

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
September 8, 2021
10 Meetinghouse Road**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, September 11, 2021, 10 Meetinghouse Road. Participating were Dave Gilbert (Chair), Bill Carter, (Vice Chair) and Councilors Sue Thomas, Denise Ricciardi, Bill Duschatko, Lori Radke, and Kelleigh Murphy and. Also present was Town Manager Rick Sawyer.

Chairman Gilbert opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – Led by Chairman Gilbert.

3. PUBLIC COMMENTS – None

4. NEW BUSINESS

a. Approval of Marston land purchase, Tax Map 3, Lots 5 and 4

Becky Hebert, Planning Director, stated that this is the authorization of the purchase of 43 acres of land owned by the Marcia Marston Revocable Trust located off Wallace Road. The Town and the Piscataquog Land Conservancy (PLC) have entered into agreements for the conservation of 126 acres of land owned by the Marcia Marston Trust located in both Bedford and Goffstown. The 43 acres is primarily undeveloped and there is a small freestanding garage on the property. The Town will also be conveying a conservation easement over the 43 acre parcel to the PLC. The purchase & sales agreement also gives the Town the right to purchase the land located immediately across the street, which is a 72 acre lot. The Marstons have no plans to sell it immediately, but if they sell it in the future, the Town would have the right of first offer to purchase the land. As a condition of this purchase & sales agreement, Marcia Marston would have the ability to maintain and use the existing freestanding garage for up to 10 years and she would be responsible for maintenance, taxes, and insurance during that time. Through a separate agreement, the Marcia Marston Trust will be donating 83 acres of land located both in Bedford and Goffstown; 33 acres in Bedford and 50 acres in Goffstown. The total land area that would be protected as part of this agreement would be 126 acres and doesn't include the parcel with the right of first offer. The Marston land encompasses both sides of Wallace Road, which is a fast developing part of Bedford and is unique in that both sides of the road would become eventually open space or protected land. The area has always been identified as priority in the Town's open space plan. It is contiguous with existing areas of open space associated with the Tibbetts & Wolf subdivision and in Goffstown, the Mt. Laurel Estates subdivision. The land is historic and has been in Marcia Marston's family for a very long time. Marcia Marston is a direct descendent of Major John Dunlap, who along with his son Robert Dunlap, were renowned 18th century furniture and cabinet makers. According to the history of Bedford, the homestead was founded in the late 1770's. The Dunlaps noted in the history of Bedford that the land was desirable because

of its large stands of maple and cherry trees. The 43 acres of land would be purchased for \$1m. The PLC, which took over the Bedford Land Trust, has a dedicated fund for protecting land in Bedford and has committed to contribute \$44k towards the purchase, which is about half of that dedicated fund. The Town would need to authorize \$956k from the Conservation Fund. The Conservation Fund is a dedicated fund specifically for land protection activities and conservation initiatives. The fund receives monies annually from the Change Use Tax, so there would be no impact to Bedford taxpayers. Currently, the Conservation Fund has an estimated balance of about \$1,171,000 as of August 1st. The Assessing Department has issued approximately \$250k in current use penalties, which are anticipated to be collected in 2021 and once collected, 100% of those monies would be used to replenish the Conservation Fund. Because the transaction involves a conveyance of a conservation easement to the PLC, it requires a one-time stewardship fee, which is a fee that is standard practice for a land trust to collect at the time they accept a conservation easement. The money is used towards the long-term monitoring and maintenance of the property as they ensure it is protected as open space in perpetuity. There are additional expenses associated with the transaction. The 43 acres the Town is purchasing needs to be surveyed and they also need an environmental survey and study to ensure there is no areas of contamination and to make sure they know what they are purchasing. She initially estimated that work to be not more than \$50k, but they were able to combine their efforts with the PLC and she thinks the survey and environmental work will be around \$11k. The Conservation Commission held a public hearing on August 24th and approved the expenditure of the \$956k in accordance with RSA 36-A. This dedicated fund is established for conservation initiatives and the Conservation Commission has the authority to approve expenditures from the fund. In Bedford, the policy is to also come to the Town Council and seek approval for the acquisition of the land and to authorize the use of the funds.

Councilor Radke wanted to know if the \$24k for the stewardship and the \$11k were part of the \$956k or some other account. Ms. Hebert responded that it was not. All of the fees for the transaction will come out of the Conservation Fund.

Mr. Sawyer stated that the Council received a letter from Richard Moore and Susan Tufts Moore that was in complete support and the Council all has a copy of that letter.

Councilor Radke wanted to know if it would be appropriate to state in the motion the amount and where it came from just so years from now if someone questions the purchase of the 43 acres. Mr. Sawyer stated that they could, but historically the Conservation Commission is the group that is authorizing the expenditure of the funds. The Council is just agreeing to move the purchase forward. They are welcome to include those amounts. Ms. Hebert stated that the Conservation Commission held a public hearing, took public comment, and voted to authorize the use of the funds. Councilor Radke wanted to clarify that by State statute the Council can't not authorize that. They have to agree with them.

MOTION by Councilor Carter that the Bedford Town Council authorize the purchase of approximately 43 acres of undeveloped land owned

by Marcia A. Marston Revocable Trust, located off Wallace Road, Bedford, Tax Map 3, Lots 5 and 4, and the conveyance of a conservation easement on this property to the Piscataquog Land Conservancy, as approved by the Conservation Commission on August 24, 2021. Seconded by Councilor Thomas. Vote taken – Motion Passed – 7-0.

Councilor Carter thanked the Planning staff and the Town Manager for all the work they did to get this done. They did a lot of work behind the scenes to make it happen.

Ms. Hebert noted that it does represent a generous donation on behalf of the Marcia Marston Trust.

b. Recognition of National Building and Code Staff Appreciation Day

Chairman Gilbert read a proclamation.

TOWN OF BEDFORD, NEW HAMPSHIRE RESOLUTION

WHEREAS, Annually, September 1st is recognized as National Building and Code Staff Appreciation Day; and

WHEREAS, The Bedford Building staff is comprised of Code Official Matthew Lavoie, Building Inspector Terry Carter, Permit Technician Peg Graveline, and supported by Executive Assistant Liz Duclos; and

WHEREAS, These individuals possess the knowledge and expertise in commercial and residential building codes and processes to contribute accountability and measure of safety; and

WHEREAS, Their work is often behind the scenes and goes unnoticed, though we live every day within the safety net that they provide; and

WHEREAS, The work of the Building and Code staff requires attention to detail knowing that human lives depend on them; and

THEREFORE, Be it declared that we, the Bedford Town Council, wishes to recognize Bedford's Building and Code staff that operate as a division of the Bedford Fire Department and acknowledge the importance of the work that they perform daily for the citizens of Bedford. We are grateful and appreciative of their contributions to the Town of Bedford.

*PROCLAIMED BY THE Bedford, NH Town Council
THIS 8th DAY OF SEPTEMBER 2021*

c. Other New Business – None

5. OLD BUSINESS

a. Other Old Business

Councilor Carter showed a sample of the 'Keep Bedford Clean' sign he put together and asked for the Council's approval to put the signs on either sign of Wallace Road going from Goffstown on the Goffstown side and from the Merrimack side.

Chairman Gilbert made a suggested edit to change 'Keep Bedford Clean' to 'Clean Up Bedford' so it corresponds with 'CUB'. Councilor Carter stated that he would make that change and get the signs done. He has a sponsor for the signs and as soon as he can get it done he'll work with Jeff Foote in Public Works to get them put in. Councilor Murphy thought they looked great and thanked Councilor Carter for taking the time to do it.

6. APPROVAL OF MINUTES

a. Public Session August 11, 2021

MOTION by Councilor Carter that the Bedford Town Council approve the minutes of the August 11, 2021 Public Session. Seconded by Councilor Murphy. Vote taken – Motion Passed – 7-0.

7. TOWN MANAGER REPORT

- 1) Results - Special Election September 7th – Catherine Rombeau 2,325 votes; Linda Camarota 2,288 votes. A recount will be held on Monday, September 13th at 9:00 am at the State Archives Building, 9 Ratification Way and it is open to the public. Both parties will have representation.
- 2) COVID-19 Pandemic – Bedford currently has 40 COVID-19 positive cases and has had a total of 2,210 cases. Bedford has 57.9% fully vaccinated residents and 63.0% with one dose. He encouraged people to get vaccinated if they can.
- 3) The 2020 Census population data has been released which shows that Bedford grew by 10% from 21,203 to 23,322 over the last decade.
- 4) National Building & Code Staff Appreciation Day – Annually September 1st -Thank you to Code Official Matthew Lavoie, Building Inspector Terry Carter, Permit Technician Peg Graveline, and Executive Assistant Liz Duclos for their efforts all year long.
- 5) September 11th – Guided Bird Walk, Benedictine Park, 9-11 AM.
- 6) September 14th – BioBlitz Walk for Adults & Teens, 3 – 4 PM, September 18th – BioBlitz Walk for kids & families, 10-11 AM in conjunction with our Conservation Commission. See Library Facebook/website for details.
- 7) September 23rd – Fire & Police Department combined Open House, Safety Complex, 55 Constitution Drive, 5-7 PM.
- 8) October 3rd – 1st Family Trail Run, Educational Farm at Joppa Hill, 10 AM.
- 9) October 3rd – Fall Fair, Educational Farm at Joppa Hill, Noon - 4 PM (free).
- 10) October 16th – Clean Up Bedford Fall Event, 9 AM – 3 PM.

8. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Radke thanked all of the Election officials and all of those who helped during the election; they did a great job. She congratulated the candidates.

Councilor Carter thanked all the residents that came out and voted. He mentioned CUB day on October 16th. He mentioned that some of the roads have poison ivy, so he encouraged everyone to wear gloves on clean-up day.

Councilor Duschatko stated that the Planning Board met several weeks ago and their main item of business was the approval of a new sign for the Animal Rescue League. Other business was also conducted at that meeting including review of some amendments for Land Development Control Regulations.

Councilor Ricciardi mentioned that they've had a bit of an uptake in Bedford Cares and wanted to remind residents that that resource is still available.

Councilor Thomas mentioned the Energy Commission meeting and a couple of members would like to come to the Council to update them on what's going on. There is some Federal funding and Legislative items that need the Council's attention as well as a discussion on municipal aggregation of power. She thought from the Town Clerk to the moderators, to all of the assistants, the Supervisors of the Checklist, they do an amazing job. It's harder than it looks to keep track of everything. She thought the poll pads were great. She was amazed at the turnout and hoped that they could get more people out to the March elections. She thanked everyone who came out to vote and congratulations to Catherine. Linda ran a great campaign and it shows as it was a close race.

Chairman Gilbert stated that they are going to dedicate the Hawkins Field, which is the old Chubbuck Field, on Saturday, October 9th probably around noon. The EFJH is going to hold a Wine Down, which is a wine tasting and a paired food event on October 23rd at 3:00 PM. They are also going to have a Halloween event for the kids on October 24th 11:00 AM – 2:00 PM. Check their website for more information.

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

MOTION by Councilor Carter to go into non-public session per RSA 91-A:3 II (d) Consideration of the acquisition, sale or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; and (e) Consideration or negotiation of pending claims or litigations 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 Radke.

Roll Call Vote: Thomas-aye, Ricciardi-aye, Duschatko-aye, Gilbert-aye, Carter-aye, Radke-aye, Murphy-aye.

The public meeting ended at 7:31 PM.

Respectfully submitted,

Dawn Boufford