

TOWN OF BEDFORD
TOWN COUNCIL MEETING MINUTES
June 13, 2018
BEDFORD MEETING ROOM
10 MEETINGHOUSE ROAD

1. ROLL CALL: A meeting of the Bedford Town Council was held on Wednesday, June 13, 2018 at the Bedford Meeting Room, 10 Meetinghouse Rd. Present were Bill Duschatko (Chairman), Melissa Stevens (Vice Chair) and Councilors Phil Greazzo, Dave Gilbert, Chris Bandazian, and Catherine Rombeau. Also present was Town Manager Rick Sawyer. Councilor Kelleigh Murphy was absent.

Chairman Duschatko opened the meeting at 7:00pm.

2. PLEDGE OF ALLEGIANCE – Led by Councilor Bandazian.

3. PUBLIC COMMENTS – None.

4. Meeting update with Town Clerk Lori Radke

2017

- Top Dog – Sadie Suls
- Licensed dogs – 3, 793
- Vital records – 590
- Marriage licenses – 94
- Town Meeting, March 14th postponed to March 16th
 - Registered voters – 17,236
 - Total ballots cast – 2,491
 - Absentee voters – 235
 - Percentage of voter turnout – 14%
- Electronic Poll Book Trial
 - Bedford conducted the first in the State
 - SB 113 signed into law on July 5th
 - 2 Evaluation Vendors chosen by Secretary of State
 - No EPB systems have been tested to date

2018 to date

- Top Dog – Duke
- Licensed dogs – 3,167
- Vital records – 320
- Marriage licenses – 26
- Town Meeting March 13th
- Registered voters – 16,974
- Total ballots cast – 2,448
- Absentee voters – 280
- Percentage of voter turnout – 14%

- Legislation
 - SB 527 - absentee voting
 - SB 438 - local election postponement
 - HB 1614 – international registration plan and registration of semi-trailers
- Document Management System

Ms. Radke also showed a chart and statistics of vital records in New Hampshire.

Councilor Stevens mentioned the list of candidates for the House of Representatives that have filed. Ms. Radke showed a list of all of those that have signed up and she also keeps it on her webpage.

Councilor Rombeau loved the report. Chairman Duschatko liked the graphs and enjoyed the information that isn't normally available.

5. NEW BUSINESS

a. Civil Forfeiture Warrant for unlicensed dogs

Ms. Radke stated that every year, by State law, she needs the Council's permission to send out the civil forfeiture letters to those that have not yet licensed their dogs. There are 764 people that have not licensed their dog. She will send out a letter to everyone on the list including a piece of paper indicating they have one week to license their dog, otherwise the civil forfeiture will go into effect June 25th. The civil forfeiture fine is \$25.00. Those that do not come in to register their dogs after receiving their civil forfeiture letter will receive a summons from the Animal Control Officer. They will have two weeks to license their dog and pay all of the fines and if they don't, they have to go to court and he sets a court date. If they no longer have their dog, they need to let the Town Clerk know.

MOTION by Councilor Rombeau that the Bedford Town Council pursuant of RSA 466:14, authorize the Town Clerk and Animal Control Officer, on behalf of the Town Council, to send civil forfeiture letters and collect civil forfeiture fines to all dog owners of Bedford who have not licensed their dog as of June 24, 2018. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 6-0

b. Award of Recycling Contract

Jeff Foote, Public Works Director, stated that they were exploring ways of reducing recycling costs. After contacting vendors and discussing alternatives, an adhoc group consisting of Town Councilors, Department staff and the Town Manager, vetted several options. The concensus of the group was to move forward and negotiate with Waste Management's proposal. This proposal would save the Town about \$80k a year in recycling costs. He described the terms of the contract. Residents would be required to separate the glass from their recycling. There would be separate bins at the Transfer

Station for the glass. Residents can voluntarily separate the glass now, but July 17th would be the date that residents would be required to separate the glass. The Town will be posting signs and advertising this change to inform the residents.

Councilor Bandazian pointed out that this caps the Town's exposure for up to five years where presently they are on a month to month basis.

MOTION by Councilor Gilbert that the Bedford Town Council approve the bid waiver and award a contract to Waste Management of New Hampshire, Inc., in the estimated amount of \$104,017.20 per year, based on the April 2018 no glass revenue share calculation identified in the contract, for the transportation and processing of single stream recyclable materials and glass for a term of three years with an option for two additional years and authorize the Town Manager to execute the contract. Seconded by Councilor Stevens. Vote taken – Motion Passed – 6-0.

c. Award Cider Mill bridge Reconstruction Contract

Mr. Foote explained the project. They had eight contractors requesting bids and they ended up with four bids. Most of the funding is through the NHDOT State Bridge Aid, which pays 80% of the cost for design, easement acquisition, and construction, and would be \$381,774.40. The Town's portion would be \$95,442.60.

Councilor Bandazian wanted to know if the 20' clear span concrete structure would have a gravel bottom. Mr. Foote stated that it would have a natural bottom. Councilor Bandazian wanted to know how long it takes to get the 80% from the State. Mr. Foote stated that they have a letter in currently that is requesting that they advance 40% of it. When the project is complete they will get the remainder. They have a good relationship with the NHDOT, so he didn't know why it would be delayed anymore than it should be.

Mr. Sawyer wanted to know when the work would take place. Mr. Foote stated that it would take place August through October.

Councilor Gilbert wanted clarification that they are asking for total appropriation and the State would definitely put in their portion. He also mentioned that 20% was appropriated by the voters in 2014.

MOTION by Councilor Gilbert that the Bedford Town Council approve the award the Cider Mill Road Bridge Replacement over McQuade Brook project to Cold River Bridges, LLC of Walpole, NH in the amount of \$477,213 and to authorize the Town Manager to execute the contract and issue change orders as appropriate to complete construction. Seconded by Councilor Stevens. Vote taken – Motion Passed – 6-0.

d. Award of Master Plan Consultant Contract

Becky Hebert, Planning Director, explained that the Master Plan is revisited every 10 years to take into account changes in the community and to update the Town's vision for long-term growth. It's an exciting time to talk about developing trends and to take a look at the Town's policies and regulations to make sure they are helping to achieve the Town's vision. She gave a history of previous Master Plans. The most recent one was done in 2010. Since the 2010 Master Plan, the Town has saved money through its capital improvement program (CIP) for this project. The capital improvements budget of \$175k. The RFP was done in February they received six very high quality proposals. The Planning Board appointed a selection committee to review the proposals and included Planning Board members Karen McGinley, Jon Levinstein, Hal Newberry, Councilors Murphy and Bandazian. The committee unanimously selected Town Planning and Urban Design Collaborative (TPUDC) as the vendor. They are known for their creative approach to planning and have four other firms on their team that specialize in different areas. TPUDC also prepared Londonderry's master plan in 2012. They anticipate the project will take about 18 months. The Planning Board will form a steering committee (Think Tank) that would meet regularly throughout the process. The consultant would work this summer to do their background research and assess the existing conditions of the Town. They expect to have a community kick-off meeting in September and a more comprehensive 4-day charette later in November. After that they leave and work to prepare a draft master plan, but stay in touch with the Think Tank and come back to Bedford a few times during the process. They would produce a draft plan that they would introduce to the community in response to the community charette and then there is an opportunity for public comment to the draft, go back and make edits, and then present a final draft in the fall of 2019.

Ms. Hebert stated that the contract is for \$167,320, which leaves \$7,680 for the Town to utilize out of the CIP budget for public meetings, copies, hosting special events and printing materials and other miscellaneous costs. TPUDC would like to be able to bill the Town for any remaining funds as a reimbursement for their travel expenses at the end of the project. The Planning Board reviewed the contract and unanimously voted to recommend approval.

Councilor Murphy arrived at the meeting at 7:45pm.

Councilor Gilbert wanted to know when the 18-month clock would start and Ms. Hebert stated that it would start immediately after signing the contract. Councilor Gilbert wanted to know if the extras costs and travel expenses should be in the contract. Ms. Hebert explained that it's common for consultants not to include their travel and expenses in their cost proposals. Councilor Gilbert wanted to clarify that there would be \$7,680 that the Town could use for things that they want to use it for and if there was anything leftover, the Town could give it to them for their travel expenses and not to exceed \$175k total. Ms. Hebert agreed.

Councilor Murphy explained why she thought TPUDC was the best vendor for Bedford's Master Plan. Their master plans pop and they are full of information, and bullet points on how to execute those plans, and really include the history of the town and where they are going and the vision of the 10-year plan so that it comes off the page and not just a static document. They can then use that plan to drive economic development, ask companies to invest in Bedford and move to Bedford.

Councilor Bandazian echoed what Councilor Murphy about the vibrance of the presentation. The traditional format would be a tedious read for any business looking to locate in Bedford.

Ms. Hebert stated that TPUDC has a clear process for public engagement. They offer an online platform and a website that will be maintained throughout the master plan process. The website is engaging and ways to reach people. Their plans look more like an interesting magazine that you would want to pick up and read then a reference document.

Councilor Gilbert wanted to know if the master plan subcommittee had been chosen and Ms. Hebert stated not yet. They've solicited volunteers, but the Planning Board has not selected a master plan committee yet. Councilor Gilbert wanted to know how many people would be on it. Ms. Hebert thought around 12 people. Councilor Gilbert wanted to know what has happened with previous Master Plans as far as action taken. Ms. Hebert stated that they've done a lot of the things that were recommended in the Master Plan. One example is the Market & Main project.

MOTION by Councilor Gilbert that the Bedford Town Council approve the contract with Town Planning and Urban Design Collaborative in the amount of \$167,320, plus the ability to bill the Town for travel expenses at the close-out of the project, not to exceed \$175,000, and authorize the Town Manger to sign the documents. Seconded by Councilor Bandazian.

Councilor Murphy clarified that it's 'not to exceed a total cost of \$175,000'. The way that it's written, the \$175k applies to the travel expenses. Amendment to the motion:

'approve the contract with Town Planning and Urban Design Collaborative in the amount of \$167,320, plus the ability to bill the Town for travel expenses at the close-out of the project, not to exceed a total project cost of \$175,000, and authorize the Town Manger to sign the documents.'

Councilors Gilbert and Bandazian accepted the amendment.

Vote taken – Motion Passed – 7-0.

e. Reappointment of members to the Southern NH Planning Commission

Ms. Hebert explained that Bedford has six members on the SNHPC and three members have terms that expiring the end of June: Dave Danielson, Bill Jean and Babara Salvatore. All three members are interested in being reappointed.

Mr. Sawyer mentioned that SNHPC openings are advertised with all of the other boards and committees and there were no applicants. The Planning Board reviews candidates and makes recommendations.

MOTION by Councilor Murphy that the Bedford Town Council reappoint Bill Jean and Barbara Salvatore as alternate members and Dave Danielson as a full member to the Southern NH Planning Commission for terms that expire on June 30, 2022. Seconded by Councilor Bandazian. Vote taken – Motion Passed – 7-0.

f. Amendment to the Town Council Rules of Procedure

Councilor Murphy explained that she looked to see what the Council's way was to reconsider an item and whether there was a deadline. She mixed Robert's Rules and the Statehouse rules and when she went back, the only thing that was there in section 8 was 'recognize that a member of the prevailing side must move a vote for reconsideration', which seemed inadequate to explain when it could happen, because it's very open ended. They don't want it to be that open ended, because they wouldn't want a statute to go into effect and then they are moving to reconsider a vote on a statute that is in existence. She and Councilor Stevens had spoken and Councilor Stevens had brought up what the legislature follows, which is extremely restrictive. Councilor Murphy talked about making it more general, but with a finite deadline. They suggested reconsideration of a decision must happen no later than the next regular Council meeting and that an ordinance that has been adopted can't be reconsidered, but rather you need to introduce a new ordinance to repeal the section that's been passed, because once you pass an ordinance, you've codified that ordinance and so they need to repeal it officially if they are going to make a change at that point.

Councilor Bandazian stated that it takes a motion for reconsideration and he was thinking of whether that motion would require public notice. Councilor Murphy stated that in comparison, the NH State Legislature requires that the motion for reconsideration be made by the end of the day before session is closed. She didn't think that was the best path for them. Mr. Sawyer was hoping that it would be no later than the next Council meeting. Councilor Bandazian agreed that there needed to be finality. The way it's currently phrased, 'move a vote for reconsideration'; for that they could set a public hearing at a later time, but the motion must be made at the next meeting. Councilor Murphy suggested adding a sentence, 'reconsideration of a decision must happen no later than at the next regular Council meeting if the original vote involved a public hearing. Said hearing will be noticed again.' Councilor Rombeau suggested, the request to reconsider a decision must happen no later than at the next regular Council meeting.' Councilor Bandazian thought that worked. Mr. Sawyer clarified that they would make a motion for reconsideration setting the date for when they will actually

hear the motion and it will include when they will take action on the motion. Councilor Murphy suggested that they change it to, 'The request for reconsideration of a decision must happen no later than at the next regular Council meeting.'

MOTION by Councilor Murphy that the Bedford Town Council amend the Rules of Procedure –The responsibilities of each Town Councilor – #8, to add, 'The request for reconsideration of a decision must happen no later than at the next regular Council meeting.' Seconded by Councilor Bandazian. Vote taken – Motion Passed –7-0.

g. Other New Business – None.

6. OLD BUSINESS

a. PFC Update

Mr. Sawyer explained that the bids were opened for the water line work three weeks ago. They were firmly told that St. Gobain would not delay action on the bids, but three weeks later no action has been taken on awarding that bid. He's made calls and emails trying to find out what's going on and all he gets is 'St. Gobain is still making a decision.' The contractor is ready to go and has contacted property owners in terms of having staging areas for the work. The bids for the connections to the homes were opened today. There were three bids received and one of the bidders was \$100k below the engineer's estimate. There should be no delay in awarding that.

Councilor Bandazian mentioned that there is a Listening Session that the EPA is conducting at Exeter High School on Monday, June 25th, 4:30-10:30pm and a Working Session on Tuesday, June 26th, 8:00am-3:00pm to initiate steps to evaluate need for a maximum contaminant level for PFOA/PFOS. Mr. Sawyer mentioned that if you want to make a statement at the Listening Session, there is a link on the EPA website. You have to sign up in advance if you want to speak and you have three minutes. You can also provide written comments that they will accept. This is the first Listening and Working session that they are having on this subject in the country. Our delegation worked very hard to get make sure they came to NH first. He will be attending as much of those two days as he can.

Councilor Rombeau wanted an explanation between the listening session and the working session. Mr. Sawyer explained that the Listening Session is where people get to talk for three minutes and the Working Session is more of the EPA group discussing it in a forum that people can watch. That's his understanding.

b. Town Council Retreat Updates

Councilor Gilbert stated that he and Councilor Murphy met and discussed some of the items that they are going to focus on with Parks & Recreation. They are going to meet with Jane and continue the discussion.

Regarding Social Media outreach, Councilor Murphy stated that she and Councilor Stevens had spoken with Rick by email and have compiled a list of individuals who have an interest in the committee so they can set up their first meeting. Councilor Stevens was hoping they could get together after school gets out.

c. Other Old Business – None.

7. APPROVAL OF MINUTES

a. Public Session – May 23, 2018

MOTION by Councilor Murphy that the Bedford Town Council approve the minutes of the May 23, 2018 Public Session. Seconded by Councilor Stevens. Vote taken – Motion Passed – 7-0.

8. TOWN MANAGER REPORT

- 1) Tax bills have been issued and need to be paid by July 2nd to avoid any interest.
- 2) June 16th – Bedford High School Graduation, 10 AM. It can be viewed on BCTV and it will be shown in the school auditorium.
- 3) Those interested in running for State Office need to file between June 6th thru 15th.
- 4) The Police held their open house last night and it was well attended.
- 5) The Bedford Pool is tentatively scheduled to open June 17th (Father's Day) - single \$75, family \$125, and family with baby sitter passes are available. Passes are free for those over 60 years of age.
- 6) The Library summer hours are in effect – open on Saturday, 10am-1pm, closed on Sundays. The “Libraries Rock” summer reading program – June 25th - August 10th. Modifications are being made in the lower level children's area. The young adult area received a gift of furniture from the Library Foundation.
- 7) June 20th – “Bedford Big Band” kicks off of our Wednesday Night Concerts in the Park Series at 6 PM at the Bedford Village Common, Market Basket Bandstand. Concerts continue on Wednesday nights through August 15th. Rain location for all performances is the Bedford Town Hall.
- 8) June 14th - Thursday Theater, “Phantom Thread” 2:00 PM and “Wonder” at 6:30 PM
- 9) June 23rd – Household Hazardous Waste Day, 9AM – 1PM, Highway Garage, 19 Chubbuck Rd.
- 10) The contractor for the Riley Field project has indicated that that the grading work will be completed by the end of June.
- 11) Time & Attendance is proceeding. The consultant was on site June 12th and 13th working with staff.

9. COUNCILOR COMMENTS AND COMMITTEE UPDATES

Councilor Greazzo mentioned that there would be no Water & Sewer meeting in June.

Councilor Murphy congratulated the U10 boy's lacrosse team who played against the U10 boy's lacrosse team from Exeter in the finals on Saturday. They came in 2nd behind Exeter. Some of the players were in her restaurant after and they were the most polite, kind, and gentlemanly 10-year old boys that she's seen in a long time.

Councilor Stevens thanked the Police Department for putting on their open house. It has expanded to be quite an event and she's disappointed they weren't able to make it. She congratulated all of those that were graduating this weekend and their families.

Councilor Bandazian seconded the congratulations to the graduates and their families. He mentioned that in 2016 Bedford was in an extreme drought. The US Geological Service now puts Bedford in abnormally dry conditions. He thought people should start exercising some conservation measures.

Councilor Rombeau stated that the HDC approved improvements to homes and they discussed the Historic District markers and potentially moving them to be more visible.

Chairman Duschatko mentioned that he attended the opening of the Elliott Health System at Bedford. They are planning on opening the urgent care facility around July 4th. He talked about the facility and the different services they have. They are excited to be in Bedford and expressed their appreciation for the help they received from the Building Inspector, Fire Department, Police Department, and Planning.

10. NON-PUBLIC – RSA 91-A:3 II (e)

MOTION by Councilor Bandazian to go into Non-Public per RSA 91-A:3 II (e) Consideration or negotiation of a pending claim. Seconded by Councilor Stevens.

ROLL CALL VOTE: Greazzo-aye, Gilbert-aye, Murphy-aye, Duschatko-aye, Stevens-aye, Bandazian-aye, Rombeau-aye.

The public meeting ended at 8:23 PM.

Respectfully submitted,

Dawn Boufford