

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
April 13 2022
10 Meetinghouse Road**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, April 13, 2022, 10 Meetinghouse Road. Participating were Bill Carter (Chair), Lori Radke (Vice Chair) and Councilors Phil Greazzo, Sue Thomas, Bill Duschatko, Dave Gilbert, and Kathleen Bemiss. Also present was Town Manager Rick Sawyer.

Chairman Carter opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Gilbert.

3. PUBLIC COMMENTS –

Maureen Redmond, 81 Bedford Center Road, mentioned the proposed parking lot next to the Library and wondered who needed it and why they would have it.

Mr. Sawyer stated that the Library Trustees and the Council have been supporting the project for about 20 years. The land was bought by the Library Trustees to expand parking over 20 years ago. The funding became available with a Council decision back in November to move the project forward. He understands that there are questions and the Council is likely to put it on the agenda for their next meeting.

David Clark, 62 Bedford Center Road, stated that he attended two meetings regarding the parking lot at the Library: Historic District Commission and Library Trustees. Comments from the citizens were that it was an overbuilt design and it would take away a lot of the green space. Residents in the Historic District are expected to live up to the Historic District Commission's edicts, and the Town municipal buildings weren't required to live up to those same standards. There are about 60 spaces at the Library. He walks through the Library at different times of the day and he has never seen the Library parking lot full. There was a big event on a Saturday at Town Hall, and he purposely went over and counted and there were 12 empty spaces in the Library parking lot, which is overflow for things going on at BCTV and Town Hall. All 18 spaces at the Bedford Village Common parking lot were empty. The Library was earmarked with \$250k of the ARPA money plus the \$150k that they had in a capital fund for a total of \$400k. He wanted to know why they would spend money on something they don't need. The Town would be saddled with a big increase of taxpayer funded expenses relating to the upkeep: plowing, landscaping, striping, lighting, and other variable costs that would be needed to take care of that parking lot. He felt that he was paying enough in taxes already. He didn't want to be saddled with more taxes. He felt that \$250k plus \$150k could be spent really well elsewhere. They've had some very good conversation with the Library Trustees on maybe a compromise; they don't need another 70 spaces. They just heard of this two weeks ago and that it was being fast-tracked, because it was convenient for the Public Works Dept. to piggyback other projects into this project. He thought it was wrong to push this into a

'shovel ready get it going' kind of project just for the sake of the money being there. He thought maybe they could use another 10 spaces at the most, but he thought the spaces were already there. There are little islands that have dying white pines in the current lot. He saw where they could pick up another 12 spaces very easily. He urged and pleaded with the Town Council to work with the Library and Library Trustees to make something that makes sense and not something just because they've got the money to build it.

Tracy Gamache, 59 Bedford Center Road, stated that she's a full supporter of the Library, but she didn't love the idea of a big parking lot.

Deirdre Menard, 69 Bedford Center Road, stated that she's been at all of the meetings. She's lives straight across from the Library, so she can observe how much traffic there is. At the first meeting the rationale was they were going to use what space was available, because they have the money from ARPA and Town money. At the Library Trustees' meeting they were told they were given the capacities of all three buildings: BCTV, Town Hall, and Library. They weren't being used to capacity all the time at the same time. She was concerned that if they pave it all over, they'll never get that green space back. The plan is a parking lot that's about the same size as the old Harvest Market. She thought there were a couple of solutions. They could pave an area between the Bedford Village Common and the lower lot; it wouldn't be seen from the street. What they heard was they were getting rid of the trees that were behind the upper lot; they were getting rid of the trees that divide the lower lot from the proposed lot; there is no plan for trees. There was no commitment to screening or lighting that is historically sensitive. She was proposing putting a tool online that people could use when they want to schedule a meeting. That way they could go in and see when things are available, what capacity they need, and then just schedule it instead of having a 140 spaces that they won't use 99% of the time. It concerned her that they were doing something to the historic heart of Bedford that isn't in keeping with anything else that they as homeowners would be expected to do.

Edward Comiskey, 15 Cooper Lane, had a different take on it. He appreciated that the people living next to it would see it the most, but having run organizations that had greater than 80 people that would be in attendance and wished to use the Library for those meetings, but the parking wasn't there. At any point they could have something at BCTV, Town Hall and the Library. If there was space for parking then people could go in. His other concern was there was one time of year that does get quite busy there, which is when the Craftworkers' Guild is there. He's attended many times bringing his mother and he definitely needed one of the handicap spaces for that. They are looking for the usage of that facility and they don't want long walking distances. It's considerations that in the facilities the parking had to be nearby; it can't be down the street, because Meetinghouse Road was far too busy. There has been a need for parking for many years. The present proposal may be larger than needed, but it was something that should be done.

Kelly Martin, 73 Bedford Center Road, stated that he was concerned about greenspace and look. They try and keep the historic presence and the feel of the Bedford center area kept up. Everybody's really behind that as far as maintaining that look they would like Bedford Historic to have. He's concerned with the size and maybe there's a balance they

could strike. He didn't see any effort or thought process put into the traffic pattern and the effect of adding that many more spaces or if they have events in that area where they take up those 140 spaces that the traffic is any way controlled or any thought process was put into helping alleviate that for the neighborhood.

Chairman Carter stated that he believed they would have this on the agenda for their April 27th meeting and he encouraged them to come back then. They would have more information on their end. It would be nice to have the whole Council up to date on what's going on when it comes to that.

Chairman Carter took things out of order and moved up the recognition of retired board and commission members out of New Business and before the public hearing.

a. Recognition of Retired Board and Commission members

Chairman Carter read the list of those retiring board members receiving certificates of appreciation and plaques that were not present:

Bill Greiner – 5 months – Zoning Board of Adjustment
David Chiapetta – 1 year – Conservation Commission
Andrew Hanson – 2 years – BCTV-WBNH Board
Elizabeth Jude – 2 years – Zoning Board of Adjustment
Tim Paradis – 2 years – Energy Commission (Chair 2020 – 2021)
Chris Allen – 3 years – Historic District Commission
Joel Schwelling – 3 years – BCTV-WBNH Board
Theresa Walker – 4 years – Historic District Commission (Chair 2019 – 2021)
Maggie Wachs – 4 years – Conservation Commission (Chair 2020 -2021)
Steve Grocott – 5 years – Parks & Recreation Commission
Madonna Lovett Repeta – 11 years – Highway Safety Committee
Peter Macdonald – 9 years – BCTV Board & BCTV-WBNH Board

Chairman Carter presented certificates of appreciation to:

Steven MacDougall – 3 years – Historic District Commission
Bob MacPherson – 4 years – Conservation Commission

Chairman Carter presented plaques to:

Michelle Casale – 16 years – Parks & Rec Commission (Chair 2009 – 2022)
Beth Evarts – 8 years – Conservation Commission (Chair 2015 – 2020)

4. PUBLIC HEARING

- a. To consider Ordinance 2022-01 amending Chapter 262-6, Speed Limits, to establish the speed limit along the entire length of Hamilton Way, Kennedy Dr., Roosevelt Dr., Jefferson Rd., and Presidential Rd., in the Town of Bedford at 25 MPH.**

MOTION by Councilor Radke to open the public hearing. Seconded by

Councilor Duschatko. Vote taken – Motion Passed – 7-0.

Mr. Sawyer stated that this was initiated by a petition from the majority of the neighborhood. The Highway Safety Committee reviewed it and made a favorable recommendation to the Council. The only cost would be changing of the speed limit signs.

MOTION by Councilor Radke to close the public hearing. Seconded by Councilor Thomas. Vote taken – Motion Passed – 7-0.

MOTION by Councilor Thomas that the Bedford Town Council approve Ordinance 2022-01 amending Chapter 262-6, Speed Limits, to limit the maximum speed on Hamilton Way, Kennedy Drive, Roosevelt Drive, Jefferson Road, and Presidential Road to 25 MPH. Seconded by Councilor Radke.

Councilor Duschatko wanted to know if they would incur any additional cost to enforce a speed limit that is so much lower than it is around the rest of the community. Mr. Sawyer stated that they have 25mph speed limits on a number of roads and didn't think they would change the patrols in any way. It's part of one sector that the PD patrols and they would continue to do their sector patrols.

Vote taken – Motion Passed – 7-0.

5. NEW BUSINESS

b. Meeting with the Bedford Delegation

Lori Sanborn stated that she has been a State Rep for 8 years. She is always thrilled to get an invitation to come. She's there to listen. A lot of the stuff is happening fast and furious right now at the House. They just made it through crossover, so they sent a lot of bills to the Senate. They are waiting for the Senate bills to come to them.

Linda Gould stated that she was in her 4th term and she ditto's what Rep. Sanborn said.

Ted Gorski stated that he was in his 1st term.

John Graham stated that he'd been a State Rep for a couple of decades. He's currently Chair of the Public Works & Highways Committee. They are at the end of the term and would be finished by the 26th of May; there is no opportunity to file new bills at this point. He suggested that they meet after elections in November, because then it's the filing period for the next term.

Sue Mullen stated that she was in her 2nd term in the House. She brought greetings from Rep. Rombeau who was home with a COVID positive child. She serves on House Education, which had been an exceptionally busy this year. They just got through their 103 bills and were now managing those that have crossed over from the Senate.

Senator Denise Ricciardi stated that she had a lot of information on bills that they've passed that impact Bedford. She also has information on bills that are in crossover.

Councilor Radke wanted to know the procedure. They are in crossover and she wanted to know what happens next.

Rep. Graham stated that both the House and the Senate have agreed to joint rules where each year of the term, the House holds hearings on House bills. If they pass the House, they are sent to the Senate. There's a deadline set for them to work on all House bills sent to the Senate, which was two weeks ago. The Senate takes up the same bill with the same number. The House gets the Senate bills that have gone through the same process. If they pass with no changes in either body, they go on to the Governor. If there's a change, then the other body has to concur or non-concur or have a Committee of Conference. All of that work on the bills has to be done by the 26th of May. That includes the Committees of Conference. The last day to work on all of the bills that either body has is May 12th. They conform Committees of Conference if they have to. That's the process that happens each year. There are rules on when crossover is.

Councilor Greazzo wanted to know what they saw as the problematic issue facing the legislature that has to deal with the Town and what, if anything, do they see being done in the Legislature for the Town in regards to the situation coming from Saint Gobain.

Rep. Graham stated that there was a working group with the Senate president, the Speaker, the Governor, and others on how to use some of the ARPA funds that the State has for drinking water for the areas that are affected. It takes money and it takes time. That working group and the fiscal committee of the General Court will continue to work on it, but none of it was going to be quick.

Rep. Mullen gave kudos to Rick Sawyer, because he had been exceptionally involved with the DES and provides a lot of information. There is information in the presentations that DES has done on the consent area, which was the original area that was being covered by the protective qualities from Saint Gobain. That area has grown to the point where the original consent area is not as meaningful. They are aware of the fact that they have a much larger problem than they thought. Rick has a lot of information including numbers of people you can call to get water tested, who to contact at the State level if you have questions about the legal aspect of who is responsible for what, and do you get a point of entry system or point of service system in terms of filtration for your house.

Councilor Duschatko stated that someone who has been on bottled water for 3 years and lives in the consent area and is getting no place. He lives between two public water lines. He thought people that were getting lost in this were the ones in the original consent area. They went through and did the large water line extensions, but now everybody else has sort of been left. He wasn't sure it was up to the Legislature, but wanted to know how they get the DES or someone at the State that claims all responsibility for the drinking water to respond and get these items that were part of the original consent decree resolved.

Senator Ricciardi stated that she speaks weekly directly to them and talks to them about the low hanging fruit where the water lines are; it's a simple hook up. She has asked if the people pay for it themselves would they get reimbursed. The answer she gets all the time is that they are in negotiations for every affected area in the State. Because of that, they could not reveal those discussions. She calls every week, and goes down in person and gets the same answer. Councilor Duschatko wanted to know who pushes the negotiations forward. Rep. Mullen mentioned the Town of Merrimack suing Saint Gobain on its own. Those kinds of options are out there, but that would be up to the Council about whether or not they want to seek counsel from those who have already gone through the process. They make noise, but the noise is never as effective as individual citizens calling DES all the time and asking for information. Individuals don't feel that they have the clout to be able to affect change. The Council should maybe talk to the Council in Merrimack.

Councilor Greazzo stated that the State wants to use ARPA money to put in water lines and he's against it. He would like to see Saint Gobain held accountable for what they've done. He was looking to see if anybody had any thoughts on filing some legislation to penalize them for bypassing their monitoring system.

Councilor Duchatko mentioned SB395, which was passed by the Senate and moved to the House and amended twice. There is an amendment that hasn't been finalized. He was given a draft. The draft makes it possible for wireless carriers and tower companies to apply directly, without the ability of a municipality, for grants from monies that have been sent to the State for expansion of broadband infrastructure. He serves as a director on the NH Municipal Association and had a call from the executive director who put him in touch with this. They want to see it defeated in the House. The amendments came from the sponsoring senators. They were doing two things: spending money that wasn't intended to be spent for the benefit of the wireless carriers, and taking municipalities out of any type of control. It's a major revision from what they originally put through. He had no problems with how it was presented. He will send his information to those in the House and he would like them take it to the floor and vote against it.

Councilor Radke mentioned HB1417, which is the Property Tax Relief Act of 2022. It passed the House and was assuming that it was at the Senate right now. Mr. Sawyer stated that Senator Ricciardi's committee had a hearing on that today. Senator Ricciardi explained that the Property Tax Relief Act of 2022 would reinstate a portion, 7.5%, of the State contribution to the employer's share of the NH Retirement System for teachers, police officers, and firefighters. If the bill were to pass, it would begin July 1st 2023. If this is adopted, the Town of Bedford would save over \$175k a year. It has passed the House. She resides on the Executive Department of Administration. They heard the bill today and she supported the bill. They didn't execute the bill, because Senator Carson was absent. Constituents should contact their Senate to help this pass, because this would be a tremendous amount of money and falling into some property tax relief for Bedford.

Rep. Gorski mentioned SB249, and had received about 20 emails from constituents who were for the bill. He wanted to know why the Council thinks they should oppose this bill.

Councilor Greazzo stated that it was a local control issue. If folks don't want a ban on short-term rentals, they would pass a zoning amendment; a citizen's petition. The 20 folks that emailed Rep. Gorski may want to Airbnb their properties that they don't use or look for ways to augment their income with an apartment or accessory use dwelling that they have available that they could rent out. It's better to have it controlled locally rather than the State saying they have to follow what the State tells them to do. People in NH love to be able to keep their localities the way they like to keep them or at least the way the people in the Town that pay the bills like to keep them. That's why he would oppose it. It's not something that the Town is really in an uproar about. They aren't coming out saying they want to rent out their house for a day. The people next door might not like that. The neighborhood might not like that. It might be an issue for their property value; it might be an issue for their safety. If the State says that they can't have that zoning or that ordinance, that takes away the control of the people in the neighborhood that don't want the guy down the street renting out his house to whoever decides to show up for the day.

Councilor Duschatko thought that this was widely supported by the Board of Realtors. They feel that for the short-term rentals, the value of a property tremendously increases, because instead of renting it by the month for \$2k or \$3k, they are now renting it by the week for \$2k or \$3k. They are looking at higher commissions and higher values. There is nothing wrong with that per se, but as the housing stock has been available for people to live in those communities, they've been priced out of it, because out of state investment groups are buying those properties, because of the high value of return. All they are doing is creating a housing crisis that is totally artificial. They've had a very active marketing campaign. Go stay in this fancy house for only \$150/night or \$200/night that sleeps 10 and bring in all your friends. He didn't think it was going to impact Bedford, but he would hate to see the opportunity of doing it. If the community decides that they want to have that type of offering then the community has to vote on it; not the State saying they can't have a community action. It's a housing needs issue, but more of a local control issue. If they are going to stay in NH or Bedford, they have to maintain their local controls. Councilor Bemiss stated that it wasn't that long ago that it was on the ballot and it was voted overwhelmingly in Bedford to not allow short-term rentals.

Mr. Sawyer mentioned the SB395 docket and it appears that the hearing has already been held at the House Committee and they are having an executive session on it. The executive session is open to the public, but they can't provide anymore testimony. That's going to be held on April 19th at 9am. He wanted to know what happens if a bill is amended in the House and if it goes back to the Senate.

Rep. Graham stated that if the House were to approve it with an amendment, the Senate can concur and it goes on or they can non-concur and kill the bill or request a Committee of Conference. There are those three options on any bill that is amended by the other body. They won't vote on that on the 19th; not until the 5th or the 12th of May.

Rep. Graham stated that with the passage of the infrastructure law at the Federal level, there was additional money for road projects. They added two more bridges in Bedford to be funded, at least partially, with Federal funds. He mentioned the widening of Route

3, which is a \$26m project from Hawthorne Road to the Airport Access Road and it wouldn't be finished until 2029. They have to buy property. It's one of the more expensive Town projects in the whole plan. There is a 1-1½ year process to negotiate with property owners about the right-of-way. They tried to buy it rather than doing it eminent domain, but that's another reason it's going to take about six years. Councilor Gilbert mentioned that it was going to be a 5-lane road. Rep. Graham stated that 5 lanes means that in certain places there will be turning lanes. Councilor Gilbert wanted to know which bridges were added. Rep. Graham stated that the bridge numbers were #21684 and #24217.

Councilor Greazzo wanted to know if there was a better, more effective means of communication between the Council and the delegation in order to facilitate the things that the delegation is working on, on behalf of the Town. Rep. Graham stated that they hear regularly from Rick on things that impact the Town and from the Municipal Association. It's useful to him to look and see what their position is. He's heard from various Councilors on specific things that are going on. The Town Manager does a great job of keeping them informed. Mr. Sawyer stated that he tries to save those calls and requests for the really important bills. He trusts that they are doing a great job regularly for the Town, but he reaches out when it's a most critical bill.

Rep. Mullen thought they were good about answering email. Using the legislative email address for her was pretty helpful. Because she sits on House Education, she doesn't hear a ton from the Council. She hears a lot from people in the community who have questions who go to her directly; School people, School Board members or administrative people who have questions about things that were coming up in the field of education.

Councilor Greazzo stated that he saw there was more aid going to Claremont; they are calling it targeted aid. His concern was that other communities would be getting extra money while Bedford wouldn't be and it wouldn't be equally funding.

Rep. Mullen explained that funding came in two different sizes as far as Bedford was concerned. There is the Adequacy aid, which every student receives, because they are residents of NH being educated in a public school. That's a flat fee, which is about \$3,800/student. Subsequent to that is Targeted aid, which goes to communities that either have property valuations that result in insufficient funds to operate their schools or property poor communities. There are formulas that are used to determine how much aid different communities get. Once those formulas are set legislatively, then the amount of money that a community gets is based on need. They were talking about a differentiated formula for special education that would result in Bedford getting \$237k additional dollars, because Bedford has a pretty stellar reputation for providing special education services. The targeted aid is based on the number of disabilities, and the category of disability; whether or not it's a service intensive disability or not. In that kind of a situation, Bedford would stand to gain \$237k should the bill go through. If the targeted aid is based on property values or the business tax base, then Bedford was never going to receive the same amount of funding. Part of the problem in Southern NH was the fact that northern NH was kind of dying by inches. Schools were closing, businesses were closing. When businesses close, people move out, then they can't find employees for any of the tourist

industry. They were trying to come up with some kind of balance that would support communities that needed help and also address the fact that they need young people in the State of NH that want to live not just from Concord South. They are looking at the distribution that keeps stores open, but also being cognizant of the fact that they want the community to get their fair share.

Councilor Greazzo was concerned that they were back in the same situation before the Claremont decision. Everybody got their certain number of dollars per student, but then Claremont said they weren't getting enough. Rep. Mullen stated that there's never been a resolution to the Claremont decision. There's never been a real funding solution in NH, which is part of the problem. If you are going to live tax-free, then they have to get creative about how to create revenue and share it with the property poor towns that need it the most. They have a challenge in front of them, because of the ConVal lawsuit. The ConVal School District has sued the State of NH, because they are constitutionally bound to provide an adequate education and \$3,800/student doesn't do it, so communities have to supplement that. ConVal has led the charge and there were 10 or 12 communities that have joined on to the lawsuit that were suing the State and saying that the State wasn't providing enough funding for them to be able to give each child an adequate education.

Senator Ricciardi stated that they just passed SB420, which was extraordinary needs grants for NH schools for \$24m. She thought it was a very good bill. It delivers property tax relief, because they are giving need-based funds to the towns that need it.

Councilor Radke wanted to know where they were with the redistricting.

Rep. Graham stated that House districts had been settled. For the US House districts, the NH Supreme Court just took over jurisdiction of deciding what those districts would be. Even though there is a bill for the Governor to either sign or veto, they have the constitutional and statutory ability and responsibility to take it on. The first of June opens up the filing period, so they need to get it done. He didn't see any problems with the Senate districts in the House. The big one was what's going to happen with the US House.

Rep. Gorski sits on the Transportation Committee. They heard a bill about an electric school bus pilot program. Manchester, Nashua and Hollis were interested in being part of the pilot program. He didn't know if Bedford was interested. It's SB417. Councilor Thomas stated that Bedford contracted their school buses. Rep. Gorski stated that if they take this on, they have to take on the maintenance cost during the pilot program.

Councilor Duschatko wanted to know the outcome of the House hearing was for SB400, which was the multi-faceted planning and zoning for affordable housing.

Senator Ricciardi stated that it includes things like required training of Planning and Zoning Board members and requirements and incentives for affordable housing. The bill passed the Senate, but she voted no, because there was a loss of freedom to regulate senior housing independently. SB400 states that if towns offer incentives for senior housing such as increased density, reduced lot size, expedited approval or other

dimensional procedural incentives, then it shall offer these incentives for housing. She felt like it was an automatic reversal of the town's local land use board decisions. She felt that it robs them of their zoning and planning abilities and loss of local control.

Rep. Graham stated that the public hearing on the bill was held. The executive session wasn't until next week. It will depend on what the committee does with what the vote on the floor will be on, whether it was to pass or kill the bill. It's the Municipal & County Committee. None of them sit on that committee, so it's hard to say what was said at the hearing and what the opponents and proponents said to try and convince the committee.

Senator Ricciardi stated that in recent years, it always passes the Senate and it fails in the House.

Councilor Bemiss thanked Senator Ricciardi for sticking up for local rule.

Senator Ricciardi stated that they did a lot of delivering of property tax relief for the schools, nursing homes, municipal road construction, municipal bridge projects, municipal wastewater aid, and law enforcement. HB398 did the funding for the Wastewater Projects at over \$12m; they increased Nursing Home Reimbursement Rates in SB412; SB401, Municipal Road Construction, was \$30m; \$36m went for Municipal Bridge Projects; and Doubling Body-Worn and Dashboard Camera Fund was \$1m. This was in addition to the sweeping property tax relief that passed by the Legislation in 2020, which included increasing Rooms & Meals revenue sharing by \$31m to cities and towns; increasing State funding for nursing homes by \$29.1m; increasing education funding by \$102m over the prior law and protecting the \$67m in education funding with COVID enrollment fix and providing \$30 in Building Aid to local school districts; cutting the Statewide property tax by \$100m. This was huge property tax relief that they worked on in the Legislature. SB317 reduces the interest rate for abatements paid by the community on paid property taxes from 6% to 4%. It passed the Senate and was scheduled for a hearing in House Ways and Means Committee on April 7th.

Senator Ricciardi stated that HB1021 prohibits the local regulation of religious land uses. The bill passed the House and has a hearing in Election law and Municipal Affairs Committee in the Senate. Councilor Bemiss wanted to know if that meant any religious organization could usurp local zoning. Senator Ricciardi stated that if that bill were to pass, that means that anyone can set up a church and get a tax-free status. She's seen this before in other towns. It would be helpful if churches were required to follow the same rules as applied to all other commercial buildings in their zone.

Senator Ricciardi stated that HB1598 legalizes the possession and use of cannabis and authorizes the sale through the Liquor Commission. It passed the House and has not been scheduled yet for the Senate. Councilor Radke wanted to know where she thought that would go in the Senate. Senator Ricciardi didn't think it would pass the Senate. Councilor Radke was curious why it passed in the House. Councilor Greazzo stated that it passes the House every year. Mr. Sawyer stated that it had a hearing date of 4/20.

Chairman Carter stated that they would take under advisement that they should see them in November, not in August. Councilor Greazzo thought that they should see them twice a year. Councilor Thomas stated that at their retreat they talked about trying to get them in more, maybe twice a year. Maybe now is a good time and then right after the elections. Rep. Graham suggested during the filing period if there is something the Council wants they need to do it then. They talked about doing it in August. Rep. Mullen stated that newly elected people get sworn in the first Wednesday in December, so they frequently don't have committee assignments until January. She suggested they could take the liberty of waiting until after the 1st of the year, but not much longer than that. You won't be able to file bills. Senator Ricciardi stated that they could always reach out if there was legislation they were interested in working on they could do that at any time and have it prepared for the right time to file it. Councilor Thomas thought it was a good thing, not only for them, but for the community to see that they were all coming together at least once or twice a year to talk about Town things.

The Town Council took a 5-minute break at 8:23pm.

c. Transfer Station Solar & 3-Phase Power Proposal

Jeff Foote, Public Works Director, stated that they received a \$500k grant from the Federal government. For more than a decade, the Energy Commission has explored the viability of ground mounted solar development at various Town properties and determined that the capped landfill at the Transfer Station was the only viable location for photovoltaic development of any significance. A major impedance using the capped landfill to construct a solar array has been the lack of infrastructure capacity needed to transmit the electricity from the capped landfill to the existing 3-phase electrical power lines located on New Boston Road. ReVision Energy has designed a system sufficient to generate enough electricity to offset the electrical consumption for all Town-owned facilities including the Safety Complex, Town Office Building, Library, Transfer Station, and all recreational fields lighting, tennis and basketball court lighting. The introduction of a photovoltaic system would allow the Town to be a net zero community as far as its electrical consumption reducing its electrical energy cost by approximately \$125,000 annually. ReVision Energy developed a cash flow analysis and a turnkey proposal and estimates the cost to construct a 1.04-megawatt solar array to be \$2,845,040. This results in a 12 year pay-back for the project. The 40-year expected net savings to taxpayers is \$8,000,000. Last summer, the Department with great assistance from Chris Bandazian and the Energy Commission and their energy consultant Dan Weeks of ReVision, applied for and received a Congressional Direct Spending Appropriation federal grant for earmark for \$500k towards the extension of 3-phase power to the capped landfill from New Boston Road. In addition to energy generation, 3-phase power at the landfill will also allow the Town to pursue electrical compaction of municipal solid waste versus the current task of manually compacting it with a diesel backhoe. The annual cost for the backhoe and fuel was approximately \$43,000. In the analysis, they didn't assign a value to the personnel costs. The addition of that would decrease the payback time. Having DPW staff performing transfer station tasks that can be automated with automated compactors was not the best use of their time or a good use of tax revenue. July 2021, Eversource

provided an initial estimate for the 3-phase power utility extension of just under \$1.5m. At that time, they asked Eversource to advance that design to ensure the legitimacy of the initial estimate. In December 2021, Eversource completed a system impact study and determined the cost to extend 3-phase power from New Boston Road to the capped landfill on Chubbuck Road at a “not to exceed price of \$910,000”. In addition, Consolidated Communication’s cost for replacing and upgrading affected utility poles is estimated at \$75,000. They’ve got a \$500k grant and the cost to extend the solar so they can provide enough electricity in the future for Town government and also go towards automated compaction of solid waste. They are short about \$500k. Eversource is moving towards an absolute estimate by letting this out to bid and will have that information to them soon. After that, the Town will have until June 12th to make a decision if it’s something they want to proceed with or if there was interest in finding the resources to move forward with some of the action items he mentioned. Moving forward with Bedford’s landfill PV proposal will allow the Town to supply clean, renewable solar energy that will substantially offset electricity costs at Town facilities. The project will serve as a positive example to the community and region. As far as community support, when they applied for the grant they had some strong letters of support from: Chris Bandazian, past chairman of the Energy Commission; real estate developer and NH Business Finance Authority Chairman Dick Anagnost; NH State Senator Denise Ricciardi; and former Business in Industry Association Jim Roche. Based on everything they’ve done they thought there was a desire and eventually the need was going to become greater as they deal with unstable energy prices.

Councilor Radke asked if there were strings attached to the Congressional Direct Spending grant. Mr. Bandazian stated that they had to use the money by 2024 or 2026.

Mr. Bandazian stated that unfortunately, this deal would go away June 12th. The ‘not to exceed’ number was before Ukraine, before the cost of oil doubling, so that’s going to go away and he didn’t think they would even see the \$1.48m again. Originally, he didn’t think it was a good deal for the Town with a \$500k grant and another \$1m on top if that of Town money. He thought this was a very good deal for the Town. They would also have access to the 3-phase power. With 3-phase power, they could have commercial grade lifts, compressors, and welding equipment and when they need to replace the HVAC system, commercial grade HVAC system as well. They have a real problem in management of a shortage of drivers to fill plow routes. Where they have a shortage of drivers, the Transfer Station staff is their labor pool for highway maintenance. He thought it was very short-sighted to look at tomorrow and who’s working for them now. This was a project, just the extension of 3-phase power that would pay dividends for the Town for decades to come. He thought if they pass this up now, they were never going to see an economically viable number. If they invest this amount in Town funds and ARPA funds that didn’t cost property tax dollars, it would return 7.5% ever year without even taking labor costs into account. Seldom do they have an opportunity to make money for taxpayers, but this was a way to actually make money for taxpayers and bring a benefit. It makes solar possible and that would be something that comes down the road. They would have to do an RFP and see what those deals were. He would accept this project based on the extension of 3-phase power alone. There is never going to be another opportunity to make this kind of

improvement to the Transfer Station that would be palatable to them as Councilors or future Councilors and the community. He urged them to go forward with it.

Councilor Duschatko wanted to know if putting in compactors justified a \$1m investment. Mr. Bandazian stated that half of that wasn't theirs. He thought it was worth a \$500k investment, because that would produce a savings of 7.5% conservatively a year in diesel fuel and backhoe expenses and not even taking labor into account. Councilor Duschatko stated that someone had to operate it. Mr. Foote stated that the intensity of someone going over and pushing a button 5 or 10 times a day was a lot less than having somebody in that backhoe consistently compacting trash. He thought it lessens future expenses.

Councilor Duschatko wanted to look at the project as a \$1m project with a \$43k a year savings. Mr. Bandazian responded if he wanted to ignore the Federal grant, yes. Councilor Duschatko stated that he wasn't ignoring the Federal grant and Mr. Bandazian stated that it's \$500k; a \$43k a year return on a \$500k investment is about 7.5% annual rate of return and that doesn't include labor and the dollar cost for that employee to push a button was a lot less than a highly skilled heavy equipment operator. Councilor Duschatko wanted to know how much the equipment was going to cost. Mr. Foote stated that the estimate they received for the electric compactors was over \$300k. Mr. Bandazian stated that there was \$200k in the Capital Reserve for the landfill. Councilor Duschatko stated that they weren't spending \$1m to do the compactor, they were spending \$1.3m-\$1.4m. Mr. Foote stated all in, correct. To extend the 3-phase power is \$1m. The Federal government gave them a grant for \$500k, so they are at \$500k. If it's \$400k for electrical compactors, they are up to \$900k. What you back out of that was about \$43k a year in capital costs for the backhoe and fuel. What they didn't include was the cost for someone, which is a full-time job, to compact trash. They need to know the value of one employee who was consistently and always compacting trash. The goal is to have that employee to be repurposed on other things. They can push the button that provides the automated trash compacting, they can attend to people at the recycling center, fulfill needs as part of their composting efforts, and can help someone who's dropping off a propane tank. They are taking someone out of that constant repetitive position and allowing them to serve the public. He didn't want to include that, but it's a real cost. He thought they could improve service to the community for other purposes. If you assign \$50k to an employee in that position and it's likely more, he thought they were back in that 7-10% range return on investment. There was some cost savings and the return on investment was strong. Councilor Duschatko wanted to know about hydraulic compactors running a pump. Councilor Greazzo stated that they use an electric motor to push their hydraulics, but there's also diesel motors that push hydraulics and thought that's what Councilor Duschatko was asking and wanted to know if they had looked into those. Mr. Foote thought using diesel motors to compact trash as far as pollution was the same as having a backhoe there. Councilor Duschatko stated that he wasn't concerned about pollution at the moment. Mr. Foote thought that was part of the reason why they got the Federal grant; to go away from diesel generated pollution. Mr. Bandazian stated that aside, he looked at trash compactors and his research showed that electrical was the way to go in terms of upfront price.

Councilor Duschatko wanted to know the cost of electricity to run the compactor; the kilowatt usage. He wanted the kilowatt numbers that it was going to cost to operate that for a year. Mr. Foote thought that of the total amount consumed by the Town, it was far less than 10% of total consumption; 5-8% range. Councilor Duschatko stated that their budget for electricity was \$220k. He wanted to know what that related to in terms of kilowatt hours used. Mr. Foote stated that it wasn't a simple. The electric bill has the service and availability costs. Councilor Duschatko wanted to know how many kilowatts they use in a year. Mr. Foote thought about 1.2–1.3 megawatts for the Town facilities. Councilor Duschatko stated that \$220k was the budget; that's what they approved. He wanted to know what that worked out per kilowatt hour. He didn't do the math, because he didn't know the kilowatt usage. Councilor Radke wanted to know where Councilor Duschatko was going with this. Councilor Duschatko stated that he wanted to know what the kilowatt cost was that they were paying now on their budget for next year based on their current usage of kilowatts. Mr. Sawyer stated that they would have to back out all of the service charges. Councilor Duschatko stated that they don't; that is part of the electric cost. Mr. Sawyer stated that he was asking kilowatt, not total energy costs. Councilor Duschatko stated that he was asking total utility costs as put in the budget. Mr. Foote stated that if its \$220k and you divide that by 1.2, it's going to get you \$0.18 or \$0.19 a kilowatt and that's for 2022. Their energy consultant, Standard Power, he asked for an estimate going forward, because their electrical contract expires in November, and they estimated that if they let it out now the base cost, not including all of the other availability and services charges would be between \$0.10 and \$0.13. That number would go from \$0.18 or \$0.19 per kilowatt hour to the low 20's if they let it that out today.

Councilor Duschatko wanted to know what they could do to reduce the demand charges, which was a major part of that particular upcharge. Mr. Bandazian thought it depended on the facility. Converting to LED's would be a great way to do it, at the tennis courts for example. Unfortunately the swimming pool was a huge seasonal consumer of electricity. They may have some solar panels on the pool building that was capable of offsetting it, but that has a high demand charge. There is nothing they could do at the Library. That's been made as energy efficient as it possibly could. The Safety Complex has a lot of room for improvement. That was a very big capital expenditure to make that really worthwhile to get some return on investment. Councilor Duschatko stated that a big capital expenditure was going to be made. Mr. Foote stated that they were trying to ring out every inefficiency they can. He and the town manager looked at a proposal to reduce energy consumption at the Highway Garage and thought the return on investment was five years. They look at everything to try and reduce their consumption.

Councilor Duschatko stated that he was skeptical about many of the numbers that have been presented. He wasn't questioning the fact that they were representing what they've been given, but they are saying that this was based on energy costs savings of \$0.11 per kilowatt hour. That's not a savings. He wanted to know how much the electricity was going to cost them out of the solar deal. Mr. Foote stated that they would own it. Mr. Sawyer stated that that's one of the proposals that they would seek. Mr. Bandazian stated that if they do 3-phase power, and that's where they were right now, then there were a number of options for doing solar including one that they don't have to pay anything for, but it only

gives them \$10k a year for 20 years. Councilor Duschatko stated no, it just saved you \$220k a year, because they weren't paying anything for it. Mr. Bandazian stated no, that's a proposal where they would be. It would neither be something that the Town paid an investor alone; it would not be something that the Town bought. What the Town would get was solar panels on the landfill that somebody else would own and they would sell the Town electricity for a very small amount less than the market. He would never advise that. Councilor Duschatko stated that the Town of Derry had one twice as big as this and it's costing them nothing. Mr. Bandazian stated that they received \$500k as well in Congressional funding. Councilor Duschatko stated that it was done before they got that money. Mr. Bandazian stated that they most likely had a power purchase agreement. Councilor Duschatko stated that that's exactly what it was. Mr. Bandazian stated that he wasn't an advocate of those. It's just not enough return for what you give up. Councilor Duschatko wanted to know what they were giving up. Mr. Bandazian stated that they were giving up their land for very little revenue. Councilor Duschatko stated that they would be giving up land, which the Town can't do anything with. Mr. Bandazian stated that if they get to that point and the Council wanted to do a power purchase agreement, that's the Council's will, but that won't be possible without 3-phase power.

Councilor Thomas stated that they need 3-phase power to have any option on the table. The price they have right now to run 3-phase power was probably the best they would ever see again. They deal with 3-phase power and any building they try to buy has to have 3-phase power in it. They can't operate without 3-phase power and it's really expensive if you don't have it to get it.

Mr. Foote stated that direct ownership of this is the classic middle man when you have PPA or any of the other alternatives. There is a middle man, so someone is going through and owning this for a reason and it's to make money, which lessens the Town's revenue. They haven't explored those 100%, but at some point there if there is some sort of consensus then the Town, the Department, in conjunction with the Energy Commission put some proposals on the street; whether it's a PPA or a direct purchase or any other mechanism that's available.

Councilor Greazzo wanted to clarify that the deadline for a decision this was June. Mr. Bandazian stated June 12th. Councilor Thomas stated that they won't hold that cost price for very long. They decide now otherwise that 'not to exceed' was going to exceed.

Councilor Bemiss wanted to know if they put in the 3-phase power then when would the solar go in. Mr. Foote stated that as that moves forward; they are scheduled to get a \$500k grant. His experience with the Federal government isn't that great and it's probably not that positive, but if they got the money in June and finished the design and got a contractor in place, then Eversource orders the switches, which were a hot commodity right now in the industry. He didn't see the 3-phase happening until next year. At the same time, if the Town Council wanted to bond it or purchase the solar farm or photovoltaic on its own, it could be a warrant article in the spring. They were there to try and gage interest and see if where they want to go with it. If there is no interest, he's sure there's another community that would love to have that \$500k. Councilor Bemiss stated that to

summarize, the overall project was going to be about \$1.5m and then they back out the \$500k. Mr. Foote clarified the project to extend the 3-phase only. Councilor Bemiss responded yes, but then adding in the compactors. Her concern was what the gap was between when they start producing energy, because otherwise they've just done the 3-phase project without doing solar.

Councilor Thomas stated that it was up to them. Whenever they decide if they decide, it's not on them it was on the Council. Councilor Duschatko thought their decision was based on the compacting with the 3-phase power. The solar should not even be part of this discussion. Councilor Thomas stated that if they don't run 3-phase, it eliminates any chance of having solar. Councilor Duschatko stated that they didn't know what was going to happen technology wise.

Councilor Gilbert clarified that the 3-phase power was \$910k. Mr. Foote stated plus \$75k for Consolidated for poles. Councilor Gilbert stated that's \$985k. They got a \$500k grant, which brings it down to \$485k. They are going to save \$43k for the backhoe, so that brings it down to \$442k. Then you add the compactor back in for \$400k, so you're up to \$842k. Mr. Foote stated that that's just the first year. Councilor Gilbert stated that he understands that, but where do you get the money. They want \$500k, but where do they get the other \$340k; was that this year or next year. Mr. Sawyer stated that the compactors were not anticipated and not part of this proposal. Councilor Radke assumed that would be a next year thing. Mr. Sawyer stated or if other funding becomes available. Councilor Gilbert stated that if they take the compactor out, it's comes down to \$440k. Councilor Duschatko stated that the whole things stands on the \$43k on their savings per year, so the compactor had to be considered. Mr. Foote agreed, but also stated that it doesn't include the labor costs. When you add the labor cost in; if you add the backhoe, the fuel and the labor costs conservatively say its \$80k a year. If it's \$400k for a new compactor; that's a 5-year return on the rate of investment. Councilor Bemiss wanted to know the lifespan of a compactor. Mr. Foote stated that the compactors for the recycling building are about 15 years old and just recently they may have spent \$8k or \$9k fixing one of them. They are very reliable, low maintenance and efficient. They don't consume a lot of labor.

Councilor Gilbert stated that in the Town Manager's comments in the staff report he states, "Much if not all of these funds could be needed to complete the purchase of land for the future Police Station and Fire Substation." To him, that's the most important thing. He's not saying that this project wasn't, but that's number one. At their retreat they said that that's the number one thing they were doing in Town. He's not against this project; he was just wondering how they get the money to satisfy all of these things. Maybe they wait until when they get into June, because they are trying to get the land now to do this and they might have a better idea by then. Mr. Sawyer encouraged them to table action on this tonight until one of the May meetings where they could hopefully have a better understanding of where they were on the facilities project. Regarding funding, he fully anticipated that the compactor work along with the solar would be part of a proposal they would bring forward for next year's budget either as a warrant article for it all or direct funding for the compactors and a warrant article for the solar separately. That would be down the road. That's not money they were asking for tonight. He totally understands

Councilor Duschatko's point that you need those investments in order to get any return on investment. Without those, you are just bringing 3-phase power for \$1m. It's definitely the way they want to go.

Councilor Radke wanted to know if waiting until May would jeopardize their ability to get the CDS funds and the response was no. She stated that they would have to make a decision if that \$500k that they were requesting either goes to the proposed land buy for the Police or do they use that same \$500k for the 3-phase. Councilor Duschatko stated that they don't have to make that decision until June 12th. Chairman Carter stated by June 12th. Councilor Duschatko that would give them a way to stabilize what they were doing on their main goal. Mr. Foote stated that he apologized if his staff report was too forward. He was just trying to fill the background, discussion and the recommendation. Mr. Sawyer stated that he did exactly what he was asked to do; don't apologize.

Councilor Radke clarified that at the Transfer Station they have four people. By getting the compactor they could limit it to three. Mr. Foote stated absolutely not. That's why he did not want to come forward with that. He mentioned some of the other tasks that they were trying to include as part of the operations. Today, even with 4½, which is what is budgeted and historical, they are always short. He was likely to come in and recommend that they reduce hours up there; between vacation, sick time, and lunch, they are short-staffed there now and every time they are short-staffed they are always pulling someone from Highway. Councilor Radke stated by adding the compactors, they don't have to add another person. She stated that they have to close one of the bays for the compactor and wanted to know if it took less time than a guy coming in with a backhoe and would allow more people to use all the bays. Their traffic flow might move faster. Mr. Foote stated that they still have to back in and pull it out, 30 seconds. Usually when someone arrives, there's a backhoe in one of the bays, so that's a slot where the public wasn't being served. Councilor Duschatko wanted to know what the compacting cycle was. Mr. Foote stated that he didn't know. There would be two 25-30 horsepower compactors side by side and hold more than the existing trailers. Councilor Duschatko wanted to know once it's filled did it take 15 minutes to crush it. Mr. Foote stated no, it's continuous. Councilor Duschatko stated that it needed to be emptied at one point. Mr. Foote stated that it's removed and then another trailer is backed in. Councilor Duschatko wanted to know if it was still operating when it's removed. Mr. Sawyer stated that it's the same when they back a trailer out now. There was some downtime for swapping out trailers.

Councilor Greazzo wanted to know the type of compactor configuration. He wanted to know if it was an open trailer that does compaction or was it like the recycling compactors where there was only one spot for someone to throw something in until it fills up and they compact it into the container. Mr. Foote stated that he didn't have all of the answers, but what he's seen is the area is larger where it goes in and the way it's sloped is it finds its way to one spot and keeps compacting towards the front of the trailer. Councilor Greazzo stated that they still wouldn't be able to use all four bays on one side. They would only be able to use two bays. Mr. Foote thought they could use [everyone talking; not clear].

MOTION by Councilor Radke to table this to a future meeting, date uncertain at this time. Seconded by Councilor Greazzo. Vote taken – Motion Passed – 7-0.

d. Reaffirming/Amending of TC Rules of Procedure, Code of Conduct, Town Media Policy, Social Media Use Policy

MOTION by Councilor Duschatko that the Bedford Town Council reaffirm the Town Council Rules of Procedure, Code of Conduct, Town Media Policy, and Social Media Use Policy. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

e. Other New Business – None

6. OLD BUSINESS

a. Other Old Business

7. APPROVAL OF MINUTES

a. Budgetary Town Meeting – March 9, 2022

MOTION by Councilor Radke that the Bedford Town Council approve the minutes of the March 9, 2022 Budgetary Town Meeting. Seconded by Councilor Thomas. Vote taken – Motion Passed – 5-0-2 (Bemiss and Greazzo abstained).

b. Organizational Meeting/Public Session – March 14, 2022

MOTION by Councilor Radke that the Bedford Town Council approve the minutes of the March 14, 2022 Organizational & Public Session. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

c. Town Council Retreat – April 2, 2022

MOTION by Councilor Radke that the Bedford Town Council approve the minutes of the April 2, 2022 Town Council Retreat. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.

8. TOWN MANAGER REPORT

- 1) Clean Up Bedford Day – April 16th, 9 AM-1 PM. Residents, businesses, students, and clubs are all encouraged to join in this community wide event to help Clean Up Bedford! Blue bags can be picked up at the Transfer Station, Town Office Building, Library, Safety Complex, and Educational Farm at Joppa Hill. You are welcome to leave the bags along the side of the road for pick up or bring to the Transfer Station.

- 2) National Public Safety Telecommunications Week – Thank you to the dispatchers/communications specialists. They are the first responders and do a great job.
- 3) National Animal Control Officer Appreciation Week –Thank you Haylie Gulino, ACO.
- 4) Dog licenses must be obtained by April 30th to avoid extra fees and civil forfeiture that occurs in June. Scottie is Bedford’s Top Dog for 2022.
- 5) PFAS Contamination – They received communication from Chris Bandazian, their PFAS commissioner to the State commission, that the State was concerned that Bedford has a higher than expected number of people not returning the letters that they are receiving from Golder Associates, which is everybody in the Saint Gobain area. They’ve asked that they send a letter from the Town asking them to follow up. If you have received a request for well testing from Golder Associates it is critical that you sign the agreement and return the paperwork as soon as possible. They have a high number of residents that are not responding. 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.
- 6) Starting on April 25th, school vacation week, the traffic patterns at the High School are scheduled to change. Advance notification signage will go up next week and all work necessary for the change is scheduled to be completed for the students return to school on May 2nd. There may be limited access and delays to school during the work.
- 7) Registration for Camp Witzel summer camp and other summer camp programs are open and information is available through the Recreation page of the Town Website.
- 8) April 17 – Library closed for Easter.
- 9) A live burn training event for the Fire Department will take place on April 23rd at 99 McAllister Road so please expect to see smoke and emergency vehicles in that area.
- 10) April 30 – National Prescription Drug Takeback Day, Safety Complex, 10 AM – 2 PM.
- 11) May 29 – Police Department Bicycle Rodeo at the High School, 10:00 – Noon
- 12) May 29 – Memorial Day Parade, 1 PM, Bedford High School to McKelvie Intermediate School via County Road with a theme of “Freedom through Unity”.
- 13) June 25 – Household Hazardous Waste Day, 8:30 AM – 3 PM, 19 Chubbuck Road.

9. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Greazzo stated that the Planning Board meeting scheduled for April 11, has been moved to April 18.

Councilor Thomas stated that the Energy Commission discussed the grant from Senator Shaheen for 3-phase power. They also talked about EV charging stations.

Councilor Gilbert stated that they had over 400 people at the EFJH Easter egg hunt.

Councilor Radke stated that she booked the Town Hall for Saturday, September 24 for the volunteer appreciation breakfast. There were a lot of people at the Historic District Commission regarding the Library parking project. She thanked all of the dispatchers for all the hard work they do. On Wednesday, April 27, Professional Administrative Assistants Day. She thanked Dawn Boufford for all the work she does.

Chairman Carter stated that the Conservation Commission was starting to do a lot of different things in Town: trail stewardship, the largest red oak in the State is on Joppa Hill property, just the things that are going on at conservation to get their trails nice for the community. It's a group that's really working hard. They approved a new logo. He thanked the Town reps for coming out tonight. On Saturday the 16th, 9-1, CUB Clean-up Day.

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

11. ADJOURNMENT

MOTION by Councilor Greazzo to adjourn the meeting. Seconded by Councilor Thomas. Vote taken – Motion Passed – 7-0.

The meeting ended at 9:36 PM.

Respectfully submitted,

Dawn Boufford