

**TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
March 4, 2020
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD**

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, March 4, 2020 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chair), and Councilors Denise Ricciardi, Phil Greazzo, Dave Gilbert, Chris Bandazian, and Catherine Rombeau. Also present was Town Manager Rick Sawyer. Councilor Stevens had an excused absence.

Chairman Duschatko opened the meeting at 7:00 PM.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Rombeau.

3. PUBLIC COMMENTS – None.

4. NEW BUSINESS

a. Announcement of GFOA Award

Chairman Duschatko stated that the GFOA (Government Finance Officers Association) awards individuals designated as instrumental in their government unit receiving a certificate of achievement of excellence in financial reporting. This certificate of achievement is presented to those government units whose annual financial reports are judged to adhere to the program standards and represents the highest award in government financial reporting. Bedford has been fortunate to earn this award for a number of years. Chairman Duschatko presented the GFOA award to Tammy Penny, Finance Director. Ms. Penny thanked the rest of the Finance team, because without their efforts, the production of this 120 page report couldn't happen. They continue to be dedicated and hardworking individuals that she's privileged to work with.

b. Approval of Employee Compensation Wage Ranges

Mr. Sawyer explained that this was the annual update to the non-union positions, which takes place every year following the release of the CPIW Index. This year the Index only increased by 1.8% for our region. Union ranges are set by contracts approved a number of years ago. This would change the ranges for positions by 1.8% on the low end and the high end, but does not mean that the employee would be receiving a 1.8% increase. The increases are still based on merit reviews by the Department Heads. An employee at the top of the range can only receive an increase to the new maximum adjusted by the CPIW. There are only three at this point that are at the top of the range.

Councilor Bandazian stated that vacancies noted in his Town Manager's report underscore the need to be competitive in wages.

MOTION by Councilor Bandazian that the Bedford Town Council approve the “2020 Bedford Employee Compensation Plan Non-Union Wage Schedule” effective January 1, 2020 as outlined in the staff memo dated February 25, 2020 and updated March 3, 2020. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 6-0.

c. Award of 2020 Roads Program Contract

Jeff Foote, Public Works Director, stated that they are asking for the extension of a contract award to extend Continental Paving’s Donald Street project approved by the Town Council in January 2019 for the roads identified in the staff report. They are implementing a very aggressive roads program schedule for 2020. The total amount of work identified in this contract extension is \$6.9M. This doesn’t include previously approved work on Gage Girls, Wentworth and Grafton roads or completing the Old English and Strawberry Hill roads area. The current Continental Paving bid prices from the Donald Street area project are very competitive and extending the contract is fiscally responsible. Asphalt pavement accounts for a substantial portion of their roads improvement spending. Of the \$6.9M in proposed work, over 40% is directly attributed to road paving. The Donald Street area hot bituminous paving unit price is \$67/ton. They believe that price is very favorable for the Town and he gave examples. Based on what he’s seeing from recent bids, he thought this was a very favorable approach to extend this contract. Not only is it fiscally responsible, but extending the work would allow the Town to meet the structured spending thresholds identified in the 2020 Road Bond Construction Spending Schedule. By August 1st they need to spend 10% of the \$10M and by February 1st, 2021, they have to spend 50% of the bond proceeds. Funding sources include approximately \$1.1M in remaining unobligated 2017 bond proceeds, \$940,125 from the 2020 local roads budget, and \$4,859,875 from the 2020 bond proceeds. As a result of this award being made prior to March 11th, the full amount can be covered by the 2017 bond or the 2020 bond.

Chairman Duschatko wanted to know if this was a normal type of extension in the fact that they didn’t go out and formally bid. Mr. Foote explained that this would be the biggest contract extension that he’s been a part of and they understand that it is enormous. They also understand the market in the industry and they also have an obligation for the road bond. This was a way to get a really good price and also to meet the schedule that was required by the bonding. It is unusual, but he thought it was a good deal for the Town.

Councilor Rombeau wanted to know how it could be covered by the 2017 and 2020 bond proceeds if necessary. Mr. Foote explained that 50% of the \$10M has to be used by February of next year. They have \$1.1M left over from the 2017 bond and then if they don’t have the local roads money, then they can utilize the 2020 bond proceeds.

Chairman Duschatko wanted to know with the completion of the roads program, how close are they to achieving their goal of getting the majority of the streets redone. Mr. Foote thought their position was very favorable. As they get to the end of the bond cycle in 2023, they need to increase the local road appropriations yearly to about \$2M or more

in the next couple of years, so they can maintain the infrastructure that they've spent significant monies to enhance and improve.

Councilor Rombeau wanted to know about the aggressive approach. Mr. Foote thought it was a combination of a lot of things, and the bond plays a part. In 2019, they did \$5.4M. That could have been a lot greater, but they pulled the contractor off to complete the improvements at the Transfer Station. Four or five years ago they did \$8.9 million. If they were to do everything that is projected, finishing the other projects from 2018 and 2019, if they move forward with everything in green and red (as shown on the screen), it could be another \$3M. If they complete 75-80% of it they will have a heck of a year.

Councilor Bandazian mentioned that at some point it would become clearer that water mains need to be put in. They are now looking all the way to Camelot working their way north on Liberty Hill Road. That is based on where the new standard has been. That may change the schedule. Mr. Foote stated that they were aware of that. There were a couple of roads they were going to try and complete this year based on some of the results they were getting. They were looking at Tavistock, Harrod, Veronica, and some streets in that area. They backed off of those thinking they didn't want to put the resources in them so someone else could go in and complete the work for them. Councilor Bandazian added or to dig up what they just did.

MOTION by Councilor Gilbert that the Bedford Town Council award the 2020 Roads Program work to Continental Paving Incorporated, of Londonderry, NH by extending Contract #20-2018 in the amount of \$6,900,000 and to authorize the Town Manager to execute the contract and issue change orders as necessary to complete the project. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 6-0.

d. Award of 2020 Solid Waste Disposal Contract

Mr. Foote explained that in 2015, the Town signed a contract with Covanta Haverhill Associates, which was a 3-year contract with 5 yearly 1-year extensions. Based on what they are hearing and reading, they would propose to extend the contract again in 2020. The Council approved extensions in 2018 and 2019. When the contract was first signed, the price was \$67.45/ton. Over the past five years, the price has risen to between 1% and 3%. In 2019, it was \$72.83/ton and in 2020, the unit cost in the extension with Covanta is \$74.11/ton, which represents a 1.8% increase over 2019. The estimated annual cost to extend the contract with Covanta is \$527k. Funding for the contract extension is from the Public Works Solid Waste operating budget line item #10070780-56515.

Councilor Gilbert wanted to know if this was the last of the five 1-year extensions. Mr. Foote responded that there are two more left.

Councilor Bandazian thought it was a great deal for the Town.

MOTION by Councilor Bandazian that the Bedford Town Council extend contract #11-14 to haul and dispose of municipal solid waste for one year with Covanta Haverhill Associates in accordance with the terms and fees of the contract and to authorize the Town Manager to execute the extension. Seconded by Councilor Ricciardi. Vote taken – Motion Passed – 6-0.

e. Acceptance of Emergency Management Performance Grant

Mr. Sawyer explained that this was a request for the Council to accept an Emergency Management Performance grant in the amount of \$5,500 for the completion of their local emergency operations plan update, which is typically done every five years. The last time the update was done was 2015. The grant requires a 50/50 match and the Town's match would be made with in-kind staff time. There is no additional cost to the Town.

Councilor Rombeau wanted to know if this grant models the typical way that they fund the matching. Mr. Sawyer explained that the last two updates they've done in-house on their own without outside help, so they didn't have any funds to do that. This grant came along and they thought it would benefit the Town to be able to use outside help to do it.

Chief Hunter stated that it's been done in-house for the last two cycles. With the availability of these grant funds, they decided having an outside prospective would be a good idea and at this time to use those types of funds for that purpose.

Councilor Rombeau wanted to know if there were any other strings attached. Chief Hunter responded that there were none that he knew about. It's an \$11k grant and the Town's in-kind is matched personnel time at the meetings as they go through this with a facilitator. The facilitator is called MAPS out of Wakefield, NH.

MOTION by Councilor Rombeau that the Bedford Town Council accept the Emergency Management Performance Grant as presented in the amount of \$5,500 to update the Bedford Local Emergency Operations Plan and authorize the Town Manager to execute any necessary documentation. Furthermore, the Council acknowledges that the total cost of this project will be \$11,000, of which the Town will be responsible for a 50% match (\$5,500). Seconded by Councilor Gilbert. Vote taken – Motion Passed – 6-0.

f. Schedule a public hearing – Consideration of Ordinance 2020-01 amending Chapter 239, Streets and Sidewalks, to add Article VI, Utilities, Poles, Wires and Equipment within Public Right-of-Ways

Mr. Sawyer explained that this is being proposed by the Telecommunications Subcommittee. They have been working over a year on developing this regulation. The ordinance would be putting in new permitting procedures and requirements for the installation of any new utilities, poles, wires and equipment including wireless

telecommunication facilities, only within the Town's right-of way. This does not impact private property. This public hearing is recommended to be held April 8, 2020 at 7:00 PM.

Councilor Bandazian questioned whether they should be allowing in the regulation, the erecting of towers that are 45 feet high every 150 feet in subdivisions where underground utilities are required. He wasn't sure that the bundle of rights that the property owner at the time of the subdivision deeded to the Town included the right to install above ground towers. He would question the constitutionality of that sort of a taking without just compensation. As presently constituted, this would not get his approval. Mr. Sawyer stated that they could have legal counsel review them. There is an FCC preemption that they are trying to respond to, and this is a way to try and protect the community as best they can from being overrun with towers throughout the right-of-way.

Councilor Ricciardi stated that they worked very hard working on this examining Federal law and other ordinances of this nature. Rick, Becky and herself attended a seminar several months back going over these very details, so they have covered their bases.

Rebecca Hebert, Planning Director, stated that there was a provision that requires the placement of equipment underground in areas where utilities are programmed by the Town to be placed underground or where they've been required to be placed underground by the Planning Board. Councilor Bandazian wanted to know if there was an exception. Ms. Hebert stated that there was an exception for antennas only, not poles. Councilor Bandazian thought that needed clarification.

Chairman Duschatko thought that it was very important that people attempt to review it. It is a complex ordinance as they've not dealt with this situation in the past. He thought Councilor Bandazian pointed out a very good point that was sort of neglected by himself and thought they needed to clarify that. He encouraged others to get involved and bring it to their attention. They want to do it as soon as possible and as correctly as possible.

Councilor Bandazian explained that by making his comment he by no means wished to imply that people have not worked very hard on this.

MOTION by Councilor Bandazian that the Bedford Town Council schedule a public hearing for Wednesday, April 8, 2020 at 7:00 PM to consider Ordinance 2020-01 adopting amendments to Chapter 239, to create new Article IV, Utilities, Poles, Wires and Equipment within the Public Rights-of-Ways. Seconded by Councilor Ricciardi.

Councilor Bandazian pointed out that it was Article VI, not IV as he stated in the motion. Councilor Ricciardi accepted the amendment.

Vote taken – Motion Passed – 6-0.

g. Other New Business – None.

5. OLD BUSINESS – None.

a. Other Old Business

6. APPROVAL OF MINUTES

a. Public Session – February 12, 2020

MOTION by Councilor Gilbert that the Bedford Town Council approve the minutes of the February 12, 2020 public session. Seconded by Councilor Rombeau. Vote taken – Motion Passed – 6-0.

7. TOWN MANAGER REPORT

1. Mr. Sawyer played a short PSA from the Bedford Fire Department on the Coronavirus.
2. 2020 Census - Throughout March, households will be invited to participate in the Census by internet, by phone, and, in a few cases, by mail. Separate efforts will reach out to institutional housing and homeless populations. And, beginning in April, Census Bureau staff will be knocking on the doors of those who have not responded. Mr. Sawyer played a short PSA..
3. March 10th – Local Election Day, 7:00 AM – 7:00 PM, Bedford High School.
4. March 11th – Budgetary Town Meeting, 7:00 PM, Bedford High School theater.
5. Absentee ballot applications and sample ballots for the March 10th Election are available from the Town Clerk or her website.
6. As a reminder political signs are not permitted in any traffic island or on any town owned land without approval of the Town Council.
7. Online survey for internet access. Visit: bit.ly/BedfordConnects. This can be reached through the Town website under 'News' and also on the Town Facebook page.
8. Bedford Citizen's Police Academy is accepting applications for this year's class which runs for 10 weeks on Tuesday evenings 6:30 – 9:30 PM starting March 24th. Applications are available on the Police website.
9. Registration for Camp Witzel summer camp and other summer camp programs are now open and information is available on the Recreation page of the Town Website.
10. The Town of Bedford currently has employment opportunities for full-time, part-time and seasonal positions. Visit: www.bedfordnh.org/jobs.
11. Sewer Backups at Safety Complex – Multiple sewer backups at the Safety Complex forced the closing of the Police Department booking/holding rooms on several occasions recently so an emergency repair was completed to replace the line in front of the building to the street where a sag of at least one foot in the pipe was found.
12. Pool Damage – The pool sustained significant damage over the winter with several tiles coming off and other areas where the walls have broken off or cracked. The DPW team is working on a scope of work for the repairs and securing cost estimates.
13. March 5th – Conversation with a Councilor, up to 3 Town Councilors will hold office hours for anyone interested in speaking with them, 9:30 AM-12:30 PM, Bedford Town Office Building, 24 North Amherst Road.

14. March 8th – Spring Forward Walk at Pulpit Rock with the Piscataquog Land Conservancy, 1-4 PM. www.plcnh.org/events.
15. March 21st – Florence M. Tarr Wildlife Sanctuary with the Piscataquog Land Conservancy, 1-4 PM. www.plcnh.org/event.
16. March 8th – Concert & Cookies Series, 2:30 PM, “Celtic Traditions”.
17. March 12th – Thursday Theater Movie Matinee 2 PM “A Beautiful Day in the Neighborhood” at the Library.
18. March 12th – Thursday Theater Movie Night 6 PM “Knives Out” at the Library.
19. March 15th – Adult & Senior Movie Matinee 2 PM “Walk the Line” at the Library.

Mr. Sawyer, on behalf of the Department Heads, thanked Councilor Rombeau for her last three years of service to the community. He thanked her for her support of all the departments over the last three years.

8. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Ricciardi stated that it was a pleasure to work with Councilor Rombeau. They’ve grown close and accomplished some things together. She wished her well in her next endeavor and thanked her for her service.

Councilor Greazzo thanked Councilor Rombeau for her service to the Town.

Councilor Gilbert stated that it was great working with Councilor Rombeau for three years and he was very happy she was on the Board.

Councilor Bandazian stated that it had been a pleasure to serve with Councilor Rombeau. She’s been a person of high integrity and he really appreciated having another person with legal background on the Council, especially with her knowledge of employment law, and for diving right in and learning about all of the disciplines that they get to consider at the Town Council. He thanked Councilor Rombeau and to her husband for his many sacrifices as well. Regarding PFAS, the DES OneStop site was up again. All of the latest documents are there including some test results. They continue to come up positive between the 70 standard, which is the now enforced one and the lower standard that was made into regulation. There are a number of bills that are pending at the legislature. The additional properties include as far north as Back River Road opposite New Morning School, Camelot, and Olde English Road, which is where testing stops under the work plan. That will continue to unroll. The thermal oxidizer that treats the flue gases at Saint Gobain has been approved by the State. The State increased the temperature and the amount of time of processing to 1,000 degrees Celsius from 1 second. That will hopefully get implemented in the course of the next year. The wastewater treatment facility in Merrimack has imposed some standards that Saint Gobain appealed to their Town Council and the Town Council denied the appeal. It’s yet to be seen if there will be a further appeal to the Superior Court, but he suspects there will be. Planning Board had one design review at their past meeting. It was for a large complex opposite Iron Horse Drive on South River Road with 144 units in two buildings of combined market rate and workforce housing as well as another building with 90 or so age restricted units. It’s up to

the applicant whether to file a final application for a project of that nature. As of 4PM, Blueprint Bedford was published on the Planning Department webpage along with an executive summary. This is a draft that has been reviewed by staff, but has not been reviewed by Think Tank members or anyone else. There may be mistakes in graphs and titles, but there will be a period when they urge people to review and make comments and point out errors, because they want to get it right.

Chairman Duschatko gave his thanks for Councilor Rombeau's service on the Council. It has been very helpful, a lot of knowledge and different insights. It's been a pleasure dealing with someone who is so courteous and polite and involved as she has been. He thanked her and her family. The Telecommunications Committee is still looking for responses to the survey. The responses are coming in slower than they hoped, and they will keep it open through the end of March. It's very important to get that feedback. He thought it was important to have a good voter turnout next week. The turnout at Town elections wasn't as great as it should be. It's important that they look at all of the issues and do some research on some of the comments that have been made by 3rd parties regarding many of the items that are up for vote. There are some differences of opinion, but there are also some differences of fact. It's very clearly going to a knowledgeable would be very helpful. The unknowledgeable ones, unfortunately, will just be led. They have some good candidates running and thought they were all worthy of consideration. He hoped to see everyone at the polls. The Council will be there.

Councilor Rombeau thanked everyone. Serving over the last three years has been a privilege. She has learned so much about the community. She thanked the Department Heads and folks she's worked with on staff who have been incredibly patient with her questions over the years, especially Jeff Foote who got the brunt of her field trip requests. Every time she got answers and more information and understood a little better some of the challenges and priorities they are trying to put in place through Town. That's true for Police and Fire; she appreciates both the chiefs very much. They are always open to her visits and questions. She was happy to have Pam (Hogan) and Tammy (Penny) in the positions they are in. She thanked Rick (Sawyer) for being the ringleader. She has had tremendous communication from the Town staff and management and that has made the whole experience what it has been for her in terms of the learning process. She hoped what she learned she was able to bring back to the Council. She has appreciated serving on a board that is non-partisan. She feels like they have worked together well. They don't always agree on everything and there are projects she will never see in her lifetime in Bedford go through, but she appreciated everyone's respect in those discussions and willingness to sit down for coffee and answer questions and to collaborate. She is sad to be leaving, but excited to continue to work in the Town. She hopes that she will be serving with them all in different capacities in the future. Thanked them for the non-partisan and collaborative nature of it and how much she's learned.

9. NON-PUBLIC – RSA 91-A:3

MOTION by Councilor Bandazian to go into Non-Public Session under 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. Seconded by Councilor Gilbert.

Roll Call Vote: Ricciardi-aye, Greazzo-aye, Gilbert-aye, Duschatko-aye, Bandazian-aye, Rombeau-aye.

Public Session ended at 8:01 PM.

Respectfully submitted,

Dawn Boufford