

**TOWN OF BEDFORD  
TOWN COUNCIL MEETING MINUTES  
July 20, 2022  
10 Meetinghouse Road**

**1. ROLL CALL:** A meeting of the Bedford Town Council was held on Wednesday, July 20, 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 Chairman Carter.

**3. PUBLIC COMMENTS** –

Jason Cartee, 104 Nashua Road, stated that he was there regarding the discussion on the noise ordinance. He and his wife Meghan had been in contact with Councilor Bemiss. They've got a pretty noisy neighbor that consistently over the last almost two years plays his music excessively loud; loud enough that he can hear it in his backyard when he's taking his dogs out to the bathroom and he's about 100 feet off the road. He plays it from his backyard. He asked that the Council consider some sort of noise ordinance more in the short term. Part of the reason for them looking for that ordinance was that they both work very strange hours. He works very early in the morning and she has a variety of shifts; she's an air traffic controller. She needs rest sometimes during the day; she works overnight shifts. Generally, this will go on anywhere from 10 AM until 5 PM. It would be varying levels of the music being played. They have contacted Bedford PD who have been very good about it. They don't have a Town ordinance, so they asked if State regulation RSA 644-disorderly conduct, would apply. The PD stated that there was a gray area in it that they weren't able to see that there would be a way that they could prove that someone would be disorderly if it would hold up. The PD has spoken to the gentleman and it quieted down for a couple of days and then it went back to excessively loud. They put up with it for almost a year and then last August they started contacting the police. Still getting nowhere with it without the ordinance and that's when his wife reached out to Councilor Bemiss who has been very helpful. He thought his wife had forwarded some video of the noise to Councilor Bemiss. Councilor Bemiss stated that she forwarded it to Becky (Hebert). He asked for their consideration on that, more in the short term.

**4. NEW BUSINESS**

**a. Appointment of a Town Councilor**

Mr. Sawyer explained that this was on the agenda due to the unfortunate and unexpected passing of Councilor Bill Duschatko. At their June 22<sup>nd</sup> meeting they declared a vacancy as a result of his passing. The Town Charter lays out a procedure for appointment of someone to fill that vacancy for the remainder of the year; not for the remainder of the term. The appointment would be until the March election and then there's one year left on that term and anyone could run for that 1-year term in March. The filing period would

be at the end of January. At their July 6<sup>th</sup> meeting they set up a process for people to submit applications or letters of interest, which they received three and completed interviews tonight and it's ready for the Council to make an appointment. That person could be sworn in tonight and be seated with them tonight.

Chairman Carter thanked the three applicants who came out to be interviewed and for participating in the Town form of government that they have; it was much appreciated.

**MOTION by Councilor Radke that the Bedford Town Council appoint Chris Bandazian to the Town Council for a term that expires with the next regular election in March 2023. Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-0.**

Chairman Carter swore in Chris Bandazian and he took a seat at the Council table.

Chairman Carter welcomed Councilor Bandazian and Councilor Bandazian stated that he appreciated the trust the Council placed in him and looked forward to serving.

**b. Discussion of a potential noise ordinance**

Becky Hebert, Planning Director, stated that The Town Council recently received a noise complaint from a resident. Bedford does not currently have a noise ordinance and complaints are directed to the Police Department as a general disturbance of the peace. Most of the noise complaints are resolved through the Police Department successfully. They don't have too many ongoing noise related complaints or disturbances, but she was aware of the recent residential complaint that appears to be ongoing. This particular ongoing complaint spurred discussions about whether or not Bedford would benefit from having a noise ordinance with a clear policies and guidelines regarding noise impacts for everybody involved. Staff took a look at nearby communities and surveyed 17 communities throughout southern New Hampshire to research how other towns manage noise complaints. More than half of the communities surveyed had noise ordinances. Noise pollution increasingly is being cited as a health issue and is recognized as a potentially serious environmental hazard. The health officer also has powers to address noise related concerns. With increasing number of people working from home, more communities appear to be adopting more specific guidelines regarding noise impacts through noise ordinances. The 17 communities vary in size. Of the communities that had noise ordinances, the police department was the enforcing party and enforcement of the ordinance was dedicated to the police department. Most of the communities also had fines associated with noise related offenses with the fine increasing with recurrent complaints that were legitimized by the police department. Those communities had noise ordinances in place, but how they manage the noise complaint varied greatly. Some were restricted to residential areas and others had set timeframes when the noise ordinance would be in effect such as 9:00 PM to 7:00 AM. They also commonly exempted out certain activities such as emergency vehicles, church bells, emergency road maintenance, and construction activities and any other legally permitted use. Some were very sophisticated and had specific decibel levels that could not be exceeded. If Bedford were to lean in that direction they would need to acquire additional equipment to measure decibel levels. Others were more general and spoke more to not disturbing the peace during set hours and defining certain activities that would be exempt.

Before staff jumped in to more research and more development of a noise ordinance, they thought it would be a good idea to find out whether or not this was something that the Council would like more research or more in depth study. Different questions they want to the Council to consider would be: Should violators be subject to fines? Should the ordinance apply to residential and non-residential uses? What uses should be exempt? What department would be tasked with the enforcement? Should it be the Police Department? Should they measure decibel levels of noise?

She wanted to introduce the topic and hear some feedback before they spend any more time looking into it. Should the Council decide to move forward with a noise ordinance, staff would be hoping that a few Councilors would be appointed to advise and assist staff in the drafting of the ordinance.

Chairman Carter thought they needed to do more work before they could present something in front of the Council for acceptance. He volunteered to be one of the two Councilors and thought there was a 2<sup>nd</sup> one that was already involved in this that if the motion moves forward would take this a little further and to investigate so they could come with an organized plan in front of the Council.

Councilor Radke stated that she looked at a noise ordinance as a crutch. It's a tool that residents could use to avoid confronting neighbors. They could just call and use the ordinance instead of going there first. She worried that a noise ordinance would prohibit people from going next store and saying your music is just a little too loud or your kids are loud or something and avoid that interaction. It's a tool that they would use and they'll have less and less people doing the right thing and that is confronting their neighbors.

Chairman Carter thought the next step was not to set an ordinance, but to investigate it and putting more investigation in that. He would never want to bring something across if it wasn't properly put together and worded for the Council.

Councilor Gilbert referred to the Town Manager's opening comment where he recommends holding off on creating a new ordinance to see if the problem persists or see if other issues arise over the next year or whatever timeframe. He was in agreement with Councilor Radke. He didn't want to spend any money on it; on any decibel stuff. If the Police can't handle it, then he didn't know what to do, but one complaint? They need more than that. Chairman Carter stated that this was a first step. They may get through this and say there was no need for a noise ordinance. Councilor Gilbert didn't think they even needed to look at it until they have more people complaining about it.

Councilor Bemiss stated that that was one of the questions she had asked Ms. Hebert. She thought the first step before they do anything else was to ask the Chief how many calls he was getting about noise issues, see what the volume is and how they were being resolved then they could work from there.

Councilor Radke stated that she supports the researching. Chairman Carter stated that they were in the researching stage. He's not saying that it's something that's going to happen, but they have to start somewhere and research and see what the numbers are; talk with the Police, Fire and see what they get for complaints.

Councilor Greazzo stated that it was one complaint to the Town, but he was sure Mr. Cartee called the police a number of times. Mr. Cartee stated that they called the Police 3 or 4 times over the life of it. The reason they stopped calling was because nothing could be done. That's why he's there. He understands Ms. Radke's point as a crutch. In his situation, he had difficulties with this particular neighbor years back where the neighbor was taking his brush and putting it on his property. He confronted the neighbor and he's not going to get into that kind of confrontation again. He and his wife have deemed him mentally unstable. Councilor Greazzo stated that there were times when you should approach your neighbor and there were times when you shouldn't. He was concerned that the Police, after repeated calls for the same thing, found no basis to do anything. He thought that was unacceptable. He thought general disturbance of the peace seemed like at least a ticket. He supports looking into it. Mr. Cartee stated that the Police did go to the house once and it ceased for a day or so, and then it started back up. After that, they decided it's bothersome, but the Police had other things to do more than noise complaints, but it would be nice to be able to have some kind of finality. There were 12 out of 17 other towns that have it.

Councilor Bandazian stated that if they were researching it, they have enough multi-family and commercial areas that he would not exclude commercial areas. Periodically in his years this had come up either with the typical neighborhood noise that you hear, but also with gunfire, so they've looked into it before. One of the difficulties in enforcement was objectivity, because an obnoxious noise may be perceived as a loud noise when from a decibel point of view it's not, so it makes it difficult to enforce something that was just a verbal standard. With a smartphone you can measure decibels, so he wouldn't look at equipment as a very high barrier. He was curious if any of the towns that just have a verbal standard had been able to enforce their standard in court. Those were things he would look at based on what he's looked at before.

Councilor Thomas stated that the motion called for a drafting a noise ordinance, so they could change it, but she wondered if they even needed a motion; could they just have Councilors do a little research. Councilor Gilbert stated that they could do some research and then bring something forward and they could discuss it and maybe make a motion on that. Councilor Thomas thought that if they weren't serious then take it off Becky's plate. Mr. Sawyer stated that that was the whole point of the agenda item; to make sure there was consensus of the Council to move forward with a noise ordinance. If it's move forward with more research, they still want the Council's support by putting some Councilors to help with that. Councilor Thomas thought that the Planning staff had a lot to do. They are looking at it, but putting an actual ordinance together was a whole different story. Chairman Carter thought that more research needed to be done. Councilor Bemiss stated that she would meet with the Chief and get some numbers.

Councilor Bemiss stated that she would meet with the Chief and get numbers.

Ms. Hebert stated that the Planning Department would be more than happy to arrange meetings, staff meetings, and help coordinate the effort. They just wanted to make sure there was buy-in before they spent any more time on the topic.

Chairman Carter stated that Councilor Bemiss would take the lead on that.

**c. Discussion of the NHDOT 10-year plan (FY 2025 – 2034)**

The Southern NH Planning Commission (SNHPC) is in the process together with the NH Department of Transportation (NHDOT) of soliciting transportation projects and working to identify priorities for the FY2025-FY2034 NH Ten-Year Transportation Improvement Plan. The Town has been asked to take a look at the projects that are in the current 10-year plan, prioritize those projects, and identify any amendments or new projects that the Town would like the DOT to consider including in the 10-year plan. The 10-year plan is updated every two years and is the guideline for NHDOT's improvement projects. In the past, the Town has been very successful in having the NH Route 101 widening project funded through this program. They also advocated for a corridor study for NH Route 114 at the intersection of Route 101 to the Henry Bridge Road in Goffstown. Specifically, the Route 101 project was consistently Bedford's top priority for several years until it was finally completed in 2020. The Route 114 corridor project has also been funded and it's no longer listed in the current 10-year plan. The DOT was in the process of soliciting consultants and kicking off that work.

Ms. Hebert stated that Bedford currently has six projects in the NHDOT Ten-Year Plan. She's discussed the 10-year plan projects with Jeff Foote in Public Works and with the Police Chief and they have a recommended list of prioritization for the current projects and they've identified a new project and an amendment to an existing project. She's reviewed the new projects and the amendment and the prioritization with the Planning Board and the Board voted to recommend in favor of the project prioritizations and the new project and the amended project.

The #1 priority project is an existing project in the 10-year plan, which is the widening of Route 3 (South River Road) from Hawthorne Drive north to the Manchester Airport Access Road. This part of the roadway was outside of the urban compact; it's maintained and managed by DOT, not the Town of Bedford. The Town invested significant effort into improving the northern section of South River Road and this project has remained a priority for Bedford, because it completes the South River Road corridor from Manchester to Merrimack in Bedford. The area south of Target and Lowes has a very different character from the area north of there. The project had not been funded to its full extent in the past 10-year plans, but was included in the DOT's long-range planning. During the last 10-year plan round, the project received full funding from DOT and it's scheduled to start construction in 2026. They are recommending that that project stay as their #1 priority. The work includes the widening of South River Road and the addition of a sidewalk on one side of the street and signalization at Hawthorne Drive (south) with South River Road and the intersection at Autumn Lane.

The #2 priority project is known as the Wilton to Bedford Route 101 Safety Improvements Plan. This project implements traffic and safety improvements along the Route 101 corridor in Bedford westerly of the intersection with Wallace Road; the section of Route 101 that was not recently widened. The project crosses several towns and continues all the way to Wilton. Because it's such a long segment of roadway and the project's focus is safety improvements that have not yet been designed, the DOT was looking at segments of roadway along the corridor and crash data associated with those roadway segments. The DOT recently contracted with a consultant to have these roadway

segments prioritized. Bedford's segment from Wallace Road to Elk Drive ranked third along the corridor. The project right now is not extensively funded. It has a total funding of around \$16m. In this year's 10-year proposal, staff is recommending that additional funds be added to the project to fully fund the safety improvements along Bedford's prioritized section from Wallace Road to Elk Drive. The total amount is yet to be determined and if the Council agrees with this project amendment, staff would work with DOT and SNHPC to identify a reasonable cost for that work and proposed amendment.

Councilor Gilbert wanted to know what the improvements were and if it was just widening the road. Ms. Hebert stated that their safety improvements vary along the corridor, but it might be the addition of left-turn lanes, addition of a continuous left-turn lane if they had sections of roadway like in front of the Goedecke store and leading up to the Bethany Covenant Church. They've had a lot of requests over the years for left-turn lanes for those private driveways. It might be a left-turn lane at the Pulpit Brook Bridge reconstruction and the Twin Brook left-turn lane on the Amherst town line, which was part of this study and that left-turn lane was included with the bridge work. As a result of this project they accelerated that left-turn lane improvement. The improvements were going to vary differently throughout the corridor and it would depend on what the safety issue is and how can it be fixed.

Councilor Radke mentioned the funding and wanted to know if they expect the Town of Bedford to add to the cost. She wanted to know how it was all working with the funding. Ms. Hebert stated that they were asking the Town what projects were priorities and if any of the projects they feel may be underfunded, would they like to see the projects amended to include additional State funds. They are not Town of Bedford funds, they are State of NH funds. Councilor Radke wanted to clarify that there was no cost to the Town. Ms. Hebert explained that the 10-year plan was a fiscally constrained plan, so the State has a set amount of funds that they can dedicate towards the 10-year plan.

The 3<sup>rd</sup> priority would be a new project, which would include construction of a multimodal pathway westerly of Wallace Road along Route 101 to the Town line, ideally all the way to Wilton to provide safe pedestrian transportation alternatives along the Route 101 corridor. This project was first identified in the 2002 Corridor Study, and the sidewalks that they have along the easterly section of 101 that was widened came about as a result of the recommendation for a multimodal pathway along 101. Staff along with Jeff Foote and the Police Chief identified this as a new project that would be worth including in the 10-year plan. The total cost would need to be determined through additional analysis with SNHPC. They were recommending around \$2.5m based on length and standard multiplier for multimodal pathways, but that project cost may need to be refined if the Council agrees that it should be included in Bedford's request. Chairman Carter wanted to know if that was a cost of \$500k/mile and Ms. Hebert confirmed yes. Chairman Carter stated that they were talking about five miles between Wallace and the Amherst line and Ms. Hebert confirmed yes.

Councilor Bemiss wanted to know what multimodal looked like. Ms. Hebert explained that it was a shared use path, there were different terms for it, but it would be a 6-10 foot wide pathway paved or hard-packed surface that could be used by pedestrians and cyclists, non-motorized. Councilor Bemiss wanted to clarify that it wasn't like a sidewalk; it was level with the pavement. Ms. Hebert stated that it hadn't been designed, but ideally it

would be separated from the highway, so they would have that green strip between the pathway and the highway itself. It would be available for bicyclists and pedestrians whereas a sidewalk is primarily used by pedestrians. Chairman Carter stated that level would mean that they would have to put a guardrail along there to protect someone. You would have to put some kind of blockage from a car going on to it. Ms. Hebert didn't think it was a project that they would receive priority funding immediately, but getting it in the 10-year plan gets people thinking about it and makes it eligible for other funds should they become available. They've seen a lot of people using the sidewalks that were built as part of the Route 101 widening and it would be a great safety improvement.

Mr. Hebert stated that the 10-year plan included bridge replacement projects that were managed by the municipality, but they were funded through the 10-year plan. They have two bridges that were about to start construction in 2023. The Beals Road Bridge replacement (#4) over Baboosic Brook and the Catesby Lane Bridge replacement (#5) over McQuade Brook, both of those projects received funding. She expects them to drop out of the 10-year plan, but they've been advised to keep all of the current projects that were in the 10-year plan in their list of prioritized projects.

Councilor Radke wanted to know why she thought they would drop off. Ms. Hebert stated that they want to make sure they are funded, but they're scheduled to start construction in 2023 and this is a 2-year planning process, so they were looking at FY2025-2034 for the timeframe, so they may not be in the final draft of the 10-year plan, but for the purposes of the Town's prioritized projects, they've been advised to keep them in.

Ms. Hebert stated that #6 and #7 priorities were improvements to the F.E. Everett Turnpike, which are also under construction today. The #6 priority project was open road tolling, which will be a good safety improvement. The #7 project was the widening of the F.E. Everett Turnpike from Exit 8 to the I-293 interchange in Bedford.

Councilor Radke wanted to know if they had an open tolling in NH. The response from Councilors was in Hooksett and the seacoast. Councilor Radke wanted to know if they were definitely doing that. Ms. Herbert responded that they were definitely doing that. Mr. Sawyer stated that it would be different than Hooksett and Hampton, because they wouldn't have the unmanned person booths anymore; it would be completely open like you see in Massachusetts. They take your picture and send you a bill if you don't have an E-Z Pass.

Ms. Hebert stated that the recommendation was to discuss the prioritized list and then forward a letter to SNHPC with their list of priority projects including any new or amended projects.

Councilor Greazzo wanted to know if it was a unanimous vote to forward this. Ms. Hebert stated that it was not a unanimous vote, Councilor Greazzo opposed. Councilor Radke wanted to know why. Councilor Greazzo stated that it's hundreds of millions of dollars that they spend just here in Bedford; Extrapolate that to the rest of NH and you wonder where all their money goes. A lot of the stuff was great, but not necessary. The only things he saw on there as necessary were #4 and #5. The rest of it was great, but they were talking about hundreds of millions of dollars. He mentioned \$25m to improve from Hawthorne to the Manchester airport road; he's never seen that much traffic on South

River Road. It might need to be improved at some point in the future for certain things, but \$25m to expand a road that doesn't necessarily need it seemed to be wasteful to him. The amount of money that they were spending; \$177m to expand I-293 that didn't have traffic for more than five minutes. If the whole premise was to get less cars on the road, why were they expanding the roadway so much and paving so much of NH year after year that didn't need to be paved. He just opposed to it on principal.

Mr. Sawyer wanted them to understand that those funds were already coming to the State and they would go to other communities if Bedford opts out. Councilor Greazzo didn't the money should go to the State. It should stay here in the first place. It might be coming from the State, but the people in Bedford send that money to the State. Councilor Radke wanted to know if he was talking about taxpayers. Mr. Sawyer clarified that these were primarily Federal funds that are distributed to the State for highway improvements. The Everett Turnpike was paid through toll fees and that's not coming from the Town. The only reason a project like that is listed as a Bedford project was because part of it was physically here in Bedford. It's not a project that the Town was bringing forward to the State saying please put open road tolling in, although they have supported it every two years for the 15 years he's been here. Councilor Greazzo stated that they weren't saying it was the Town building this or the Town requesting this; these were the things they were doing and they are either supporting them or not supporting them. He doesn't support them, because he doesn't support wasting all this money on all of these things year after year for not necessary items. Just improving it for the sake of improving it was a waste of money in his view.

Councilor Radke wanted to clarify that their vote would be for all of the projects. Councilor Greazzo stated that they could amend it; they could add other things. Councilor Radke stated that there were a couple on there that she probably would agree with Councilor Greazzo; the pedestrian one from here to Wilton. Councilor Greazzo stated that they could amend it and add more projects. He wanted to know if Ms. Hebert had any wished that she would like to see on there. Ms. Hebert responded that they've already done that. She thought it was a good list for the State. It has to be a State road or a bridge project. Councilor Greazzo asked about Route 114 and Ms. Hebert stated that they were in the process of studying 114, so she thought during the next 10-year plan they would see a project request for improvements to Route 114.

Councilor Bemiss mentioned that Boston Road was a State road as well. Councilor Greazzo stated that they had someone there tonight talking about sidewalks and thought they should add some sidewalks to it. If the State is paying for it. It's coming from the Federal government, put some sidewalks that they aren't buying. Councilor Radke stated that they can't maintain the ones they already have on Route 101, so she wouldn't want to add anymore. They look horrible; they need to mow them. Councilor Greazzo stated that's the reason he opposed it and it's the same reason he will oppose it again tonight.

Councilor Bandazian observed that the 10-year plan was a 10-year plan in name only. They probably had the Route 101 on the 10-year plan for 20 years. If they don't get on there, the next generation doesn't get these improvements.

**MOTION by Councilor Thomas that the Bedford Town Council support the list of priorities for the FY2023-FY2032 State of NH 10-Year Transportation Improvement Program as presented and authorize the Town Council Chairman to submit the request. Seconded by Councilor Gilbert.**

Ms. Herbert stated that she messed up the dates on that. Councilor Thomas amended her motion:

**MOTION by Councilor Thomas that the Bedford Town Council support the list of priorities for the FY2025-FY2034 State of NH 10-Year Transportation Improvement Program as presented and authorize the Town Council Chairman to submit the request.**

**Vote taken – Motion Passed – 6-1 (Greazzo opposed).**

**d. Award of bid for DPW Loader**

Jeff Foote, DPW Director, stated that on June 13<sup>th</sup> they publicly advertised for the purchase of a 4x4 wheel loader. The sealed bid opening was conducted on June 28<sup>th</sup>. The wheel loader is a replacement for unit L-1 that was purchased in 2009. They received two bids submittals. One bidder submittal for a bid with a price of \$206,955 failed to meet the warranty requirements and was eliminated from consideration. Specifically, the bidder failed to meet the time, material and transportation cost identified within the warranty clause of the proposal. Chadwick-Baross of Concord, NH submitted the lowest qualified bid with a price of \$219,185 and substantially met all of the requirements of the bid. Chadwick-Baross is scheduled to deliver the loader by September 1, 2022. Funding for this purchase will come from the capital reserve account – 2400-57311-28043 – PW Front End Loader Reserve. They recommend that the Town Council award this contract for a New 2022 Volvo L70H Wheel Loader to Chadwick-Baross of Concord, NH at the purchase price of \$219,185.

Councilor Radke wanted to know if this was an additional loader and Mr. Foote responded no, it was a replacement. Councilor Radke wanted to know if they sold the other one. Mr. Foote responded no, but they happily would if they have other towns that were interested. He explained that they have two existing; one at the highway garage that they use for road maintenance activities including loading salt and materials into trucks. After that one has been in circulation for 7 or so years, it gets retired up to the Transfer Station where it is used for part of their operations. The one that's at the Transfer Station they will sell and the one that's at the Highway Garage will go to the Transfer Station and this one will replace the one at the Highway Garage.

Councilor Greazzo wanted to know the warranty period and Mr. Foote stated 7 years.

Chairman Carter wanted to know if they had dealt with this company before. Mr. Foote responded yes. The two loaders they have today were both Volvos and they've treated the Town well.

Councilor Bemiss wanted to know what meant specifically that they didn't meet the time, material, and transportation costs. Mr. Foote explained that as part of the 7-year warranty, they expect them to provide all of the materials and transportation if it does need warrant repairs. The low bidder wouldn't meet that criteria. The Town was going to have to pay \$200-300 every time to bring it up for repair and a couple of hundred to bring it back. There were other exclusions in it as well, so based on that, they determined that the differential was worth the \$13k differential. Councilor Bemiss wanted to know how frequently they needed to get repair work. Mr. Foote stated that the same company that was the apparent low bidder also was the low bidder for the existing backhoe that the Transfer Station utilizes. Over the last three years, the business manager ran some quick numbers and they've actually spent \$15k on items that they wouldn't warranty, because they were packing trash and not digging dirt with it, so over seven years he would guess that would be compounded as the machine gets older. They've got some history, so that's why collectively they determined that this was the best alternative for the Town.

Councilor Greazzo wanted to know if they shopped for any or did they just put it out for RFP. Mr. Foote stated that they advertised on the usual equipment publications. He thought the reason why they may have not received as many bids as they would have liked was because they all know what's going on in the world now with shortages. Chadwick-Baross just happened to have one in the queue that was nearing and that's why they were able to get it so soon. The other bidder gave them a November/December timeframe for deliver. Councilor Greazzo wanted to know if they shop around for what a general price was going to be so they have some anticipation of what it would cost when they put it out for bid. Mr. Foote explained that every year as part of the Capital Improvement Program they do that. They didn't specifically do it for this, but every year for every piece of equipment so they can adjust their CIP to get it where it needs to be so they weren't coming back asking for General Fund money when they purchase something. They continuously do that. They didn't do it specifically for this, but they do it on a regular basis for all equipment.

Councilor Radke wanted to know if in his mind, this piece of equipment was worth \$216+k. That is market value. That was the real cost in his opinion. Mr. Foote stated that that's what they projected it to cost in the ballpark moving forward. To answer if it's worth \$216k, if both loaders breakdown because they were old and decrepit and the Transfer Station could not be opened or they couldn't load trucks for winter maintenance for salt and material, you tell him how much it's worth. Councilor Radke wanted to know if she were to buy it how much it would cost. Mr. Sawyer stated that they got two bids that were within less than 10% of each other; 5% of each other. Councilor Radke stated that people who bid must go on the Town's website and know what their CIP was and so they know how much they have for it. Mr. Sawyer stated that the CIP was based on real world pricing. Mr. Foote stated that they continuously monitor when they update the CIP. Mr. Sawyer stated that it's the same it was for every municipality that does a Capital Improvements Plan. Their purchasing policy doesn't allow them without a waiver from the Council to go out and just shop for one. They have to put it out to bid. Councilor Greazzo wanted to clarify that they could shop for it, they just couldn't purchase it until they had the approval to purchase it. Mr. Sawyer responded correct. The Council would have to waive its policy to allow it to be purchased in that manner. Councilor Greazzo stated that that's not what he was getting at. He gave an example: If he buys a car here and he could find a car in Portsmouth cheaper, he would drive to Portsmouth to get the car. That's why he was

asking if he was shopping. He wasn't saying that their process had to be that they can't shop. They could find any dealer that sells equipment and then say this is what I find we can buy that one cheaper. That's why he was asking if they only put it out for RFP, but they already shopped them to figure out what general cost they were going to pay so it's in their CIP budget. Mr. Foote stated that's how they go about business.

Councilor Bandazian thought that this would leave him with a little surplus in that account and Mr. Foote responded \$5k or \$6k.

**MOTION by Councilor Gilbert that the Bedford Town Council award Contract #07-2022 to Chadwick-Baross of Concord, NH in the amount of \$219,185 and to authorize the Town Manager to execute the contract. Seconded by Councilor Radke. Vote taken – Motion Passed – 7-0.**

**e. Establishment of a Stormwater Management Revolving Fund**

Mr. Foote explained that on December 18, 2019, the Town Council adopted Ordinance 2019-08. This ordinance is Chapter 236 Stormwater Management and Illicit Discharge Detection and Elimination (IDDE). The purpose of the ordinance was to protect water quality in the Town of Bedford. The ordinance establishes the minimum preconstruction, post-reconstruction, and reconstruction stormwater management and design control standards for all new residential development having three or more lots. Section 236-14 of the ordinance is the Town acceptance of drainage and stormwater structures and systems that requires a separate stormwater management revolving fund to ensure any funds received are used for their intended purpose. The revolving fund is being established so the Town can legally accept contributions to compensate the Town for the incorporation of additional stormwater treatment units and additional drainage areas added into the Town's stormwater system. These systems place an additional maintenance burden on existing staff and equipment. The funds will be used to offset the costs for ongoing maintenance of the Town's stormwater systems. The funds would be used in accordance with Section 236-1, to protect water quality in Bedford through its stormwater management system. Acceptance of developer contributions would better enable the Town of Bedford to comply with the requirements of the Town's municipal separate storm sewer system (MS4), the general permit issued by the USEPA. There is no cost associated with the establishment of the Stormwater Management Revolving Fund. Funds deposited are non-lapsing with no appropriation required. The motion was to satisfy Public Works, Primex, Finance Director, DRA, and the auditors.

Councilor Radke wanted to know who was going to contribute to it. Mr. Foote responded anyone who develops a residential development. Councilor Radke wanted to know if it was a requirement that they contribute or was it a request. Mr. Foote stated that it's a requirement. Councilor Bandazian stated that the way it works is if water enters a drainage swale or a closed sewer system, the Town owns it. It's responsible to the Federal government and will be fined. Councilor Radke stated that she supported it, but she was curious, because it was like an impact fee. She wanted to know if they put this in part of their permitting, so they can't get a building permit without them contributing to this fund. Mr. Foote explained that before they accept a roadway and their stormwater drainage system. Usually on a commercial lot that's being developed, they contain all of that

stormwater and mitigate for it before it runs off. On many of the residential subdivisions that stormwater then becomes the responsibility of the Town. The Town is spending real money to satisfy the MS4 permit. It doesn't come close to mitigate what the Town is spending, but it reduces the burden to every other taxpayer in Town. Councilor Radke wanted to know how much they were contributing. Mr. Foote stated that it's identified in the staff report. Mr. Sawyer stated that those were set by the Council in 2019 when it was adopted. If they want to change those amounts, they are in the ordinance and the ordinance would have to be updated. Mr. Sawyer stated that they have their first project that is ready to come forward with acceptance and has cut the check already and they need a place to put it. That's when they determined that they adopted an ordinance that referenced a revolving fund, but they didn't have the motion to actually create the fund.

Councilor Bemiss mentioned that it didn't offset the cost and wanted to know if the amount was consistent with what neighboring towns were requesting. Mr. Foote stated that he wasn't sure what the other towns were doing. They were just trying to put the Town in a position to adhere to the EPA MS4. He was thankful that Chris Bandazian was back on the Council, because he was in the weeds on this and could probably answer that question much better. Councilor Bandazian explained that they were lucky to have Jeanne Walker and Jeremy Spooner who was working on this as well. There was a long history. They have fought this through the past two presidential administrations with no success in coalition with 40 other 'urban' towns excluding Concord, NH, which was not subject to this permit. There were very numeric driven requirements on the Town and that was one of the principle objections. It mis-prioritizes things. If the detention ponds are not maintained, they have to deal with the catch basins, and they have to provide the EPA with data every year on each and every catch basin whether there's one that doesn't need attention or not. In his opinion, it mis-prioritizes pollution control dollars, but they also have to recognize 90% of the contamination of public drinking water supplies from the Merrimack River are from stormwater. They've got a problem and the EPA was absolutely right to start to make sure that the drinking water supplies were clean. He just doesn't like the mis-prioritization. The fact that the Town owns what goes into every drainage swale whether someone chooses to use a lot of salt on their driveway to treat it or chooses to put a lot of fertilizer that they have absolutely no control over. The Town owns that and is liable for that, so this is a small control on what they own and what goes down the stream. He didn't know what was revolving about it. Mr. Sawyer stated that it comes in and they spend it.

Councilor Greazzo wanted to know if the contribution that was required of the subdivision cover the cost of what the Town bears for maintaining their water system after they turn it over and Mr. Foote responded not even close. Mr. Sawyer stated that it might for the first year, but long-term, no way.

Councilor Bemiss wanted to know if the number was adequate or should they raise it. Mr. Foote stated that when they came up with their numbers they followed Keene's direction on what they were doing. They used some of their numbers and there was some other town on the seacoast. They used other data from other communities.

**MOTION by Councilor Thomas that the Bedford Town Council establish the Stormwater Management Revolving Fund pursuant to RSA 31:95-h, for the purpose of accepting contributions for use of**

**ongoing maintenance of the stormwater system including but not limited to catch basin cleaning, street sweeping and detention/retention pond mowing and sediment control. All revenues received for the acceptance of additional stormwater management systems and associated drainage areas from developer contributions will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered to be part of the Town's general fund balance. The Town Manager, Director of Public Works or designee shall have authority to expend from the fund. Such funds may be expended only in accordance with Chapter 236-1 Purpose and Intent, to protect water quality, protect the natural environment and/or to remediate the detrimental effects of contaminated land or other sources of stormwater contamination. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 7-0.**

**f. Appointment of the Treasurer**

Mr. Sawyer explained that they didn't have an applicant until this afternoon, but they kept it on the agenda in case someone applied. The current treasurer was scheduled to move out of the community soon and it takes some time to turn over all the signatures at the banks and with the Finance software where the signature needs to be changed in the software system itself and that takes weeks. They had one applicant today, but he was not available to be interviewed, but thought the Council knows Mr. Thomas. His application was on Sharepoint. Mr. Thomas had indicated that he wasn't looking for a long-term commitment, but was willing to help out the community. They will continue to look for a long-term treasurer unless he changes his mind and wants to stay. Historically, the treasurer in Bedford has been a 1-year appointment that the Council makes the same treasure reappointed every year unless someone else applies. There doesn't appear to be any requirement for it to be a 1-year appointment, so in the future they could consider a longer term. The request is to appoint a treasurer through April 30, 2023, which corresponds with all other board and commission appointments.

Councilor Thomas recused herself from the decision.

**MOTION by Councilor Radke that the Bedford Town Councilor appoint Bob Thomas as Town Treasurer with a term to expire April 30, 2023. Seconded by Councilor Gilbert. Vote taken – Motion Passed – 6-0-1 (Thomas abstained).**

**g. Appointments to the Southern NH Planning Commission**

Mr. Sawyer stated that these appointments typically go to the Planning Board first for review and then their recommendation comes forward to the Town Council, which is how the statute is written. The Planning Board has recommended Bill Jean (term to expire in 2026) and Bryan Lord (term to expire in 2025) as regular members and Danielle Evansic (term to expire in 2026) as an alternate member. They are all current members.

**MOTION by Councilor Gilbert that the Bedford Town Council appoint Bill Jean as a regular member and Danielle Evansic as an alternate**

**member with terms that expire on June 30, 2026 and Bryan Lord as a regular member with a term that expires June 30, 2025 to the Southern NH Planning Commission. Seconded by Councilor Radke. Vote taken – Motion Passed – 7-0.**

#### **h. Consideration of NHMA Legislative Policies**

Mr. Sawyer stated that this was done every two years when the Statehouse is taking up legislation in the first year of their 2-year legislative cycle. Each legislative year NHMA forms three committees to develop legislative policies to shape their work for the next two years. Councilor Duschatko served on one of the committees this past year through his position as a board of director with NHMA. On September 23<sup>rd</sup> of this year, there will be a conference for all the communities who will get together to vote on the policies that are recommended and to make any amendments. He generally supports all of the policies. He thought they were well written. Support of actual legislation will depend on the details of those bills when they come out. To set the policies and the framework for their lobbying on our behalf, he thought they did a great job. The recommendation is to appoint the Town Manager to represent Bedford at that legislative policy conference as he has done in the past, but a Councilor could also be appointed to attend that and be the one who votes. Should the Council desire more time to consider the policies the only action that would need to take is if there were any floor amendments or any amendments they want to make to policies or any new policies they want to introduce. Those would have to be determined tonight, because they are due by August 12, 2022.

Councilor Radke thought the policies were good, spot on. They did a nice job. Mr. Sawyer stated that he could see Mr. Duschatko's work in several of them.

**MOTION by Councilor Radke that the Bedford Town Council support the slate of NHMA legislative polices as proposed and appoint the Town Manager as our delegate to the Policy Conference on September 23, 2022. Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-1 (Greazzo opposed).**

#### **i. Councilor Board and Commission Assignments**

Chairman Carter stated that with the passing of Bill Duschatko, it left some openings. He made the following Council liaison assignments:

Planning Board regular – Phil Greazzo  
Planning Board alternate – Chris Bandazian

As far as the Telecommunications Subcommittee, unless someone else wanted it, he was going to put his name on that.

Councilor Bemiss stated that she and Bill had talked about it, because they were reaching the end of their mission, especially with the inability of them to bond any type of broadband expansion within the Town, it was very difficult for them to move forward in that path. Unless the Council wanted to assign a new task for that group, she wasn't sure it needed to continue. Mr. Sawyer agreed. The subcommittee itself the last time it met decided that

it would only meet on an as needed basis and the chair would call for meetings. He agreed that the work of the subcommittee had been completed. Councilor Bemiss stated that it was a phenomenal committee. It was very active, but she thought they reached their potential. Chairman Carter wanted to know if they needed the committee to get together to make that motion to disband. Councilor Gilbert stated that the Council could sunset it. Mr. Sawyer stated that they could put on their next agenda to formally sunset that committee.

Water & Sewer Advisory Committee alternate – Chris Bandazian

Councilor Bandazian stated that his only problem with this appointment was the time of day. He didn't think that it met very often. He thought as alternate he could do it.

**j. Other New Business – None**

**5. OLD BUSINESS – None**

**6. APPROVAL OF MINUTES**

**a. Public Session – June 8, 2022 (tabled from last meeting)**

**MOTION by Councilor Greazzo that the Bedford Town Council approve the minutes of the June 8, 2022 Public Session.**

Councilor Greazzo explained that he was under the impression that Eustis Cable was maintenance provider for PSNH/Eversource and Mr. Foote corrected him and pointed out that they only allow Liberty Utilities and Eversource vehicles to stage there during storms, so he was under the impression that they were working with them and they are not. Ms. Boufford showed him the corrected version of the minutes.

**Seconded by Councilor Thomas. Vote taken – Motion Passed – 6-0-1 (Bandazian abstained).**

**b. Public Session – June 22, 2022**

**MOTION by Councilor Thomas that the Bedford Town Council approve the minutes of the June 22, 2022 Public Session. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0-1 (Bandazian abstained).**

**c. Special Public Session – July 6, 2022**

**MOTION by Councilor Thomas that the Bedford Town Council approve the minutes of the July 6, 2022 Special Public Session. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0-1 (Bandazian abstained).**

**d. Non-Public Session – July 6, 2022**

**MOTION by Councilor Thomas that the Bedford Town Council approve the minutes of the July 6, 2022 Non-Public Session. Seconded by Councilor Radke. Vote taken – Motion Passed – 6-0-1 (Bandazian abstained).**

## **7. TOWN MANAGER REPORT**

- 1) Drought – All of New Hampshire has been categorized as “Moderate Drought” and Seasonal Drought Outlook predicts that drought will continue. I would encourage all residents to implement water conservation measures now such as only watering vegetable garden crops, watering no more than every other day, and watering in the morning or evening where less water is lost to evaporation.
- 2) The Bedford Memorial Pool and Splash Pad are open for the season with open swim between 12 – 6:30 PM (6:30 – 7:00 PM ½ hour adult lap swim) on week days and noon to 5 PM on weekends.
- 3) Transfer Station Saturday hours of operation have changed to 6:30 AM – 3 PM on Saturdays. All other days and hours of operation remain unchanged.
- 4) Summer Concert Series – Runs every Wednesday night through August 10<sup>th</sup> at 6 PM at the Bedford Village Common.
  - July 27 - Bel Airs (Doo Wop Vocal Quintet)
  - August 3 - Amherst Town Band (New Orleans-style music)
  - August 10 - The Band from U.N.C.L.E. (50-60's rock & roll)
- 5) The Bedford Farmers Market continues on Tuesdays from 3-6 PM until October at the Murphy's Taproom parking lot, 393 Route 101.
- 6) August 2 – National Night Out at 6 PM, Selvoski Field with a softball game between Bedford Fire and Police Departments.
- 7) August 14 – Friends of Aine, 10<sup>th</sup> Annual Kid's Try-Athlon, Bedford Recreation Complex & High School, 8 AM. Designed for kids ages 4-15 regardless of their athletic ability. Register through their website/Facebook.
- 8) August 18 – Bedford Rotary, 5<sup>th</sup> Annual Trails to Ales 2K & 5K, 5:30 PM, Legacy Park. Register through their website/Facebook.
- 9) The State of NH will hold a Primary Election on Tuesday, September 13, 2022, 7 AM to 7 PM, at the Bedford High School Gymnasium. The last day to register to vote or to make name and address changes prior to the Primary is Tuesday, September 7, 2022 and the Town Office Building will be open extra hours on that day from 5:30 to 6:30 PM. It is too late to change your party affiliation for this Primary. There are contested races for all of the positions on the Republican side, but only for US Senator on the Democratic side.
- 10) Political signs are NOT permitted on Town property or ANY traffic island.

Chairman Carter stated that he and his wife have been at the last couple concerts and commended Jane (O'Brien) on her work for putting that on. He suggested possibly they put some kind of a sign on Route 101 advertising that they have a band concert. He drives through other town centers and they advertise that there's a 'concert' going on. Mr. Sawyer stated that he would share those positive comments with Jane.

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

Councilor Greazzo stated that the Planning Board heard an application for the Diocese of Manchester to sell some property behind St. Joseph's Cemetery, which was approved for one house. Unfortunately, they shared their plan to turn it into a large development that the neighborhood was not happy with. The plan includes widening Davies, which would take up most of their yards and they would have no parking in front of their own garages. The plan is still just for one house. They also heard from an applicant for a cluster development near the high school. That was just a preliminary application and will be back in front of the Planning Board at the next meeting.

Councilor Bandazian stated that regarding PFAS substances, the EPA came out with a health advisory and is expected to come out with parallel maximum contamination limits for PFAS. They've added two more compounds. Most significantly they have determined that a level below the level can be detected with scientific instruments today is the level at which PFOS and PFOA should be set. The science advisory council view was that they all have enough dietary sources of PFAS and adding them through a public drinking water supply was ill-advised. This would be the 4<sup>th</sup> new standard since 2014.

Councilor Bemiss did a plug for composting and the Councilors lifted composting buckets that they had been given. She stated that people can call her and she would give them a bucket or DPW would have them. It's going great.

Councilor Gilbert stated that the Zoning Board of Adjustment approved two variances for construction of a stormwater pond and flood plain mitigation for Millennium Running. They also approved two variances for Wholistic Pet, LLC to construct a light industrial assembly/warehouse in the commercial zone on Route 101 near Hardy and Jenkins Road. There were four other variances that were requested that they decided not to not rehear.

Councilor Radke welcomed Councilor Bandazian back; his institutional knowledge will be much appreciated. The Historic District Commission had an opportunity to look at the Library parking and heard some comments. They had one item on the agenda and approved an exterior renovation and deck replacement for Lot 23-89-2. She wanted to know if anyone had received any calls concerned about the new hours at the Transfer Station. She hadn't. Mr. Sawyer stated that his office had not. He's heard good and bad from other people, but nobody had called into the office. It's been primarily all good, but he heard one negative. Councilor Radke was worried that they would have an influx of people. Mr. Sawyer stated not an influx either way.

Chairman Carter advised people to protect themselves with the heatwave. Hydrate and keep themselves out of the sun. It was going to be very humid all the way through Sunday. October 15<sup>th</sup> will be the 2<sup>nd</sup> annual fall CUB day.

## 9. NON-PUBLIC – RSA 91-A:3 II (d)

**MOTION by Councilor Radke to go into non-public session at 8:35 PM 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 Thomas.**

**ROLL CALL VOTE: Greazzo-aye, Bandazian, Thomas-aye, Duschatko-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye.**

**MOTION made by Councilor Thomas to leave non-public session at 9:04 PM. Seconded by Chairman Carter.**

**Roll Call Vote: Greazzo-aye, Bandazian, Thomas-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye, Motion passes.**

**MOTION by Councilor Thomas to seal the minutes, because it is determined that divulgence of this information likely would render a proposed action ineffective. Seconded by Councilor Carter.**

**Roll Call Vote: Greazzo-aye, Bandazian-aye, Thomas-aye, Carter-aye, Radke-aye, Gilbert-aye, Bemiss-aye, Motion passes.**

**MOTION by Councilor Thomas to adjourn public session at 9:04 PM. Seconded by Chairman Carter. Vote taken – Motion Passed – 7-0.**

Respectfully submitted,

Dawn Boufford