bring it, they weren't afraid of that now, they'll absorb that when it got there. Towards the last minute, Pennichuck changed its mind on how they wanted the piping and so a \$60K cost was put on them that if they wanted water to their building now and the water line was going to go through the property, this was what it was going to cost. He went back to Mr. Sawyer and said that it didn't make any sense. There had to be more money in the grant. They kept getting hit. They're okay with the \$200K, but they weren't going to be okay with the \$60K and Mr. Sawyer told him there was no money. He suggested to Mr. Sawyer that they come up with some solution, because there was going to be an easement needed. They had to go through their property. At that point they could have said they didn't want it to service their building, because they were still going to be forced to connect at some point, but it wasn't today and they didn't have to spend the money today. It would have been really cost prohibitive and the project could not have continued if they had said stop, wait and get the easement done, and get in front of the Council. Mr. Sawyer had been looking at options on how they could pay for it. In order to have that project get done this season, so it didn't get blown up and not have enough funding to complete it and to make sure there was enough. The ability to expand and connect anybody that wanted to connect later on down the road; they weren't charging a toll for that. Pennichuck and the Town could do whatever they wanted to do. In good faith, he said they would give them the easement now. He had talked to a couple of Councilors; he didn't talk to all 7. That wasn't what he was going to do. He felt that they could make a case and in good faith they would give the easement. If they didn't want it and there was no value, the pipe was there, give them the easement back and rip it up. If they decided in two years they wanted to come back, they would sit down at the table. They weren't going to change their number. If there was a sense that it wasn't valuable today, give him the easement back. No easement, the



pipe was there, and if somebody decided they needed to hook up in a year or two, come back, you know where they are; they were going to be reasonable and work it out.

Councilor Strand mentioned the proximity to the hydrants he wanted to know why that building required a sprinkler. Councilor Bemiss stated that it as a State fire regulation that any building of a certain size and within X amount of feet from a public water source must be sprinklered. It was a State law and there were some idiosyncrasies regarding reconstruction or adding on to it that their ordinance had a different language. Mr. Sawyer stated that the language change this summer made it more flexible for the chief, but that building given its occupancy still would have required a sprinkler system independent of those changes. It had been needing a sprinkler system for a long, long time.

Councilor Bemiss stated that if they move forward, they couldn't do a waiver. She had asked Mr. Greiner if he would be willing to assure or put something in the deed that they wouldn't convert that property into a big box store or apartments or something that the Town wouldn't want where it had public water. Mr. Greiner stated that housing wasn't even allowed there and you would need sewer to have that. He wouldn't come forward with housing on that property today, tomorrow or 20 years from now. If they wanted to maximize their money on that property, that plaza would be knocked down and they would a big box there today. They consciously made a decision not to do that. The people that own that plaza lived in Town. They went out of their way to make sure that they had small businesses there; that's what people wanted. They spent \$1.5M over the last three years repurposing that plaza and he thought most people were happy with the tenant mix they had there. That was their choice. They could've gone a different route, and would have made more money. That was not the intention. He promised them that he wouldn't come forward with any housing on there. It worked well as a retain center. That's why they bought it. They added one more building to it and they worked hard to bring in some really good tenants. Everybody that had a business in there lived in Town. Councilor Bemiss stated that part of the reason she asked that question was she wanted the community to hear the good things that were going on in that plaza.

Councilor Greazzo mentioned anybody else hooking up having to pay an additional fee and wanted to know if that was an impact fee that would go to the Town. He wanted to know if the Town was able to get impact fees to reimburse the taxpayer for it and Mr. Sawyer responded no. It was a public utility easement. The water main was owned by Pennichuck or would be owned by Pennichuck when they turn it over to them. Councilor Greazzo wanted to know if there were any discussions with Pennichuck on how they were able to pull the bait and switch on the property; they were fine and then once they were digging through the parking lot and putting in their pipe, then by the way, they're going to need a bigger pipe that they were going to have to charge them \$60K for. Mr. Sawyer responded that that wasn't a true statement. There was no bigger pipe needing to be added for that water main. The bigger pipe that was being talked about was the service for the plaza from the water main that was in the easement. They, through the grant, were responsible for connecting the plaza with domestic service. For that plaza it was a two inch line. To upsize it for their sprinkler system, it needed to be a six inch. Councilor Greazzo thought that's where it seemed unfair. Mr. Sawyer stated that it had nothing to do with the PFAS project; it had everything to do with the requirement for that building to be sprinklered. Councilor Greazzo stated that the fact was they gave the easement so that their water could go through, they're going to get hooked up to Town water, but now

they were required to have a sprinkler system, so it seemed like their good deed went punished. They got penalized for trying to do something nice or trying to go along and make the project work for the Town. They're getting bit and now the taxpayer was going to get bit or they were going to lose ARPA money that could have gone towards something else that they wouldn't have to pay for. He didn't appreciate the process that this came in such dysfunctional. Mr. Sawyer stated that it wasn't dysfunctional from their perspective. They needed a sprinkler system independent if the water line ever went in. Councilor Greazzo stated that if the water line didn't go in, they wouldn't be required to have a sprinkler. Mr. Sawyer responded yes they would. They've been required to have a sprinkler system there for a long time based on the State building code and the Town's local ordinance. They could do it without connecting to the water main by putting a pump and tank system in the building or another method of sprinkling the building or even dividing up the building by putting in fire separations and making the building a different size. This was the right solution for the plaza and for everyone.

Councilor Strand stated that viewed water infrastructure and public safety as connected. It was worth remembering that there was a responsible party although they hadn't take responsibility for some of those areas. He thought every inch of water line they got was an important prerogative for not only future public safety and development, but also PFAS mitigation. Councilor Greazzo stated that he didn't discount that. In a decision making process they have the things laid out before you and not forced on you after the fact. Then forced to make a decision that you didn't necessarily agree with.

**MOTION by Councilor Strand that the Bedford Town Council approve the development agreement with 209 Route 101, LLC and authorize the Town Manager to sign the document contingent upon the fact that the monies were used from ARPA funds.**

Councilor Gilbert thought they needed to wait and hear what their year-end funds were to make a decision whether they use the year-end funds, budget it over three years, or use ARPA. He wanted to make an amendment to the motion to take the ARPA discussion out of it and wait. Mr. Sawyer stated that they didn't have a second on the motion.

**Seconded by Councilor Bemiss. [No vote was taken]**

**MOTION by Councilor Greazzo to table.**

Councilor Greazzo thought they should table it and consider what Councilor Gilbert said.

**Seconded by Councilor Bemiss.**

Councilor Bemiss wanted to know what tabling it did. Councilor Greazzo stated that it would give them the ability to look at all the options. Whether it's paid it over three years, paid with ARPA funds, or paid with year-end fund balance; it didn't have to be decided right this minute. Councilor Thomas wanted to know if they could approve the agreement. They could always go back and change how they were going to fund it as long as they fund \$60K in some mechanism. That way at least the agreement was valid. When they're discussing everything else at year-end, they could consider that. Councilor Strand stated that his logic for that was anticipating that they weren't going to want it to come from year-

end funds based on budgetary discussions so far and it was a simpler solution that categorically made sense based on the nature of the project. Councilor Gilbert stated that recommendation says that the funding source could be determined now or at a future date. All they were doing was saying that they would do it at a future date.

**Vote taken – Motion Failed – 2-5 (Greazzo-aye, Thomas-nay, Gilbert-nay, Carter-aye, Radke-nay, Bemiss-aye, Strand-aye).**

Councilor Gilbert wanted to amend that motion to take the ARPA discussion out of it and just use the recommended motion that they were given to discuss at a later date.

Councilor Greazzo stated that it was a recommendation, not the recommended motion.

**MOTION by Councilor Bemiss that the Bedford Town Council approve the development agreement with 209 Route 101, LLC and authorize the Town Manager to sign the document and funding to be determined at a future date. Seconded by Councilor Gilbert.**

Councilor Strand stated that he didn't want to see it have a taxpayer impact at the local level, so he strongly advised that they utilized ARPA money when they make that decision.

**Vote taken – Motion Passed – 6-1 (Greazzo-nay, Thomas-aye, Gilbert-aye, Carter-aye, Radke-aye, Bemiss-aye, Strand-aye).**

Mr. Greiner stated that if they decided they needed that hydrant moved, let them know and they would figure it out.

**c. Review 2024 budget workshop decisions and approval of inter-budget transfers**

Mr. Sawyer stated that they've had three workshops. The changes as part of the first and second workshop, if approved or finalized, would decrease the projected tax rate by \$0.04 with a new total of proposed \$3.81. Most of the changes were pretty minor stuff with the exception of the Fire Department noticing that they had inadvertently left out \$170K in grant revenue. That was the biggest impact. They had also determined that there was a mistake in one of the DPW retirement lines of just over \$12K. They could make those changes tonight. There were a few other things discussed today that they would incorporate into an additional memo for their December meeting. They could act on those tonight or leave them all for December.

**MOTION by Councilor Gilbert that the Bedford Town Council make the recommended budget changes as shown on the attached summary titled *Changes to 2024 Budget Discussed at November 1 and 8, 2023 Budget Workshop*. Seconded by Councilor Thomas. Vote taken – Motion Passed – 7-0.**

**MOTION by Councilor Gilbert that the Bedford Town Council authorize the Town Manager to approve transfers within the 2023 budget as**

**identified on the attached schedule titled, *Cross Departmental Budget Transfer Requests* provided that said lines do not over expend the general fund budget in total. Seconded by Councilor Thomas.**

Mr. Sawyer stated that he may ask them to delay this decision, because of new information since that report was written. They were getting an additional \$163K in Highway Block grant that could be used to reduce that cross department transfer. They were fine to do it if they wanted to; they could always revise it later in the process. He would like to take a look at that language. It would be on their agenda to accept those funds at their December meeting. They had to hold a public hearing to accept. They could look at that and if the Council was interested if the Council wanted to discuss using ARPA funds for those purchases, he would like to hear that tonight, so they could prepare a proper memo. Councilor Gilbert wanted to know if he wanted him to rescind the motion. Mr. Sawyer stated that he could do that. He would want to know if they wanted ARPA to be used for the dump trucks. He would like to walk away with authorization that they could at least get the bid out for the dump trucks, because their proposal was to put that out to bid tomorrow. The funds were available through a few different sources. They would likely as them to reduce that amount by \$160K therefore having a little bit more money to fall to fund balance or used to offset the tax rate.

**Councilor Gilbert withdrew his motion. Councilor Thomas withdrew her second.**

Councilor Strand wanted to know if they could make a motion to authorize the bid to go out contingent upon further discussion. Mr. Sawyer stated that they could bid it and not award the bid. He wanted consensus that they agreed that there was funding available to move forward if they put it out; they didn't have to award it. They may not get any acceptable bids either. The schedule DPW had put together was that it would go out to bid tomorrow, be due back in December and be awarded at their first meeting in January.

Councilor Radke wanted to know much was left in ARPA funds and Mr. Sawyer responded \$195K. Councilor Strand thought given that they got the \$163K he would rather not use ARPA for that, because there were two things he wanted to use ARPA money for. Councilor Radke wanted to know if he was looking for direction on where to put that ARPA. Mr. Sawyer thought that would help. The agenda item was on the budget as a whole, so they could discuss if there were any uses for ARPA that they would like to use at all for this budget. Those funds didn't have to be included as part of the budget. Councilor Radke stated that they had until next year to earmark them. Mr. Sawyer stated that they had until the end of 2024 to assign them and the end of 2026 to spend them. Councilor Strand stated that he would defer to the Chair, but he would think that as they finalize budgetary discussions through deliberative sessions, one could impact another, so they probably would have a sense of what they would do with the remaining ARPA. Chairman Carter thought it all came down to what they spend it on. Everything that they did was to try and lower the tax rate. His directions was to continue to keep as low a tax rate as they possibly could.

Mr. Sawyer stated that there was a 3<sup>rd</sup> element to the staff report, which was to discuss things that were brought up but not finalized during the budget workshops. He thought the 2<sup>nd</sup> and 3<sup>rd</sup> bullets were finalized tonight. The 1<sup>st</sup> one was about moving up the utility valuation project. There didn't need to be any additional funding to do that. The CIP would

have plenty of funds to do that if it was determined to be done in 2024. As long as they fund the request over the 2-year period as proposed in the CIP. All they would be doing in the CIP worksheet was moving the \$15K expense from 2025 to 2024. The funding would be there already, because they weren't just funding the utility update in that line, but the regular revaluation. Because they're funding the regular revaluation at a much higher rate, the funds already exist. They didn't need to make any change unless they instruct them to show on the Town Meeting handout the CIP that they were planning to spend those funds in 2024. They didn't need to make that decision tonight. Chairman Carter thought the utility valuation update was a benefit to the Town. Mr. Sawyer stated that the Assessor made it sound like there was a potential that it was more beneficial to wait the additional year to get through the current court case that was going on and the additional work that was being done in the State. They could show it on the handout or the capital reserve request for the voters and then they didn't have to spend it if the project didn't get done in 2024. If the consensus was to go ahead and make that change on the capital they would make that, but it didn't impact the budget.

Councilor Bemiss wanted to know if they didn't spend that money if it got carried in that same line item for the next year. Mr. Sawyer responded that was correct. Capital reserves had to be spent on the item it's awarded to unless Town Meeting made a change.

The Council had consensus to move in that direction. Mr. Sawyer stated that they would make that change on the capital side.

Councilor Bemiss stated that they were going to circle back on longevity at the next meeting after people think about it. Mr. Sawyer stated that if they had any scenarios they wanted to develop to let him know.

**d. Review of draft warrant article language for a \$36.5 million bond for the construction of a Police and Fire Complex on South River Road, and renovations at the Safety Complex and Town Office Building**

Mr. Sawyer stated that he wanted to get this in front of the Council early so they could start thinking about the language and any comments on the language. At their December meeting, it would be on their agenda to set the public hearing on the bond for January 24<sup>th</sup>. There were certain dates as to when that hearing could be held and January 24<sup>th</sup> met that requirement. It was on the agenda, so the public was aware that this was being worked on. There were multiple press releases out there about the project, a website that had a link on the front page of the Town website with all of the information to date on the new safety complex project.

**e. Acceptance of a park bench from the Bedford Garden Club**

**MOTION by Councilor Thomas that the Bedford Town Council pursuant to RSA 31:95-e, accept the donation from the Bedford Garden Club and the bench be placed at the Bedford Town Hall on the front porch. Seconded by Councilor Strand. Vote taken – Motion Passed – 7-0.**

**f. Other New Business**

**4. OLD BUSINESS**

**a. Composting and recycling**



**5. APPROVAL OF MINUTES**

**a. Public Session – October 25, 2023**

**MOTION by Councilor Gilbert that the Bedford Town Council approve the minutes of the October 25, 2023 Public Session. Seconded by Councilor Radke. Vote taken – Motion Passed – 7-0.**

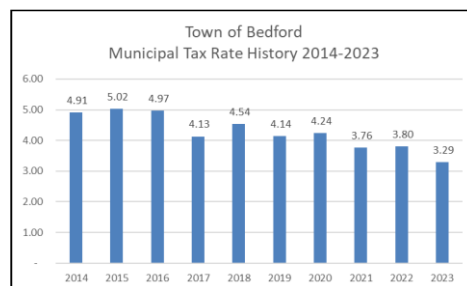
**b. Budget Workshop – November 1, 2023**

**MOTION by Councilor Radke that the Bedford Town Council approve the minutes of the November 1, 2023 Budget Workshop. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**7. TOWN MANAGER REPORT**

1) The 2023 Tax Rate has been set at \$14.80 down from \$17.60 (\$2.80 or 15.91%). The Town portion is down 51 cents to \$3.29 from \$3.80 (13.42%). Tax bills are being mailed this week with a December 18<sup>th</sup> due date.

Year	Total	Town	County	School	State Ed
<b>2022</b>	<b>17.60</b>	<b>3.80</b>	<b>0.97</b>	<b>11.66</b>	<b>1.17</b>
<b>2023</b>	<b>14.80</b>	<b>3.29</b>	<b>0.86</b>	<b>9.39</b>	<b>1.26</b>
% of the whole		22.2%	5.8%	63.4%	8.5%
\$ Difference	-2.80	-0.51	-0.11	-2.27	0.09
% Difference	-15.91%	-13.42%	-11.34%	-19.47%	7.69%



2) Selvoski Field – Dugouts are under construction and the fencing will be installed as soon as the dugouts are completed. Light pole bases will be installed soon.

- 3) Safety Complex Renovation – The work on the new firefighter quarters at the Safety Complex is progressing with all of the demolition complete. Walls are up in the kitchen and framing has started for the quarters.
- 4) November 18<sup>th</sup>, 10 AM – 3 PM and November 19<sup>th</sup>, 1 – 5 PM, Bedford Boomers Model Train Show, Library.
- 5) November 20<sup>th</sup> – December 15<sup>th</sup> Santa’s Mailbox, Town Office Building. Be sure to print your name and address clearly on your letter.
- 6) December 3 – Sunday Concert & Cookies, “Funky Divas”, 2:30-4 PM, Library. Please register in advance on the Library website. This is a free event.
- 7) December 7 – Thursday Theater, “Barbie”, 2 PM & 6:30 PM, Library. Please register through Library website. This is a free event.
- 8) December 10 – Cinema Sunday, “Miracle on 34<sup>th</sup> Street”, 1:30-4:30 PM, Bedford Library. Please register in advance on the Library website. This is a free event.
- 9) November 13<sup>th</sup> – December 13<sup>th</sup>, filing period for citizen petition zoning amendments.
- 10) November 23-24 – Thanksgiving Holiday, Town Office, Library, Transfer Station closed. The Library closes at 5 PM on the 22<sup>nd</sup>.
- 11) December 14 – The Town Office Building will be closing at 3 PM in order for employees to attend our holiday celebration.
- 12) South River Road Police and Fire Complex – Public Information Sessions, Library McAllister Room
  - December 6, 2023, 6 PM
  - December 19, 2023, 1 PM
  - January 3, 2024, 6 PM

Councilor Radke wanted to know if any of the visuals would be on display at the Town Office so people would see it when they go to register their cars. Mr. Sawyer

- 13) Safety Complex Tours, 55 Constitution Drive
  - December 7, 2023, 7 PM
  - December 20, 2023, 6 PM
  - January 3, 2024, 1 PM
- 14) The Bedford Winter Parking Ban begins on November 1<sup>st</sup>, which requires no parking on public roads between midnight and 8 AM.

## **8. COUNCILOR COMMENTS AND COMMITTEE UPDATES**

Councilor Strand mentioned the Historic District Commission meeting.

Councilor Radke thanked Councilor Strand for attending the HDC meeting as she wasn’t able to make it.

Councilor Greazzo commented on the housing workshop.

Councilor Thomas talked about facilities.

Councilor Gilbert talked about the Bedford Men’s Club selling Christmas trees.

Chairman Carter talked about the housing workshop.

**9. NON-PUBLIC – RSA 91-A:3 II**

**MOTION by Councilor Radke to go into non-public session per 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, until the claim or litigation has been fully adjudicated or otherwise settled. . Seconded by Councilor Bemiss.**

**ROLL CALL VOTE: Greazzo-aye, Thomas-aye, Gilbert-aye, Radke-aye, Bemiss-aye, Strand-aye, Carter-aye. Motion Passes.**

Public meeting adjourned at 8:35 PM.

Respectfully submitted,

Dawn Boufford